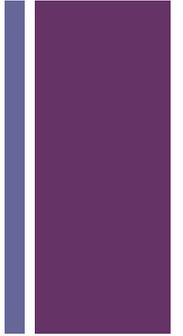


Intimate Partner Homicide and the APRAIS Model

Dr. Neil Websdale



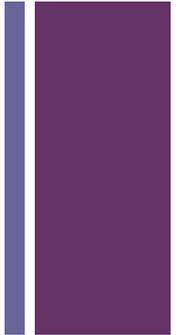
Outline



- I. Perpetrator/victim behaviors & relationship dynamics relevant to risk and safety
- II. Specific antecedents – our IMPRESSIONS from multiple sources
- III. Community based risk assessment & APRAIS



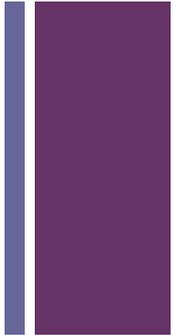
I. Perpetrator/victim behaviors & relationship dynamics



- Victim/Perpetrator binary problematic - virtuous female protagonist and a one-dimensional male villain.”
- Denial: lots of it. Victims ashamed and will hide abuse, especially the more grievous forms
- Minimization: Perpetrators minimize violence and its impact



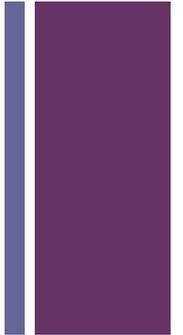
Behaviors



- **Appearance of Dishonesty:** common. Recanting, requesting dismissal of charges, refusing to testify, testifying for batterers
- **Possible reasons:** complex trauma, confusion, befuddled thinking
- **Witness intimidation:** many ways, subtle, invisible in plain sight
- **The appearance of complicity** does not necessarily signify complicity



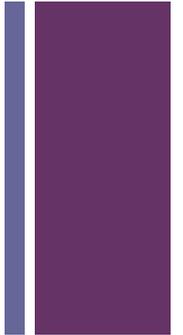
Behaviors



- Counterintuitive behavior of victims
- Victims won't necessarily report abuse, leave, cooperate with prosecution
- Fear of losing their children to CPS
- Hope for relationship
- Stigma of divorce
- Leaving not easy – safety, having confidence



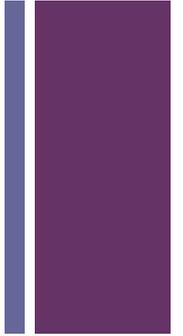
Behaviors



- Her “indecisiveness” about leaving affected by all kinds of complexities:
- Losing her home, possessions, job, father for the kids, status as wife, a partner who she once loved, money, family/friends, pets, routines, things-known, children
- Safety – leaving -dangerous, payoffs delayed
- Batterer remorse, begging for forgiveness, promising to change



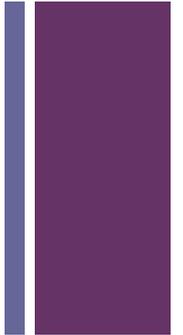
Behaviors



- Batterers blame victims for negative outcomes
- Like others, batterers and victims complex people
- Taunting and potential provocation by victims?



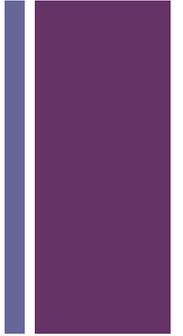
Offender Behavior



- Primarily dealing with intimate terrorism
- Rarely dealing with situational couple violence
- IPH often seems associated with clusters of risk markers



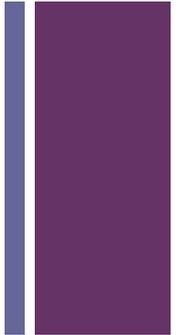
Types of Intimate Terrorists



- Dependent intimate terrorists
- Antisocial intimate terrorists
- Both are impulsive, accepting of violence, hostile toward women, and have traditional sex role attitudes



