



Domestic Violence Risk Assessment

The safety of stalking and domestic violence victims is the primary focus of programs geared toward awareness and prevention. However, this emphasis tends to overlook or minimize the safety of others involved, including children, community stakeholders, police personnel, and the perpetrator.

In the United States, an average of three women per day are murdered by current or former intimate partners.¹ All too frequently, newspaper accounts report incidents of men murdering their children after killing the children's mother.² Additionally, in 30 percent of incidents in which abusers kill the victim, they also kill themselves.³ However, as one authority states, "in domestic violence murders there are often third-party victims. Family members, bystanders, co-workers, police and court personnel who come to the principal victim's aid, or who are simply nearby at the wrong moment, may themselves be killed."⁴

The commonality of these incidents suggests that law enforcement needs to begin conducting risk assessments as standard operating procedure when responding to crimes involving interpersonal violence. Responding officers are uniquely situated to gather information that could save the lives of citizens, fellow officers, and innocent third parties.

Domestic violence calls account for a large percentage of calls for service.⁵ Most studies agree that the majority of domestic violence perpetrators that come to the attention of criminal justice authorities have a prior criminal history. Previous crimes may involve both male and female victims, in both domestic as well as nondomestic situations.⁶ In addition, perpetrators of domestic disturbance crimes often have a high-recidivism rate that in all too many instances ends in murder. A study done by the Kansas City Police Department revealed that in 85 percent of spousal murders, the police had intervened at least once before and, in 50 percent of the cases, police had mediated disputes at least five times.⁷ In many cases, law enforcement has been to the location before, a reality that provides an opportunity to gather information that could make the environment safer for subsequent responses, should they be necessary.

A common theme driven home from day one of the police academy and reiterated throughout an officer's career is the priority of going home safe. Maintaining this safety entails recognizing danger signs, being aware of potential hazards, and taking nothing for granted. The use of risk assessments aids in the development of information that can be the difference between life and death. Officers responding to initial calls of a domestic nature owe it to themselves, as well as the officers with whom they serve, to take the necessary time to do a thorough risk assessment. The information obtained from risk assessments can, and should, be a part of the essential information provided to officers who are summoned to deal with previously known individuals and to locations that are the subject of previous calls for service.

The Maryland Model

Maryland is the first state to implement a statewide Lethality Assessment Program in which all law enforcement agencies utilize a single tool to assess risk in domestic violence situations. To date, 106 of the 115 law enforcement agencies in the state participate. Based on the suggestions of a committee of subject matter experts combined with current research on the topic, the program, lead by the Maryland Network Against Domestic Violence (MNADV), developed a lethality screening tool for first responders consisting of 11 straightforward questions for the crime victim. *Note: The male gender is used throughout this document although it is recognized that domestic violence offenses also include female perpetrators as well as male and female victims in both heterosexual and homosexual relationships.*

The "yes" or "no" questions are as follows:

1. Has he used a weapon against you or threatened you with a weapon?

2. Has he threatened to kill you or your children?
3. Do you think he might try to kill you?
4. Does he have a gun or can he get one easily?
5. Has he ever tried to choke [i.e., strangle] you?
6. Is he violently or constantly jealous or does he control most of your daily activities?
7. Have you left him or separated after living together or being married?
8. Is he unemployed?
9. Has he ever tried to kill himself?
10. Do you have a child that he knows is not his?
11. Does he follow or spy on you or leave threatening messages?

For victims deemed to be in high danger - based on the results of the lethality screen, a proactive Lethality Protocol was established to foster safety.⁸ Under the Lethality Protocol a “yes” or positive answer to questions 1, 2, or 3 reflects a highly dangerous situation that triggers referral to a local service provider to speak with an advocate.⁹ The victim is then provided with more in-depth lethality screening as well as safety planning. Negative responses to questions 1 through 3, but positive responses to at least four of questions 4 through 11 also reflects a highly dangerous situation that triggers the protocol referral.¹⁰ “No,” or negative responses, to all of the assessment questions, or positive responses to no more than three of questions 4 through 11 may still trigger the protocol referral if the officer believes it is appropriate.¹¹

Additional Inquiry

Lethality screens, or risk assessment tools of this type, are a starting point. Officers can take the process a step further and utilize information gained from these assessments to increase safety for officers, as well as victims.

