

Bench Guide for Recognizing Dangerousness in Domestic Violence Cases

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Hon. Sharon Chatman, Superior Court of California, County of Santa Clara

This tool is a research-based bench guide for use by judicial officers at all stages of judicial proceedings involving allegations of domestic violence and orders of protection in civil and criminal domestic violence cases.

Research has proven that there are several factors associated with an increased risk of homicides (murders) of women in intimate partner domestic violence relationships. This bench guide is not intended to predict what will happen in any given case; it is an informational tool for your consideration as you review a case and become aware of the extent to which the evidence reveals how many lethality factors (danger of homicide) are present. This bench guide is not a substitute for judicial experience, knowledge, skills, and intuition.¹

Pending/Prior:

- Emergency Protective Order Criminal Protective Order Civil Protective Order
 Criminal History Check Registered Firearms Check

Lethality Factors

Factors in this column are given more weight in descending order.

Does the alleged perpetrator own a gun ?	Yes	No	Does the alleged perpetrator use any of these illegal drugs : “uppers” or amphetamines, Meth, speed, angel dust, cocaine, “crack,” street drugs, or mixers?	Yes	No
Has the alleged victim left the alleged perpetrator after they lived together during the past year ?	Yes	No	Is the alleged perpetrator an alcoholic or problem drinker ?	Yes	No
Is the alleged perpetrator unemployed ?	Yes	No	Does the alleged perpetrator try to control most or all of the alleged victim’s daily activities ? (i.e., tells victim when to see friends or family members or how much money to spend)	Yes	No
Has the alleged perpetrator ever used or threatened the victim with a lethal weapon ?	Yes	No	Is the alleged perpetrator violently and constantly jealous of the alleged victim? (i.e., “If I can’t have you, no one can.”)	Yes	No
Has the alleged perpetrator ever threatened to kill the victim ?	Yes	No	Has the alleged victim been beaten by the alleged perpetrator while pregnant ?	Yes	No
Has the alleged perpetrator avoided being arrested for domestic violence ?	Yes	No	Has the alleged perpetrator ever threatened or tried to commit suicide ?	Yes	No
Does the alleged victim have a child that is not the alleged perpetrator’s child ?	Yes	No	Has the alleged perpetrator ever threatened to harm the alleged victim’s children ?	Yes	No
Has the alleged perpetrator forced the alleged victim to have sex when the victim did not want to?	Yes	No	Does the alleged victim believe that the alleged perpetrator is capable of killing her/him?	Yes	No
Has the alleged perpetrator ever tried to choke/strangle the alleged victim ?	Yes	No	Does the alleged perpetrator follow or spy on the alleged victim, leave threatening notes or messages, destroy personal property or make unwanted calls?	Yes	No
Has the physical violence increased in severity or frequency over the past year?	Yes	No	Has the alleged victim ever threatened or tried to commit suicide ?	Yes	No

NOTES:

¹Please note that this checklist of lethality factors is not exhaustive. The listed factors are the ones most commonly present when the risk of serious harm or death is high. 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 or evidence that any particular judicial action (for example, granting an Order of Protection) should not be taken. The strongest risk factors are on the left in descending order of importance (Campbell et. al. 2002 *AJPH*; Campbell et. al. 2009, *JIPV*) Full Danger Assessment at www.dangerassessment.org.