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9 **IN THE SUPREME COURT**
10 **STATE OF ARIZONA**

11 In the Matter of:

Supreme Court No. R-_____

12 **PETITION TO AMEND**
13 **APPENDIX TO ARIZONA RULES**
14 **OF CRIMINAL PROCEDURE**

PETITION

15 To protect the rights and safety of domestic violence victims, and to
16 promote the effective administration of justice, the Arizona Prosecuting
17 Attorneys' Advisory Council (APAAC) petitions this Court to adopt the attached
18 form as an Addendum to Form 4(a) in the Appendix to the Arizona Rules of
19 Criminal Procedure.

20 DATED this 14th day of December, 2016.

21 

22 Elizabeth Ortiz, #012838
23 Arizona Prosecuting Attorneys'
24 Advisory Council

25 ...

1 In determining the conditions of release or amount of bail for a criminal
2 defendant, a judicial officer must consider, among other things, “[t]he results of a
3 risk or lethality assessment in a domestic violence charge that is presented to the
4 court.” A.R.S. § 13-3967(B)(5). To aid judicial officers with this task, law
5 enforcement agencies around the state have developed forms to document and
6 present the results of such assessments, with the result that different forms are
7 used in each county.
8
9

10 At the request of the Administrative Office of the Courts, the Commission
11 on Victims in the Courts, the Committee on the Impact of Domestic Violence and
12 the Courts, and APAAC assembled a working group to examine how lethality
13 assessments are used in the criminal justice system in Arizona. A group
14 including recognized experts in the field has worked together to create the
15 attached risk assessment form, combining the research of the experts and the
16 input of the other members of the group. (The risk assessment form is contained
17 on page 1 of the attachment, while the rest of the document explains the form.)
18
19

20 The form will provide a great benefit by ensuring uniformity throughout
21 the state. Law enforcement agencies will be encouraged to implement statewide
22 policy in a uniform manner. Judicial officers will receive a form they are familiar
23 with, no matter which law enforcement agency has investigated a case.
24
25

1 Even more importantly, the form is beneficial because it is backed by
2 research and statistically validated to predict dangerousness to victims. In that
3 regard, it will benefit courts, victims, and defendants alike.
4

5 **CONCLUSION:**

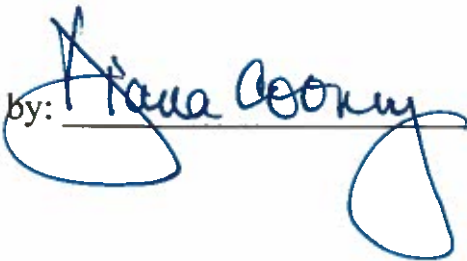
6 Because the attached form will help law enforcement agencies to
7 communicate information necessary to assist the courts to protect victims and do
8 justice, APAAC urges this Court to adopt the form as the model assessment to be
9 used as an Addendum to Form 4(a) in the Appendix to the Rules of Criminal
10 Procedure.
11

12 RESPECTFULLY SUBMITTED this 14th day of December, 2016.
13

14 

15 _____
16 Elizabeth Ortiz, #012838
17 Executive Director
18 Arizona Prosecuting Attorneys'
Advisory Council

19 Electronic copy filed this 14th day
20 of December, 2016, with the
21 Clerk of the Arizona Supreme Court,

22 by: 
23 _____
24

Form 4: Release Questionnaire Addendum
Intimate Partner Risk Assessment*

Defendant's Name _____ DOB _____ Booking No. _____

Law Enforcement Agency _____ Report No. _____

Victim Name _____

Question	Yes	No	Decline
1. Has the physical violence increased in frequency or severity over the past six months? a. Alternate wording: Is the pushing, grabbing, hitting, or other violence happening more often?			
2. Is he/she violently and constantly jealous of you?			
3. Do you believe he/she is capable of killing you?			
4. Have you ever been beaten by NAME SUSPECT while you were pregnant ? (e.g. hit, kicked, shoved, pushed, thrown, or physically hurt with a weapon or object)			
5. Has he/she ever used a weapon or object to hurt or threaten you?			
6. Has he/she ever tried to kill you?			
7. Has he/she ever choked/strangled/suffocated you? If this has happened more than once, check here			
Tier 2: Ask on scene or during follow up.			
8. Does he/she control most or all of your daily activities?			
9. Is he/she known to carry or possess a gun ?			
10. Has he/she ever forced you to have sex when you did not wish to do so?			
11. Does he/she use illegal drugs or misuse prescription drugs ? (e.g. meth, cocaine, painkillers,			
12. Has he/she threatened to harm people you care about ?			
13. Did you end your relationship with him/her within the past six months? Does he/she know or sense you are planning on ending your relationship with			
14. Has he/she experienced significant financial loss in the last six months?			
15. Is he/she unemployed ?			
16. Has he/she ever threatened or tried to commit suicide ?			

Yes to 2 or 3 questions = "risk"

Yes to 4 or more questions = "high risk"

"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 tool

Victim referred for follow up based on the officer's professional judgment

No referral

*Otherwise known as Domestic Partner Lethality Assessment

Proposed Explanatory Language to be printed on back of Form 4 Addendum

These questions are asked of the victim in any domestic violence incident resulting in arrest of the suspected perpetrator. The responses set forth on this form are included with the police report provided to the court, the prosecutor, and defense counsel if counsel is appointed.

Victims who score at "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 services that are available. Further questions may be asked of them at that time.

"Risk" means risk of severe re-assault or near lethal violence.

Victims who scored in the "risk" category (a 'yes' response to 2 or 3 risk factors) experienced a 6 times more elevated risk of severe re-assault or near lethal violence when compared to those with fewer than 2 risk factors present.

Victims who scored in the "high-risk" category (a 'yes' response to 4 or more risk factors) experienced a 10.5 times more elevated risk of severe re-assault or near lethal violence when compared to those with fewer than 2 risk factors present.

Empirical support for this tool can be found in the following peer reviewed work:

1. 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>

2. 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>

3. 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