

## DOMESTIC VIOLENCE

# How Arizona Prosecutors Implemented a Statewide Domestic Violence Risk Assessment



AMELIA  
CRAMER



JON  
ELIASON



ELIZABETH  
ORTIZ

BY AMELIA CRAMER, JON ELIASON AND ELIZABETH ORTIZ

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ARIZONA RECENTLY IMPLEMENTED a statewide domestic violence risk assessment tool for intimate partners that measures the perpetrator's likelihood to commit a severe re-assault within seven months that would result in serious physical injury or death to the victim.

How did Arizona develop and implement this tool, known as the APRAIS (Arizona intimate Partner Risk Assessment Instrument System), which is approved by the Arizona Supreme Court and mandated to be considered by judges when setting bond in DV cases?

Arizona's new APRAIS intimate partner risk assessment tool is the product of two years of work by a multi-disciplinary group of judges, prosecutors, law enforcement officers, victim advocates, defense attorneys, and academics. It combines pioneering risk

assessment work by Dr. Jacquelyn Campbell of Johns Hopkins University and her colleagues with updated empirical data, and balances that with legal and logistical considerations. Although the end product is tailor made for Arizona, the development process reads like a playbook for other states.

The challenges Arizona faced in developing this tool are not uncommon to those of other states. Arizona is home to 7 million people in 15 counties. The majority of the counties are rural, and every jurisdiction has multiple law enforcement agencies. As in many jurisdictions across the United States, domestic violence cases are among the most frequent and potentially dangerous calls facing law enforcement. It is not unusual in a city the size of Phoenix for the police to respond to more than 40,000 domestic

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*Amelia Cramer is the Deputy Pima County Attorney. Jon Eliason is the Deputy Maricopa County Attorney. Elizabeth Ortiz, is the Executive Director of APAAC.*

violence related calls a year.

In 2009, the Phoenix Police Department began looking for ways to approach domestic violence calls more efficiently. The agency developed four “Course of Conduct” interview questions to identify whether or not it appeared violence was escalating and the case took the form of more serious or “coercively controlling” violence and abuse.

In seeming cases of intimate terrorism or coercive control, the police tried to approach the cases differ-

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ently. Intimate terrorism or coercive control is rarely not a one-time event (situational couple violence as opposed to intimate terrorism or coercive control, indeed can be, in a significant number of cases, a one-time event!), and these questions encouraged officers and prosecutors to consider violence and abuse outside of the charged instance. Prosecutors from the Maricopa County Attorney’s Office and Phoenix used the victims’ answers to the Course of Conduct interview questions to seek higher bonds and to help determine which cases needed more attention and resources.

In 2010, the Pima County Attorney’s Office Victim Services Program piloted a rubric utilizing the Lethality Assessment Protocol previously developed in Maryland based on research from Dr. Campbell and her colleagues. Prosecutors from the Pima County Attorney’s Office began to reference the results of this domestic violence lethality assessment in court when advocating for release conditions such as significant bail, no-victim-contact orders, prohibition on firearm possession, and abstaining from alcohol. A task force comprised of Pima County domestic violence prosecutors, victim advocates, and high-ranking representatives from all the local law enforcement agencies worked together to develop what became known as the “Form IV Lethality Assessment,” which contained the Maryland model questionnaire. In Arizona, a Form IV is the document used when police book a suspect into jail which gives a brief summary of the charges against a suspect and the suspect’s biographical information. Judges use the Form IV to determine whether there is sufficient evidence to hold a suspect in custody pending the filing of formal charges and also to determine an appropriate bond. The Pima County Superior Court Presiding Judge then issued an administrative order requiring that this new form be used if a domestic violence lethality assessment were to be presented to the court.

Meanwhile, prosecutors from the Maricopa County Attorney’s Office worked in collaboration with local law enforcement from nearly ten different police departments to create their own domestic violence risk assessments. These assessments were refined based on the known literature, assistance from Dr. Neil Websdale of Northern Arizona University, and other experts. However, there was no uniform way to get the assessment information to the court when it set bail. Further, judges expressed frustration with having little direction regarding what weight to give the information.

In 2015, to ensure that judges statewide would consider the results of the lethality assessment in determining terms and conditions of an arrestee’s release

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from jail, the Pima County Attorney's Office successfully lobbied the Arizona State Legislature to adopt a statute requiring judges to consider the results of a risk or lethality assessment in a domestic violence charge that is presented to the court. This statute was enacted in 2015 as A.R.S. §13-3967(B)(5). Arizona is one of the only states to have such a statute.