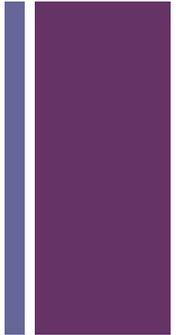
II. Specific Antecedents



- Prior history of IPV
- Weapons use or threatened use (APRAIS question: *Has he/she ever used a **weapon** or object to hurt or threaten you?*)
- Access to weapons (Tier 2)
- Prior attempts/threats to kill (APRAIS question: *Has he/she ever **tried to kill** you?*)
- Threats to harm others? (*T2*)



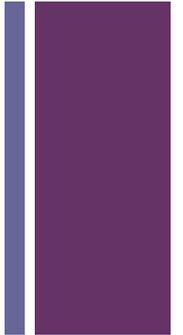
Specific Antecedents



- Prior history of IPV
- Abuse during pregnancy (**APRAIS** question: *Have you ever been beaten by him while you were pregnant?*)
- Strangulation, choking, & smothering (**APRAIS** question: *Has he/she ever **choked/strangled/suffocated** you? If this has happened **more than once**, check here*)
- Forced sex (**Tier 2**)



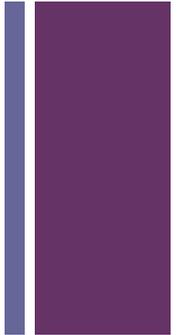
Emotional abuse/intimidation



- Stalking
- Isolation – from family, friends, others/entrapment
- Degradation – humiliation, belittling
- Exploitation –labor, sexuality
- Attempts to Control – regulating everyday behavior, deprivation of liberty (T2)
- Surveillance (T2)



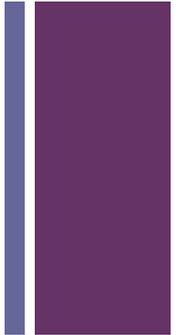
“Anonymous” Intimidation Acts



- Anonymous threats on answering machines
- Sabotaging electronic communication
- Tampering with clothing, objects of meaning, vehicles
- Cutting telephone wires, gluing locks
- Stealing money, credit cards, checkbooks, mail
- Making women feel crazy by exploiting fears



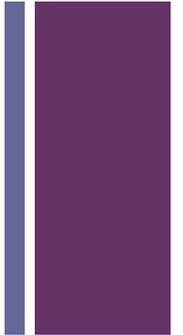
Antecedents



- Is he capable of killing you? (APRAIS question: Do you believe he/she is **capable of killing** you?)
- Escalation (APRAIS question: Has the physical violence increased in frequency or severity over the past six months?)
- Twists in the abuse
- Separation/emotional estrangement (T2)



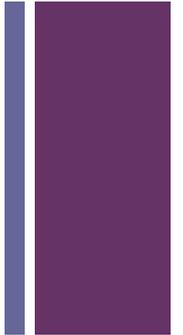
Antecedents



- Obsessive possessiveness (Related APRAIS question: Is he/she violently and constantly **jealous** of you?)
- Depression and suicidal potential (T2)
- Alcohol & drug use (T2)



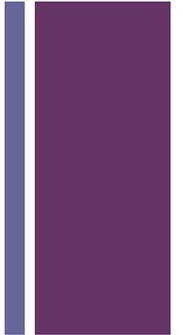
Antecedents



- Stepchildren in the home
- Compromised masculinity, shame, & humiliated fury (T2: Significant financial loss in last 6 months; unemployed?)



