

# Editor's Introduction

Welcome to our special issue of *Family and Intimate Partner Violence Quarterly*, guest edited by Jill Messing, M.S.W., Ph.D., which will cover the history, evolution, and recent developments in the field of danger and lethality assessment, especially as it is applied to cases involving intimate partner violence (IPV).

Risk assessment is, quite simply, measuring features of a person (e.g., an IPV perpetrator), his conduct, and his relationship(s) in order to predict certain outcomes—for example, the risk of a batterer murdering his victim. The practice of risk assessment has evolved over the past 40 or 50 years, having started with its measurement of various factors of persons affected by serious mental illness. Although its purposes vary depending upon the different venues (e.g., civil versus criminal courts) to which it is applied, lethality assessment is designed to provide information that adds to our ability to hold perpetrators accountable (e.g., by imposing fitting punishment) and to better safeguard the well-being of victims (e.g., by issuing long-term protective orders). As pointed out by Liberty Aldrich, one of the authors whose work is highlighted in this issue, empirical studies of the outcomes of risk assessments have proven their usefulness in reducing the incidence of future violence and homicide.

The fashioning of risk assessment tools specifically targeted to protect domestic violence victims from further harm was spearheaded by a visionary in the field of intimate partner violence, Dr. Jacquelyn Campbell, whose research and educational efforts have contributed immensely to this field (and whose work is featured prominently in this journal). In fact, as you will soon learn, Dr. Campbell's Danger Assessment is the model around which later measurement devices were fashioned. Hers is the only instrument that assesses *lethality* in cases of intimate partner abuse and that does so by focusing solely on the reports of the victim-survivor. Dr. Campbell is largely responsible for the fact that at present, at last, lethality assessment in domestic violence cases is considered a best practice.

The case of Terri Traficanda illuminates the huge impact that a careful evaluation of lethality risk can have on the outcomes of cases involving potentially lethal domestic violence. As described by Coercive Control author Evan

Stark in his 2014 address to the Sixth Annual Domestic Violence Symposium, Terri Traficanda was a battered woman whose husband, Nick, shot her dead in their home. Terri had called the police after Nick grabbed their young child and took off with her in their car, but the police made the fatal mistake of not coming to the Traficanda residence once Terri told them that Nick had returned home with the child. As Dr. Stark pointed out, virtually every abusive gesture inflicted upon Terri by her husband—aside from shooting her—indicated danger, though technically legal. This permitted the batterer's violence to continue both unabated and undetected—with lethal consequences.

And so the wisdom and critical importance of using accurate, empirically based risk assessment tools is thrown into high relief by cases like that of Terri Traficanda, and by the cases of so many other victims of intimate partner homicide whose lives might have been saved if such practices were universally adopted by civil authorities and criminal justice enforcement agencies. We have therefore devoted the sole focus of this issue to topics revolving around the assessment of dangerousness and lethality in cases of intimate partner violence.

We start off the line-up with an article whose title appropriately reflects the theme of this entire issue of FIPVQ: *The Use of Lethality Assessment in Domestic Violence Cases*, by Jill Theresa Messing and Jacquelyn Campbell. In this piece, the authors provide the specifics of Dr. Campbell's Danger Assessment methodology and describe the rationale for including each of the lethality risk factors being assessed; these include gun ownership, threats to kill, strangulation, recent separation, controlling behaviors, forced sex, and having a child who is not the abuser's. These factors are rooted in the voluminous research on IPV homicide conducted by Jacquelyn Campbell and dedicated advocates and scholars like her. Drs. Messing and Campbell then go on to describe recent developments in the measurement of risk assessment that have added to their predictive precision and thus their effectiveness in preserving the lives of intimate partner violence survivors. This includes, most notably, the addition of items measuring strangulation, which has been found to be an important predictor of homicide in cases of intimate partner violence.

We then turn to an article that places the theme of this issue into historical context. Author D. Kelly Weisberg's aptly entitled article, *Risk Assessment In Context*, provides an overview of the evolution of the practice of risk assessment, starting with its use in assessing the potential dangerousness of patients who were institutionalized due to mental illness. As mentioned earlier, risk assessment tools underwent a number of refinements, culminating in one adaptation focusing on measuring the risk of serious harm and lethality in intimate partner violence cases.

We follow with an article by the seasoned domestic violence attorney and researcher, Liberty Aldrich, whose long-time affiliation with the Center for Court Innovation has led to the development of innovative criminal and civil justice practices in New York State. In her piece, *The Use Of Risk Assessments In Judicial Decision-Making*, Ms. Aldrich introduces the following

two articles by pointing out some of the quandaries posed by the use of risk assessment methodologies. In particular, she urges readers to be cautious about using risk assessment so that a given behavior is judged outside of the context in which it occurs and without the benefit of judicial discretion. After all, risk assessment, like any other measure of human behavior, is to some degree subjective and prone to error, and its measurement is far from 100 percent reliable or valid.

