



**IT IS FURTHER ORDERED** that Rule 41 of the Rules of Criminal Procedure is amended in accordance with Attachment D to this order, effective April 1, 2025.

DATED this 22<sup>nd</sup> day of August, 2024.

\_\_\_\_\_  
/s/  
ANN A. SCOTT TIMMER  
Chief Justice

TO:

Rule 28 Distribution  
David K Byers  
Wendy A Million  
Ronald S Reinstein

**ATTACHMENT A**

**RULES OF CRIMINAL PROCEDURE**

**RULE 41. FORMS**

**Form 4(a). Release Questionnaire/Law Enforcement**

**NOTE: This form is a public record  
(USE ADDITIONAL PAGES OR AN ATTACHMENT, IF NECESSARY)**

\_\_\_\_\_ COURT [Precinct ] \_\_\_\_\_ County, Arizona

<b>State of Arizona</b> Plaintiff  -v-  Defendant (FIRST, MI, LAST) _____	[CASE/COMPLAINT NO.]   Booking No. _____	<b>RELEASE QUESTIONNAIRE</b> (To be completed by Law Enforcement)
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Alias(es) \_\_\_\_\_

**A. GENERAL INFORMATION**

Name(s) of victim(s) \_\_\_\_\_

Charges: \_\_\_\_\_

Offense Date: \_\_\_\_\_ Offense Time: \_\_\_\_\_ Offense Location: \_\_\_\_\_

Arrest Date: \_\_\_\_\_ Arrest Time: \_\_\_\_\_ Arrest Location: \_\_\_\_\_

Pursuant to A.R.S. § 41-1750, were ten-print fingerprints taken of the arrested person? <input type="checkbox"/> Yes <input type="checkbox"/> No
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**B. PROBABLE CAUSE STATEMENT**

Summarize and include the facts which establish probable cause for the crime(s) for which the defendant is booked or is charged. Certain felonies may be non-bondable and require facts which establish proof evident or presumption great for the crime(s) charged. These include (1) felonies involving a capital offense, and (2) felony offenses committed when the person charged is released on a separate felony charge.

Explain the crime(s) in detail (e.g., arresting officer or other law enforcement officers witnessed offense, physical evidence directly connects defendant to offense, multiple eyewitnesses, defendant admissions, victim statements, nature of injuries, incriminating photographic, audio, visual, or computer evidence.) If the offense involves either drugs or DUI, include results of any field or laboratory testing and the quantity or weight of drugs, if known.

**C. DEFENDANT INFORMATION**

1. Defendant's DOB: \_\_\_/\_\_\_/\_\_\_
2. Defendant's residential address: \_\_\_\_\_  
 With whom: \_\_\_\_\_ How long: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Defendant's mailing address \_\_\_\_\_  
 Alternate address for court notification, include post office box: \_\_\_\_\_  
 Unhoused Email address for court notification: \_\_\_\_\_
3. Defendant is employed by: \_\_\_\_\_ How long? \_\_\_\_\_ Phone: \_\_\_\_\_  
 Address: \_\_\_\_\_
4. Has the defendant served in the Military Services of the United States?  Yes  No

**D. MENTAL, PHYSICAL HEALTH AND SUBSTANCE ABUSE**

1. There is an indication of:  Alcohol Abuse  Mental Health Issues  Developmental Disability  
 Other substance abuse  Physical Illness/Physical injury  Suicidal Ideation  
 Explain: \_\_\_\_\_
2. Defendant was under the influence of alcohol or drugs at the time of the offense  Yes  No  Unknown

**E. OTHER INFORMATION (Check if applicable)**

1.  Defendant is presently on probation, parole or any other form of release involving other charges or convictions.  
 Explain: \_\_\_\_\_
2.  The crime(s) occurred while the person was on release for any other felony.
3. List any prior:

ARRESTS	CONVICTIONS	FAILURE TO APPEAR (FTA)
Date and offense, if known	Date and offense, if known	Date and offense, if known

4. Facts to indicate the defendant will not appear for future court proceedings: \_\_\_\_\_
5. State whether money or other property was seized  Yes  No Amount: \_\_\_\_\_
6.  Defendant speaks a language other than English. Language spoken: \_\_\_\_\_  
 American Sign Language  Defendant requested an interpreter
7. The person entered or remained in the United States illegally. Explain in detail (e.g., admission of or by the person, statements of co-defendants at the time of arrest, verification of illegal presence or proceeding establishes illegal presence): \_\_\_\_\_