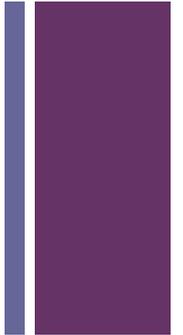
III. Community informed risk assessment (CIRA) & the APRAIS



- ARS 13-3967 & introductory case law
- The notion of risk
- Pros and cons of risk assessment
- Research roots
- Community origins of the APRAIS
- Guiding principles for the APRAIS
- The APRAIS tool as an example of CIRA



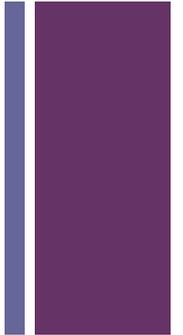
Statutory Considerations



- ARS 13-3967: Release on bailable offenses before trial:
- B. Judicial officer shall take into account all of the following:
 - 5. The results of a RA or lethality assessment in a domestic violence charge presented to the court



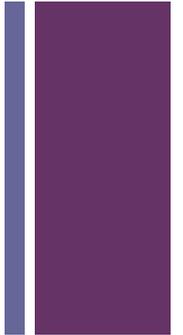
U.S. Supreme Court on RA



- Barefoot v. Estelle 463 U.S. 880 (1983)
- Expert testimony on dangerousness may not always be correct
- Indeed, defense team argued psychiatric predictions of future dangerousness were wrong “most of the time”
- Nevertheless, such testimony is admissible and ought be subject to the adversarial process



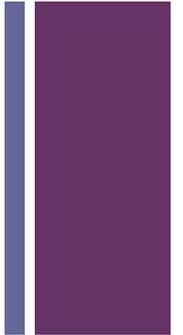
US Supreme Court on RA



- APA amicus curiae “unreliability of psychiatric predictions of long-term future dangerousness is by now an established fact within the profession”
- “The APA’s best estimate is that two out of three predictions of long term future violence by psychiatrists are wrong”
- “The court does not dispute this proposition”
- Schall v. Martin, 467 U.S. 263 (1984) – upheld practice of preventive detention for juvenile criminal suspects based on a prediction of his/her risk of future dangerousness



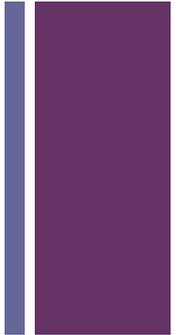
State courts – varying views of RA



- **Pettingill v. Pettingill**, 480 S.W.3d 920 (KY 2015) – Kentucky Supreme Court upheld lower court decision to grant OP (order of protection) based partially on the appropriate employment of the judge’s knowledge of risk markers
- **State v. Ketchner**, 339 P.3d 645 (AZ 2014) - limits a prosecutor’s ability to utilize the information in a lethality assessment



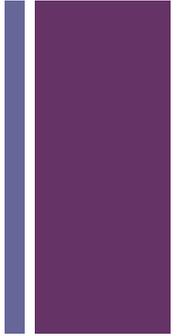
State courts – varying views of RA



- **State v. Loomis**, 881 N.W.2d 749 (WI 2016) – Use of RA as a factor to be considered at sentencing does not violate defendant’s due process rights
- RA cannot be used as the determinative factor in deciding whether an offender can be supervised safely and effectively in the community
- RA may not be used to determine whether to incarcerate an offender or the severity of the sentence



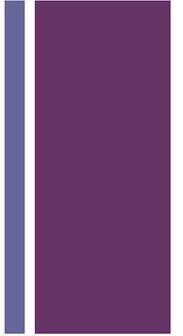
Wisconsin Supreme Court in Loomis



- Five written warnings for judges in situations where PSIs incorporate COMPAS algorithmic assessment tool
- 1. Proprietary nature of COMPAS prevents the disclosure of how risk scores are calculated
- 2. Unable to identify high risk individuals – rather population groups
- 3. No cross validation for the Wisconsin population (national data only)



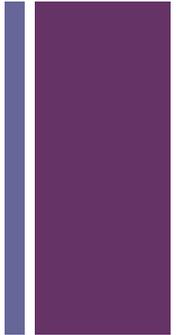
Loomis



- 4. Studies raised questions about over-identification of minorities as “high-risk”
- 5. COMPAS was developed specifically to assist the Department of Corrections in making *post-sentencing* determinations
- The court expressed a desire to instill general skepticism about the tool’s accuracy and
- Targeted skepticism with regard to the tool’s assessment of risks posed by minority offenders



