**Domestic Violence Risk Assessment Bench Guide**

*A research-based bench guide for use by Minnesota judges*

*at all stages of family, Order for Protection, civil or criminal involving domestic violence*

Note: The **presence** of these factors can indicate **elevated risk** of serious injury or lethality. The **absence** of these factors is not, however, evidence of the absence of risk of lethality.

1. Does alleged perpetrator have access to a **firearm**, or is there a firearm in the home?

1. Has the alleged perpetrator ever used or threatened to use a **weapon** against the victim?
2. Has alleged perpetrator ever attempted to **strangle** or choke the victim?
3. Has alleged perpetrator ever **threatened to or tried to kill** the victim?
4. Has the physical **violence** **increased in frequency or severity** over the past year?

1. Has alleged perpetrator **forced** the victim to have **sex**?
2. Does alleged perpetrator try to **control** most or all of victim’s **daily activities**?
3. Is alleged perpetrator constantly or violently **jealous**?
4. Has alleged perpetrator ever threatened or tried to commit **suicide**?
5. Does the **victim believe** that the alleged perpetrator will re-assault or

attempt to kill the victim*? A” no” answer does not indicate a low level of risk, but a “yes” answer is very significant*

11. Are there any pending or prior Orders for Protection, criminal or civil cases involving this alleged perpetrator?

*These risk assessment factors are validated by a number of studies. See Campbell, Jacquelyn, et al,” Intimate Partner Violence Risk Assessment Validation Study: The RAVE Study Practitioner Summary and Recommendations: Validation of Tools for Assessing Risk from Violent Intimate Partners”, National Institute of Justice (December, 2005); Heckert and Gondolf, “Battered Women’s Perceptions of Risk Versus Risk Factors and Instruments in Predicting Repeat Reassault”, Journal of Interpersonal Violence Vol 19, No 7 (July 2004).*

How To Use The Domestic Violence Risk Assessment Bench Guide

* **Obtain information regarding these factors through all appropriate and available sources**
	+ Potential sources include police, victim witness staff, prosecutors, defense attorneys, court administrators, bail evaluators, pre-sentence investigators, probation, custody evaluators, parties and attorneys
* **Communicate to practitioners that you expect that complete and timely information on these factors will be provided to the court**
	+ This ensures that risk information is both sought for and provided to the court at each stage of the process and that risk assessment processes are institutionalized
	+ Review report forms and practices of others in the legal system to ensure that the risk assessment is as comprehensive as possible
* **Expect consistent and coordinated responses to domestic violence**
	+ Communities whose practitioners enforce court orders, work in concert to hold alleged perpetrators accountable and provide support to victims are the most successful in preventing serious injuries and domestic homicides
* **Do not elicit safety or risk information from victims in open court**
	+ Safety concerns can affect the victim’s ability to provide accurate information in open court
	+ Soliciting information from victims in a private setting (by someone other than the judge) improves the accuracy of information and also serves as an opportunity to provide information and resources to the victim
* **Provide victims information on risk assessment factors and the option of consulting with confidential advocates**
	+ Information and access to advocates improves victim safety and the quality of victims’ risk assessments and, as a result, the court’s own risk assessments
* **Note that this list of risk factors is not exclusive**
	+ The listed factors are the ones most commonly present when the risk of serious harm or death exists
	+ Additional factors exist which assist in prediction of re-assault
	+ Victims may face and fear other risks such as homelessness, poverty, criminal charges, loss of children or family supports
* **Remember that the level and type of risk can change over time**
	+ The most dangerous time period is the days to months after the alleged perpetrator discovers that the victim
		- might attempt to separate from the alleged perpetrator or to terminate the relationship
		- has disclosed or is attempting to disclose the abuse to others, especially in the legal system