However, there was no uniformity or shared language among the various domestic violence risk or lethality assessments being used across Arizona. Further, although the different domestic violence assessments that arose during these years were designed after reviewing relevant literature and consulting with experts like Dr. Neil Websdale, Director of the National Domestic Violence Review Initiative, and Arizona State University's Dr. Jill Messing, there was little validation or empirical follow-up. Between 2014-2016, Yavapai County prosecutors worked with a wide variety of county stakeholders including Drs. Websdale and Messing, to create their own domestic violence risk assessment. The assessment tool created used seven Tier 1 mandatory questions and nine Tier 2 optional questions. The assessment came with a detailed protocol for police and others to follow. Dr. Websdale worked with law enforcement agencies in Yavapai County on a pilot project to utilize a slightly-modified set of the Maryland Model assessment questions, based upon research done by Dr. Messing in Oklahoma.

Meanwhile, concerns were raised regarding the inconsistency of the various domestic violence risk or lethality assessments being submitted to courts around Arizona. In response, the Arizona Supreme Court requested a briefing from the Maricopa County

Attorney's Office and the Pima County Attorney's Office, as well as Dr. Websdale and others. Following that briefing, the Supreme Court requested that the Arizona Prosecuting Attorneys' Advisory Council (APAAC) create a multidisciplinary working group to explore the possibility of developing a uniform domestic violence risk assessment that could be adopted for use statewide.

APAAC established the working group, which was led by both Pima and Maricopa County prosecutors.

The group consisted of prosecutors, victim service providers, law enforcement officers, judges, and academics, including Drs. Websdale and Messing. In 2017, the working group recommended to the APAAC Council, and the APAAC Council in turn recommended to the Arizona Supreme Court that it approve a new Form IV containing an agreed-upon, evidence-based, statistically-validated intimate partner risk

assessment instrument consisting of seven questions, as well as a second tier of 11 questions that may be predictive of future violence, but that have not yet been statistically validated. This instrument, known by the researchers as the Arizona intimate Partner Risk Assessment Instrument System (APRAIS), evaluates whether a victim is at elevated risk or high risk for future severe re-assault from her abuser within seven months of the presenting offense.

The Arizona Supreme Court accepted the recommendation of APAAC and in December 2017 adopted the Form IV APRAIS questionnaire for implementation statewide beginning April 2018. The Form IV APRAIS questionnaire contains the seven validated Tier 1 questions:

1. Has physical violence increased in frequency or

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severity over the past six months?

2. Is he/she violently and constantly jealous of you?
3. Do you believe he/she is capable of killing you?
4. Have he/she ever beaten you while you were pregnant?
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?
  - a. Has this happened more than once?

The new Form IV also has the 11 additional questions that are suspected to be significant. These 11 questions are as follows:

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?
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?
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?
17. Has he/she threatened to kill you?
18. Has he/she threatened or abused your pets?

Now there is a single domestic violence risk assessment available to all law enforcement officers throughout Arizona, and the results of the assessment are easily available to every judicial officer in Arizona setting bond and other conditions of release. Arizona is committed to continually striving for a more effective assessment tool; to that end, Drs. Websdale and Messing will review the data after two or three years to assess the predictive value of the Tier 2 questions.

With the new Form IV in place, the next step to implement APR AIS was training the professionals on how to use it. Drawing on the professional bridges built during APAAC's multi-disciplinary working group, specialized trainings were created for judges, prosecutors, and law enforcement. The Arizona Police Officers Standards and Training agency developed a three-hour video training for law enforcement officers statewide on how to utilize the Form IV. Law enforcement officers are directed to ask all Tier 1 questions

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and, time permitting, may also include Tier 2 questions. Dr. Websdale and his team also developed and began to provide in-person, live law enforcement training in locations throughout Arizona. Additionally, the Administrative Office of the Courts developed judicial training on how to utilize the Form IV in court. Finally, APAAC has coordinated prosecutor training on the new Form IV.

Although each state will face its unique challenges regarding developing a domestic violence lethality risk assessment, the problem of effectively and efficiently addressing domestic violence calls is universal. Equally universal is the need to bring together a multi-disciplinary group to address the legal, administrative, and logistical issues in order to identify what steps can be taken to increase community safety.