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Assessing Danger: What Judges Need To Know

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Abstract

Every day, judges are faced with decisions regarding intimate partner violence (IPV) victims' requests for protection orders, custody arrangements, and visitation schedules. To make informed decisions, judges must understand victims' risk for future violence. This mixed method study explores the extent to which protection order petitions (n=169) communicate victims' current danger and future risk of violence. Methods included interviews coupled with an archival review of court petitions. Findings suggest judges are inadequately prepared to render decisions to improve victim safety in the absence of standardized risk assessments. The Danger Assessment provides an evidence-based solution to routinize intake interviews with victims petitioning the court.

INTRODUCTION

As intimate partner violence (IPV) continues to be criminalized in the United States¹ the number of IPV victims within the court system seeking protection orders (PO) has increased. A PO is an order from the court that restricts the actions of an individual in order to protect the safety of another individual. To obtain a PO, an individual must petition the court or seek temporary respite from a law enforcement order. Petitioning for a PO may be a separate process or one contained within a criminal case, divorce proceeding or child-related court case for visitation or custody. POs are available in all 50 states² either through family

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¹Violence Against Women and Department of Justice Reauthorization Act of 2005, H.R. 3402, 109th Cong. (2006); JEFFREY FAGAN, NATL INSTITUTE OF JUSTICE, *THE CRIMINALIZATION OF DOMESTIC VIOLENCE: PROMISES AND LIMITS* (1996).

or criminal courts. A PO obtained in the court of a state, Indian tribe or territory will be given full faith and credit in other U.S. jurisdictions.³ Although POs are a critical means of providing safety to victims, there is room to improve the process. Three of five women who obtained a PO were victims of an incident of IPV after the order was issued.⁴

For many processes, the substantive information in a PO petition is located in the narrative portion, which informs the court of the specific event that led the petitioner to court, any history of abuse, and other pertinent information. In most jurisdictions, the petitioner completes the narrative portion of the petition on his or her own. In limited circumstances, a court advocate, attorney, or probation staff will assist the petitioner. Many victims of IPV seeking a PO are in danger. However, little is known about the extent to which the petitioner accurately reflects his/her level of danger, how precisely the judge can ascertain the petitioner's level of risk via the petition, and whether the subsequent PO issued addresses those risk factors. Given recent research that indicates victims can be safer after the PO process⁵ coupled with research that suggests 50% of victims are unaware of their inherent danger because they are not familiar with risk factors themselves⁶ this research is timely and fills a gap in the literature.

This paper explores an evidence-based risk assessment, the Danger Assessment (DA), as a means to communicate key threats to the safety of petitioners to court personnel and others assisting with the petition process. If the PO petition does not include certain allegations, the petitioner may be denied a PO altogether or judges may craft POs that do not offer adequate protection. This paper hypothesizes victims do not relay their risk sufficiently during the petition drafting process, thereby impeding the very procedure created to help them seek safety.

INTIMATE PARTNER VIOLENCE: A PUBLIC HEALTH CRISIS

Intimate partner violence (IPV) is a prevalent problem in the United States and poses a significant threat to the safety of victims. Millions of incidences of domestic violence occur in the United States each year.⁷ Although men can be victims of IPV, it is more common for victims to be women.⁸ Women are also more likely to experience fatal outcomes from IPV.⁹ In 2007, approximately 700 men and 1640 women were murdered by an intimate partner.¹⁰ From 1976–2005, approximately 11% of all murder victims were killed by an intimate partner.¹¹ The U.S. Centers for Disease Control and Prevention (CDC) recognized the detrimental impact of IPV on the public, and included IPV in a large-scale public health initiative aimed at preventing violence against women.¹² The negative impact of IPV

²*Restraining Orders*, Womenslaw.org,

http://www.womenslaw.org/laws_state_type.php?statelaw_name=Restraining%20Orders&state_code=GE (last visited Jul. 21, 2011); see also AMERICAN BAR ASSOCIATION, <http://www.americanbar.org/aba.html> (last visited Jul. 21, 2011).

³18 U.S.C. § 2265 (2010).

⁴TK Logan & Robert Walker, *Civil Protective Order Outcomes*, 24 J. INTERPERSONAL VIOLENCE 675 (2009).