In the next article, *Using Judicial Knowledge of Lethality Factors in Civil Domestic Violence Matters*, author Julie Saffren cites the case of Sara and Jeffrey Pettingill to demonstrate how a civil court judge (who happened to be an expert in domestic violence) used his deep understanding of lethality factors to issue protective orders that withstood multiple legal challenges by the perpetrator. As this article shows, an understanding of risk and lethality factors can make an impressive difference as far as judicial decisions, case outcomes, and victim protection.

Now that we have examined the keen importance of the judge's understanding of lethality in IPV, we shift our focus to the crucial role played by the prosecutor's office, in general, and police personnel, in particular, in using lethality information to prosecute domestic violence cases in the criminal courts. In *Using Danger Assessment in the Prosecution of Domestic Violence Cases*, author Jamie Balson describes the strategic manner in which the prosecutor's office in Maricopa County, Arizona uses lethality risk factors when prosecuting criminal IPV cases.

The next article resonates with the wisdom of its author, Nancy Lemon, who is uniquely qualified to discuss lethality assessment due to the decades she has spent studying abusive dynamics and working on behalf of those victimized by IPV, most notably, as an expert witness. In *Using the Danger Assessment as a Domestic Violence Expert Witness*, Ms. Lemon explains how and why she routinely uses the Danger Assessment in advising domestic violence survivors about their safety and in her preparation for testimony in their cases.

As most of our readers are probably aware, if a woman is experiencing intimate partner violence at the hands of an abusive partner, she also is quite likely to also be the victim of sexual abuse and violence inflicted by the perpetrator. But some may not recognize the extreme psychological damage wreaked by intimate partner sexual violence (IPSV), or the close relationship that exists between IPSV and homicide. In the next piece, *Intimate Partner Sexual Violence Poses Risk Factors for Homicide*, author Meredith Bagwell-Gray describes the findings from her interviews with eight women who survived relationships in which they suffered both sexual violence and an ongoing fear of being killed by their abuser.

When the average American encounters an immigrant woman accompanied by several young children, he or she probably assumes that the family has entered the U.S. because they cannot earn enough money to live in their native country. It is, however, likely that the mother has arrived in their community quite literally to save her own life and those of her children. In our

next article, *Assessing Lethality to Support Asylum Claims Based on Intimate Partner Violence*, Laurie Cook-Heffron examines how lethality assessment can help such women by providing proof of the worthiness of their asylum claims, based on the fact that they have fled their home countries to escape a severely violent partner.

Making predictions about the future is, by definition, a risky venture; one very well might be wrong. How risky, then, is it to predict (or not predict) that a given individual might further harm or even kill his victim sometime in the future. As advised by the authors of *Machine Learning Risk Assessment at Preliminary Arraignments for Domestic Violence*, such predictions require using the very best actuarial methods and up to date computerized technologies. In this article, Richard Berk, Susan Sorenson, and Geoffrey Barnes describe a unique methodology called machine learning, which targets aspects of the offender as opposed to the victim in formulating its predictions. In their research using machine learning, they discovered six offender characteristics that, in combination, serve as the best available predictors of future re-offending by domestic violence perpetrators.

Alyce LaViolette begins her article, *Assessing Risk with Perpetrators*, by citing the tragic case of Betty. Betty was forced to allow visits between her 18 month old baby and the baby's father, from whom Betty had fled due to his violence. As opposed to the protection that might have been afforded Betty by the criminal justice system, the family court, in this case, issued child visitation orders that ultimately led to Betty's death at the hands of her abuser, the child's father. Some batterers look good on paper but are lethal in real life—and the opposite is also true; thus, as the author points out, paper-and-pencil risk assessments are not always the best measure of the true nature and intentions of a given abusive partner. This piece suggests that practitioners working with abusive men use multiple strategies to assess risk, including standardized risk assessment and their professional judgment. Face to face, up close interactions with batterers, may uncover the more covert signs of abusive intentions that are left undetected by other risk assessment procedures.

We end this powerful line-up depicting the state of our knowledge of danger assessment with two articles by one of our most generous contributors, Anne L. Perry. In the first of these two articles, *Summaries of Cases: Impact of Domestic Violence on Custody and Parental Rights*, Ms. Perry presents cases from New York state and from other jurisdictions across the country, that demonstrate the various ways that evidence of domestic violence affects judicial decision-making in cases involving the termination of parental rights and other custody-related matters. The contents of the second article is well expressed by its title, *National Survey of Restraining Order Cases*, in which Ms. Perry provides another survey of cases from across the nation. This time, those cases demonstrate how different jurisdictions have handled petitions involving the issuance or renewal of that crucial tool for protecting IPV victims, the restraining order.

A hearty welcome to this very special issue!



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