

Will she be safe? A critical analysis of risk assessment in domestic violence cases

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Abstract

This article describes the emergence of risk assessment and management tools in the UK police response to domestic violence over the past few years and considers the potential and pitfalls of a risk management approach to domestic violence. The development of risk assessment and risk management, and the targeting of resources on high risk domestic violence cases, require a more strategic approach to domestic violence than was previously typical. The main purpose of risk assessment and management is to improve the protection of and interventions for families who are experiencing domestic violence, and to target interventions on those who present the highest risk. As risk is necessarily an unknown, risk assessments are social constructs, and yet they have significant practical and emotional implications for those deemed to be both at risk of being harmed and at risk of harming others. Therefore, the efficacy of risk assessment and management tools deserves critical attention. With risk and crime prevention there is always a balance amongst various interrelated factors, such as: deprivation of liberty; safety of all parties; availability of resources; and reduction of quality of life for perpetrators and their children. This article is based on analysis of policy documents, arrest statistics, a sample of 35 domestic violence victim safety plans, and interviews with senior police officers. It will draw on these resources to consider the extent to which police risk assessment and management in cases of domestic violence gets the balance right.

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1. Introduction

1.1. The nature of the beast

Across the world, partner violence accounts for a significant proportion of female murder victims (between 40 and 70% in Australia, Canada, Israel, South Africa and America) (Krug et al., 2002, p. 93). Women are most likely to be raped by men they know: 54% of rapes are committed by intimates, and 29% by other known individuals, with 50% of cases involving repeat offences by the same person (Walby & Allen, 2004). In the United Kingdom, intimate violence accounts for approximately one-fifth of violent crime, claiming the lives of two women every week (Simmons & Dodd, 2003), while domestic homicide accounts for approximately 35% of all homicides in England and Wales (Richards, 2003a). Data gathered by the British Crime Survey shows that 45% of women experience intimate violence at least

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once in their lifetime, with 13% of women being victimised in the twelve months prior to interview. Whilst some experience of intimate violence is quite widespread, a minority of people is subject to extreme levels of violence and coercive control, with frequent attacks resulting in serious injuries (Walby & Allen, 2004).

Studies of intimate violence reveal immediate and lasting mental and physical health effects, particularly for those who experience severe and chronic abuse. In addition to physical injury, victims of intimate violence suffer depression, eating and sleeping disorders, self-harming behaviours, low self-esteem, chronic physical disorders, and some even attempt suicide (Follette et al., 1996; Krug et al., 2002). Children within the family, especially those who routinely witness abuse, frequently exhibit similar behavioural and psychological disturbances as children who are themselves abused (Krug et al., 2002, p. 103). The controlling behaviours which are part of most violent relationships (Hoyle & Sanders, 2000) make victims vulnerable to dissuasion from pursuing criminal justice solutions and thereby contribute to the high attrition rates in the criminal process (Ellison, 2003; Hoyle, 1998). The failure of criminal justice, in particular the police, to provide an effective response for many victims (Hoyle, 1998; Mills, 1998) has led academics to consider alternative responses, including specialised domestic violence court processes (Eley, 2005), and restorative justice (Mills, 2003; Strang & Braithwaite, 2002). Meanwhile, as ‘the chorus of critics of the current crime control focus of domestic violence policies is growing’ (Coker, 2004, p. 1349), some British police services have been undergoing something of a revolution in their response to violence between intimates. In the last couple of years they have implemented a risk assessment and management policy which drives their reactive responses at the scene, when called to domestic disputes, and their subsequent proactive responses.

1.2. The policy and legislative framework

The introduction of risk assessment and management processes has taken place at a time of concerted effort by the British government to raise the profile of domestic violence and improve the response of all agencies. It has over the last few years made clear its intention to take domestic violence more seriously. Various proposals to improve prevention, protection and justice and support for victims of intimate violence culminated in the Domestic Violence, Crime and Victims Act (2004), providing the most significant overhaul of the law on domestic violence since the 1970s.

Amongst many other measures for all victims of crime (including a Code of Practice which requires all criminal justice agencies to provide victims with adequate support, protection, information and advice), this Act makes common assault an arrestable offence, meaning that officers can now arrest a perpetrator without a warrant for a relatively minor act of violence which does not, for example, cause an injury. It gives the police new powers to deal with domestic violence including making it an arrestable, criminal offence to breach a non-molestation order, punishable by up to five years in prison.¹ It enables courts to impose restraining orders when sentencing for any offence, rather than only for offenders convicted of harassment or causing fear of violence. Further, it allows courts to impose restraining orders on acquittal for any offence (or if a conviction has been overturned on appeal) if they consider it necessary to protect the victim from harassment. It strengthens the civil law on domestic violence to ensure cohabiting same-sex couples have the same access to non-molestation and occupation orders as opposite sex couples, and extends the availability of these orders to couples who have never been married or lived together.