⁵Victoria L. Holt et al., Do Protection Orders Affect the Likelihood of Future Partner Violence and Injury?, 24 AM. J. OF PREVENTIVE MED., 16, 16-21 (2003); Victoria L. Holt et al., Civil Protection Orders and Risk of Subsequent Police-Reported Violence, 288 JAMA 589, 589-594 (2002).

⁶Jacquelyn C. Campbell et al., Risk Factors for Femicide in Abusive Relationships: Results from a Multisite Case Control Study, 93 AM. J. PUBLIC HEALTH 1089, 1089-1097 (2003); Christina Nicolaidis et al., Could We Have Known? A Qualitative Analysis of Data From Women Who Survived an Attempted Homicide by an Intimate Partner, 18 J. GEN. INTERN MED. 788, 788-794 (2003).

⁷PATRICIA TJADEN & NANCY THOENNES, U.S. DEPARTMENT OF JUSTICE, EXTENT, NATURE, AND CONSEQUENCES OF INTIMATE PARTNER VIOLENCE: FINDINGS FROM THE NATIONAL VIOLENCE AGAINST WOMEN SURVEY (2000).

⁸Id.

⁹*Homicide Trends in the U.S.: Intimate homicide*, BUREAU OF JUSTICE STATISTICS, U.S. DEPARTMENT OF JUSTICE, <http://bjs.ojp.usdoj.gov/content/homicide/intimates.cfm> (last visited Dec. 20, 2010).

¹⁰SHANNAN CATALANO ET AL., FEMALE VICTIMS OF VIOLENCE, BUREAU OF JUSTICE STATISTICS (2007).

¹¹*Homicide Trends in the U.S.: Intimate Homicide*, BUREAU OF JUSTICE STATISTICS, U.S. DEPARTMENT OF JUSTICE, <http://bjs.ojp.usdoj.gov/content/homicide/intimates.cfm> (last visited Dec. 20, 2010).

reaches beyond the actual physical harm to the victim by draining community resources. Local police departments and hospitals are burdened by the prevalence of IPV in the community. One study reported 41% of calls to police related to assault were linked to IPV.¹³

Identifying risk factors related to IPV is an important element when addressing this public health crisis.¹⁴ One study demonstrated that “young women, reporting fair or poor mental health (often a sequelae of the IPV), or women separated from their partners, were more likely to be abused,”¹⁵ all of which are factors associated with IPV victimization noted in other studies.¹⁶ The same study found that “perpetrators of IPV were more likely to have not graduated from high school, have problems with drug or alcohol use, be in fair or poor mental health, and have a history of threatened or actual pet abuse.”¹⁷ Suicide risk is also a major concern when dealing with cases of IPV; it can be influenced by mental health issues, victim blaming, family dysfunction, and the impact of IPV on children.¹⁸ Research suggests the safety provided to victims through a PO can be enhanced by addressing specific risk factors.¹⁹ However, it is unclear how victims can both know and convey these risk factors to the court. One potential intervention is the routinization of the intake procedure to include an evidence-based measure, the DA.

DANGER ASSESSMENT

Dr. Jacquelyn Campbell created the original DA based on her study of IPV homicide and clinical experiences as a nurse providing care to many women who reported experiencing IPV in shelters and the health care system.²⁰ The measure was subsequently tested and further developed with input from various experts working with IPV to evaluate victims of IPV for increased risk of homicide.²¹ The victim first completes a calendar. The victim places a mark on days when abuse occurred and rates the severity of the abuse on a scale of 1–5.²² Using the calendar format, the interviewer can determine both the frequency and severity of the abuse and whether either or both are increasing. The second half of the DA measure is a series of 20 yes or no questions, each related to a specific risk factor for homicide.²³ The initial validated DA measure contained 15 items but was expanded to include additional risk factors identified from subsequent research and the intimate partner femicide study.²⁴ When interviewers are certified in the DA²⁵, they can use the weighted scoring algorithm, based on the adjusted odds ratios from the intimate partner femicide study, to create a summary score which indicates one of 4 four levels of risk. The DA was

¹²Corinne M. Graffunder et al., Through a Public Health Lens. Preventing Violence Against Women: An Update from the U.S. Centers for Disease Control and Prevention, 13 J. WOMEN'S HEALTH 5, 5-14 (2004).

¹³Daniel C. Berrios & D. Grady, *Domestic Violence: Risk Factors and Outcomes*, 155 W. J. MED. 133 (1991).

