

CHAPTER XV: DOMESTIC VIOLENCE
LETHALITY FACTORS

A. Chapter Goals.....	2
B. Domestic Violence Lethality Factors.....	3
1. Threatens with Weapon	3
2. Has Access to Firearms	3
3. Threatens Homicide	4
4. Attempts Strangulation	4
5. Violent Jealous/Controlling Daily Activity	4
6. Recent Separation	5
7. Stalking	5
8. Unemployment.....	5
9. Threatened Suicide.....	6
10. Child Who Is Not Abuser’s Biological Child	6
11. Victim Believes Abuser Would Kill Them.....	6
C. Summary.....	7

A. Chapter Goals

Research reveals that the behaviors outlined in this chapter describe abusers who are more likely to kill their intimate partners. By incorporating these lethality factors into a court's judicial decision-making, courts will be able to prioritize domestic violence cases and create orders that promote victim safety and offender accountability. The purpose of this chapter is to provide information on evidence-based lethality factors which judges can incorporate into their decision-making.

B. Domestic Violence Lethality Factors**1. Threatens with Weapon**

Research shows that women who are threatened or assaulted with a gun or other weapon are 20 times more likely to be murdered than other women.¹ Women who are victimized by an intimate partner with a firearm report more types of weapons are used against them during their lifetime.² Furthermore, studies suggest that abusers who possess guns tend to inflict the most severe abuse.³ Based on this research, it is critical when victims state they have been threatened with a weapon that action is taken to ensure the victim's safety, such as ordering firearms relinquishment.

2. Has Access to Firearms

Similar to an abuser's threats to use weapons, an abuser's access to firearms is a strong indicator of lethality. With a gun in the house, an abused woman is six times more likely than other abused women to be killed.⁴ Abusers who shot and killed intimate partners were asked whether they would have used another weapon if a gun was not available and most said no.⁵ The Centers for Disease Control and Prevention's National Violence Death Reporting System reported that of the 408 homicide suicide cases, most perpetrators were men (91 percent) and most used a gun (88 percent.)⁶ Furthermore, additional research shows that in a sample of 591 cases of murder-suicides, 92 percent involved a gun.⁷ Courts should always inquire into an abuser's access to firearms, and put appropriate measures in place to protect the victim if access to firearms is available to the abuser.

¹ Campbell, Jacqueline C. et al., "Assessing Risk Factors for Intimate Partner Homicide," NIJ Journal (250) (2003): 16. NCJ 196547. See also, Campbell, Jacquelyn C., Daniel Webster, Jane Koziol-McLain, Carolyn Rebecca Block, Doris Williams Campbell, Faye Gary, Judith M. McFarlane, Carolyn Sachs, Phyllis W. Sharps, Yvonne Ulrich, Susan A. Wilt, Jennifer Manganello, Xiao Xu, Janet Schollenberger, and Victoria Fyre, "Risk Factors for Femicide in Abusive Relationships: Results from a Multisite Case Control Study," American Journal of Public Health (93) (2003): 1089-1097.

² Sorenson, S. B., & Wiebe, D. J. (2004). "Weapons in the Lives of Battered Women." American Journal of Public Health, 94(8), 1412-1417.

³ See Note 1, *supra*.

⁴ *Id.*

⁵ *Id.*

⁶ Auchter, Bernie, "Men Who Murder Their Families: What the Research Tells Us." NIJ Journal (266) (2010).

⁷ *Id.*

3. Threatens Homicide

Threats to kill an intimate partner greatly increase the likelihood that the victim will be murdered by the abusive intimate partner.⁸ Abused women who were threatened to be killed were 15 times more likely to be killed than other women.⁹ During interviews with attempted homicide victims of intimate partner violence, 25 percent of these victims reported that they received weekly threats, and many received graphic and explicit threats before the attempted homicide.¹⁰ Threats to kill include not only explicit death threats but also nonverbal threats such as displaying a weapon, cleaning, loading, holding a gun during an argument, firing a weapon during an argument, and threatening to shoot a pet or object that the victim cared about.¹¹ Courts should be cognizant of threats to kill an intimate partner as they can be a precursor to homicide.