The Act is likely to increase the arrest and prosecution rate for domestic violence. However, even before this Act the arrest rate was already increasing, in part due to the implementation of specific crime reduction targets for domestic violence by the government, which now provides resources in response to an increased sanction–detection rate for domestic violence. As a result, chief constables and their superintendents in charge of local command units have put pressure on operational police officers to increase arrest rates (McLaughlin & Murji, 2001, p. 116). Resources have followed the government’s statistical management, with most police forces having increased significantly the number of dedicated domestic violence officers. In Thames Valley Police, the largest non-Metropolitan police service in England and Wales, where just two years ago there was only one specially trained and dedicated domestic violence officer for each police area, making a total of 11 across the force, there are now nearly 90. Domestic Violence officers were once isolated and provided with little support, but they are now part of the force’s high profile Public Protection

¹ Section 10 of the DVCV has recently been superseded by sections 110 and 111 of the Serious Organised Crime and Police Act 2005 which makes all offences arrestable.

Unit. This unit comes under the command of detective police officers and are therefore taken more seriously by patrol officers. Their officers are said to enjoy a high level of support from police managers.

As a result of these changes, senior police officers from Thames Valley Police have described to me a top–down and bottom–up change in the police culture regarding domestic violence. It is, they say, no longer typical or acceptable to take no action in domestic disputes where there has been a criminal offence. There is also a reluctance to caution offenders where there is a history of violence. Consequently, there has been a significant increase in the police arrest rate for domestic violence. In all domestic violence cases, involving violence from one family member to another or amongst partners or ex-partners, the arrest rate increased from 32% in the year 2003–4 to 58% in the following year (a significant increase from the arrest rate in the early 1990s, which was approximately 18% [Hoyle, 1998]). For cases involving domestic violence between intimate partners, the arrest rate has increased to approximately 84% of cases where a criminal offence has been alleged. Now, the police in Thames Valley have another tool at their disposal; risk assessment and management procedures.

1.3. Risk management: A new way of policing

Criminal justice agents have for some time been involved in risk assessment and management—from probation officers preparing pre-sentence reports for the courts, to prison probation and parole officers making decisions about the release of a prisoner. Now, the police in the UK are also heavily involved in such practices.

The development of risk assessment and risk management, and the targeting of resources on high risk domestic violence cases, require a more strategic approach to domestic violence than was previously typical. The main purpose of risk management and assessment is to improve the protection and interventions for families who are experiencing domestic violence and to target violence prevention interventions on those cases that need them most because they present the highest risk. But risk is necessarily an unknown. It inhabits the world of uncertainty. With risk and crime prevention there is always a balance amongst various interrelated factors, such as deprivation of liberty, the safety of all parties, availability of resources, and reduction of quality of life for victims and their children. Risks, of course, are social constructs but have significant practical and emotional implications for those deemed to be both at risk of being harmed and at risk of harming others. Therefore the efficacy of risk assessment and management tools deserves critical attention.

This article considers the extent to which police risk assessment and management in cases of domestic violence gets the balance right. It describes the emergence of risk assessment and management tools in the UK police response to domestic violence, looking in particular at the dramatic changes to the policing of domestic violence within one English police service (Thames Valley Police) over the past few years and considers the potential and pitfalls of a risk management approach to intimate violence. It is based on analysis of national and local (to Thames Valley police service) policy documents; arrest statistics from Thames Valley; a sample of 35 Thames Valley police domestic violence victim safety plans, prepared between 2005 and 2006; and interviews with senior Thames Valley police officers.² Whilst both men and women experience domestic violence and domestic homicide, this article focuses only on female victims of male perpetrators. This is because women constitute the majority of domestic violence cases reported to Thames Valley police, and because the author has access to insufficient data on risk assessment processes for male victims to draw reliable inferences.

2. Identifying, assessing and managing risk in cases of intimate violence

Police officers attending domestic disputes have always had a “gut feeling” about the risk of further violence when they left the scene of a domestic dispute. In the past, before the language of risk permeated their organisation, they talked in terms of “grievous domestics” and identified without any apparent rigor those likely to “kick off” again if the parties were left together (Hoyle, 1998). They often, although not always, responded to such feelings by separating the

² The author is very grateful to Detective Sergeant Don Savage, Thames Valley Police Crime Management Unit; Detective Superintendent Ashley Smith, Thames Valley Police Professional Standards department; Inspector Stan Gilmore, Thames Valley Police; and Sue Raikes, Director of the Thames Valley Partnership for their assistance.

parties, usually by arresting the male partner to prevent a further breach of the peace, under common law public order legislation. However, they rarely turned their minds to the longer-term risks (Hoyle & Sanders, 2000). If it was not likely to flare up again during their shift they typically did not want to pursue it further. Risk assessment processes in domestic violence cases are focused on the medium and long-term, as much as on responding effectively at the scene. They are based on the need to secure victims' safety, better manage potentially lethal situations, and to gather and make sensible use of intelligence. They are aimed at preventing serious injury and death by putting into place a risk management plan (Richards, 2004). The main purpose of risk management and assessment is to improve the protection and interventions for families who are experiencing domestic violence and to target those interventions on those cases that need them most because they present the highest risk.