**F. CIRCUMSTANCES OF THE OFFENSE**

**Defendant:**

1.  used firearm or other weapon. Type: \_\_\_\_\_
2.  was armed when arrested. Type: \_\_\_\_\_
3.  threatened someone. Nature of threats: \_\_\_\_\_
4.  caused physical injuries. Nature of injuries: \_\_\_\_\_
5. The offense involves a child victim?  Yes  No If yes, was DCS notified?  Yes  No
6. If a property offense a. Value of property taken/damaged: \_\_\_\_\_ b.  Property was recovered
7.  attempted to:  Flee  Avoid arrest  Resist arrest  Self-surrender. Explain: \_\_\_\_\_
8. Names of co-defendants, if any: \_\_\_\_\_

**G. CRIME(S) AGAINST PERSONS**

1. Relationship of defendant to victim: \_\_\_\_\_
2.  Victim(s) and defendant reside together
3. Law enforcement learned of the situation by  Victim  
 Third party  Officer observation
4.  Previous incidents involving these same parties.  
 Explain: \_\_\_\_\_
5. Defendant is the subject of:  
 Current Order of Protection  
 Prior Order of Protection  
 Injunction against Harassment  
 Lifetime Injunction (A.R.S. § 13-719)  
 Other court order: \_\_\_\_\_

**H. DOMESTIC VIOLENCE DEFENDANT ISSUES**

- Access to or use of weapons
- Children/Vulnerable adults present
- Crime occurred in public
- Control/ownership/jealousy issues
- Depression
- Frequency/intensity of Domestic Violence increasing
- Harassing behavior
- Kidnapping
- Prior history of Domestic Violence
- Prior Protective Order
- Recent separations
- Stalking behavior

6.  Likelihood of inappropriate contact with victim(s).  
Explain: \_\_\_\_\_

7.  Victim(s) expressed an opinion on defendant's  
release. Explain: \_\_\_\_\_

Strangulation  
 Threats of homicide/suicide/bodily harm  
 Violence against children, vulnerable adults or  
animals

Explain: \_\_\_\_\_

Lethality Assessment included

**If this is a fugitive arrest, complete the affidavit  
as required by the Uniform Criminal Extradition  
Act (A.R.S. § 13-3841 et seq.)**

I certify that the information presented is true to the best of my knowledge:

\_\_\_\_\_  
Date

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
Arresting Officer/Agency/ Serial No.

\_\_\_\_\_  
Departmental Report #

Duty Phone No. \_\_\_\_\_

**ATTACHMENT B**  
**RULES OF CRIMINAL PROCEDURE**  
**RULE 41. FORMS**

**Form 4(b). Reserved**

**ATTACHMENT C<sup>1</sup>**  
**RULES OF CRIMINAL PROCEDURE**  
**RULE 41. FORMS**

**Form 4(c). Release Questionnaire**

Intimate Partner Risk Assessment\*

Defendant's Name \_\_\_\_\_ DOB \_\_\_\_\_ Booking No. \_\_\_\_\_  
Law Enforcement Agency \_\_\_\_\_ Report No. \_\_\_\_\_  
Victim's Name \_\_\_\_\_ Incident Date \_\_\_\_\_

<b>Questions are asked on the scene; <u>Inform victims their participation is voluntary, their answers are discoverable, and may be seen by others.</u></b>	<b>Yes</b>	<b>No</b>	<b>Decline</b>
<b>Tier 1</b>			
1. Has physical violence <b>increased in frequency or severity</b> over the past six months? Alternate wording: Is the pushing, grabbing, hitting, or other violence happening more often?			
2. Is he/she violently and constantly <b>jealous</b> of you?			
3. Do you believe he/she is <b>capable of killing</b> you?			
4. Has he/she ever beaten you while you were <b>pregnant?</b> (e.g. hit, kicked, shoved, pushed, thrown, or physically hurt with a weapon or object)			
5. Has he/she ever used a <b>weapon</b> or object to hurt or threaten you?			
6. Has he/she ever <b>tried to kill</b> you?			
7. Has he/she ever choked/strangled/suffocated you?			
7a. If you answered "Yes" to Question 7, has this <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Decline happened more than once?	<b>Do not score question 7a but record any response to it</b>		
<b><u>Yes to 2 or 3 Tier 1 questions = "Elevated Risk" Yes to 4 or more Tier 1 questions = "High Risk"</u></b>	Total Yes: _____ Elevated <input type="checkbox"/> High <input type="checkbox"/>		
<b>Tier 2</b>			
8. Does he/she <b>control</b> most or all of your daily activities?			
9. Is he/she known to carry or possess a <b>gun?</b>			
10. Has he/she ever <b>forced you to have sex</b> when you did not wish to do so?			

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<sup>1</sup> Additions to the text of a form are shown by underscoring and deletions are shown by ~~strike through~~.