¹⁴Benita J. Walton-Moss et al., Risk Factors for Intimate Partner Violence and Associated Injury Among Urban Women, 30 J. COMMUNITY HEALTH 377 (2005).

¹⁵*Id.* at 385.

¹⁶Sandra M. Stith et al., Intimate Partner Physical Abuse Perpetration and Victimization Risk Factors: A Meta-analytic Review, 10 AGGRESSION AND VIOLENT BEHAV. 65, 65-98 (2003).

¹⁷Walton-Moss et al., *supra* note 14.

¹⁸Marika Guggisberg, The Interconnectedness and Cause of Female Suicidal Ideation with Domestic Violence, 5 ADVANCES IN MENTAL HEALTH, 53-59 (2006).

¹⁹T.K. Logan & Robert Walker, *Civil Protective Order Outcomes*, 24 J. INTERPERSONAL VIOLENCE 675 (2009).

²⁰Jacquelyn C. Campbell, Nursing Assessment for Risk of Homicide with Battered Women, 8 ADVANCES IN NURSING SCI. 36, 36-51 (1986).

²¹JACQUELYN C. CAMPBELL, Assessing Dangerousness: Violence By Sexual Offenders, BATTERERS AND CHILD ABUSERS 86-99 (1995); JACQUELYN C. CAMPBELL, Helping Women Understand Their Risk in Situations of Intimate Partner Violence, 19 J. INTERPERSONAL VIOLENCE 1464, 1464-1477 (2004).

²²*Id.*

²³Jacquelyn C. Campbell et al., The Danger Assessment: Validation of a Lethality Risk Assessment Instrument for Intimate Partner Femicide, 24 J. INTERPERSONAL VIOLENCE 653 (2009).

²⁴*Id.*

²⁵Intimate Partner Violence Risk Assessment (Dec. 20, 2010), www.dangerassessment.org.

developed specifically to examine lethality with IPV victims and was repeatedly evaluated for validity.²⁶ Pilot research with battered women in a court-based setting has also indicated that the DA might be used to successfully predict the reoccurrence of abuse.²⁷

The DA has been validated in many settings, including the criminal justice system, family court and domestic violence services agencies. One study conducted in family court compared four widely used screening tools, including the DA measure, to assess risk of re-assault in victims of IPV.²⁸ The other screening tools tested were: DV-MOSAIC²⁹, Domestic Violence Screening Instrument (DVSI)³⁰, and Kingston Screening Instrument for Domestic Violence (K-SID)³¹. The weighted scoring of the DA was used to determine four levels of risk: low (variable), moderate (increased), high (severe), and very high (extreme). The study design involved interviewing victims of domestic violence on two occasions, once at the initial baseline and again 6 to 12 months later. Participants were randomly assigned to two of the four risk assessment measures at the baseline interview. Arrest information on the perpetrator was also gathered one year after the initial interview. Results demonstrated that of all the measures, the DA had the strongest correlation with the scale which indicated the severity of any subsequent abuse.³² Further, the four levels of the DA “were significantly associated with the outcome of any assault.”³³ Overall, the “severe” category of the DA was found to be the most accurate risk category with the other DA categories of risk also showing accuracy of risk assessment. Compared with the four measures for assessing risk and the IPV victims' own perception of risk, the DA was found to be the most accurate (using ROC curve analysis). The demonstrated accuracy and simplicity of the DA make it an ideal means to provide standard and specific questions to assist victims with court petitions for POs.³⁴ Despite successful research findings and potential ease of use in the court setting, why is the DA still not being routinely used?

ORDERS OF PROTECTION

While POs are an important means of increasing safety for victims of IPV³⁵ the process takes place in a crowded, busy, under-resourced environment of criminal and family court. Even without the process being routinized, recent PO studies found two out of five women who received a PO were not victims of future violence,³⁶ resulting in a “70% decrease in physical abuse.”³⁷ Still concerning, however, are the three out of five women who were victims of IPV even after an order was issued.³⁸ After a 12-month follow-up of female victims of IPV who obtained a permanent civil PO, researchers found a sharp decline in the number of police reports for further physical violence.³⁹ In a 2008 study, the investigators emphasized the importance of increasing women's safety by “attending to specific risk factors, crafting POs to meet individual needs, and by appropriate enforcement.”⁴⁰

²⁶*Id.*

²⁷Lisa A. Goodman et al., Predicting Repeat Abuse Among Arrested Batterers: Use of the Danger Assessment Scale in the Criminal Justice System, 15 J. INTERPERSONAL VIOLENCE 63 (2000).