In 2005 the Association of Chief Police Officers (ACPO) of England and Wales produced guidance on Identifying, Assessing and Managing Risk in the Context of Policing Domestic Violence to accompany the ACPO Guidance on Investigating Domestic Violence. It specifies the core aims of identifying, assessing and managing risk in the context of policing domestic violence as: "to reduce the likelihood of future harm" and "to facilitate the effective use of police powers" (ACPO, 2004, p. 2). It lists the objectives of risk assessment and management as preventing homicides and serious injuries, preventing and reducing repeat victimisation, and increasing reporting of domestic violence to the police. Further objectives include: to inform decisions and actions by the police and other agencies to protect the victim, children and other vulnerable persons; to reduce repeat victimisation; to inform and build upon the safety planning processes of the victim, children and other vulnerable persons; to assist in delivering effective multi-agency support for the victim, children and other vulnerable persons; and to contribute to increased victim satisfaction in police responses to domestic violence (ACPO, 2005, pp. 4–5).

"Danger" is the potential for harm that inheres in a person or situation, whereas risk is a measure of that potential's likelihood and extent (Garland, 2003, p. 50). Officers have always had ideas about which offenders are dangerous at a particular time, ideas typically informed by situational variables such as heightened emotions, provocation, the influence of alcohol or drugs, etc. Now, they are expected to go further than this perception of immediate danger and consider risk: the possibility or even probability of injury. This section looks carefully at the assessment tools used by front-line officers and the sense made of these data by specialist public protection domestic violence officers. It considers the likely reliability of data gathered under stressful conditions and the various factors, both structural and interactional, which inform the action/safety-plans derived from these data. It begins by considering what can be learnt from research on domestic homicides and intimate violence more generally, and how these data might inform risk assessment and management procedures.

2.1. The identification of risk factors

Previous physical assault by the suspect is described in one comprehensive review of research on risk factors as one of the most robust and straightforward risk factors for domestic violence (Walby & Myhill, 2001). The British Crime Survey of 2000 found that 57% of victims of intimate violence were repeat victims (Kershaw et al., 2000). Studies have found that 65 to 80% of female domestic homicide victims were previously abused by the partners who killed them (Campbell, 2004). However, not all would have reported the violence to the police, or indeed to any agency or support service. Whilst some studies suggest that the majority of women killed are in contact with the criminal justice system, health or social services, or refuges during the year before they are killed (Sharps et al., 2001), other research shows that three-fifths of domestic homicides occur at addresses to which the police have never been called and that only a tiny fraction of repeat domestic abuse cases result in a homicide (Sherman, 1993), suggesting that a prediction of domestic homicide from repeat calls to the police would be wrong in the majority of cases. Whilst studies consistently show that the majority of female victims of domestic homicide have previously experienced intimate abuse (Brookman & Maguire, 2003), it seems sensible for the police to aim to identify and effectively intervene with such victims. However, as Brookman and Maguire (2003) point out, the proportion of cases of intimate abuse which result in a death is small. Therefore, researchers have tried to identify those groups of victims which appear to be associated with fatal outcomes.

Studies from the United States and the United Kingdom suggest a number of other indicators can be identified as most appropriate to assessing risk of homicide within the domestic setting: women's predictions of future risk and its likely severity; evidence of stalking; recent ending of a relationship instigated by the woman; access to/ownership of guns; displaying weapons such as knives within the household; threats with weapons; threats to kill; serious injury in prior abusive incident; threats of suicide by male partner (in response to the woman's threats to leave); drug and alcohol

abuse by the male partner; forced sex with the woman; and obsessiveness/extensive jealousy, extensive dominance (Brookman & Maguire, 2003, drawing heavily on Campbell's Danger Assessment Scale, 1995).

The ACPO risk assessment guidelines reviewed the national and international literature on risk factors and concluded that there were 10 risks associated with the behaviour and circumstances of the suspect and five associated with the victim's circumstances. Those factors associated with the suspect are: previous physical assault by the suspect; previous sexual assault by the suspect; escalation and severity of violence, including use of weapons and attempts at strangulation; child abuse by the suspect; suspect's possessiveness, jealousy or 'stalking' behaviour; threats/attempts to commit suicide by the suspect; threats/fantasies of committing homicide by the suspect; previous criminality and/or breach of civil/criminal court order/bail conditions by the suspect; suspect's psychological and emotional abuse of the victim (including denial/minimisation of violence); suspect's misuse of illegal/prescription drugs and/or alcohol or mental health problems. Factors associated with the victim's circumstances are: the victim's perception that they are at risk of future harm; current or imminent separation from the suspect; pregnancy of the victim; disability and/or mental/physical ill health of the victim; social isolation and particular vulnerability of the victim (ACPO, 2005, pp. 12–18).