Risk assessment questions are investigatory questions that should be asked in the course of any sound domestic violence investigation. Follow-up to these basic questions can provide better context for more thorough enforcement and a safer response. The following are examples of follow-up questions to be asked when a victim has indicated yes to the initial inquiry.

Has he used a weapon against you or threatened you with a weapon? If yes, potential follow-up questions include the following:

- When did this (these) incident(s) occur?
- What type of weapon(s) was (were) used?
- Were others threatened with the weapon(s)?
- Were there any witnesses to the threats? If so, who?
- Have any of the threats been carried out against you or others?
- Do you believe he will carry out these threats?

Research has shown that in many instances of spousal violence and murder, the abuser refers to weapons as instruments of power, control, or revenge,¹² and weapons are a substantial part of the abuser’s persona (e.g., he has a gun or talks about, jokes about, and/or collects weapons).¹³ Threats and intimidation used as instruments of control and abuse create additional cause for apprehension.¹⁴ “This includes threats to harm physically, defame, embarrass, restrict freedom, disclose secrets, cut off support, abandon, and to commit suicide.”¹⁵

Has he threatened to kill you or your children?

- When were these threats made?
- How detailed and specific were these threats?

- Did anyone witness the threats?
- How often have threats of this type been made?
- If these types of threats have been made in the past, is there anything different about the current threats that concern you?
- Does the abuser have the means to carry out the threat?
- Have there been “rehearsals” for the threatened act?
- Have the threats extended to others?

Research indicates that murdered women are five times more likely to have been threatened by their abusers.¹⁶ In interviews with victims of attempted homicide, 95 percent reported being threatened at least once, while 90 percent received multiple threats.¹⁷ It is also known that in the course of killing their wives or partners, abusers sometimes kill third parties. According to one notable training module on risk assessment, there are six types of potential lethality of which officers should be aware: The abuser may kill the victim, the couple’s children, a third party (including anyone attempting to intervene), or himself; or the victim may kill herself or the abuser.¹⁸

Research also confirms the negative influence of alcohol, drugs, or both, as drug abusers are second only to jealous-type abusers when considering personality types.¹⁹ The frequency of alcohol and/or drug abuse, especially when daily, correlates with a dramatic increase in risk for lethality.²⁰

Do you think he might try to kill you?

- What makes you believe this?
- Has he attempted to kill you, or anyone else, in the past?
- How long have you felt that he might try to kill you?
- When do you think he may attempt to kill you?
- Has anyone else told you that they think he will try to kill you?
- Have any preparations been made in order to carry this out?

The best predictor of future behavior is past behavior. No one is more familiar with the past behavior and the violent capabilities of an abusive intimate partner than the recipient of the abuse. The victim has lived it and his or her survival is dependent on attempting to navigate the abusive environment.²¹ One researcher states, “our results with respect to stalking were the clearest—Those with higher levels were likely to see themselves at high risk and be correct in that assessment... It may be that batterers who stalk leave more clues about their intentions than other batterers do.”²² The issue surrounding safety is not the threat to kill in itself but the context that surrounds these threats.²³

Does he have a gun or can he get one easily?

- Does he have a gun and/or other weapons in the house?
- Are these weapons kept in more than one place? If so, where?
- Does the abuser have access to weapons owned by others? If so, describe?
- How accessible are the weapons owned by others?
- Is the abuser trained to use these weapons?
- Is having weapons a part of the abuser’s self-image?
- Do you own and/or possess firearms? Are you trained to use them?
- Has he ever utilized weapons in the past in connection with violence inside or outside of the home?

In homes where there is ongoing intimate partner violence and the presence of a firearm, there is a corresponding eight-

fold increase in the risk of homicide compared to homes where neither of these factors applies.²⁴ Intimate-partner killers, when questioned, said that “the relative availability of a gun made it easier to kill.”²⁵ Seventy-eight percent of these “shooters” said they would not have killed if a gun had not been available.²⁶

Has he ever tried to choke you?