²⁸JANICE ROEHL ET AL., INTIMATE PARTNER VIOLENCE RISK ASSESSMENT VALIDATION STUDY: THE RAVE STUDY, NAT'L INSTITUTE OF JUSTICE (2005), available at <https://www.ncjrs.gov/pdffiles1/nij/grants/209731.pdf>.

²⁹De Becker, G & Associates, Domestic Violence Method (DV MOSAIC), 2000.

³⁰Kirk R. Williams & Amy Barry Houghton, Assessing the Risk of Domestic Violence Re-offending: A Validation Study, 28 LAW AND HUM. BEHAV. 437, 437-55 (2004).

³¹R. Gelles & R. Tolman, The Kingston Screening Instrument for Domestic Violence (K-SID) (unpublished risk instrument, University of Rhode Island, Providence) (1998).

³²ROEHL ET AL., *supra* note 28, at 7.

³³*Id.* at 8.

³⁴Goodman et al., *supra* note 27.

³⁵Logan & Walker, *supra* note 4.

³⁶Logan & Walker, *supra* note 4.

³⁷Holt et al., *supra* note 5.

³⁸Logan & Walker, *supra* note 4.

³⁹Holt et al., *supra* note 5.

Nationally, there is a wide range of procedures for completing a petition for a PO. Although procedures vary by jurisdiction, all 50 states have a mechanism to secure a PO, providing an opportunity to reduce violence for petitioners.⁴¹ This study explores the extent to which the DA might have better informed the PO process in an upstate New York family court setting. We hypothesized victims underreported their experiences of violence and potential risk in their relationships while petitioning the court.

METHODS

Participants were required to be female, over the age of 18, English speaking, and filing for a PO against an intimate partner: husbands, ex-husbands, or individuals with whom they had a child in common.⁴² Research team members recruited participants in a petitioner waiting room at a Family Court in Upstate New York. The waiting room was secured to ensure the safety of those waiting to appear in court. Participants completed the DA after providing informed consent. Study personnel reviewed the court files one year after the initial recruitment date at court. File reviews were repeated until 100% intercoder reliability was met. A review sheet was used to capture specific information found in the court file: date of initial petition, subsequent court dates, temporary orders of protection, more detailed information on the indexed event, aggravating circumstances, and other specific information from the petition and the PO. Researchers compared the DA and the petition file review sheets for concordance in the following six high-risk areas: guns, drugs, alcohol, suicide, sexual assault/rape, and threats to harm children. The University of Rochester Institutional Review Board approved all study activities.

Total study enrollment reached 190 women. Overall, 380 women were approached for potential participation. Our sample includes the 169 (n=169) women that completed DA measures and court file reviews. Of the 170 women who completed the DA, only one file was not available at court one year post-recruitment for data abstraction using the review sheet and could not be included in our analysis. The sample was racially and ethnically diverse: 79 (47.31%) participants were white, 58 (34.73%) were African American, 2 (1.2%) were Asian, 25 (14.97%) were Hispanic, and 3 (1.8%) reported “other.” Although participant ages ranged from 19–82, the sample was comprised of mostly younger and middle aged women, with a mean age of 34. Over half the women were employed and 18% fell below the poverty level. The various relationships to the perpetrator included: legally married (38.55%); legally divorced (7.83%); and child in common (53.61%). Over 90% of the women were mothers. Demographic data was not provided by two of the 169 subjects in our sample. Those who declined to participate in the study did not differ demographically from those who participated.

RESULTS

Table 1 provides a comparison of the DA questions and the petition review questions. The DA was completed by the participants. The calendar portion of the DA was not completed. The court petition review form was completed by study personnel using court records.

Table 2 provides the results from comparison between the two instruments. Chi-square and the Fishers Exact Test were used to determine statistical significance. The McNemar⁴³ test was run on paired data to determine if agreement between the DA and the court petition

⁴⁰Logan & Walker, *supra* note 4.

⁴¹*Restraining Orders*, *supra* note 2.