Because different studies have produced different risk variables, a range of risk prediction measures for intimate violence have developed on both sides of the Atlantic. In North America, mostly in Canada, there are numerous instruments, including the spousal assault risk appraisal guide (SARA) (Kropp et al., 2000); the Propensity for Abusiveness Scale (PAS) (Dutton, 1995); the Partner Abuse Prognostic Scale (PAPS) (Murphy et al., 2003). Some use absolute risk measures with cut-off scores; others serve to enhance professional judgments about risk; and some apply to men and women, with others applying to males only. Most assessments are based on information from multiple sources, and particularly on data about the perpetrators, collected from perpetrators themselves, or from others with information on them, such as probation officers, but some derive information from victims only (Campbell, 1995). In contrast, in the UK instruments rely more heavily on victims' information and perceptions of danger.

2.2. *The development of risk assessment tools in the UK*

In 2002, the UK Metropolitan Police Service conducted research into risk factors and domestic homicide by examining data from multi-agency domestic violence murder reviews in London (Richards, 2003a), and from in-depth behavioural analyses undertaken on 253 domestic violence sexual offences, as well as 149 "serious" domestic violence offences in 2001 (Richards, 2004). The data gathered from these studies allowed Richards and her team to identify six "high risk" factors (amongst other factors), under the acronym SPECSS: separation (victims trying to leave relationships or disputes over child contact); pregnancy/new birth; escalation (repeat and escalating violence); cultural issues/sensitivity (women might be killed for behaviour or perceived behaviour considered to be immoral in some communities, community barriers and barriers to reporting); stalking; and sexual assault.

In addition to the six SPECSS high-risk factors, officers from the Metropolitan police and other forces who have adopted this tool are advised to consider and ask questions at the scene based on a 'supplementary list' about *other* risks which have emerged from the work of Richards (Richards, 2003b) and other studies on intimate abuse. These are: child abuse, (Moffitt & Caspi, 1998); past physical assault of intimate partner (Sonkin, 1987); past use of weapons and/or credible threats of death (Sonkin et al., 1985); extreme minimisation or denial of spousal assault history; past assault of strangers, acquaintances, family, and/or police (Stuart & Campbell, 1989); animal abuse; recent employment problems (Campbell, 1986); recent substance abuse/dependence (Stuart & Campbell, 1989); issues of control/unpredictability (Campbell, 1986; Wilson & Daly, 1993); recent suicidal or homicidal ideation/intent (Menziez et al., 1985); background of violence/criminal career (Fagan et al., 1983); and violation of contact and non-contact orders (Richards, 2003b).

Richards' research informed the development of a three-stage risk assessment model for police officers to use in responding to incidents of intimate violence, involving an initial assessment by the police officer attending the scene of a domestic dispute; followed by interventions and a further assessment by a specialist officer; and finally, safety planning carried out with the victim (Richards, 2003b). In keeping with the police appetite for acronyms, the risk management model which derives from this assessment process is referred to as RARA: Remove the risk (by arresting the suspect and obtaining a remand in custody); Avoid the risk (by re-housing the victim or relocating her to a shelter); Reduce the risk (by joint intervention/victim safety planning/target hardening and use of protective legislation); and, Accept the risk (by continued reference to the risk assessment model, continual multi-agency intervention planning, support and consent of the victim, and offender targeting within single and multi-agency fora) (Richards, 2003b).

Thames Valley Police piloted the SPECSS model in 2004 and implemented a “positive intervention policy” in 2005. This consisted of a new dual response to domestic violence incorporating both investigation and harm reduction. The harm reduction element comprised risk indication, risk assessment and risk management with resources to be targeted as part of a tiered response based on three identified levels of risk: standard, medium and high. In the 2004 pilot study, approximately 15% of domestic violence cases fell into the high risk category. These findings suggested that the use of the risk assessment model could improve the capacity of the police to respond to domestic violence. Furthermore, identifying levels of risk would allow for earlier decisions on intervention which are more appropriate to the case, with an enhanced level of response delivered by targeting high risk incidents.

Thames Valley Police has now adapted the SPECSS model to produce its own risk assessment tool that includes some additional risk factors while removing others. Six of the SPECSS factors have been deleted because they were considered to be insufficiently predictive of further violence, namely: child abuse, past physical assault of intimate partner, extreme minimisation or denial of spousal assault history, past assault of stranger, acquaintances, family, and/or police officers, animal abuse, and recent employment problems. The Thames Valley added factors are strangulation, mental health problems of the suspect, and the victim’s own assessment of their risk. This final factor is perhaps the most important addition to the Thames Valley model, as research suggests this is an important predictor of future victimisation (Weisz et al., 2000).

