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Introduction to Risk Assessment in Intimate Partner Violence Cases

April 9, 2020

Rebecca Thomforde Hauser – CCI
James Henderson Jr. – NCJTC

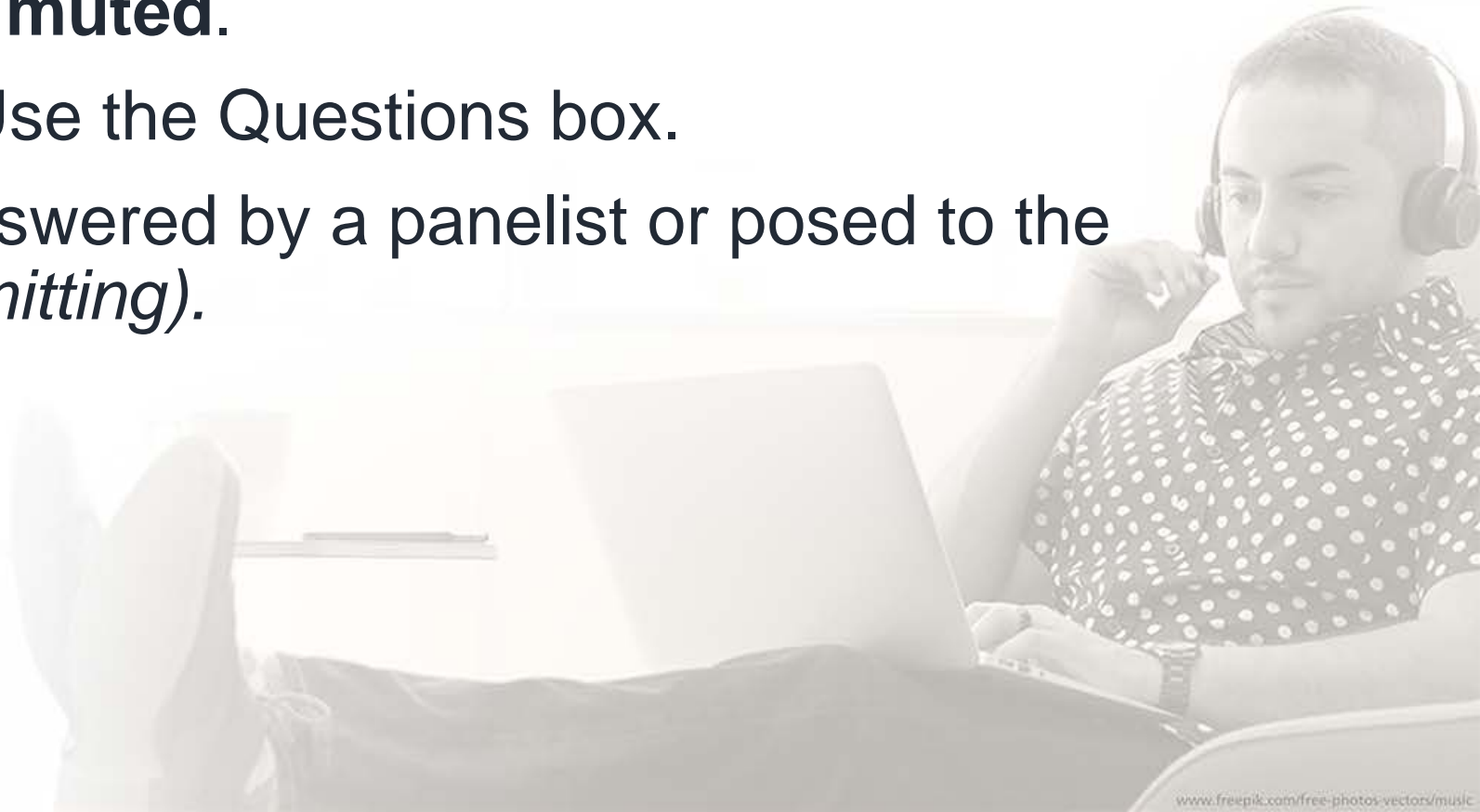


Webinar Information

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During the Webinar

- All attendees will be **muted**.
- Have a **question**? Use the Questions box.
- Questions will be answered by a panelist or posed to the presenter (*time permitting*).



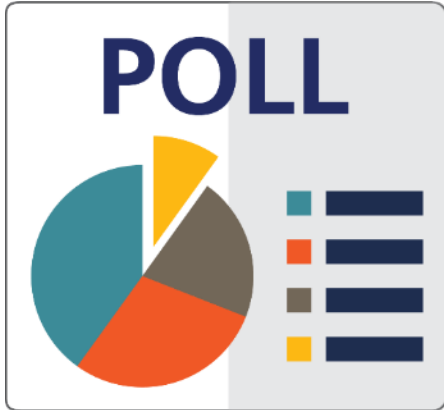
Certificate of Attendance

- **Live Webinar = YES**
- **Recorded Webinar = NO**
- What do I need to do?
 - **Attend the entire live webinar**
 - **Complete the evaluation**
- Certificate is emailed to you in two (2) weeks.
- Attending as a group?
Email names to ncjtc@fvtc.edu.

Poll Questions

Poll questions may be asked during the webinar.

This is your time to weigh in with your thoughts.



Please respond promptly; polls are open for a short period of time.

POLL



Which of the following best describes your role?

- Victim Services / Victim Advocate
- Probation / Community Corrections
- Law Enforcement
- CAC, Social Worker, Mental Health
- Other

Learning Objectives

At the end of this webinar, participants will be better able to...



Describe the research behind risk

Define validated lethality / risk factors

Distinguish the use of lethality/risk assessments

Describe the limitations of risk assessments

Apply the principles of risk assessment to the experience and needs of probation officers

Describe the role of risk assessment in a coordinated community response

Today's Presenters



James Henderson Jr. MSW, CAC-R
National Criminal Justice Training Center



Rebecca Thomforde Hauser
Center for Court Innovation



The Reality Most of the Time



Victims don't overestimate risk but they can **under**estimate it

1

Risk assessment tools can give courts and advocates more information

2

Help the victim understand the risk

3

Allow courts to prioritize



Why Should We Care About Risk?

- Reduce crime or re-offense
- Help victims
- Flag lethality
- Officer safety

What is Risk?



- Risk = Risk of Re-Offense
- Classic Ways of Operationalizing Risk:
 - **General Risk:** Likelihood of *any* re-offense
 - **Risk of Violence:** Likelihood of *violent felony* re-offense
 - **Risk of Domestic Violence:** Likelihood of future DV
 - **Risk of Lethality:** Likelihood of future (DV) homicide
- Classifying Risk:
 - Low | Moderate | High
 - Low | Low-Moderate | Moderate | Moderate-High | High