4. Attempts Strangulation

Strangulation is one of the best predictors of a future homicide in domestic violence cases. According to a 2008 study in the *Journal of Emergency Medicine*, more than half of all domestic violence homicide victims had experienced at least one episode of attempted strangulation prior to a lethal or near-lethal violent incident.¹² This study also found that victims of prior attempted strangulation are seven times more likely to become a homicide victim.¹³ In 2016, Pennsylvania law enforcement conducted 3,754 lethality screens and identified 2,506 victims of intimate partner violence as being at high risk of being killed. Of those victims, 68 percent reported their abuser attempted to strangle them.¹⁴ Although victims of strangulation often will not have physical signs of being strangled, courts should take notice when victims state they have been strangled or “choked” as it is a predictor of future homicide.

5. Violent Jealous/Controlling Daily Activity

A national study found when an intimate partner is violently or constantly jealous that homicide is nine times more likely; when the partner controls the victim’s daily activities that homicide is five times more likely.¹⁵ Of the 31 intimate partner perpetrators a national researcher interviewed, 22 were categorized as extremely jealous¹⁶. Eighteen out of the 20 attempted homicide victims, or 90 percent, said their

⁸ See Note 1, *supra*.

⁹ *Id.*

¹⁰ Adams, David, “*Why Do They Kill? Men Who Murder Their Intimate Partners*”, Nashville, TN: Vanderbilt University Press, 2007.

¹¹ Rothman, E., D. Hemenway, M. Miller, and D. Azrael, “*Batterers’ use of guns to threaten intimate partners.*” *Journal of the American Medical Women’s Association* 60(1) (2006): 62-68

¹² Glass, N., K. Laughon, J.C. Campbell, R.B. Block, Hanson, G., & P.S. Sharps, “*Strangulation is an important risk factor for attempted and completed femicides.*” *Journal of Emergency Medicine* (35) (2008):329-335

¹³ *Id.*

¹⁴ Pennsylvania Coalition Against Domestic Violence, PCADV Lethality Dashboard, 2016 All Year, at <https://isra.hbg.psu.edu/pcadvdashboards/PCADVLethalityDashboard/tabid/2645/Default.aspx>

¹⁵ See Note 1, *supra*.

¹⁶ See Note 10, *supra*.

abusers were extremely jealous.¹⁷ Although an abuser's jealous and controlling behaviors may seem benign or simply rude, such behaviors can be indicators of a lethality risk for the victim.

6. Recent Separation

When a woman separates from her abusive partner, the most dangerous time for her is immediately after the separation.¹⁸ Sixty-four percent of abusers were estranged from their victims, or the victims were planning to leave the relationship, when the homicide occurred.¹⁹ Sixty percent of the attempted homicide victims were estranged or planning to leave at the time of the attempted homicide.²⁰ Women who separated from their abusive partners after cohabitation, experienced increased risk of femicide, particularly when the abuser was highly controlling.²¹ Courts should be mindful of the timeline in an intimate partner relationship and whether the victim and abuser recently separated; a recent separation can indicate lethality for a victim.

7. Stalking

Stalking is highly prevalent in cases of actual or attempted female homicide.²² Women who reported an intimate partner followed or spied on them were more than twice as likely to be attempted or actual homicide victims.²³ Stalking when combined with estrangement and prior abuse had a high correlation with lethality.²⁴ The strongest association was the combination of estrangement and prior abuse. However, stalking also occurred in the majority of femicides in intact marriages and relationships where there was no history of violence.²⁵

Stalking allows abusers to continue exerting power and control over victims by monitoring their daily movement and habits. Technology also allows abusers to track and control their victims in a variety of unseen ways. Claims made by victims in which they are being followed or monitored by their abusers should be taken seriously.

8. Unemployment

Unemployment, when combined with domestic violence, is a lethality factor as it can either be a triggering event for further violence, or it frees up an abuser to

¹⁷ *Id.*

¹⁸ Campbell, Jacqueline C., N. Glass, P.W. Sharps, K. Laughon, and T. Bloom, "Intimate Partner Violence, Trauma, Violence & Abuse," 8 (July 2007): 246-269.