⁴²At the time the study was conducted, New York State law did not include those in an “intimate relationship” under the definition of “family member.” The Family Court Act has been updated to include “intimate relationships.” The court may consider several factors when determining if a relationship fits the definition of “intimate partner” relationship for the purposes of filing an OP petition.

results were significant. For questions related to drugs, alcohol, suicide, sexual assault/rape, and threats to harm children more participants responded “yes” on the DA than to corresponding questions on the petition. Questions related to alcohol and drug use on the court petition review form were coded to capture suspected alcohol or drug use under “yes.” Responses to gun-related questions showed consistent percentages between the DA and the petition. The results highlight the significant amount of information that was not available to the judges solely based on the petition. This was specifically seen with questions relating to drugs and alcohol.

Perhaps due to the lack of information being provided to the judges, findings revealed that severe danger, as assessed by the DA at the time of the petition filing, did not always result in a temporary or permanent PO being granted. Table 3 demonstrates this by comparing the number of orders granted compared to danger level as reported on the DA. Severe danger and extreme danger were merged to assess the association between danger level and an order being issued. For the temporary order, there is an association in the direction we would expect ($p < .05$). However, for permanent orders, there is no statistically significant relationship. In fact, the court did not issue almost 50% of the petitions filed when the petitioner was in extreme or severe danger. One might have hypothesized that danger plays a role in the adjudication of the orders.

DISCUSSION

Results find partial support for the hypothesis that the DA elicits more information from petitioners than the PO petition with the exception of gun information. Judges were clearly making decisions regarding PO provisions and related custody and visitation matters, without vital information related to perpetrator drug and alcohol use, suicidal threats and sexual violence: the perfect storm for future violence and risk of homicide. More must be done.

Although laws and procedures differ according to jurisdiction, it is often up to the victim to ensure the petition is properly completed. This can be a daunting task for victims of IPV. Many factors, such as a lack of understanding what information is relevant, difficulty understanding the petition due to illiteracy, or trauma and injury from the violent event, may inhibit the petitioner from accurately reflecting risk. It is important the petition accurately reflects all relevant information because the judge will use it to determine if a PO will be granted and what protections will be provided to the victim. An example of current guidance provided to petitioners when completing the petition includes the following:⁴⁴

1. Including as many details as you can
2. Mention the following:
 - If physical abuse is present
 - Any threats to hurt you, your children, or anyone else, including threats to kidnap
 - Any incidences of forced sexual contact
 - Any injuries and medical attention received for the injuries
 - Any threats to report you to Child Protective Services

⁴³Quinn McNemar, Note on the Sampling Error of the Difference Between Correlated Proportions or Percentages, 12 Psychometrika 153, 153-57 (1947).

⁴⁴*The Basics: Orders of Protection in New York State*, Cross-Borough Collaboration, 1-27 (2002), http://www.inmotiononline.org/assets/pdfs/TheBasicsSeries_English/Orders_of_Protection_in_NYS.pdf.

- Any threats to use a weapon
- Any throwing or breaking of objects
- Any use of drug or alcohol
- Any history of mental illness
- Convictions or arrests
- Past violations of any orders of protection
- Discuss the first time the abuse occurred, the most recent event and the worst or most serious incident of abuse

As provided under the New York State Family Court Act, considerations for a temporary order include but are not limited to the following: conduct subject to a prior PO, prior incidences of abuse, extent of past or present injury, threats, drug or alcohol abuse, and access to weapons.⁴⁵ No standard questioning is currently used to complete a petition for a PO.

Our use of the DA revealed underreporting of several key safety factors in PO petitions. There was no significant impact on gun-related questions. However, drug and alcohol use were severely underreported in PO petitions based on comparison results. In 87% of the file reviews, no information was available regarding drug use at the time of the incident. Although the file review coding sheet asked for drug use at the time of the incident, suspected drug use was noted and coded by the research team to reflect an affirmative answer. Chronic drug use is an important consideration in assessing risk for future severe abuse or homicide. The same is true of chronic alcohol abuse. Future research could be tailored to specifically compare DA questions with the court records. Threatened and attempted suicide by the perpetrator was not well-documented in the court petition file reviews. This demonstrates the reluctance of petitioners to voluntarily bring up certain events, such as suicide attempts, in the petition narratives if they are not asked directly. Perhaps petitioners are unaware that threats of suicide or suicide attempts pose a risk to safety or that these threats/attempts are relevant in PO petitions.