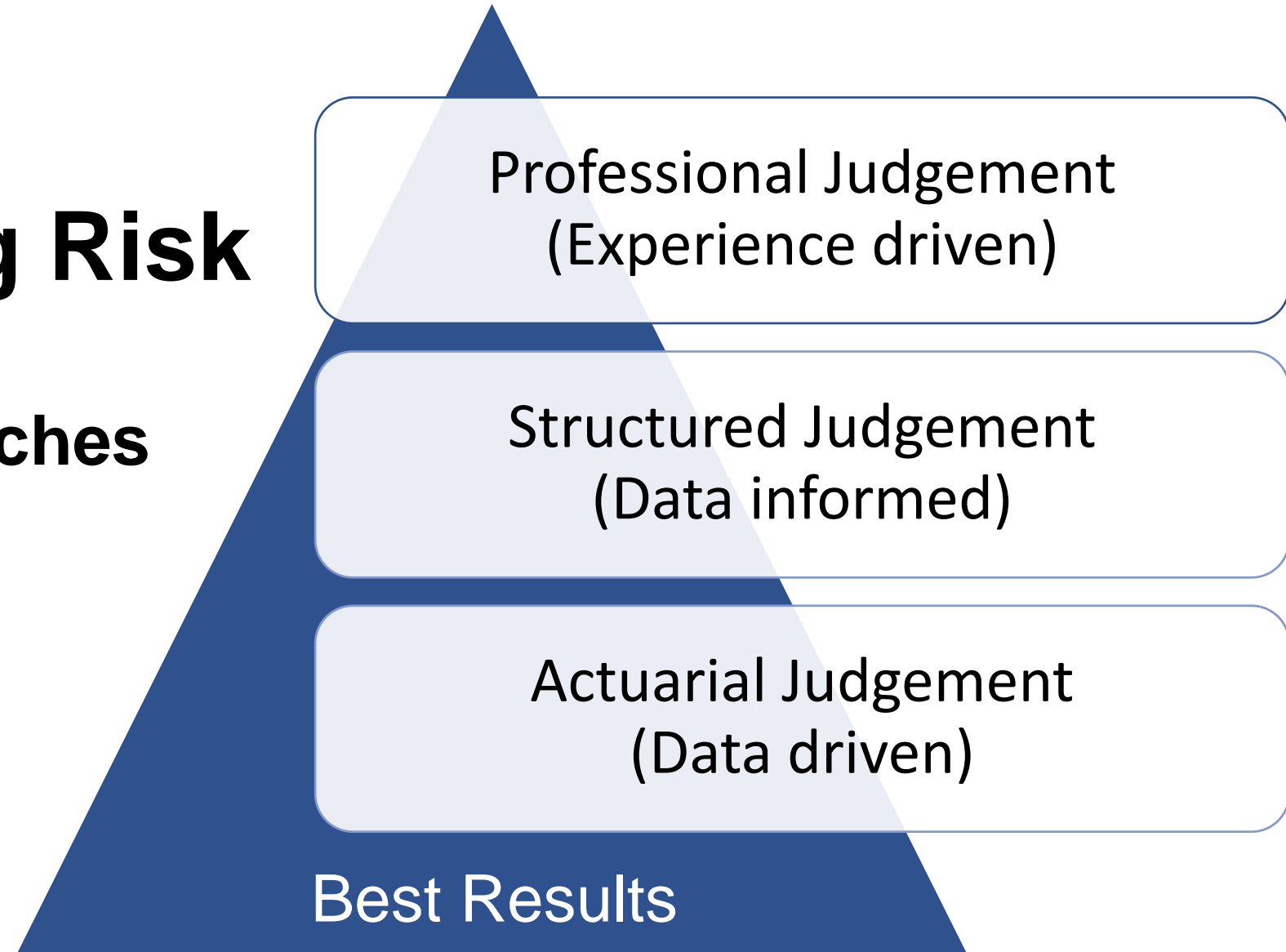
What Do We Mean By Risk Factors?



General: "Central Eight" Criminogenic Factors	DV Specific Risk
<ul style="list-style-type: none">▪ History of criminal behavior (STATIC)▪ Antisocial personality▪ Criminal thinking (anti-social beliefs and attitudes)▪ Antisocial peers▪ Family or marital problems▪ School or work problems▪ Lack of pro-social leisure/recreational activities▪ Substance abuse	<ul style="list-style-type: none">▪ Recidivism▪ Lethality

Assessing Risk

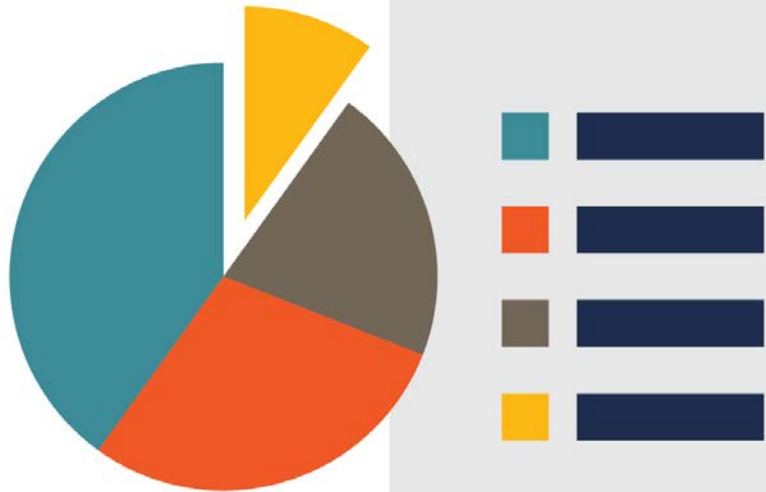
Three Approaches



Growth of Actuarial Risk Tools in Criminal Justice

- **What are actuarial tools?**
 - Draw on large datasets to predict future outcomes
 - Assign scores and categories based on individual probability
 - In use since the 1930s
- **Exponential growth since the 1990s**
 - Influenced by the emergence of Risk-Need-Responsivity (RNR) theory
 - Broad array of tools used at nearly every decision point
 - As many as 60 tools currently in use

POLL



Do you, or your agency, currently use a domestic violence risk or lethality assessment?

- Yes
- No
- Unsure

Understanding Risk In Context

- Lets look at highlights from a police report and see if we can find risk factors for the domestic violence victim.
- What makes you concerned for:
 - Charity's safety
 - Her child's safety





Suspect: George, male, 28 years old, charged with assault

- Living with Charity (female) for 3 years
 - Parents to 2 year old son – Jason (asleep upstairs during the incident)
 - Charity is 7 months pregnant
 - Police responded to 911 call from Charity
 - Charity was found sitting on the couch and crying
-
- Charity states George came home later than expected and was drunk
 - Charity states she yelled at George because he didn't respond to texts and she thought she was having labor pains and wanted him to come home
 - George started laughing and called Charity stupid
 - George stated the baby wouldn't come this early
 - Charity again yelled at George for being drunk and not taking care of her
 - Charity asked that George call Charity's mother, a nurse at a local hospital
 - Charity states George became violent, took her cell phone and threw it against the wall
 - George then grabbed Charity by the wrists and pulled her to the living room
 - George proceeded to shake Charity and grabbed her by the neck until she fell
 - Charity admitted to scratching George on the face
 - Officers observe Charity has a raspy voice and bloodshot eyes but no visible bruising to the neck
 - Charity's dress is wet and when questioned, admitted she was embarrassed but that she must have wet her pants
 - Charity states she doesn't remember what happened after she fell, but that she ran and grabbed her phone, locked herself in the bedroom, and called 911
 - Charity does not know where George has gone but suspects he might be at his mother's house
 - Officers find George at his mother's house
 - George has scratches on his face and neck
 - George states he is the victim and Charity attacked him
 - George states Charity is pregnant and moody
 - Officers smell alcohol on his breath
 - George is arrested for assault and attempted strangulation
 - George is released on bail posted by his mother
 - George is currently staying with his mother at her house.

Scenario Debrief

- What risk factors did you all identify?
- Let's talk about risk and lethality factors and tools that can help us better understand and respond to Charity and George.



Looking for Tools





Baseball Digest, September 1956 issue, front cover.

“It's tough to make predictions,
especially about the future.”

Yogi Berra

Overview of Existing Assessments

Lethality Assessment

- Danger Assessment
- Lethality Assessment Protocol
- DA-LE

Recidivism Assessment

- Ontario Danger and Risk Assessment
- Domestic Violence Severity Instrument-Revised
- Spousal Abuse Risk Assessment

DOMESTIC VIOLENCE Factors Associated with Increased Risk of Lethality

- Increase in physical violence over the past year
 - Respondent/defendant owns a gun
 - Use or threatened use of lethal weapon
 - Separation within the past year
 - Unemployment
 - Strangulation
 - Jealousy
 - Controlling behavior
-
- Drug/alcohol Abuse
 - Abuse during pregnancy
 - Child abuse threats
 - Child that is not the biological child of the defendant/respondent
 - Stalking
 - Avoidance of arrest
 - Victim belief that defendant/respondent is capable of killing him/her

Danger Assessment Tool

DANGER ASSESSMENT

Jacquelyn C. Campbell, Ph.D., R.N. Copyright, 2003; update 2019; www.dangerassessment.com

Several risk factors have been associated with increased risk of homicides (murders) of women and men in violent relationships. We cannot predict what will happen in your case, but we would like you to be aware of the danger of homicide in situations of abuse and for you to see how many of the risk factors apply to your situation.

