

THIS IS AN EXCERPT FROM:**Handbook of Domestic Violence Intervention Strategies**

CHAPTER 11

PREPARING FOR EXPERT TESTIMONY IN DOMESTIC VIOLENCE CASES

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Experts may be asked to assist in risk assessment at any phase of the judicial process, from pretrial assessment of offenders through correctional discharge and civil justice matters. In the evaluation described here, I employ risk assessment to aid in custodial decision making and, more often, as part of a defense strategy, to demonstrate the level of risk a woman faced when she assaulted or killed an abusive partner.

A promising generic instrument available for predicting risk is the Spousal Assault Risk Assessment (SARA; Kropp, Hart, Webster, & Eaves, 1998), a set of guidelines composed of 20 items identified by the empirical literature and designed to enhance professional judgment about risk. Since the SARA is not a test (although it includes an analysis of psychological data), it can be used by the nonclinician. The procedure recommended resembles the evaluation discussed here in many respects and includes interviews with the partner and the victim, standardized measures of physical and emotional abuse and drug and alcohol abuse, and a review of collateral records.

As part of a defense strategy in a criminal case, risk assessment can be designed to answer the question: "Based on the prior history of battering in this relationship, what was the risk that the battered woman would be killed at the time she used violence against her partner?" Psychologist Angela Browne (1987) set the stage for this type of assessment when she reported that women who killed abusive partners could be distinguished from battered women who had not used violence by the level and frequency of physical and sexual violence to which they were subjected, the batterer's use of drugs and alcohol, the presence of weapons in the household, and the propensity for their partners to threaten or use violence against others, including their children. Drawing on Browne's work and subsequent research, Cambell (1995) developed the Danger Assessment (DA) Scale to predict spousal homicide around "women's perception of the danger of being killed by their partners." Although the DA Scale has been shown to predict short-term misdemeanor assault with some accuracy (Goodman, Dutton, & Bennett, 2000), its credibility in predicting homicide is still unknown. Nonetheless, research strongly suggests that the presence of these factors in any combination dramatically increases the chance that battering will culminate in a death. The scale is divided into two sections, one (part A) assessing the level of current violence and its dangerousness, the other (part B) providing an overview of the range of tactics employed by the batterer.

In assessing the probability of homicide in a battering relationship, I supplement the DA Scale with elements of coercion and control that experience suggests significantly elevate a woman's risk. In addition, I find it useful to consider the current situation separately from the contribution of past battering. With respect to *past violence*, the key risk factors considered are as follows:

- Presence and/or use of a weapon
- Sexual abuse
- Chronic drug and/or alcohol abuse
- Violence outside the home
- Threats to kill (or belief she will be killed)
- Control over all aspects of her life
- Restricted access to family members and friends
- Denial of food, money, clothes, or other necessities
- Paranoid, homicidal, or jealous fantasies
- Monitoring or stalking the victim
- Violence against children, other family members, or pets
- Serial abuse
- Terrorizing or sadistic behavior when the woman is sick or hurt

With respect to the *current situation*, the factors I assess as high-risk include:

The perpetrator is:

- Depressed or paranoid
- Obsessed with victim
- Threatening to commit suicide

The victim is:

- Separated from perpetrator or considering separation
- Seriously thinking about killing perpetrator
- Fearful she or the children will be seriously hurt or killed

Recent changes in the relationship indicating high-risk include:

- Sudden escalation (or change) in the pattern, severity, or frequency of assaults, isolation, intimidation, emotional abuse, or control
- A recent attack involving the threat of homicide
- The perpetrator has violated a restraining order
- The extension of abuse to children

Tabulating a score based on the number of risk factors presented allows comparison with other cases and a statement of "relative" risk that supports the client's perceptions or fears. In Donna's B.'s case, discussed earlier, the husband had routinely "had his way" with her sexually after an assault. But on the night she shot him, he went to bed without sex after dragging her across the floor by the hair and kicking her in the side, a change which she interpreted to mean that he now thought of her only as an object that could be disposed of.