

Domestic violence: Risk Assessment

“Courage is resistance to fear, mastery of fear—not absence of fear” – Mark Twain

A Cautionary Note:

Traditionally, this has involved the analysis of specific threats, or of the perpetrator’s capacity for serious or lethal acts of violence.

There are a number of currently available risk/danger assessment instruments, including some sophisticated computerised models.

What these tools do is help us think through the dynamic elements of a particular case, and compare it to known cases that resulted in serious injury or death.

In a sense, they serve an important “coaching” function, in that they remind us to do a thorough investigation and analysis of the significant elements of a case.

What they cannot do is predict the behaviour of any given individual. The single best predictor of future violent behaviour continues to be past violence, and we cannot, in any absolute sense, predict lethality or serious injury. The best we can do is evaluate *comparative risk*, and attempt to safeguard against identified dangers.

The other thing they cannot do is help us really enter into the world of a domestic violence survivor’s problem solving. Avoiding serious injury or death is certainly the most dramatic aspect of a domestic violence intervention strategy. But once we understand domestic violence as a problem of **coercive control** rather than simply as problem of assault behaviour, we are forced to broaden our concept of **risk assessment**. Like battered victims, we then need to conduct a thorough analysis of the **complex package** of physical, legal, economic, familial, social, and emotional risks faced by the victim, **and by those she/he feels bound to protect**.

This set of concerns extends well beyond traditional definitions of “safety”.

While you want the abuse to end, you may not want to see your partner harmed, publicly shamed, or damaged financially.

You may want to protect your privacy and sense of competence.

You may be weighing the effects that taking the children out of their regular school in order to seek shelter will have.

You may fear that your partner will try to get orders for the children to live with him or her if you seek help about the domestic violence.

When we refer to your partner, this may be your husband or wife, a parent of your child, or a former spouse or partner. You may be in a heterosexual or a same sex relationship. Domestic violence occurs in all these relationships. No one is immune.

You may be concerned that multiple court appearances will lead to the loss of your job.

If you leave an abusive partner, you may fear being “cast out” by your family or religious community.

You may be concerned that no one will believe that you have been the subject of domestic violence, including if you are a male, or in a same sex relationship.

Understanding safety as something more than protection from assault, we need to get beyond danger, look at a broader range of risks, evaluate their seriousness, and weigh the real consequences of any possible courses of action we might propose to you.

In identifying pressing concerns and evaluating risks, it is critical to get a sense of how the relationship has developed and at the range of coercive tactics employed by the your partner. The question isn't simply “what kind of danger are you and your children in?” We have to ask at the same time, “How constricted has your life become?” and “What might be done to reduce both the danger and the narrowing of free choice and action?”

When evaluating available options, the key questions are:

”If you do X (or do not do X) which risks go up, which go down, and which new risks arise?” and,

”What are the implications –for you, your children, other witnesses, the offender, the community, and us if we do (or don't do) X?”

1. Elements of Risk Assessment

1. Assessing Threats

For too long, there has been a very high discount rate when it comes to evaluating threats made by one partner against another. The tendency is to dismiss these as things being said in the heat of the moment, or to see threats as an your partner's way of letting off steam. Inevitably, in the aftermath of a death or serious assault, the wisdom of hindsight kicks in, and people tell reporters: “We saw it coming.”

In evaluating threats, consider the following:

- ✓ Do you believe the threat?
- ✓ Was it made in the presence of other people? In writing? In a recorded telephone conversation?

Willingness to leave evidence or not caring who knows may indicate a more serious intention to follow through.

- ✓ Is it detailed and specific?

The more thought that's gone into the plan (evidenced by the amount and specificity of the detail); the more likely it is to be acted on: "I'm going to kill you" is cause for concern; "Tonight, I'm going to feed you feet first through that wood chipper" is cause for greater alarm.

- ✓ Is the threatened act consistent with his/her past behaviour?
- ✓ Does your partner have the means to carry it out?

Consider the parallel to assessing potential suicides: There's having the thought, then there's having a plan, then there's being able to follow through. Where the means are at hand, there is more risk.

- ✓ Have there been rehearsals of the act that is being threatened?