- What ways did he choke you (e.g., hands, forearm, objects such as a cord, rope, scarf)?
- When did the incident(s) occur?
- Did anyone witness this (these) incident(s)?
- What did your abuser say while choking you?
- Why did your abuser stop choking you?
- Did you lose consciousness?
- What were you thinking while you were being choked?

The term “choke” is usually how victims verbally describe what occurred whereas law enforcement uses “strangle” when referencing this type of act. These types of acts seriously escalate the potential for serious injury or death.²⁷ About one in four female homicides by a man are committed by strangulation or smothering, with the former being more likely to cause death.²⁸ Nationally, one in ten violent deaths are the result of some form of strangulation.²⁹ In the overwhelming majority of these cases, the victims were female and in an intimate relationship in which prior incidents of domestic violence had occurred.³⁰ Due to the seriousness of the act, and depending on the make-up of individual state statutes, strangulation should be charged as felonious assault and/or attempted murder whenever possible.

Is he violently or constantly jealous or does he control most of your daily activities?

- How does he express his jealousy?
- How often does he engage in jealous, controlling-type behaviors?
- When does he act jealous?
- Has the jealous and/or controlling behavior been escalating recently?
- Does he control most of the finances?
- Does he control or monitor your daily activities?
- Does he tell you what things you are permitted or not permitted to do?
- Does he monitor your movements through technology and/or other methods such as checking the vehicle odometer, GPS, monitoring cell phone activity, or the like?

In one study of intimate partner killings, some 70 percent were deemed extremely jealous—by far the largest category of killers.³¹ Jealousy was characterized by such actions as expressing frequent suspicions of sexual involvement with other men, making jealous accusations, and monitoring or stalking the victim’s whereabouts.³²

Have you left him or separated after living together or being married?

- When did you leave him?
- How has he reacted since leaving?
- Has he communicated with you directly or indirectly? If so, what was the nature of those communications?
- Have you left him in the past? If so, how did he react?
- Did he state there would be negative consequences if you left?

Separated women who have been targeted for intimate violence by men are rarely victimized by one form of abuse. Rather, they typically suffer from a variety of injurious behaviors that include sexual assault, physical violence, and stalking behaviors.³³ Research shows that “the risk of severe or fatal injury increases with separation. Almost half of the males on death row for domestic homicide killed as retaliation for a wife or lover leaving them.”³⁴ “The reality is that leaving is the most dangerous time for a battered woman because the abuser is outraged that he is losing control over her.”³⁵

Is he unemployed?

- How long has he been unemployed? (If the response is something to the effect, “He’s been unemployed as long as I’ve known him and isn’t considering getting a job,” the “Yes” answer becomes less significant.)
- How has not having a job affected him?
- How has it affected your relationship?
- How significant was his job to his self-esteem?
- Are you employed? If not, how has this affected the relationship? If employed, how dependent is your household on your income?

Interestingly, some intimate partner killers do so because their primary interest in the relationship is money and other material assets.³⁶ All killers who were categorized as jealous stated their love for the partner they killed, whereas none of the materially motivated men reported these feelings.³⁷ The materially motivated killer characteristically exhibits little or no jealousy, is materially exploitative, primarily complains about money, and has an overwhelmingly negative view of women.³⁸

When this class of intimate partner killer exhibits stalking behavior, his motivation is commonly a desire to know rather than control his partner’s plans. Such information may include whether she was filing criminal charges, obtaining protective orders, or attempting to put a permanent end to the relationship and thus cutting him off financially.³⁹

Has he ever tried to kill himself?

- When did he attempt to kill himself?
- What reason(s) did he give for attempting to take his own life?
- Has he threatened to kill himself in the past?
- How many times has this occurred?
- Has he made any further threats to take his life since attempting to kill himself?
- Has he threatened to kill you as well as take his own life?
- Is he or has he been depressed?