In the Thames Valley the target is for approximately 15% of risk assessments to be assigned as high risk cases, meriting a full risk management process; approximately 25% of cases to be assigned medium risk, for monitoring but little intervention; and, approximately 60% which are deemed not to require any risk management process. Four recent high-profile domestic murders, which occurred in the Thames Valley, have been reviewed against the risk assessment model and it was found that all would have been assigned as high risk cases if the model had been in place at the time. Of course, this is not to say that the murders would therefore have been prevented. They may have been, but risk assessment and management is not infallible.

3. The potential and pitfalls of domestic violence risk management practices

A new penology has emerged with the notion of risk as one of its central features. Indeed, the notion of risk has become ubiquitous in the criminological literature in a remarkably short period of time. As Garland puts it, ‘risk’ has become “a tantalizing four-letter word that has, out of nowhere, come to stand centre stage in contemporary politics and social theory ... risk and its management have outgrown the domain of the technical specialists and are becoming increasingly pervasive features of the contemporary world” (Garland, 2003, p. 49).

Today, risk-assessment instruments are frequently used by law enforcement officers and those responsible for sentencing, incarceration and management of offenders within the community, to identify and to manage those considered to be at risk of offending and at risk of victimisation: “Prediction has become *de rigueur* in our highly administrative law enforcement and prison sectors—seen as a necessity, no longer a mere convenience” (Harcourt, 2006, p. 18). The risk society has clearly become a byword for criminological thinking about late modernity (Beck, 1992), and yet, whilst there has been over the past decade a steady increase in the development of risk assessment tools and management techniques for domestic violence, and in particular in domestic homicide (Campbell, 2004; Decker et al., 2004; Kropp, 2004), this literature has not specifically discussed the role of the police in risk assessment and management. Nor has it fully engaged with the theoretical literature on risk. Indeed, there has been little critical debate on the use of risk assessment and risk management tools in cases of domestic violence. The rest of this article will look critically at the use of risk assessment and management tools in cases of domestic violence, but first will acknowledge that it has potential.

3.1. *The promise of risk assessment*

Most of those who work in and study the criminal process view risk assessment tools with optimism, rather than concern: “most scholars, criminal justice practitioners, and public citizens embrace the turn to actuarial methods as a more efficient, rational, and wealth-maximizing tool to allocate scarce law enforcement resources ... the simple fact is, the police can detect *more* crime with the *same* resources if they investigate suspects who are at a greater risk of criminal offending” (Harcourt, 2006, p. 2) (emphasis in original).

Many criminologists would agree that risk assessment instruments can provide accurate and helpful data upon which the criminal justice system or those at risk of victimisation can act. Structured decision approaches, using risk

indices, are superior to unstructured approaches because they promise broader and more accurate coverage of issues in assessing risk: “The use of an index ensures that certain index variables, known to be correlated with risk, will be assessed in every case; and others, generally unrelated to risk, will be given secondary importance” (Clear & Cadora, 2001, pp. 56–57). As Clear and Cadora (2001) argue, when decisions are left unstructured by ‘relevant’ factors, inconsistent and unpredictable factors can influence decision-makers. Purely discretionary decisions open the door to racial and class biases influencing criminal justice responses. Nonetheless, all good things come at a price.

3.2. Prediction is not an exact science

Lucia Zedner argues that in important respects “we are on the cusp of a shift from a post- to a pre-crime society, a society in which the possibility of forestalling risks claims precedence over responding to wrongs done.” There has been a temporal shift whereby interventions are moving to an earlier stage in a society characterised by “calculation, risk, and uncertainty, surveillance, precaution . . . monitoring, [and] prevention” (Zedner, 2007, pp. 262). Pre-crime shifts the temporal perspective to predict and prevent offences which have not yet happened; and, more importantly, may never happen. This is because prediction is merely informed calculation about the future and, as such, can be wrong. In criminal justice something is defined as a risk when the potential for harm has been noticed by someone with the power to gather data and assess the likelihood of the potential being realized. In other words, risk is a social construct.

3.3. Inexplicable variance across assessment tools

Whilst there are many studies, some discussed above, which suggest various domestic violence risk factors, it is clear that the data do not point toward a rigorous formula for prediction of domestic homicide (Websdale, 1999). Hence, those charged with developing tools have almost invariably identified a different range of criteria or placed different emphasis on the same criteria. Table 1 compares a list of risk factors as identified by a review of the literature with those used by the SPECSS model. Those factors in bold are common to both lists, whereas those in italics are found in some of the studies identified by the literature review but do not feature in the SPECSS model. It is clear that whilst there is some overlap, there is significant variation. Most notably, SPECSS has eliminated numerous factors from its list that others have included.

