

## BENCH GUIDE FOR RECOGNIZING DANGEROUSNESS IN DOMESTIC VIOLENCE CASES

By Jacquelyn C. Campbell, PhD, RN, FAAN and  
Hon. Sharon Chatman, Superior Court of California, County of Santa Clara

*This tool is a research-based bench guide for use by judicial officers at all stages of judicial proceedings involving allegations of domestic violence and orders of protection in civil and criminal domestic violence cases.*

Research has proven that there are several factors associated with an increased risk of homicides (murders) of women in intimate partner domestic violence relationships. This bench guide is not intended to predict what will happen in any given case; it is an informational tool for your consideration as you review a case and become aware of the extent to which the evidence reveals how many lethality factors (danger of homicide) are present. This bench guide is not a substitute for judicial experience, knowledge, skills, and intuition.

### Pending/Prior:

Protection Order, Criminal History Check, Registered Firearms Check

**Lethality Factors** - Factors in this column are given more weight in descending order.

Does the alleged <b>perpetrator own a gun</b> ?	Yes	No
Does the alleged <b>perpetrator use any of these illegal drugs</b> : “uppers” or amphetamines, Meth, speed, angel dust, cocaine, “crack,” street drugs, or mixers?	Yes	No
Has the physical violence increased in <b>severity</b> or <b>frequency</b> over the past year?	Yes	No
Is the alleged perpetrator an <b>alcoholic</b> or <b>problem drinker</b> ?	Yes	No
Has the alleged <b>victim left</b> the alleged <b>perpetrator</b> after they lived together <b>during past year</b>	Yes	No
Does the alleged <b>perpetrator</b> try to <b>control</b> most or all of the alleged <b>victim’s daily activities</b> ? (i.e., tells victim when to see friends or family or how much money to spend)	Yes	No
Is the alleged <b>perpetrator unemployed</b> ?	Yes	No
Is the alleged <b>perpetrator violently</b> and <b>constantly jealous</b> of the alleged victim? (i.e., “If I can’t have you, no one can.”)	Yes	No
Has the alleged <b>perpetrator</b> ever <b>used</b> or <b>threatened</b> the victim with a <b>lethal weapon</b> ?	Yes	No
Has the alleged <b>victim</b> been <b>beaten</b> by the alleged perpetrator <b>while pregnant</b> ?	Yes	No
Has the alleged perpetrator ever <b>threatened to kill</b> the <b>victim</b> ?	Yes	No
Has the alleged <b>perpetrator</b> ever <b>threatened</b> or <b>tried to commit suicide</b> ?	Yes	No
Has the alleged perpetrator avoided being <b>arrested for domestic violence</b> ?	Yes	No
Has the alleged <b>perpetrator</b> ever <b>threatened to harm</b> the alleged <b>victim’s children</b> ?	Yes	No
Does the alleged victim have a <b>child</b> that is <b>not</b> the alleged <b>perpetrator’s child</b> ?	Yes	No
Does the alleged victim believe that the alleged <b>perpetrator</b> is <b>capable of killing</b> her/him?	Yes	No
Has the alleged perpetrator <b>forced</b> the alleged <b>victim</b> to have <b>sex</b> when the victim did not want to?	Yes	No
Has the alleged perpetrator ever <b>tried to choke/strangle</b> the alleged <b>victim</b> ?	Yes	No
Does the alleged <b>perpetrator follow</b> or <b>spy</b> on the alleged victim, leave threatening notes or messages, destroy personal property or make unwanted calls?	Yes	No
Has the alleged <b>victim</b> ever <b>threatened</b> or <b>tried to commit suicide</b> ?	Yes	No

**NOTES:** Please note that this checklist of lethality factors is not exhaustive. The listed factors are the ones most commonly present when the risk of serious harm or death exists. The presence of these factors can indicate elevated risk of serious injury or lethality. The absence of these factors is not, however, evidence of the absence of risk of lethality or evidence that any particular judicial action (for example, granting an Order of Protection) should not be taken.