These can be verbal picture painting ("let me tell you what I'm going to do . . .") or partial re-enactments (showing someone the weapon you intend to use or the place where you're going to kill or bury them).

- ✓ Does the threat extend to others (children, family members, police, new lover)?

Fear of harm to others may restrict your willingness to resist and/or to follow through with police, Department of Child Safety and the courts. Parental interference and parental kidnapping are too common in domestic violence cases. In addition, a substantial percentage (in one study, more than a third) of domestic homicides are multiple-victim killings, murder-suicides, or murder-suicide attempts.

- ✓ Does the threat involve murder, suicide or both?

2. General Considerations

Here, we need to consider not just yes or no but to what degree these factors are present.

a. History of Violence/Use of Force

- ✓ Was your partner abusive to former partners or family members?
- ✓ Has the physical violence increased in frequency or intensity over the past year?
- ✓ Has your partner recently become violent toward the children?

Violence tends to escalate against a victim at the same time that it begins to be directed to the children.

Children are likely to be injured when attempting to intervene in domestic incidents. Young boys convicted of homicide are more likely to have killed their father or step-father abusing their mother than to have killed anyone else.

- ✓ Has the violence involved choking or attempted strangulation?

These acts seriously escalate the potential for serious injury or death, but are often described by offenders as attempts to “restrain” an “out of control” victim. Whenever there is an indication that choking or “restraint” is a tactic of abuse, it’s critical to do a thorough assessment.

- ✓ Did your partner use an object, such as a belt or other article of clothing, a telephone cord, an electric cord, a lead or a plastic bag?
- ✓ Did you initially see stars, black out momentarily, or lose consciousness for a protracted period, or lose bladder or bowel control? Or subsequently, have any degree of neck swelling? Have bruises, burns or red marks or spots on the neck? Have reddening of the whites of the eyes? Vomit or cough up blood? Experience difficulty breathing or swallowing? Has speech become raspy or lost voice? Experience headaches and/or neck pain?
- ✓ Has the violence involved head-banging or a head injury?
- ✓ Has your partner been violent while you were pregnant?
- ✓ Does your partner have a history of violence toward people who aren’t intimates or family members?
- ✓ Does your partner have a history of sexual assault behaviour?
- ✓ Has your partner ever abused pets or other animals? During this relationship, or as a child?
- ✓ Has your partner destroyed property, particularly your personal property?
- ✓ Intentional and terrorist destruction of property is often an it could as well be you, and next time might be message.
- ✓ Does your partner have a special interest in/fascination with movies, television shows, video games or books that focus on themes of violence, power and revenge; true crime stories of homicide or stalking?

b. Weapons

- ✓ Are there weapons in the household? Does your partner keep weapons in more than one place? Where are they kept? Does your partner have access to weapons owned by others? Is your partner trained in their use?
- ✓ Does your partner have illegal or exotic weapons?
- ✓ Is having and being willing to use weapons part of their self-image?

This is particularly crucial in relationships that involve people in police, corrections, the military, and the criminal justice system. While guns are clearly deadly, the most common weapon used in homicides in Australia is a knife, such as a kitchen knife.

- ✓ Has your partner’s past violence involved the display, use or threatened use of firearms or other weapons?
- ✓ Do you possess weapons? What kind? Are you trained in their use?

c. Centrality

In one form, this emerges when one partner feels anxious and unsafe without the compliant presence of the other. In another, more extreme and dangerous form, one partner feels/believes they are incomplete without the other.

Psychologists and other mental health professionals will use terms like enmeshment to describe this. In assessing for centrality, we need to look at both the material and the emotional overlaps between people's lives.

- ✓ Do you live together or share possessions? Do you have children in common? Are there legal ties between you?
- ✓ Are you financially dependent on your partner?
- ✓ Is your partner possessive? Does he/she express beliefs of "ownership" or sexual entitlement to you? Is your partner violently or constantly jealous of you? Does your partner make unfounded accusations of infidelity?
- ✓ How much does your partner's sense of self depend on the relationship?

For instance, has your partner ever said, "I'd be lost without you" or (being ordered into counselling or drug/alcohol treatment,) "I can't do this without you" or "If you leave me, I have nothing to live for"?