According to the National Institute of Justice, in approximately one-third of cases, males commit suicide after murdering their current or former intimate female partner. This percentage (33.3 percent) is consistent with figures documented elsewhere.⁴⁰ The same source points out that “suicidal killers are more apt to be married to their victims, and to have had longer relationships with them, and to be older.”⁴¹ These individuals tend to be depressed and feel there is no future without their victims.⁴²

Another authority views the suicidal killer as “obsessive possessive.”⁴³ This could be a situation in which the victim is attempting to leave a longtime partner. The unilateral exercise of power and control by the victim (deciding to leave) is

viewed as an ultimate act of betrayal, “an unforgivable insult of him, and a larger injustice than him killing her.”⁷⁴

Do you have a child that he knows is not his?

- What type of relationship does he have with this child?
- Has the relationship with the child deteriorated in any way over in the recent past? If so, describe?
- Has he harmed the child in the past?
- How does the child feel about him?

Leading researchers on the topic consistently list, “instances in which a child of the victim from a previous partner is living in the home,” as a significant factor leading to the homicidal act.⁴⁵

Does he follow or spy on you or leave threatening messages?

- How long has he been doing this?
- How does he check up on you?
- What did the threatening message say?
- Why do you consider these messages threatening?
- Does he listen in on your conversations?
- Does he read your emails, text messages or the like?
- Does he require you to provide an accounting of your whereabouts and activities?
- Does he enlist others to check up on your activities (family, friends, and coworkers of either the victim or the abuser)?
- Have his threats extended to your family and/or friends?
- Has he made unwanted attempts to communicate by any means?

These behaviors mentioned above are common characteristics of the crime of stalking. It is important to note that in about 85 percent of attempted homicides and over three fourths of completed homicides, the victim had been stalked at least once in the prior 12 months.⁴⁶ More than 65 percent of these victims had been physically abused over the same period.⁴⁷ Virtually all the victims of attempted homicide interviewed in one study reported that they had been stalked in some fashion. These behaviors were experienced both during the relationship and following separation, with 75 percent of the victims stating their near-fatal assault occurred after leaving.⁴⁸

Sexual Violence, Domestic Violence, and Risk Assessment

Although not a part of the Maryland Lethality Protocol, another factor of domestic violence that should be explored is sexual assault.⁴⁹ So significant is this behavior that one authority notes

*forced sex in intimate relationships increases the risk for intimate partner homicide over and above [the factors of] prior domestic violence, the use of a weapon against the female partner and repeat physical violence. In other words, the man who not only physically abuses his partner but also rapes her is particularly dangerous.*⁵⁰

The Minnesota Center Against Violence and Abuse has taken a lead on enhanced questioning of sexual abuse victims in the course of conducting lethality assessments. Once sexual assault is indicated, further questions should include the following:

- Has your partner ever coerced or beaten you to force you to have sex?
- Has your partner ever forced you to have sex in ways you didn’t want to or when you didn’t want to?
- Has your partner ever threatened to sexually abuse your children or actually abused them?
- Does your partner engage in extreme sexual abuse such as inflicting severe pain during sex, having sex after being assaulted or soon after surgery or childbirth?
- Has your partner forced you to have sex with other people or with animals?⁵¹

The results of the above sexual abuse lethality assessments are then gauged on a Severity of Violence Matrix as follows:

1. **Serious Risk** – Uses coercion or threatens force in order to have sex
2. **Severe Risk** – Uses force in order to have sex; threatens to sexually abuse children
3. **Acute and Severe Risk** – Combines sex and use of force and/or deliberately inflicts pain in sexual activity; inflicts group or public sexual degradation; sexually abuses children – may force spouse to watch⁵²

Protection Order Violations and Risk Assessment

Another factor that officers and investigators need to take into account when conducting a risk assessment is whether or not a protection/restraining order is in effect. If there is such an order, officers may inquire as to whether the person in question has abided by the order, the number of times he has violated the order, whether all of the violations occurred in the area covered by the order. If outside the department’s jurisdiction, officers should determine where the violation occurred and whether police in that area were contacted.