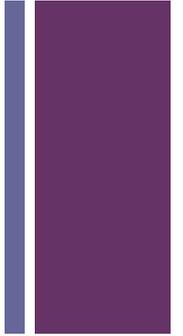
The debate about actuarial risk assessment instruments (ARAI)s



- A 2016 ProPublica investigation found COMPAS treated black defendants more harshly than white
- Flores et al., 2016 argue the ProPublica research erroneously concluded the COMPAS instrument is racially biased
- The bias worse because of the large media reach of ProPublica
- However, the issue of racial bias and ARAIs needs much more research



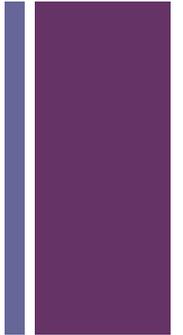
The debate



- **The Public Safety Assessment (PSA; Arnold Foundation) and other modern pretrial tools have not been tested thoroughly enough to determine whether they affect people differently based on their race (Schuppe, 2017)**
- **The Arnold Foundation's own analysis of the PSA in Lucas County, Ohio, found that the arrest rate of pretrial defendants dropped from 20% to 10%, and that black and white defendants were released at similar rates (Schuppe, 2017)**



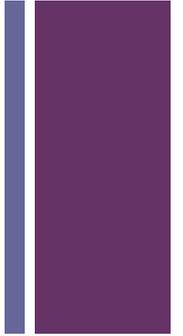
The Notion of Risk in IPV Cases



- Risk of what – homicide, near-death, severe assault, re-assault? (Higher v. Lower Base Rates)
- To whom? Female victim? Male victim? Children? Agency personnel?
- For how long? Timing? Resource allocation?
- Trend toward using RA in the courts, public health (CDC 2017; Petrosky et al)
- Better chance of predicting less severe outcomes, especially if over a longer time frame



Some Pros and Cons of RA Tools

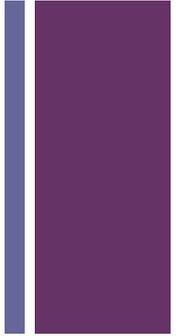


Pros

- Shared language of risk- informs victims, CJS decisions regarding bail, conditions of release, supervision, sanctions, & treatment
- Public education and awareness-includes legal/social services
- Open-ended questions invite greater sharing of risk information? Potentially useful for judges/prosecutors



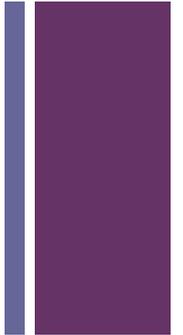
Pros



- **Evidence informed:** We know much more about what happens before IPH with female victims
- **Connecting victims and perpetrators with social services/safety planning** (Caution: Services – Safety?)
- **Relatively close correspondence between research on risk and the findings of DVFRTs**



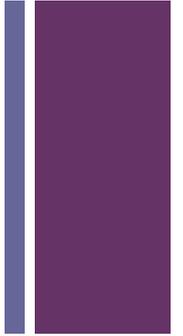
Pros



- Clusters of markers SEEM to matter, especially in homicides
- Ontario DVFRT - 75% of the cases reviewed from 2003-2012 had 7+ risk markers
- Caution: no matched control/referent group analysis with the Ontario research



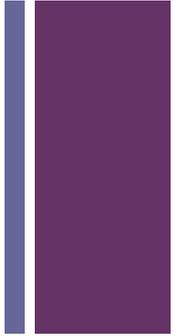
Pros



- Initial evaluation of the LAP encouraging
- Messing et al., 2015- Non-equivalent groups quasi-experimental field trial using three groups
- LAP associated with an increase in protective actions and a decrease in the frequency and severity of violence among this sample of IPV survivors