- ✓ Is your partner socially dependent on the relationship?
- ✓ As the relationship has progressed, has he/she become less connected to friends and family?

d. Stalking

- ✓ Does your partner engage in checking up behaviours? Listen in on conversations, read mail, require an accounting for whereabouts and activities? Put tracking software on your phone or tablet, to keep tabs on you at all times?
- ✓ Does your partner enlist others in monitoring your behaviour?

Not only your partner's friends, family, co-workers and cell mates, but also your friends, family, and co-workers.

- ✓ Has your partner contacted -or threatened -your friends, relatives or co-workers?
- ✓ Has your partner followed, staked out or otherwise stalked you?
- ✓ Has your partner made unwanted attempts to communicate by mail, email, text messages or telephone, or through third parties?

These communications don't have to be threats. They can be "oh baby, I was so wrong I don't know what came over me; can you ever forgive me; let's work it out together" messages, flowers, gifts, etc.

e. Control

- ✓ Does your partner control most of the financial resources?
- ✓ Does your partner control or attempt to control most or all of your daily activities?

Does your partner give you lists of things you must and cannot do? Does your partner ask you to repeat conversations you had with others? Are you required to account for your movements? Does your partner check the odometer? Do you have to account for every penny you spend?

- ✓ Has your partner attempted to isolate you, by moving or by driving people away?
- ✓ Does your partner believe he/she is entitled to control in the relationship?
- ✓ Does your partner equate compliance with loyalty?
- ✓ Is the your partner able to accept disagreement or behaviour that is difficult from what he/she would like to see, or does he/she interpret those things as a form of personal attack?

f. Other Concerns

- ✓ Does your partner drink? Use drugs? How often?
- ✓ Has there been a recent escalation in your partner's pattern of drinking or drug use?
- ✓ Does your partner's childhood history include domestic violence? Physical child abuse? Sexual abuse?
- ✓ Is this near an "anniversary date" of a traumatic incident from your partner's past?
- ✓ Have holidays always been flashpoints?
- ✓ Does your partner basically see themselves as somebody things happen to, as being put-upon, or as the victim of other people's actions?
- ✓ How does your partner describe things that went wrong (failed relationships, lost jobs) in the past?
- ✓ How able is your partner to understand other people's motives and feelings?
- ✓ Also: how much does your partner tend to project his/her own feelings, fears, or motives onto others?
- ✓ Is your partner able to accept responsibility for his/her actions?
- ✓ How does your partner respond to change, particularly when it wasn't his/her idea?
- ✓ Did the relationship begin in a "whirlwind", with quick sexual involvement, living together soon after meeting, marriage within six months of meeting?

Our experience

We have vast experience in domestic violence matters, including running domestic violence trials. We have represented clients at domestic violence trials. Stephen Page acted for the successful applicant in Queensland's longest domestic violence trial of 7 days in 1997–1998. Due to threats he received from the respondent, Stephen also had to be protected. He gave evidence under cross-examination for four hours, and was protected when orders were issued.

Stephen Page has been the Queensland Law Society representative on three occasions to do with domestic violence issues, including as to the drafting of the Domestic and Family Violence Protection Act 2012 and the Domestic and Family Violence Protection Rules 2014. Stephen lobbied single handedly, successfully, to amend the laws to ensure children were not witnesses in their parents' domestic violence hearings. He lobbied, successfully, to ensure that when Magistrates make protection orders, they consider whether to freeze an existing Family Law Act order.

Stephen Page has also:

- ✓ Chaired the committee of a domestic violence refuge.
- ✓ Co-founded a domestic violence service in 1994.
- ✓ Been involved at the inception of a court based domestic violence committee, and served on the committee from 1999 to 2013.
- ✓ Served on the board of Relationships Australia (Queensland).
- ✓ Served on the board of a domestic violence charity, including as Deputy Chair.
- ✓ Been a nominee for White Ribbon Ambassador of the Year (2011). He has been a White Ribbon Ambassador since 2008.
- ✓ Been a co-recipient of the Prime Minister's Award, to do with his domestic violence work (2005).
- ✓ Delivered training and spoken at local, national and international conferences about domestic violence.