One veteran officer states that

*Orders of protection are that trip wire. When it’s violated it signals to law enforcement that something worse is about to happen because an order is a clear sanction by the court to an offender directing what the abusive person can and cannot do. When an offender thumbs their nose at the court, this is an indicator that you have high lethality on your hands.*⁵³

This reality became glaringly true in Suffolk County, New York where over a period of one week, three murder-suicides took place in December 1988.⁵⁴ All three of the women died in possession of restraining orders and were shot to death. All three offenders violated the restraining orders on multiple occasions prior to the killings.⁵⁵ These incidents underscore the prior discussion on the significance of firearms and the increased danger upon separation of the abuser and the abused. Protection orders must be served and enforced as expeditiously as possible. Federal law (18 U.S.C 922(g)(8)) prohibits respondents from possessing firearms, so screening for and confiscation of any firearms becomes vital in domestic violence situations.

Conclusion

Comprehensive risk assessments should be part of the overall documentation of domestic violence cases. Ideally, this information should be incorporated into the department’s

computer-aided dispatch (CAD) system. Officers responding to domestic violence calls for service should be as up-to-date as possible with regard to the call at hand. Risk assessment information (including the presence of weapons, existence of a protection order, prior assaults and charges including stalking, threats and the like) made available in this or related ways can prove to be lifesaving for officers, victims, suspects, or third parties.

In addition to recognizing the risk of danger to others involved in domestic violence situations, law enforcement officers should also be aware of the heightened risk to themselves. The Domestic Disputes: An Analysis of Officers Killed video program developed by the Federal Law Enforcement Training Center examines the specific dangers associated with domestic dispute responses.⁵⁶ Data from all incidents occurring over a 10-year period were gathered to determine the most frequent causes of officer deaths.⁵⁷ A few of the major points that all first responders should be reminded of are as follows:

1. If you are in danger of being killed on a domestic dispute, statistically, the first minute is the most dangerous.
2. The reason most officers were killed in the first minute is that the perpetrator intended to kill the officer at the first opportunity.
3. Just over 80 percent of the killers were armed and knew the officers were coming, which stresses the importance of good approach tactics.
4. Of those killed, most died while approaching the location.
5. Nearly 60 percent of the assailants were essentially suicidal because they either attacked the officer in a way that was sure to lead to their own deaths or they killed themselves after they killed the officer.
6. Of the officers killed during the approach to the residence, half were killed as they got out of their cars.⁵⁸

Acknowledgment

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Endnotes

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questions

The following questions are based on material in this *Training Key*®. Select the one best answer for each question.

1. Which of the following is a reason for conducting thorough domestic violence risk assessments?

- (a) *One study found that in 85 percent of spousal murders, the police had intervened at least once before.*
- (b) *By knowing the history of violence associated with an individual, responding officers can be better prepared for the potential dangers they may face.*
- (c) *Information gleaned from risk assessments may prevent injuries to innocent third parties involved in domestic violence situations such as family members, bystanders, or co-workers.*
- (d) *All of the above.*

2. The Maryland Network Against Domestic Violence lethality screening tool is designed solely for officers to gather information for future use by other law enforcement officials when responding to calls for service involving the perpetrator.

- (a) *True*
- (b) *False*

3. Which of the following factors does not correlate with a dramatic increase in risk for lethality?

- (a) *Daily drug or alcohol abuse by the perpetrator.*
- (b) *Previous incidents involving choking or strangling.*
- (c) *The perpetrator's steady employment history.*
- (d) *A history of stalking behaviors by the perpetrator.*

answers

- 1. (d) All of the above.
- 2. (b) False. While the lethality screening tool does prove useful by providing officers with information concerning a perpetrator during future calls for service, it is also designed to identify appropriate assistance for victims, such as referrals to local service providers and safety planning.
- 3. (c) The psychological, emotional, and financial effects of unemployment are often considered to be triggers for violence.

have you read.....?

“Domestic Violence: Update (2006)” and “Court Protection Orders in Domestic Abuse Cases” *Training Keys*® #591 and 469, International Association of Chiefs of Police, Alexandria, VA.

These documents provide further information for use by officers responding to calls involving domestic violence.