¹⁹ See Note 10, *supra*.

²⁰ *Id.*

²¹ See Note 1, *supra*.

²² McFarlane, J., J. Campbell and K. Watson, "Intimate Partner Stalking and Femicide: Urgent Implications for Women's Safety," Behavioral Science and the Law (20) (2002): 51-68

²³ *Id.*

²⁴ Campbell, J., O'Sullivan, C., Roehl, J., Webster, D., "Intimate Partner Violence Risk Assessment Validation Study, Final Report," National Institute of Justice (209731) (2005): 10.

²⁵ *Id.*

continue exerting power and control over a victim.²⁶ For example, some men had quit their jobs to have more time to monitor their partner's activities. Others were fired because they were missing work to conduct surveillance of their partners.²⁷ While unemployment is not always coincidental to murder or attempted murder, a study found nearly equal portions of killers and would-be-killers were unemployed at the time they committed their final assault.²⁸ Therefore, it is important for courts to perform multifaceted inquiries into all recent events in both the abuser's and the victim's lives as events such as a recent job loss may help to predict the likelihood of a lethal outcome.

9. Threatened Suicide

There is an increased risk of homicide when the abuser is suicidal.²⁹ In 70 percent of cases where people killed their families and then committed suicide, prior domestic violence was a factor.³⁰ It is important for the courts to inquire as to whether or not there have been any recent threats of suicide from the abuser, especially if the victim is alleging non-physical abuse.

10. Child Who Is Not Abuser's Biological Child

A lethality factor exists when an abuser is in an intimate relationship and the victim has a child who is not the abuser's child. The *Collateral Intimate Partner Homicide*, a study that looked at media reports of domestic violence killings, found that for female homicide victims, 16.5 percent had biological children who were not also the biological children of the perpetrator.³¹ Having a child living in the home who is not the abuser's biological child more than doubled the risk of homicide.³² A child who is not the biological child of the abuser reminds them that the victim was once with someone else and that child is a product of that relationship.³³ This dynamic further fuels an abuser's jealous and controlling behavior. Courts should be mindful of a victim's family background because it, along with a history of abuse, can predict future deadly violence by an abuser.

11. Victim Believes Abuser Would Kill Them

A victim's perception of future violence is one of the strongest indicators of potential lethality. Victims know their abusers best and they know the abuser's triggers, and whether or not the abusers intend to make good on threats. Women's prediction of additional assaults was the strongest single predictor of re-assault.³⁴ When researchers asked victims whether they believed their abuser had

²⁶ See Note 10, *supra*.

²⁷ *Id.*

²⁸ *Id.*

²⁹ Campbell (2003): 16.

³⁰ Campbell, J.C. et al., "Risk Factors for Femicide in Abusive Relationships: Results from Multisite Case Control Study," *Am J Public Health*, 2003 July; 93(7): 1089-1097.

³¹ Emily Meyer, Lori Post. *Collateral Intimate Partner Homicide*, Sage Open, 2013, Table 2. Available at <http://sgo.sagepub.com/content/3/2/2158244013484235.full.print>

³² See Note 1, *supra*.

³³ *Id.*

³⁴ See Note 24, *supra*.

intended to kill them during the most serious assault, 90 percent of the women said yes, and 95 percent of the attempted homicide victims believed the reasons for attempting to kill them were to “to punish me.”³⁵ It is important for the court to perform appropriate inquiries with victims to determine whether the victims believe they are at risk for life-threatening violence at the hands of their abusers.

C. Summary

Domestic violence lethality factors provide an evidence-based measure by which the courts can assess a victim’s risk of deadly violence at the hands of their abuser.

Lethality factors can be critical in helping a court’s inquiry into the recent actions and behaviors of an abuser, and in assessing risks posed to the victim. Courts can effectively utilize lethality factors to help them in their criminal and civil decision-making that impacts the safety of victims and their children.

³⁵ See Note 10, *supra*.