

SUPREME COURT OF ARIZONA

In the Matter of ) Arizona Supreme Court  
 ) No. R-16-0046  
APPENDIX TO ARIZONA RULES )  
OF CRIMINAL PROCEDURE )  
 ) **FILED 12/13/2017**  
 )  
\_\_\_\_\_ )

**ORDER  
AMENDING RULE 41 TO ADD FORM 4(C) TO APPENDIX, ARIZONA RULES  
OF CRIMINAL PROCEDURE**

A petition having been filed proposing to amend Rule 41 of the Arizona Rules of Criminal Procedure to add Form 4(c) to the appendix, and comments having been received, upon consideration,

**IT IS ORDERED** that Rule 41, Arizona Rules of Criminal Procedure, as restyled in R-17-0002 to be effective January 1, 2018, be amended in accordance with the attachment hereto, effective as of April 2, 2018.

DATED this 13th day of December, 2017.

\_\_\_\_\_/s/\_\_\_\_\_  
SCOTT BALES  
Chief Justice

Arizona Supreme Court No R-16-0046

Page 2 of 4

TO:

Elizabeth B Ortiz

Hon. Juan Pablo Guzman

Hon. Antonio F Riojas Jr

Hon. Ronald S Reinstein

Wendy A Million

Lisa M Panahi

## ATTACHMENT

### Form 4(c): Release Questionnaire Intimate Partner Risk Assessment \*

Defendant's Name \_\_\_\_\_ DOB \_\_\_\_\_ Booking No. \_\_\_\_\_  
 Law Enforcement Agency \_\_\_\_\_ Report No. \_\_\_\_\_  
 Victim's Name \_\_\_\_\_ Incident Date \_\_\_\_\_

Questions are asked on the scene; Victim participation is voluntary	Yes	No	Decline
<b>Tier 1</b>			
1. Has physical violence <b>increased in frequency or severity</b> over the past six months? Alternate wording: Is the pushing, grabbing, hitting, or other violence happening more often?			
2. Is he/she violently and constantly <b>jealous</b> of you?			
3. Do you believe he/she is <b>capable of killing</b> you?			
4. Has he/she ever beaten you while you were <b>pregnant?</b> (e.g. hit, kicked, shoved, pushed, thrown, or physically hurt with a weapon or object)			
5. Has he/she ever used a <b>weapon</b> or object to hurt or threaten you?			
6. Has he/she ever <b>tried to kill</b> you?			
7. Has he/she ever choked/strangled/suffocated you?			
7a. If you answered "Yes" to Question 7, has this happened more than once?			
<b>Tier 2</b>			
8. Does he/she <b>control</b> most or all of your daily activities?			
9. Is he/she known to carry or possess a <b>gun?</b>			
10. Has he/she ever <b>forced you to have sex</b> when you did not wish to do so?			
11. Does he/she use <b>illegal drugs or misuse prescription drugs?</b> (e.g. meth, cocaine, painkillers)			
12. Has he/she threatened to <b>harm people you care about?</b>			
13. Did you <b>end your relationship</b> with him/her within the past six months?			
13a. If you answered "No" to Question 13, does he/she know or sense you are planning on ending your relationship?			
14. Has he/she experienced <b>significant financial loss</b> in the last six months?			
15. Is he/she <b>unemployed?</b>			
16. Has he/she ever threatened or tried to commit <b>suicide?</b>			
17. Has he/she <b>threatened to kill</b> you?			
18. Has he/she threatened or abused your <b>pets?</b>			

**"Yes" to 2 or 3 Tier 1 questions = "Elevated Risk" / "Yes" to 4 or more Tier 1 questions = "High Risk"**  
 "Elevated Risk" and "High Risk" scores trigger law enforcement officers to offer follow up responses in the form of providing or connecting victims to supportive resources or resource information.

- Action:**  Victim referred for follow up based on responses to the assessment  
 Victim referred for follow up based on the officer's professional judgment  
 No referral

\* To be considered at Initial Appearance. See A.R.S. § 13-3967(B).

These questions are asked, with the permission of the victim, in intimate partner violence incidents resulting in arrest of the alleged offender (or where the alleged offender has fled but will be arrested when apprehended). Participation in this assessment is entirely voluntary and victims must be informed that they may decline to answer any or all questions. This form is included with the police report provided to the court, the prosecutor, and defense counsel.

Victims who score at “Elevated Risk” or “High Risk” are referred to a victim advocate if one is available and to a domestic violence services agency or referral service that can provide safety planning and information about additional available services.

Victims who score in the “Elevated Risk” category (a “Yes” response to 2 or 3 Tier 1 questions) experience a 6 times higher risk of severe re-assault or near lethal violence within seven months when compared to those with fewer than 2 Tier 1 risk factors present. It is estimated that 9 percent of victims at “Elevated Risk” will experience severe re-assault within seven months, versus 1.6 percent of victims that answer “Yes” to fewer than 2 Tier One questions.

Victims who score in the “High Risk” category (a “Yes” response to 4 or more Tier 1 questions) experience a 10.5 times higher risk of severe re-assault or near lethal violence within seven months when compared to those with fewer than 2 Tier 1 risk factors present. It is estimated that 15 percent of victims at “High Risk” will experience severe re-assault within seven months.

The above unpublished statistical analyses were generated using data from the Oklahoma Lethality Assessment Study funded by the National Institute of Justice. See Messing, J. T., Campbell, J., Webster, D. W., Brown, S., Patchell, B., & Wilson, J. S. (2015). The Oklahoma lethality assessment study: A quasi-experimental evaluation of the Lethality Assessment Program. *Social Service Review*, 89(3), 499-530  
[https://www.researchgate.net/publication/282982226\\_The\\_Oklahoma\\_Lethality\\_Assessment\\_Study\\_A\\_QuasiExperimental\\_Evaluation\\_of\\_the\\_Lethality\\_Assessment\\_Program](https://www.researchgate.net/publication/282982226_The_Oklahoma_Lethality_Assessment_Study_A_QuasiExperimental_Evaluation_of_the_Lethality_Assessment_Program)

Additional empirical support for this assessment is from:

Campbell, J. C., Webster, D., Koziol-McLain, J., Block, C. R., Campbell, D., Curry, M. A., Gary, F., Glass, N., McFarlane, J., Sachs, C., Sharps, P., Ulrich, Y., Wilt, S. A., Manganello, J., Xu, Xiao, Schollenberger, J, Fry, V., & Laughon, K. (2003). Risk factors for femicide in abusive relationships: Results from a multisite case control study. *American Journal of Public Health*, 93(7), 1089-1097.  
<http://ajph.aphapublications.org/doi/full/10.2105/AJPH.93.7.1089>

Snider, C., Webster, D., O’Sullivan, C. S., Campbell, J. (2009). Intimate partner violence: Development of a brief risk assessment for the emergency department. *Academic Emergency Medicine*, 16, 1208-1216.  
<http://onlinelibrary.wiley.com/doi/10.1111/j.1553-2712.2009.00457.x/pdf>