Using the calendar, please mark the approximate dates during the past year when you were abused by your partner or ex-partner. Write on that date how bad the incident was according to the following scale:

1. Slapping, pushing; no injuries and/or lasting pain
 2. Punching, kicking; bruises, cuts, and/or continuing pain
 3. "Beating up"; severe contusions, burns, broken bones
 4. Threat to use weapon; head injury, internal injury, permanent injury, miscarriage or choking* (use a © in the date to indicate choking/strangulation/cut off your breathing- example 4©)
 5. Use of weapon; wounds from weapon
- (If **any** of the descriptions for the higher number apply, use the higher number.)

Mark **Yes** or **No** for each of the following. ("He" refers to your husband, partner, ex-husband, ex-partner, or whoever is currently physically hurting you.)

1. Has the physical violence increased in severity or frequency over the past year?
2. Does he own a gun?
3. Have you left him after living together during the past year?
3a. (If you have *never* lived with him, check here: __)
4. Is he unemployed?
5. Has he ever used a weapon against you or threatened you with a lethal weapon? (If yes, was the weapon a gun? check here: __)
6. Does he threaten to kill you?
7. Has he avoided being arrested for domestic violence?
8. Do you have a child that is not his?

9. Has he ever forced you to have sex when you did not wish to do so?
10. Does he ever try to choke/strangle you or cut off your breathing?
10a. (If yes, has he done it more than once, or did it make you pass out or black out or make you dizzy? check here: __)
11. Does he use illegal drugs? By drugs, I mean "uppers" or amphetamines, "meth", speed, angel dust, cocaine, "crack", street drugs or mixtures.
12. Is he an alcoholic or problem drinker?
13. Does he control most or all of your daily activities? For instance, does he tell you who you can be friends with, when you can see your family, how much money you can use, or when you can take the car? (If he tries, but you do not let him, check here: __)
14. Is he violently and constantly jealous of you? (For instance, does he say: "If I can't have you, no one can.")
15. Have you ever been beaten by him while you were pregnant? (If you have never been pregnant by him, check here: __)
16. Has he ever threatened or tried to commit suicide?
17. Does he threaten to harm your children?
18. Do you believe he is capable of killing you?
19. Does he follow or spy on you, leave threatening notes or messages, destroy your property, or call you when you don't want him to?
20. Have you ever threatened or tried to commit suicide?

Total "Yes" Answers

Thank you. Please talk to your nurse, advocate, or counselor about what the Danger Assessment means in your situation.

https://www.familyjusticecenter.org/wp-content/uploads/2005/01/DA_NewScoring_2019.pdf

Domestic Violence Lethality Screen for First Responders



DOMESTIC VIOLENCE LETHALITY SCREEN FOR FIRST RESPONDERS



Officer:	Date:	Case #:
Victim:	Offender:	
<input type="checkbox"/> Check here if victim did not answer any of the questions.		
► A "Yes" response to any of Questions #1-3 automatically triggers the protocol referral.		
1. Has he/she ever used a weapon against you or threatened you with a weapon?	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Not Ans.
2. Has he/she threatened to kill you or your children?	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Not Ans.
3. Do you think he/she might try to kill you?	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Not Ans.
► Negative responses to Questions #1-3, but positive responses to at least four of Questions #4-11, trigger the protocol referral.		
4. Does he/she have a gun or can he/she get one easily?	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Not Ans.
5. Has he/she ever tried to choke you?	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Not Ans.
6. Is he/she violently or constantly jealous or does he/she control most of your daily activities?	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Not Ans.
7. Have you left him/her or separated after living together or being married?	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Not Ans.
8. Is he/she unemployed?	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Not Ans.

9. Has he/she ever tried to kill himself/herself?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Ans.
10. Do you have a child that he/she knows is not his/hers?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Ans.
11. Does he/she follow or spy on you or leave threatening messages?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Ans.
► An officer may trigger the protocol referral, if not already triggered above, as a result of the victim's response to the below question, or whenever the officer believes the victim is in a potentially lethal situation.			
Is there anything else that worries you about your safety? (If "yes") What worries you?			
Check one: <input type="checkbox"/> Victim screened in according to the protocol <input type="checkbox"/> Victim screened in based on the belief of officer <input type="checkbox"/> Victim did not screen in			
If victim screened in: After advising her/him of a high danger assessment, <input type="checkbox"/> Yes <input type="checkbox"/> No did the victim speak with the hotline counselor?			

Note: The questions above and the criteria for determining the level of risk a person faces is based on the best available research on factors associated with lethal violence by a current or former intimate partner. However, each situation may present unique factors that influence risk for lethal violence that are not captured by this screen. Although most victims who screen "positive" or "high danger" would not be expected to be killed, these victims face much higher risk than that of other victims of intimate partner violence.

<https://leb.fbi.gov/file-repository/screen-for-first-responders.pdf/view>

Danger Assessment for Law Enforcement: DA-LE

Has the physical violence increased in severity/frequency over the past year?

Have you left him/her after living together in the past year?

Does he/she control most or all of your daily activities?

Has he/she tried to kill you?

Has he/she ever threatened to kill you?

Has he/she used a weapon against you or threatened you with a lethal weapon?

Has he/she ever tried to choke (strangle) you?

Has he/she choked (strangled) you multiple times?

Do you believe he/she is capable of killing you?

Does he/she own a gun?

Has he/she ever threatened or tried to commit suicide?

Domestic Violence Specific Recidivism Factors

- Prior domestic violence (DV) related incidents/violations of orders of protection (OP)
- Violence towards family members
- Suicidal/homicidal
- Access to firearms/use of weapons
- Obsession with victim
- Victim fear of re-assault
- Attitudes that condone DV
- Recent separation
- Failure to complete a mandated batterer program