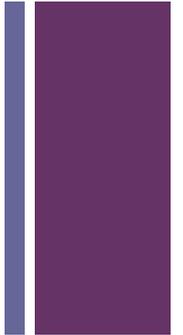
Cons



- Problematically chops the abusive relationship up into discrete risk markers/binaries
- E.g. Separation marker-process not binary
- Flat, one-off RAs v. longitudinal or rolling RAs
- CJ interventions v. others (housing, childcare, jobs, legal aid)



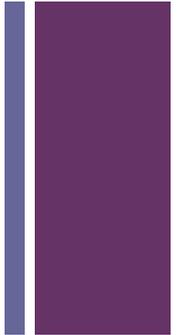
Cons



- Discoverability and notification thereof – discoverable open-ended questions may render victims more vulnerable
- Potential affronts to the dignity and autonomy of victims
- Tendency to present alarmist perspective to victims
- We see these characteristic risk factors in a significant proportion of cases where men murder women, versus
- We see these markers in x hundred thousand cases/year where women not re-victimized, killed, and so on



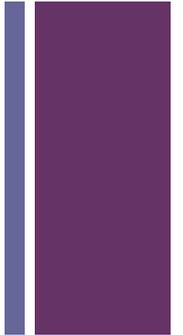
Cons



- Can we create research that tracks the outcomes of the alarmist v. more comprehensive choice presentations?
- Can victims give informed consent under duress?
- Does the current nonchalance about giving RAs paternalistically conceive of victims as incompetent?
- Should victims give informed consent before completing a RA?
- Relative and absolute risk



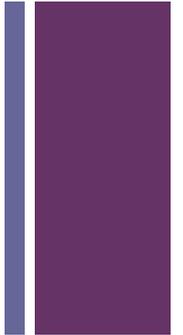
Relative and Absolute Risk



- **Relative risk:** A victim answers 4+/7 APRAIS “yes” and has a 10.5X greater chance than someone answering less than two “yes” of experiencing severe re-assault or near lethal violence within the next 7 months (see parallel statement below)
- **Absolute risk:** Among victims who answer 4+/7 “yes” on the APRAIS tool roughly 15% will experience severe re-assault or near lethal violence within 7 months (Messing, OK data, comparing 4 v. 0 or 1 “yes” responses)



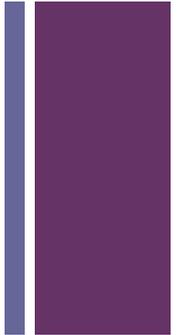
Relative and Absolute Risk



- Both statements are accurate but if you hear the relative risk without hearing the absolute risk we may develop an exaggerated sense of longer term risk of severe re-assault/near lethal violence
- Deprivation of freedom for the accused (male or female) in SCV cases – the majority of IPV cases by far



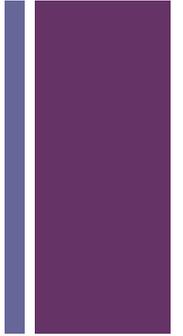
Possible Limitations on Use



- Time it takes – often a reason stated for not administering or considering. Note officer security
- Resource follow up. No point in using if inadequate advocacy follow up
- Not appropriate for male victims even though some police agencies ask men the questions. Reason: research only generated on female victims



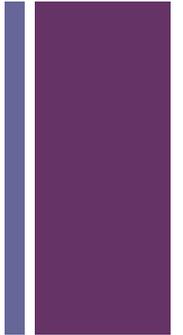
Research Roots of APRAIS



- Used extensive research to inform the development of the questions and protocols (Campbell et al., 2003 [cross sectional; one point in time]; Snider et al., 2009 [tracking over time]; Messing et al., 2015 [tracking over time])
- Focus of Yavapai and APRAIS: risk of severe re-assault or near lethal violence
- Danger Assessment – informed APRAIS questions