Incidents of sexual assault/rape were much more frequently reported on the DA than in PO petitions. Less than 5% of petitioners reported sexual assault/rape in petitions to the court. This is a stark contrast to results from the DA which showed over 45% of petitioners reporting sexual assault/rape. Victims may not have included sexual assault/rape because these offenses were not previously defined as family offenses or because of the wording on the DA (“forced sex”) rather than sexual assault or rape, acts many women associate with strangers, not their intimate partners. The law in New York State has recently changed, allowing more sexual crimes to qualify as family offenses for the purposes of petitioning the court for a PO. As of December 2009, the Family Court Act was updated to include the following family offenses: sexual misconduct, forcible touching, sexual abuse in the third degree, and sexual abuse in the second degree.⁴⁶ These changes highlight the need to increase the courts' ability to assess danger.

Petitioners also underreported violence regarding potential threats by perpetrators to harm their children. A little over 10% of petitioners reported threats to harm children compared to over 30% reporting threats to harm children on the DA. However, this lack of disclosure may be motivated by fears of Child Protective Services (CPS) being notified of the abuse

⁴⁵N.Y. Fam. Ct. Act § 828 (Consol. 2009).

⁴⁶N.Y. Fam. Ct. Act § 812(1) (Consol. 2009).

and potential threats to children involved with the couple. Although these findings advocate for the use of the DA for informing PO petitions, opponents to the use of standardized risk assessments voice concern that these assessments may provide the court with information detrimental to the petitioner, particularly in cases involving children. Victims of IPV themselves feel conflicted with seeking adequate help and keeping their families intact.⁴⁷ This can be overcome with careful review by a trained advocate, attorney, court personnel, or others assisting with the drafting of the petition. Additionally, by training those, such as social service agencies and CPS agencies, outside the courtroom walls, about the effects of violence and how to work to protect both the victim and her children, stigma around CPS involvement may be lessened or ameliorated. Training is imperative for this next chapter.

Table 2 findings suggest that the use of an evidence-based instrument may enhance adjudication processes. Because petitioners are not specifically asked about important risk factors, such as those noted above, courts are unable to assess danger in any real sense. Rather, the results reflect an arbitrary, unnecessary process given the current state of social science with regard to risk assessment and the availability of free measures that have proven reliability.

In order to for court personnel and other victim advocates to effectively use the DA as a tool for increasing safety, additional research is needed. Future research would ideally include several different court venues, with differing procedures and policies regarding PO petition drafting. Research aimed at solely exploring the use of the DA in the PO petition process would include data abstraction sheets, such as court record review sheets, that specifically coincide with the DA questions. Training would be a key component of further research. There must be a clearer understanding by court personnel and others how the DA can be used to assist in petition drafting. Misuse of the DA could lead to unintended prioritization or classification of victims. With disclosure of high-risk information, those who administer the DA must clearly understand the safety risks for the victims and should be prepared to address safety planning issues as they arise. Additional research will provide the knowledge needed to most effectively use the DA as a tool for use in the court setting, more specifically for PO petition drafting.

Our findings support the need to provide petitioners in family court with specific questions when providing guidance during the PO petition process. The DA measure provides a validated means to assess risk among victims of IPV while providing valuable information to the court through the PO petition. Specific questioning from the validated DA measure coupled with adequately trained court personnel and other advocates can provide courts with the information needed to effectively protect victims of IPV. Our results strongly suggest the further exploration of the DA as a standardized tool for court personnel, advocates, attorneys and others working with victims of IPV to secure a PO.

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Biographies

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⁴⁷Karin V. Rhodes, et al., “*I Didn’t Want To Put Them Through That*”: The Influence Of Children on Victim Decision-making in Intimate Partner Violence Cases, 25 J. FAM. VIOLENCE, 485, 485-493 (2010).

admitted to practice in New York State. Prior to law school Ms. Nichols-Hadeed was employed by the Institutional Review Board (IRB) at Beth Israel Deaconess Medical Center in Boston, MA. She also was employed as an Internal Monitor for clinical research projects at a Contract Research Organization in Rochester, NY. Ms. Nichols-Hadeed graduated in May 2000 from the University of Vermont with a BS in Biological Sciences.