ODARA

*(Ontario Domestic Assault
Risk Assessment)*

- _____ 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

Using Risk Information in Current Assessments: Law Enforcement Example

Victim (P1)	Name (Last, First, M.I.) (Include Aliases)			DOB (MM/DD/YYYY)	Age:	<input type="checkbox"/> Female <input type="checkbox"/> Male <input type="checkbox"/> Self-Identified:
	Address (Street No., Street Name, Bldg. No., Apt No.)			Victim Phone Number:		Language:
	City, State, Zip			<input type="checkbox"/> White <input type="checkbox"/> Black <input type="checkbox"/> Asian <input type="checkbox"/> American Indian <input type="checkbox"/> Other		<input type="checkbox"/> Hispanic <input type="checkbox"/> Non Hispanic <input type="checkbox"/> Unknown
	How can we safely contact you? (i.e. Name, Phone, Email)			<input type="checkbox"/> Other Identifier:		
Suspect (P2)	Name (Last, First, M.I.) (Include Aliases)			DOB (MM/DD/YYYY)	Age:	<input type="checkbox"/> Female <input type="checkbox"/> Male <input type="checkbox"/> Self-Identified:
	Address (Street No., Street Name, Bldg. No., Apt No.)			Suspect Phone Number:		Language:
	City, State, Zip			<input type="checkbox"/> White <input type="checkbox"/> Black <input type="checkbox"/> Asian <input type="checkbox"/> American Indian <input type="checkbox"/> Other		<input type="checkbox"/> Hispanic <input type="checkbox"/> Non Hispanic <input type="checkbox"/> Unknown
	Do suspect and victim live together? <input type="checkbox"/> Yes <input type="checkbox"/> No			Suspect/P2 present? <input type="checkbox"/> Yes <input type="checkbox"/> No	Was suspect injured? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes describe:	
	Possible drug or alcohol use? <input type="checkbox"/> Yes <input type="checkbox"/> No			Suspect supervised? <input type="checkbox"/> Probation <input type="checkbox"/> Parole <input type="checkbox"/> Not Supervised <input type="checkbox"/> Status Unknown		
Suspect (P2) Relationship to Victim (P1) <input type="checkbox"/> Married <input type="checkbox"/> Intimate Partner/Dating <input type="checkbox"/> Formerly Married <input type="checkbox"/> Former Intimate Partner <input type="checkbox"/> Parent of Victim (P1) <input type="checkbox"/> Child of Victim <input type="checkbox"/> Relative: <input type="checkbox"/> Other:						Do the suspect and victim have a child in common? <input type="checkbox"/> Yes <input type="checkbox"/> No
Victim Interview	Emotional condition of VICTIM ? <input type="checkbox"/> Upset <input type="checkbox"/> Nervous <input type="checkbox"/> Crying <input type="checkbox"/> Angry <input type="checkbox"/> Other:					
	What were the first words that VICTIM said to the Responding Officers at the scene regarding the incident?					
	Did suspect make victim fearful? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, describe:					
	Weapon Used? <input type="checkbox"/> Yes <input type="checkbox"/> No Gun: <input type="checkbox"/> Yes <input type="checkbox"/> No Other, describe:				Suspect Threats? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, Threats to:	
	Access to Guns? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, describe:				<input type="checkbox"/> Victim <input type="checkbox"/> Child(ren) <input type="checkbox"/> Pet <input type="checkbox"/> Commit Suicide <input type="checkbox"/> Other Describe:	
	Injured? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, describe:			Strangulation? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Loss of Consciousness <input type="checkbox"/> Urination/Defecation <input type="checkbox"/> Red eyes/Petechia <input type="checkbox"/> Sore Throat <input type="checkbox"/> Breathing Changed <input type="checkbox"/> Difficulty Swallowing		
Suspect	In Pain? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, describe:			Visible Marks? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, describe:		
	What did the SUSPECT say (Before and After Arrest) :					

Law Enforcement Example

Prior History	<div style="border: 1px solid black; padding: 2px; text-align: center;">B</div>	
	Describe Victim's prior domestic incidents with this suspect (Last, Worst, First):	
If the Victim answers "yes" to any questions in this box refer to the NYS Domestic and Sexual Violence Hotline at 1-800-942-6906 or Local Domestic Violence Service Provider: () _____.		
Has Suspect ever: Threatened to kill you or your children? <input type="checkbox"/> Yes <input type="checkbox"/> No Strangled or "choked" you? <input type="checkbox"/> Yes <input type="checkbox"/> No Beaten you while you were pregnant? <input type="checkbox"/> Yes <input type="checkbox"/> No		Is suspect capable of killing you or children? <input type="checkbox"/> Yes <input type="checkbox"/> No Is suspect violently and constantly jealous of you? <input type="checkbox"/> Yes <input type="checkbox"/> No Has the physical violence increased in frequency or severity over the past 6 months? <input type="checkbox"/> Yes <input type="checkbox"/> No
Is there reasonable cause to suspect a child may be the victim of abuse, neglect, maltreatment or endangerment? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, the Officer must contact the NYS Child Abuse Hotline Registry # 1-800-635-1522 .		
Was DIR given to the Victim at the scene? <input type="checkbox"/> Yes <input type="checkbox"/> No if NO , Why:		Was Victim Rights Notice given to the Victim? <input type="checkbox"/> Yes <input type="checkbox"/> No if NO , Why:
Signatures:		
Reporting Officer (Print and Sign include Rank and ID#)		Supervisor (Print and Sign include Rank and ID#)
STATEMENT OF ALLEGATIONS/SUPPORTING DEPOSITION * Officers are encouraged to assist the Victim in completing this section of the form.		
Suspect Name (Last, First, M.I.)		

Victim Safety Considerations: Probation Examples

Defendant Name: _____ **Date:** ____/____/____
Victim Name: _____ **Date:** ____/____/____

Arrest and Police Contact	Defendant	Victim
1. My arrest incident involved use of weapons		
2. My arrest incident involved alcohol		
3. My arrest incident involved amphetamines, speed, or crack.		
4. I have had police contacts/arrests for domestic violence.		
5. I have had police contacts/arrests for other crimes.		
Previous Uses of Violence		
6. I have made threats to kill my partner, family members or pets.		
7. I have killed or abused pets.		
8. I have committed previous assaults which caused physical bruising.		
9. I have assaulted my partner during or before sex.		
10. My assaults have involved biting, Choking, or strangling		
11. I have used or displayed weapons during assaults.		
12. I have a history of holding the victim against her will or following her.		

Violence Prone Attitudes/Behaviors		
14. I have smashed, broken, or destroyed victim's things.		
15. I have objectified my partner by calling her names.		
16. I have blamed my victim(s) for injuries to herself.		

Arrest and Police Contact	Defendant	Victim
17. I have exhibited hostile/angry/furious reactions.		
18. I have blamed my victim(s) for all types of promiscuous behavior.		
19. I feel my victim(s) "belongs" to me for life.		
20. I have made jokes about gay or other races or have issues about them.		
21. I have threatened to or attempted suicide.		
22. I have fantasized about homicide or suicide		
23. I have had thoughts and desires of hurting my partner.		
24. I am obsessed with controlling my partner.		
25. I have exhibited paranoid thoughts or fantasies.		
26. I have/had mental health problems.		

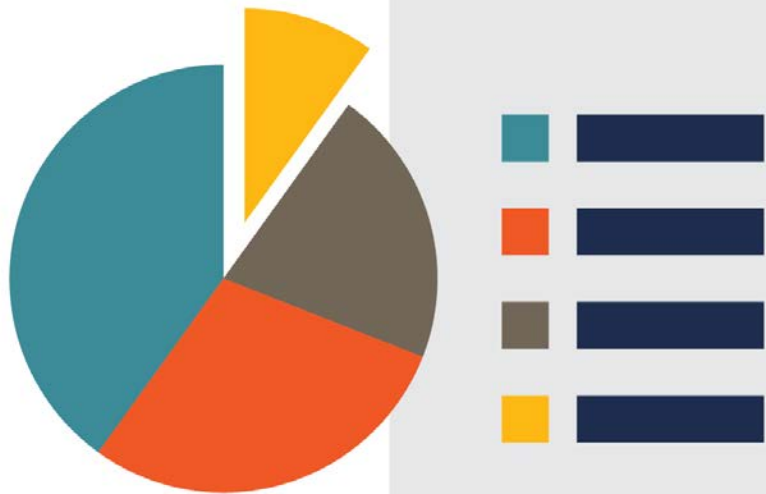
Probation Example – 2

Please read the following information before utilizing the assessment tools:

“Identifying Future RISK Indicators” and “Identifying Power and Control Tactics”

- In Washtenaw County, Michigan (where Probation Officer Jim Henderson developed these assessment tools) district court probation officers use these tools to collect information for presentence investigation reports and to gather insight into how to best work with a particular defendant and how to help enhance the safety of those victimized by violence.
- These tools guide the initial conversation probation officers conduct with probationers convicted of crimes directed at an intimate partner. These tools are also used to guide separate interviews with the victims and/or current intimate partners of the probationer. In Michigan, information in presentence investigation reports is confidential to the public so there is a level of protection for the victim as well as the probationer. However the probationer can read the report and the victim is made aware of that fact.
- During the interview, probationers are asked to approximate the number of times they have used the various types of abusive tactics listed in the assessment tools. In separate interviews similar information is gathered from the victim. The probation officer compares the victim and probationer reports to get a better picture of the nature of the abuse.
- These tools are **NOT** a scientific measure of future risk of danger or lethality, but are a guide to help probation agents assess the level and nature of the violence used by the probationer. These tools are also helpful in assessing the level of accountability the probationer has for his or her violent behavior. This information is then used to tailor supervision strategies and oversight.
- These are educational tools used to help contextualize and reframe certain behaviors as abusive. Reviewing each question can help give victims a new perspective and framework to understand the relationship and the violence. These tools can also help probationers begin to understand their behavior as a pattern of abusive use of power.
- Before interviewing victims, agents must work with victims to identify a safe time and place to

POLL



Do you share information from your assessments with other agencies?