Table 1 is not based on thorough rigorous empirical research, but simply includes numerous studies of domestic violence risk factors, including those cited above in the section on identification of risk factors. That a review of the literature in both the UK and the US identifies risk factors that are not included in the SPECSS model and vice versa is, I would argue, a cause for some concern if practitioners are relying on these instruments in making judgements about

Table 1
Comparison of SPECSS and general risk factors

Risk factors in the SPECSS model	Risk factors identified by the literature
Separation <i>Pregnancy/new birth</i> <i>Escalation</i> <i>Cultural issues/sensitivity</i>	Recent ending of a relationship instigated by the woman
Stalking	Evidence of stalking
Sexual Assault	Forced sex with the woman
	<i>Women's predictions of future risk</i>
	<i>Access to or ownership of guns</i>
	<i>Displaying weapons such as knives within the household</i>
	<i>Threats with weapons</i>
	<i>Drug and alcohol abuse by the male partner</i>
	<i>Threats to kill</i>
	<i>Serious injury in prior abusive incident^a</i>
	<i>Threats of suicide by male partner</i>
	<i>Obsessiveness/extensive jealousy, extensive dominance</i>

^a This, and perhaps other factors in this list, could be considered to be evidence of ‘escalation’. However, one other serious incident does not quite represent escalation, which implies numerous other incidents, each becoming increasingly serious.

who is most at risk and which potential perpetrators are most dangerous. The table suggests that risk assessment models for domestic violence are not as scientifically rigorous as those using them might presume. For example, the SPECSS model does not take into consideration women's own assessments of the danger they are in, independent of other risk factors, even though most studies suggest it is highly predictive of serious domestic assault.

The various studies do not point to an identical list of risk factors, even when the empirical data are gathered from the same or a similar location. Hence, any one risk assessment tool may not capture the primary risks and may lead to both false positives and false negatives. Academic research on domestic homicides is limited but shows that there are variations in the context and circumstances of domestic murders (Dobash, Dobash, Cavanagh, & Lewis, 2002; Radford & Gill, 2006). Hence, any risk assessment tool based on domestic homicide is unlikely to be a reliable predictor in even the majority of cases of domestic abuse. A woman's own perception of risk is perhaps a more reliable measure of risk.

A recent independent evaluation of the SPECSS model suggests that other factors, two of which are on the SPECSS 'supplementary list,' should in fact be on the primary list of 'high-risk' factors—notably, threats to kill self or others, use of drugs and alcohol, and controlling and obsessive jealousy—as they appear to be of equal or more significance than some of the identified high-risk factors (Humphreys et al., 2005). The study by Humphreys et al. (2005) is also critical of the use of the category "cultural issues/sensitivity" to signify heightened risk through isolation, attitudes, and barriers to help seeking, as this is a category rarely used by operational police officers and open to misunderstanding. The danger of using the 'cultural issues/sensitivity' risk factor is also that it is open to stereotyping and racism.

3.4. *Inexplicable variance in use of assessment tools*

Clearly, at any one time the police cannot know if the risk assessment tools they are relying on are capable of accurately predicting the victims most likely to be seriously harmed in the near future. Furthermore, even if the assessment tool could be proven to be infallible, if only over a short period of time, there needs to be on-going evaluation of the use of such tools in operational policing. The evaluation of the SPECSS model in West Yorkshire found considerable variation in the allocation of risk levels between the 4 sites which could not be accounted for by the level of seriousness of the incidents (Humphreys et al., 2005). Different officers were interpreting the information given to them or what they witnessed in different ways, clear evidence of risk being a social construct. Having a model does not make risk assessment a science. There must be confidence that police officers at the scene are coding the information they receive correctly, and that specialist officers are interpreting those data correctly. Currently there is insufficient empirical evidence to show that this is happening.

3.5. *Victims are not always at the same level of risk*

Police assessments of risk are based on variables which might change soon after the prediction is made, and hence the level of risk could increase or decrease dramatically, rendering risk management based on the original assessment erroneous. As Garland argues: "Our capacity to identify, evaluate, and manage uncertain future events is intrinsically limited, even where there is good data, good science, and a settled perception of the hazard in question" (Garland, 2003, p. 53).