11.	Does he/she use <b>illegal drugs or misuse prescription drugs?</b> (e.g. meth, cocaine, painkillers)			
12.	Has he/she threatened to <b>harm people you care about?</b>			
13.	Did you <b>end your relationship</b> with him/her within the past six months?			
13a	If you answered “No” to Question 13, does he/she know or sense you are planning on ending your relationship?			
14.	Has he/she experienced <b>significant financial loss</b> in the last six months?			
15.	Is he/she <b>unemployed?</b>			
16.	Has he/she ever threatened or tried to commit <b>suicide?</b>			
17.	Has he/she <b>threatened to kill</b> you?			
18.	Has he/she threatened or abused your <b>pets?</b>			

**“Yes” to 2 or 3 Tier 1 questions = “Elevated Risk” / “ Yes” to 4 or more Tier 1 questions = “High Risk”**

“Elevated Risk” and “High Risk” scores trigger law enforcement officers to offer follow up responses in the form of providing or connecting victims to supportive resources or resource information.

- Victim referred for follow up based on responses to the assessment
- Victim referred for follow up based on the officer’s professional judgment
- No referral

\* To be considered at Initial Appearance. See A.R.S. § 13-3967(B).

These questions are asked, with the permission of the victim, in intimate partner violence incidents resulting in arrest of the alleged offender (or where the alleged offender has fled but will be arrested when apprehended). Participation in this assessment is entirely voluntary and victims must be informed that they may decline to answer any or all questions. This form is included with the police report provided to the court, the prosecutor, and defense counsel.

Victims who score at “Elevated Risk” or “High Risk” are referred to a victim advocate if one is available and to a domestic violence services agency or referral service that can provide safety planning and information about additional available services.

Victims who score in the “Elevated Risk” category (a “Yes” response to 2 or 3 Tier 1 questions) experience a 6 times higher risk of severe re-assault or near lethal violence within seven months when compared to those with fewer than 2 Tier 1 risk factors present. It is estimated that 9 percent of victims at “Elevated Risk” will experience severe re-assault within seven months, versus 1.6 percent of victims that answer “Yes” to fewer than 2 Tier One questions.

Victims who score in the “High Risk” category (a “Yes” response to 4 or more Tier 1 questions) experience a 10.5 times higher risk of severe re-assault or near lethal violence within seven months when compared to those with fewer than 2 Tier 1 risk factors present. It is estimated that 15 percent of victims at “High Risk” will experience severe re-assault within seven months.

The above unpublished statistical analyses were generated using data from the Oklahoma Lethality Assessment Study funded by the National Institute of Justice. See Messing, J. T., Campbell, J., Webster, D. W., Brown, S., Patchell, B., & Wilson, J. S. (2015). The Oklahoma lethality assessment study: A quasi-experimental evaluation of the Lethality Assessment Program. Social Service Review, 89(3), 499-530

[https://www.researchgate.net/publication/282982226\\_The\\_Oklahoma\\_Lethality\\_Assessment\\_Study\\_A\\_QuasiExperimental\\_Evaluation\\_of\\_the\\_Lethality\\_Assessment\\_Program](https://www.researchgate.net/publication/282982226_The_Oklahoma_Lethality_Assessment_Study_A_QuasiExperimental_Evaluation_of_the_Lethality_Assessment_Program)

Additional empirical support for this assessment is from:

Campbell, J. C., Webster, D., Koziol-McLain, J., Block, C. R., Campbell, D., Curry, M. A., Gary, F., Glass, N., McFarlane, J., Sachs, C., Sharps, P., Ulrich, Y., Wilt, S. A., Manganello, J., Xu, Xiao, Schollenberger, J, Fry, V., & Laughon, K. (2003). Risk factors for femicide in abusive relationships: Results from a multisite case control study. *American Journal of Public Health*, 93(7), 1089-1097. <http://ajph.aphapublications.org/doi/full/10.2105/AJPH.93.7.1089>

Snider, C., Webster, D., O'Sullivan, C. S., Campbell, J. (2009). Intimate partner violence: Development of a brief risk assessment for the emergency department. *Academic Emergency Medicine*, 16, 1208-1216. <http://onlinelibrary.wiley.com/doi/10.1111/j.1553-2712.2009.00457.x/pdf>

## ATTACHMENT D<sup>1</sup>

### RULES OF CRIMINAL PROCEDURE

#### RULE 41. FORMS

Arizona courts are required to use Form 2(a) (Felony Arrest Warrant), ~~and~~ Form 2(b) (Misdemeanor Arrest Warrant), and Form 4(a) (Release Questionnaire/Law Enforcement), or its substantial equivalent, except that courts may make non-substantive and formatting modifications needed to implement electronic versions of these forms. The other forms in the following Appendix are recommended for use in Arizona courts and are sufficient to meet the requirements of these rules.

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<sup>1</sup> Additions to the text of the rule are shown by underscoring and deletions are shown by ~~strike through~~.