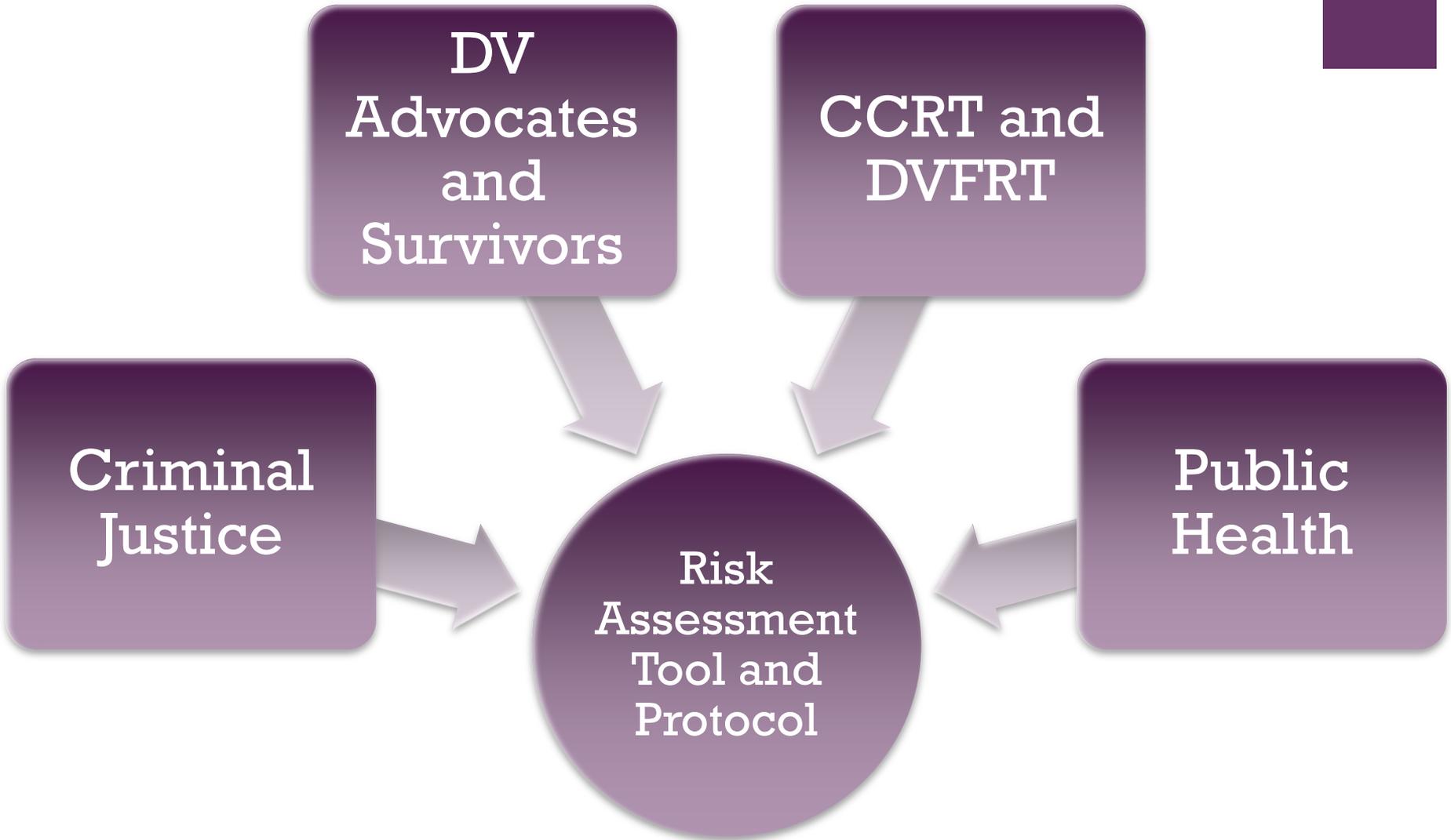


Community Origins of APRAIS



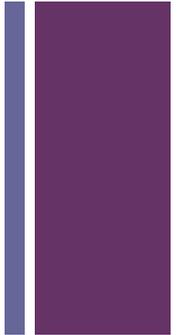
- Arizona RA conferences (2012-2013)
- RA developments across the state (Glendale, Mesa, Tucson, Phoenix, Flag PDs)
- Yavapai: DVFRT + CCRT + other community input (CIRA)
- Devised questions & protocols in conjunction with agencies/stakeholders, especially LE, prosecution, public defender, advocacy, and judges

+ Yavapai Risk Assessment Project





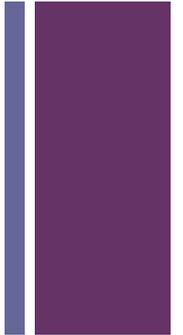
APRAIS GOALS



- Produce standardized & evidence-based RA tool and protocols for law enforcement & advocacy
- Create a shared language of risk to inform CJS decisions regarding bail, conditions of release, supervision, sanctions, & treatment
- Provide education to inform case handling and public awareness on a broader scale, e.g. public health screening



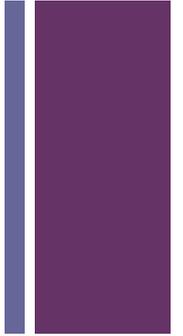
APRAIS GOALS



- Create an addendum to the Form 4 (law enforcement release questionnaire through which law enforcement can communicate IPV risk to the court
- Work with law enforcement regarding existing reporting mechanisms and possible long term realignment



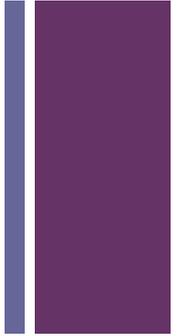
Protocols



- Conduct the risk assessment after the on-scene investigation is completed
- Slipping questions into the investigative phase?
- Intended for IPV only
- Questions are optional and asked of male and female victims



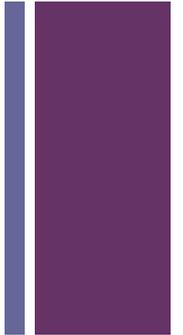
Protocols



- To the alleged victim: we are assessing “potential danger”