To improve the accuracy of instruments, risk assessments should be able to identify the conditions under which a potential perpetrator is likely to re-offend (for example, whether he is at higher risk when under the influence of alcohol or drugs, or if his partner leaves him) and should be time-specific, subject to revision or cessation if conditions change. Most of the risk factors on the SPECSS instrument are situational factors, rather than systematic factors that are historical in nature. Situational factors (such as a recent escalation in violence, an increase in drug or alcohol misuse or recurring problems around child access) or 'event' factors (such as a new birth) are changeable aspects of the offender and victim's lives and can thus be considered to be appropriate for targeting (Clear & Cadora, 2001, p. 64). However, one year on these factors might have changed or, in the example of a new birth, be less or more influential. Risk assessment tools need to be subject to regular revision to retain accuracy. Without this there is the risk of failing to identify and act on information which suggests an increased risk of violence, perhaps moving the victim out of a category of standard risk, which justifies only minimal intervention, to high risk, which sets in motion a thorough and targeted response. Alternatively, there is the risk of intervening disproportionately in a low-risk case.

As Feeley and Simon (1992, p. 459) have argued, under the new penology people are allocated to an intervention by sorting for risk rather than tailoring for either culpability or need. Whilst they refer to offenders or potential offenders,

the same could be said of victims who might be denied police intervention because they are not deemed to be at a sufficiently high risk to justify the allocation of scarce resources toward reducing their risk of victimisation. There is a danger that the protection and policing offered to those deemed at low risk will fall to unacceptable levels. Assessments might also be affected by resource considerations. To some extent this is one of the purposes of risk assessment—to ensure that precious resources are allocated to high-risk cases in order to lower the level of risk. However, the qualitative data presented in the report by [Humphreys et al. \(2005\)](#) suggest that some cases are categorised with those limited resources in mind, and when they are not, officers struggle to respond to the high proportion of cases identified as at high or medium risk. Hence there is the likelihood that cases will be assigned a low category to prevent “system overload,” and this could result in less attention given to these victims than would have been the case without the formal risk-assessment in place. [Radford and Gill’s \(2006\)](#) evaluation of risk assessment and management procedures in one area in England similarly found that whilst those women who were assigned a high level of risk were generally satisfied with the faster and better response from the police (typically more police officers turned up more quickly when the victim called the police), others assigned to a lower risk thought they were not taken seriously at all. They complained that risk assessment was being used as a rationing device to target resources to those whose partners were identified as most dangerous, effectively withdrawing resources from others ([Radford & Gill, 2006](#)).

In West Yorkshire it was found that whilst front-line officers were happy to complete the risk assessment form, they were then reluctant to take the case further. They considered that their job had been done and expected specialist officers to take forward the risk management stage. This could result in officers not acting appropriately at the scene. They may decide against doing something to reduce the immediate risk of further violence, for example by arresting and removing the perpetrator, in the belief that more highly trained specialist officers will take over in the following day or two.

The ACPO guidance on risk assessment and management warns against simplification of the complex issue of risk by assigning categories of risk such as high, medium and standard which may be misleading and potentially unsafe if not accompanied by adequate training, information about the nature of risk, guidance about how to categorise risk and the consequence and meaning of different categories of risk, as well as an understanding that risk is a dynamic variable that can change from one instant to the next ([ACPO, 2005](#), p. 8). The research by [Humphreys et al. \(2005\)](#) shows that in the Metropolitan and West Yorkshire police services almost half of the officers were not adequately trained, and that training at all levels of service was incomplete.

This section has tried to show that having a risk assessment tool in place does not guarantee invariable identification of, and appropriate response to, those cases which present the highest risk. As Niels Bohr, the eminent Danish physicist, put it: “Prediction is very difficult, especially about the future.” But even if we could devise perfect tools and adequately train police officers, the process itself makes certain assumptions about victims which may not be borne out in reality.

3.6. Domestic violence victims: A challenge to the idealized rational victim

In its formative years, modern policing was largely orientated toward prevention of crime ([McMullen, 1998](#)) but it then changed to predominantly reactive practices, although community policing continued its focus on crime prevention ([Jones & Newburn, 1998](#)). In the last decade the balance has shifted, with proactive, often intelligence-led policing consuming more and more resources, typically under the rubric of crime prevention. A significant aspect of this shift has been the neo-liberal promotion of self-governance, with individuals seen as integral to the management of the risks they face ([Haggerty, 2003](#)). As Haggerty puts it: “Citizens now undergo a process of responsabilization in which they are enticed, persuaded, and coerced into viewing their life as a perpetual process of risk taking and risk management” ([Haggerty, 2003](#), p. 193).

According to Pat O’Malley, “Neo-liberal agendas of individual responsibility and ‘activity’ foster devolution of crime prevention to the citizenry and promote risk-based models for governing crime in the community” ([O’Malley, 2001](#), p. 89). For the police, crime prevention is now partly a matter of target hardening, of putting in place or advising potential victims to put in place, a range of measures designed to improve their personal security. In the case of burglaries the police, along with victim support organisations, have long recognised the risk of repeat victimisation and have therefore advised all victims to improve the security of their homes by purchasing alarms, window locks and other security measures. Criminologists have referred to this as the commodification of security ([Ericson & Haggerty, 1997](#)). Responses to domestic violence now similarly seek to reduce the risks of further violence by getting victims to agree

with “safety plans.” Typically these might include arrangements to hide from or escape from a violent partner and to establish a support network. They may also recommend the purchase of personal safety alarms, mobile phones, reactive exterior lighting, etc.