Catherine Cerulli, J.D., Ph.D. Dr. Catherine Cerulli is the Director of the Laboratory of Interpersonal Violence and Victimization (LIVV) and Associate Professor, with the Department of Psychiatry in the School of Medicine and Dentistry at the University of Rochester. The National Institute of Mental Health awarded Dr. Cerulli a K01 five-year career development grant to conduct a randomized control trial in Family Court to assess whether enhanced mental health enables intimate partner violence victims to better navigate safety. She was also the Co-Principal Investigator on a National Institute of Justice award to assess whether victim participation in prosecution impacts their subsequent safety. She was formerly an Assistant District Attorney in Monroe County, New York, where she created a special misdemeanor domestic violence unit. She has been working on issues surrounding domestic violence and child abuse for 24 years in a variety of capacities.

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KEY POINTS

- Court personnel should ask petitioners specific questions regarding risk factors when drafting protection orders.
- The Danger Assessment is an evidenced based tool that could be used to standardize intake interviews with individuals petitioning the court for protection orders.
- Information regarding risk factors will help judges issue more informed protection orders and increase petitioner safety.

Table 1**Danger Assessment Questions vs. Court Petition Review Form Questions**

	Danger Assessment	Court Petition Review
Guns	2. Does he own a gun?	16. Does the Respondent have access to a gun? ____Yes ____No
Drugs	11. Does he use illegal drugs?	12. Drugs in defendant (at time of offense)
Alcohol	12. Is he an alcoholic or problem drinker?	11. Alcohol in defendant (at time of offense)
Suicide	16. Has he ever threatened or tried to commit suicide?	4. Suicide/Aggravating Circumstances: a. Did the respondent threaten suicide? b. Did the respondent attempt suicide
Sexual Assault/ Rape	9. Has he ever forced you to have sex when you did not wish to do so?	7. Abusive acts not noted by statute include: Sexual assault/ rape
Threats to harm children	17. Does he threaten to harm your children?	7. Abusive acts not noted by statute include: Threats to harm children

Table 2

Comparison of Danger Assessment Results to Court Petition Review Results

	Danger Assessment n=169	Court Petition Review n=169	Chi-Square/ Fisher's Exact
Guns			
No	n= 124(73.37%)	n= 108 (63.91%)	51.25 ***
Yes	45 (26.63)	61 (36.09)	
Drugs ^a			
No	91 (53.85)	148 (87.57)	<.001 ***
Yes	78 (46.15)	21 (12.43)	
Alcohol			
No	91 (53.85)	141 (83.43)	17.49 ***
Yes	78 (46.15)	28 (16.57)	
Threat of suicide			
No	99 (58.58)	155 (91.72)	0.10 *
Yes	70 (41.42)	14 (8.28)	
Attempted suicide ^b			
No	99 (58.58)	167 (98.82)	1.00
Yes	70 (41.42)	2 (1.18)	
Sexual Assault/Rape			
No	89 (52.66)	161 (95.27)	1.00 **
Yes	80 (47.34)	8 (4.73)	
Threats to harm children ^c			
No	113 (66.86)	147 (86.98)	-0.0091
Yes	56 (33.14)	22 (13.02)	

Note. Counts equal 169 for petition reviews as a court file was not located for the one year review. Data was missing in some petitions.

^aSpecific drug percentages (if information was available): Pain: 4%, Cocaine: 12%, Crack: 24%, Ecstasy: 4%, Heroin: 4%, Marijuana: 32%, Unknown: 12%, Vicodin: 4%

^bQuestion 16 of the DA includes both attempts and threats

^cMcNemar's Test was used to show disagreement between the responses on the DA and the responses on the court petition review. The Kappa value is noted in the table and demonstrates a significant disagreement between the DA and the court petition review.

* p < .05.

** p < .01.

*** p < .01.

Table 3

Orders Granted According To Danger Level (n=169)

Petition Type Sought	Temporary n(%)		Permanent Order n(%)	
	Granted	Refused	Granted	Refused
Variable Danger	18 (81.82)	4 (18.18)	7 (31.82)	15 (68.18)
Increased Danger	37 (86.05)	6 (13.95)	16 (37.21)	27 (62.79)
Severe Danger	95 (91.35)	9 (8.65)	55 (52.88)	49 (47.12)
Extreme Danger				

Note. Counts equal 169 as a court file was not located for the one year review. After statistical analysis using Chi-Square and Fisher's Exact Test, no statistical significance was found between level of danger and granting of a permanent protection order.