- You have to make your own decisions
- To the alleged victim: RA discoverable
- Body cameras and notification of discoverability?



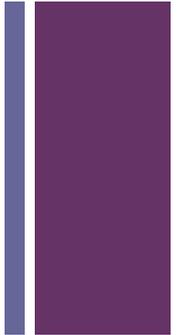
Protocols



- Two categories: elevated risk (2 or 3 yes); high risk (4+)
- Elevated risk and high risk cases trigger optional links with advocacy and a follow up by detectives
- The behaviors you answered “yes” to have been present in very dangerous situations
- Victims in the “elevated risk” group 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
- “High-risk” – 10.5x



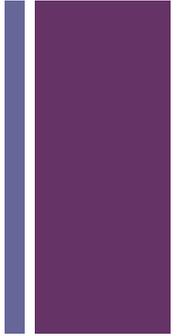
Protocols



- **“No” answers do not signify no abuse! We saw this as an opportunity to perform a safety sweep to add another potential layer of protection**
- **Detective and Victim Support Personnel follow-up**
- **We cannot tell you your best course of action!**



APRAIS Questions



- Two tiers of questions
- Tier one – predictive questions
- Tier two – inform law enforcement, prosecution, and advocacy about the cases without adding to predictive power

Tier 1 APRAIS Questions

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 him 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 			
<i>Totals</i>			

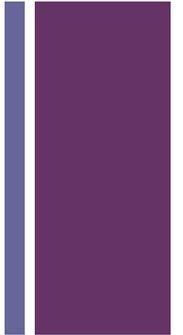


Tier 2 (Discretionary)

<i>Tier 2: Ask on scene or during follow up.</i>	Yes	No	Decline
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, etc.)			
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 him/her?			
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 ?			



