

## 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 cases 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 perpetrator have access to a **firearm**, or is there a firearm in the home?
2. Has the perpetrator ever used or threatened to use a **weapon** against the victim?
3. Has perpetrator ever attempted to **strangle** or choke the victim?
4. Has perpetrator ever **threatened to or tried to kill** the victim?
5. Has the **physical violence increased in frequency or severity** over the past year?
6. Has perpetrator **forced** the victim to have sex?
7. Does perpetrator try to **control** most or all of victim's **daily activities**?
8. Is perpetrator constantly or violently **jealous**?
9. Has perpetrator ever threatened or tried to commit **suicide**?
10. Does the **victim believe** that the 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 practitioner?

*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 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 perpetrator discovers that the victim
    - might attempt to separate from the perpetrator or to terminate the relationship; and/or
    - has disclosed or is attempting to disclose the abuse to others, especially in the legal system.