- Yes
- No
- Unsure

Judicial Guide

Risk Factor	What to Look For	Legal Context
Context of Violence	<ul style="list-style-type: none"> Was this the first time that something like this happened? If not, what happened before? How long ago? What was the worst or most serious thing that happened? Medical treatment needed? Has the physical violence increased in frequency or severity over the past year? Is there a recent loss of employment? 	Use of some illegal drugs; increased severity/ frequency of violence; unemployment increase lethality and recidivism. INSERT STATE STATUTES HERE
Substance Abuse/Mental Health	<ul style="list-style-type: none"> Is there a history of substance abuse or mental health concerns? 	INSERT STATE STATUTES HERE
Criminal and Family Court History	<ul style="list-style-type: none"> Criminal and Family Court check, OP registry, sex offender registry Pending or prior Orders for Protection Pending order of Support 	Prior OPs/criminal history can be a risk factor for re-offending INSERT STATE STATUTES HERE
Relationship Status	<ul style="list-style-type: none"> When did the relationship begin? When did it end? Where does each party live? Did they live together, if so when? Are they recently separated? 	Separation within the past year increases risk of lethality and recidivism. INSERT STATE STATUTES HERE
Firearms/Weapons	<ul style="list-style-type: none"> Does respondent have access to a firearm or weapon? Is there a firearm or weapon in the home? Has the respondent ever used or threatened to use a weapon against the petitioner? 	Respondent access to firearm and use or threatened use of lethal weapon increases lethality risk INSERT STATE STATUTES HERE
Strangulation	<ul style="list-style-type: none"> Has respondent ever attempted to strangle or choke the petitioner? 	Strangulation increases lethality. INSERT STATE STATUTES HERE
Threats to Kill/Suicide	<ul style="list-style-type: none"> Has respondent ever threatened to or tried to kill the petitioner? Has the respondent ever threatened to or tried to commit suicide? 	INSERT STATE STATUTES HERE
Sexual	<ul style="list-style-type: none"> Has respondent forced the petitioner to have sex? 	INSERT STATE STATUTES

Self-Represented Litigant Guide-1

Things to Think About When Writing Your Petition

This Guide will help you:

- Identify things that may put you at risk of repeated injury or death
- Tell the judge about your safety concerns when you write petitions for protective orders or when you write petitions for orders affecting your children, such as custody and parenting time
- Understand what you can ask the court to do

For this Guide: If you are asking the court to protect you, you are the "petitioner" and the person you are asking the court to protect you from is the "respondent."

Things that may put you at risk	What to describe in your petition	What you might ask the court to do ¹
Violence Against You	<input type="checkbox"/> Details about the physical violence including whether it has gotten worse	Require respondent to:
Sexual violence Against You	<input type="checkbox"/> Whether and when violence has happened before, and any changes in the violence	<input type="checkbox"/> stay away from me and my work or from me and the children and school;
Choking / Strangling	<input type="checkbox"/> The injuries, level of pain, whether you've gone to the doctor or hospital, and treatment you've needed	<input type="checkbox"/> pay for medical bills due to the injuries;
	<input type="checkbox"/> Whether the respondent forced you to have sex, or forced you to get pregnant or to have an abortion against your wishes	<input type="checkbox"/> go to a batterer program;
	<input type="checkbox"/> Whether the respondent tried to choke you or put his or her hands on your neck	<input type="checkbox"/> pay for work you missed because of the violence
	<input type="checkbox"/> Any pain or injuries and if you lost consciousness	Violence against you may be a crime; you may wish to talk with the police, in addition to filing this petition.
Loss of Job	<input type="checkbox"/> How long the respondent has not been working	<input type="checkbox"/> Require respondent to go to a job readiness, workforce development, or GED program
	<input type="checkbox"/> What led to the respondent losing his or her job	
Drug or Alcohol Use	<input type="checkbox"/> What kind of drugs the respondent uses (such as illegal drugs such as "uppers" or amphetamines, meth, speed, angel dust, cocaine, crack, street drugs, or mixers)	<input type="checkbox"/> Order respondent to have drug or alcohol testing or treatment
	<input type="checkbox"/> If the respondent is an alcoholic or drinks a lot	
Criminal and Other Court History	<input type="checkbox"/> Whether the respondent has been arrested or if you ever called the police or tried to call the police (you can show copies of police reports or describe to the court)	<input type="checkbox"/> Make sure this order is the same as any other court order
	<input type="checkbox"/> If you have another order or have asked for an order of protection or child support	<input type="checkbox"/> Stop respondent from hurting me
	<input type="checkbox"/> If the respondent has any other court cases now (in this court or other courts)	
Relationship Status	<input type="checkbox"/> When your relationship began and ended	<input type="checkbox"/> Keep my new address confidential
	<input type="checkbox"/> Where you each live and if you ever lived together	Require respondent to:
	<input type="checkbox"/> Changes to your relationship	<input type="checkbox"/> temporarily pay rent or support;
Weapons	<input type="checkbox"/> Whether the respondent owns or can easily get a gun or other weapon	<input type="checkbox"/> stay away from my home
	<input type="checkbox"/> The types of weapons the respondent owns or has access to	
	<input type="checkbox"/> Any threats (words or actions) to use a weapon against you	<input type="checkbox"/> Take all of respondent's guns or weapons
Threats to Kill &	<input type="checkbox"/> How the respondent has threatened to kill you or tried to kill you (for example, verbal or electronic threats, physical assault, etc.)	Require respondent to:

Self-Represented Litigant Guide-2



Things to Think About When Writing Your Petition

General Information

- You may be able to have an attorney help you free of cost. If you want an attorney, please [FILL IN THE BLANK]
- You may have an interpreter if you need one. Please ask [FILL IN THE BLANK]
- Any information you share with the court may be shared with the respondent. If you are afraid to talk about these risk factors with the judge, you may want to talk with an advocate.
- You may be afraid of other things not on this guide. You can share them with the judge or ask to speak with an advocate.
- If you have pictures of injuries or bruises, or witnesses, be sure to bring them to the court hearing.

Advocates: How they can help & how to speak with one

- The most dangerous time is when you are leaving the respondent and you have told someone else about the abuse.
- Advocates may be available to help you understand the risk factors, provide safety planning, and help you with your petition.
- If you want to speak with an advocate, please ask [FILL IN THE BLANK]

What to expect during the court process

[FILL IN A SHORT EXPLANATION OF YOUR COURT PROCESS]

- **First Appearance:** [Example]
This will be the first time the judge reads your petition and can decide whether to issue you a temporary protection order
- **Second Appearance:** [Example]
The respondent may be at this court hearing and will be able to respond to the petition. If you want an attorney to help you during this hearing, please [FILL IN THE BLANK].
- **Disposition:** [Example]
The judge may make a decision to enter a final order of protection. The respondent may be here but does not need to be in court for the judge to make a decision.
- **Requests for Modifications and Violation Hearings:** [Example]
The judge may decide whether to modify or change the order or some of the conditions, especially if the respondent has violated the original court order. Changes might include contact between you and the respondent, an order to surrender weapons, support, children, on the order, program attendance, or other matters.

What if the respondent doesn't obey the order?

[FILL IN A SHORT EXPLANATION OF HOW TO REPORT A VIOLATION OR CALL LAW ENFORCEMENT]

This project was supported by _____

¹ Revise this column to reflect state statutes or rules.