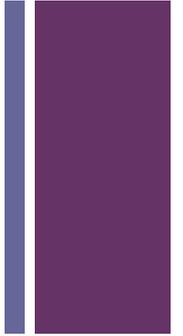
Early Outcomes of APRAIS in PPD & PVPD



- Numbers are small so should be treated with caution
- March 1, 2016 – July 20, 2017 PPD reveal 12 declinations out of 126 cases (9.5%) where officers attempted to complete or completed the assessment
- PVPD reported 31 declinations out of 133 assessments administered (i.e. 23.3%) over the same period



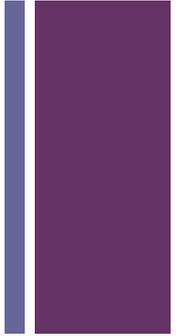
Early Outcomes



- Many possible reasons for the seemingly low declination rates
- At both departments a significant number of calls resulted in a decision not to administer the tool
- Key question: are relatively low declination rates linked to notification practices and the building of rapport with victims?



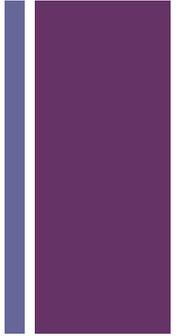
Early Outcomes



- Victim declination rates low – 10-23%
- Glendale PD LAP declination rates around 50%
- More detailed police reports (Rich Gill, Patrol Bureau Lieutenant, Prescott PD, “I believe the tool has improved the overall quality of the DV reports,” email Nov 29, 2016)
- Insufficient data about possible influence in court, e.g. bail setting



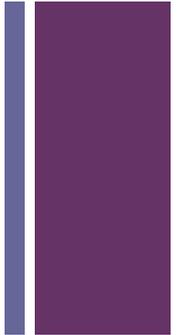
Early Outcomes



- At PPD and PVPD, a significant number of calls resulted in a decision not to administer the tool. Possible reasons:
 - Distraught victims that officers perceive having an inability or unwillingness to complete the tool
 - Victim intoxication
 - The inability of officers to contact the victim at the time of the report (i.e. victim GOA)



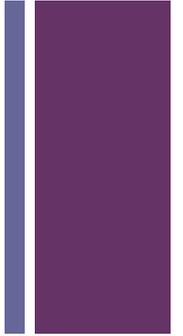
Early Outcomes



- Third party calls for service where the alleged conflicting parties' deny any IPV
- Officer determination that the call comprised a “verbal” dispute and that no crime had occurred
- Officer unwillingness to administer the tool regardless of the circumstances



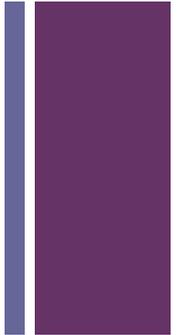
Early Outcomes



- When the tool is administered it seems to:
- Increase officer understanding of the case or situation
- Contribute to more detailed police reports
- Increase officer compassion toward victims
- Officers frustrated by not knowing case outcomes (e.g. prosecution – fruit of their labor)

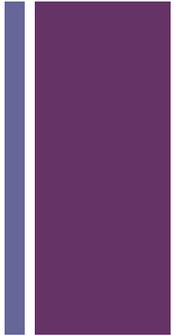


Next Steps



- Next steps: 2018-2021 STOP TA grant (GOYFF).
Statewide training for law enforcement, advocates, and others
- On 12/14/2016 APAAC petitioned the AZ Supreme Court to adopt the Addendum to Form 4(a) to the Arizona Rules of Criminal Procedure in order to promote a uniform statewide RA tool
- Comments integrated and revised petition submitted
- With Supreme Court approval – four year plan to refine tool, language, and protocols, track outcome data

+ Questions



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