Domestic Violence Risk Factor Guide for Civil Attorneys-1

Domestic Violence Risk Factor Guide for Civil Legal Attorneys

Risk Factor	Suggested Discussion with Client to include in Petition	What Can the Client Request: Legal Context ¹
Frequency of Violence/ Nature of Abuse	<ul style="list-style-type: none">• Details about the physical violence including whether it has gotten worse• What was the most recent incident? Has violence occurred before and when? What was the worst incident? Have there been any changes in the violence?• Did the victim sustain any injuries? For each one, how much did it hurt/level of pain, did the petitioner go to the doctor or hospital, and was treatment needed?	Increased severity and/or frequency of violence; unemployment increase the risk of lethality and recidivism. INSERT STATE STATUTES HERE
Prior Criminal or Family Court History	<ul style="list-style-type: none">• Has the respondent avoided being arrested for domestic violence in the past, <i>ie.</i> left the scene before police arrived?• Are there prior criminal cases of any kind?• Are there any violations of prior orders of protection?• Are there other civil cases alleging domestic violence?• How many times has the petitioner called the police? Does the petitioner have copies of police reports?	Prior OPs/criminal history are risk factors for recidivism. Avoiding arrest is a lethality factor. INSERT STATE STATUTES HERE. Include ability to conduct: Criminal and Family Court check, OP registry, sex offender registry for pending or prior cases/orders.
Drug or Alcohol Abuse	<ul style="list-style-type: none">• Is there a history of substance abuse or illegal drug use by the respondent?• What kind of drugs does the respondent use (such as illegal drugs including “uppers” or amphetamines, meth, speed, angel dust, cocaine, crack, street drugs, or <u>mixers</u>)• Is the respondent dependent on alcoholic or a frequent drinker?	Use of some illegal drugs and excessive drinking increase the risk of lethality and recidivism. INSERT STATE STATUTES HERE
Unemployment	<ul style="list-style-type: none">• Is the respondent purposefully unemployed or under-employed?• Did the respondent recently lose his/her job?• How long has the respondent not been working?• What led to the respondent losing his or her job?	Unemployment or illegal employment increases the risk of lethality and recidivism. INSERT STATE STATUTES HERE

Domestic Violence Risk Factor Guide for Civil Attorneys-2



Domestic Violence Risk Factor Guide for Civil Legal Attorneys		
Controlling Behavior	<ul style="list-style-type: none">Does the respondent try to control most or all of the petitioner's daily activities?Is the respondent constantly or violently jealous?Who has access to bank accounts, the car, money, etc.?Has the respondent destroyed any personal property or threatened to or harmed pets?	Violent jealousy and stalking behaviors are lethality factors and may constitute stalking. INSERT STATE STATUTES HERE
Stalking	<ul style="list-style-type: none">Does the respondent repeatedly call, text, or email the petitioner?Does the respondent send unwanted gifts or other items to the petitioner?Does the respondent monitor the petitioner's phone calls, computer use, or social media?Does the respondent use technology, like hidden cameras or global positioning systems (GPS), to track the petitioner?Does the respondent drive by or hang out at the petitioner's home, school, or work?Does the respondent follow or show up wherever the petitioner is?	Stalking increases risk of lethality. INSERT STATE STATUTES HERE
Children	<ul style="list-style-type: none">Has there been direct physical abuse? Threats to harm children? Child sexual abuse?What is the biological relationship of the respondent and children?Were children present during the incident?Have the children witnessed violence between the parties?	Having a child who is not the responding party's increases the risk of lethality and recidivism. Assault during pregnancy increases the risk of lethality. Children present during abuse increases the risk of recidivism. INSERT STATE STATUTES HERE

How To Use The Domestic Violence Risk Factor Guide for Civil Legal Attorneys

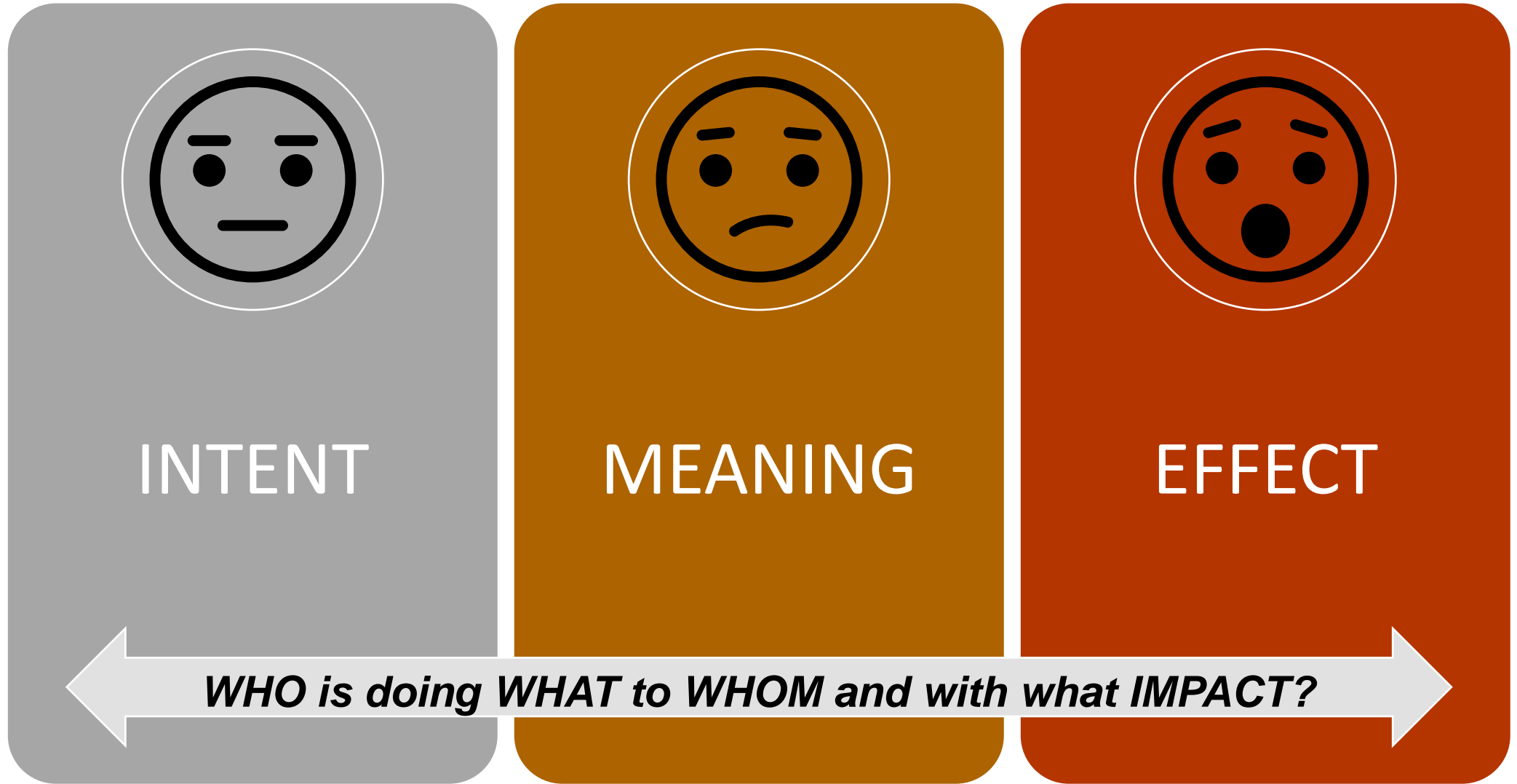
Research has shown that there are several factors associated with an increased risk of homicide for women in intimate partner domestic violence relationships. This Guide is intended to assist attorneys in identifying domestic violence risk factors when meeting with petitioners, as well as offer legal remedies or specific

Effective Interventions in Domestic Violence Cases

**Context is
everything**



Context Means:



Context of Risk Assessment

It happens to be the same 3 questions:

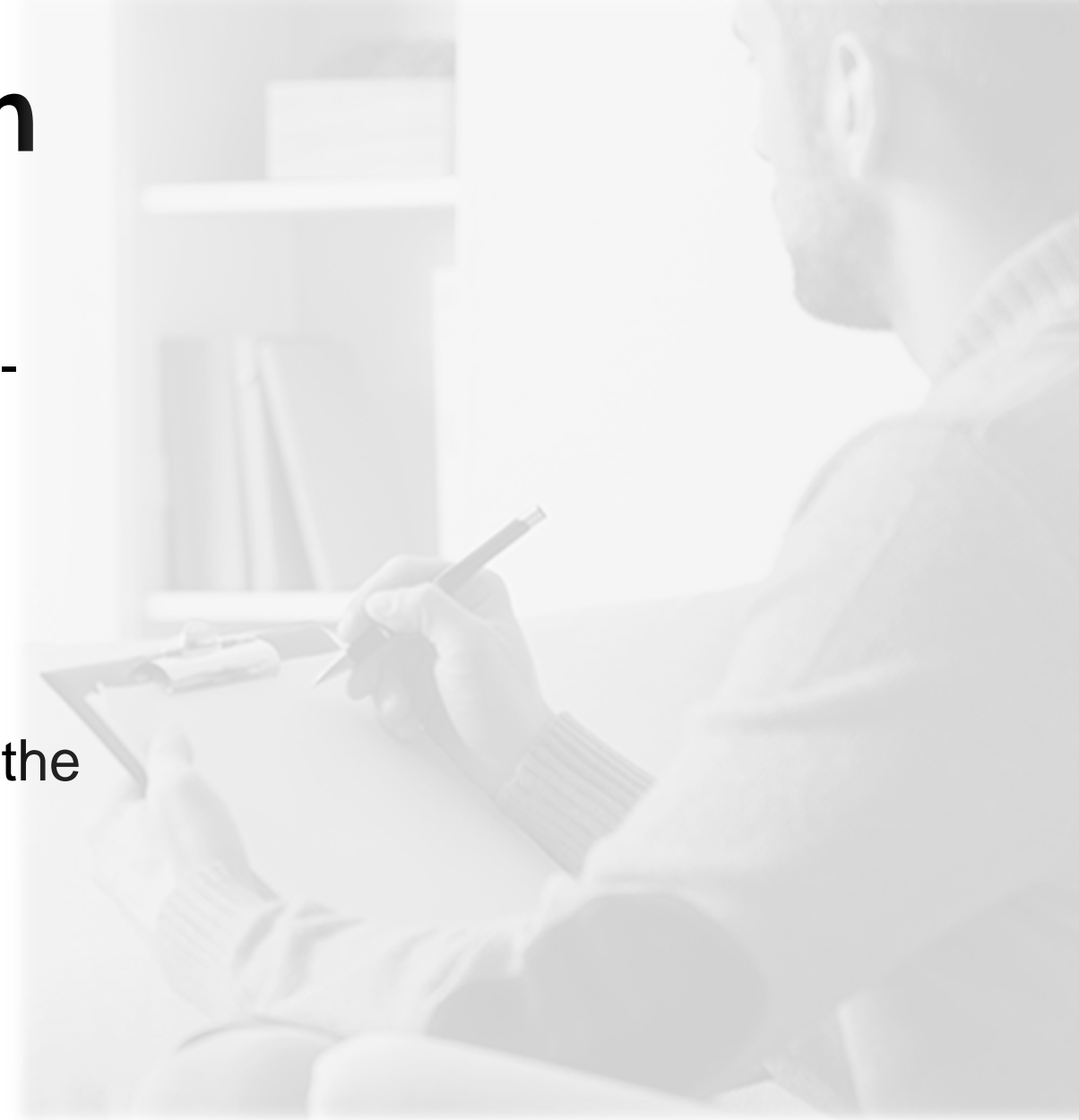
- **WHO** is doing the assessment?
- With **WHOM**?
- For **WHAT** purpose?

Helps drive the answer to **WHICH** instrument?



Risk Assessments can be helpful...

- High volume DV calls and criminal cases - how to frame questions and get the information
- Understand context of incident - what is important to report on affidavit
- What kinds of conversations to have with the victim and how to make referrals
- Increase safety for officers and victims
- Hold offenders accountable



Reminder of the Challenge

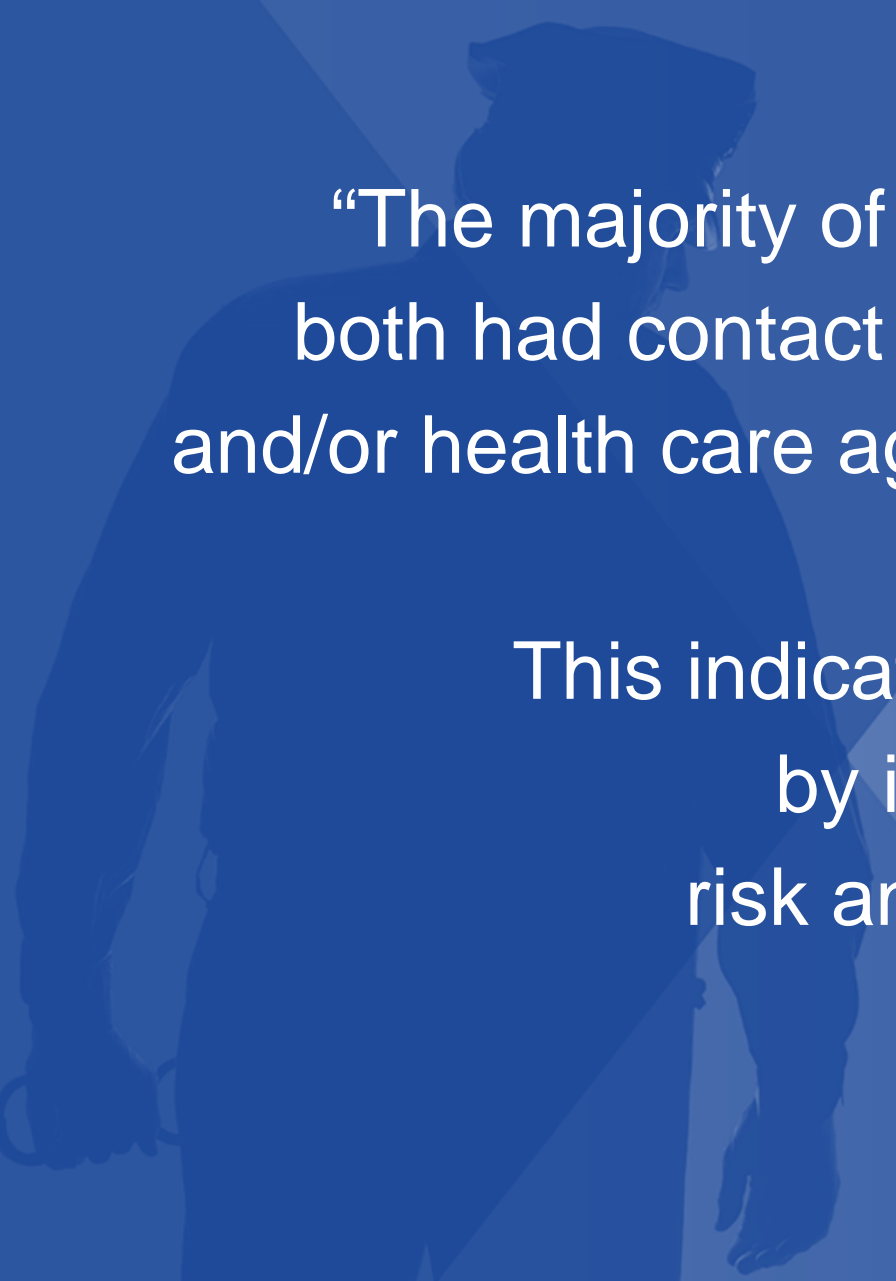
Dr. Campbell's research:

Victims rarely overestimate the level of risk they face but often underestimate it



Scientific Considerations When Choosing a Risk Assessment

- **Selection of Risk Factors:** Does the assessment include risk factors empirically shown to predict likelihood of re-offense? Is the tool tailored for the appropriate population?
 - Criminal history (prior arrests, convictions, revocations, etc.)
 - 7 criminogenic needs
 - DV-specific factors
- **Local Analysis:** Have researchers confirmed the predictive value of the selected factors with the target population (e.g., DV defendants in NYC)?



“The majority of victims or perpetrators (up to **83%**) or both had contact with criminal justice, victim assistance, and/or health care agencies in the year prior to the homicide....

This indicates opportunities for prevention by identification of women at risk and appropriate intervention.”

Campbell, Ph.D., R.N., F.A.A.N., Johns Hopkins University, Intimate Partner Homicide: Review and Implications of Research and Policy

What is happening in your jurisdiction?

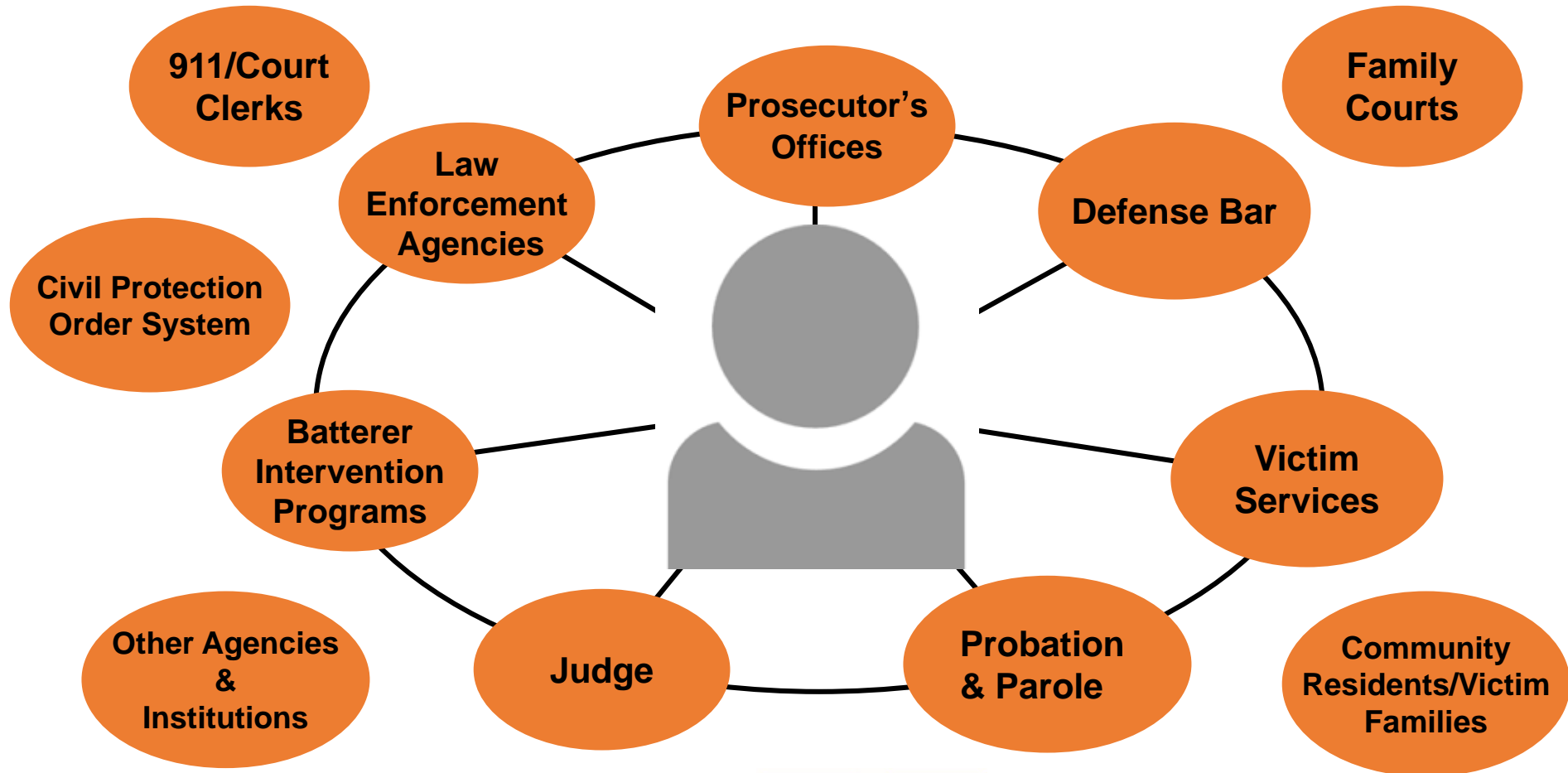
- Do you know?
- Which agencies use risk assessment?
- Which assessment instrument?
 - Who does it?
 - Is the information shared with anyone?
 - Where are the gaps? Civil?
Criminal? Courts?



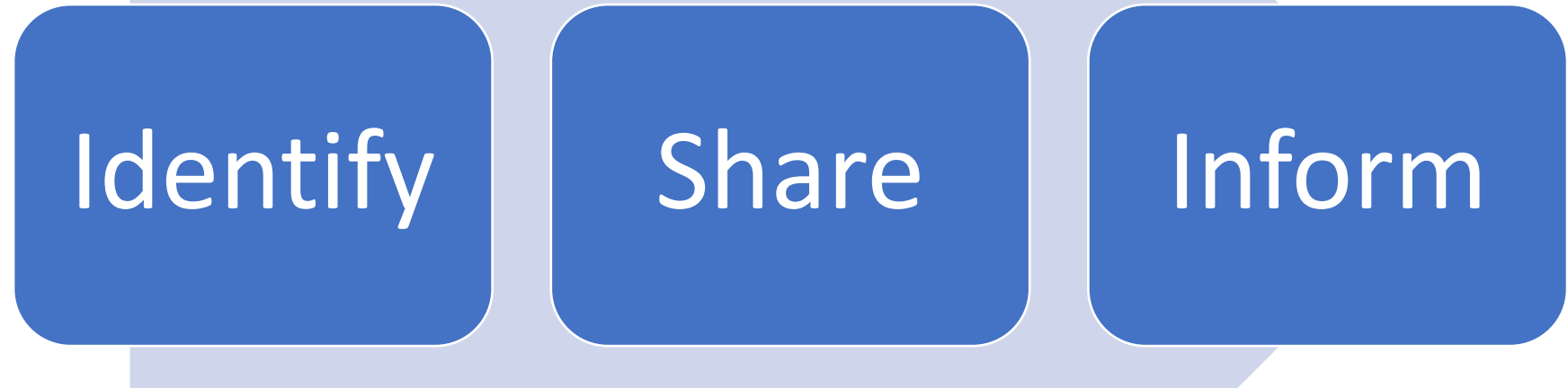
How does risk assessment fit into our Coordinated Community Response



Local network of partners that create a wall of accountability & support



Risk Flow Chart



Meet with your community stakeholders to understand how risk information is captured and shared to inform decision-making

TAKING IT HOME

- **Examine** current agency practice and community stakeholder practice
- **Decide** what info you are getting, what info you want and for what purpose
- **Examine** statutory framework: What does the law require you to do? What information about risk is on your required forms?
- **Partnerships** are key: Meet with your community partners





Contact Information

James Henderson Jr MSW, CAC-R
National Criminal Justice Training Center

hendersj@fvtc.edu

General Inquiries –

info@ncjtc.org | www.ncjtc.org | (855) 866-2582



Contact Information

Rebecca Thomforde Hauser

Center for Court Innovation

thomforr@courtinnovation.org

General Inquiries –

www.courtinnovation.org | (646) 386-3100

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- 2. Complete the evaluation**

A **Certificate of Attendance** will be emailed to you in two (2) weeks.

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