In the case of domestic violence, victims are made individually accountable—in part, at least—for minimising the risk of further violence by being encouraged to take seriously the recommendations of the domestic violence victim safety plan. This plan is derived from an analysis of the risk posed to that particular individual and the professional advice of a domestic violence specialist police officer, and includes an apparently sensible list of practical measures to help the victim to reduce their risk of further violence. The plan prompts domestic violence officers to give advice on protection planning, which includes information on and assistance with target hardening, including changing door locks, fitting window locks, installing security systems, smoke alarms, external lighting, etc. Advice is also given on identifying escape routes, places of safe refuge, mobile communications, and people who can support the victim in an emergency and who might help to protect the victim and any children by not revealing certain information to the perpetrator. The safety plan also provides information about all potential civil and criminal legal measures, and other services she may need, as well as advice on protecting themselves by avoiding contact with the perpetrator. This includes changing children’s schools, changing work patterns, changing routes taken to work or school, avoiding places frequented by the perpetrator, etc.

For some victims this advice and information will be genuinely empowering. It will provide them with information and support to make the best choices for their particular situation. It will, without doubt, reduce incidents of repeat violence for women who wish (and choose) to separate from violent partners or to prevent ex-partners from repeated abuse. It will also reduce the risk of violence for some women who are determined to end the violence in their relationship, even if they do not wish to end the relationship. It is a step forward from the dichotomous option offered by the police in the past: arrest or nothing (Hoyle, 2007). However, it will be of limited value for other women who are not behaving in a way that is ‘rational’ according to risk reduction criteria.

The victim safety plans rely heavily on victims behaving sensibly and rationally according to objective factors. O’Malley, elaborating the model of individualised responsibilized governance as “prudentialism,” describes such an actor: “Guided by actual data on risks and on the delivery of relevant services and expertise, the rational and responsible individual will take prudent risk-managing measures” (O’Malley, 1996, p. 200, cited in Haggerty, 2003, p. 198). It is a model that may work well in protecting people from a potential burglary, where reason is less likely to be infused with emotional considerations (most of us have no objection, except perhaps financial, to installing a burglar alarm or window locks), but it might not help those victims who are still emotionally committed to the perpetrator or those whose choices are restricted by controlling behaviours, and of course these categories are not mutually exclusive. As Haggerty argues, many advocates of crime prevention through environmental design are influenced by “neo-liberalism’s assumption of a ‘rational prudent citizen’ who strives to reduce his or her risk of criminal victimisation.... It is simply assumed that individuals will embrace a calculative attitude to determining the risks that they face and adopt appropriate measures in light of their probability of being victimized” (Haggerty, 2003, p. 196). This is an erroneous assumption for many victims, but particularly for victims of intimate abuse.

The literature on intimate abuse is replete with studies of victims who chose, for whatever reason, not to cooperate with the efforts of criminal justice agents to reduce their risk of further victimisation, in particular by allowing or even encouraging perpetrators to breach civil law injunctions and orders aimed at keeping the parties apart. For some victims these breaches derive from a genuine desire to reconcile with the perpetrator. For others, motivations are caught up with fear and intimidation. Nonetheless, for many there lies behind apparently foolish behaviour and decisions, a bounded rationality; a choice which could be understood as rational when certain structural and cultural variables which limit and structure their choices are considered (Hoyle & Sanders, 2000).

Furthermore, for most victims, but particularly for those of intimate abuse, crime does not take place in a vacuum: “crime is only one among the plethora of risks that an individual risk manager faces” (Haggerty, 2003, p. 199). If a woman makes efforts to remove her violent partner from the home and reduce the chances of him returning or having access to her at all, she may well reduce the risk of victimisation, but she might significantly increase other risks, such as poverty, losing contact with her own children, losing her home, etc. Many victims of intimate abuse weigh up the different, often competing, risks in making decisions about managing the violence in their lives. They may choose to remain in a violent relationship despite the risks to personal safety because at that particular stage in their life they place a high value on the rewards associated with the relationship. They are not necessarily passive actors accepting abuse until the police officer arrives explaining that they can move to a refuge or have their partner evicted from their home.

They are often active negotiators of the competing demands on them and the benefits and risks associated with different courses of action. They make efforts to balance the risks and rewards associated with a continued relationship with a violent perpetrator (Peled, Eisikovits, Enosh, & Winstok, 2000). Furthermore, even if they do not wish to continue in a violent relationship, they may not wish to follow the recommendations of a victim safety plan, devised with only their safety in mind. As (Zedner, 2001) argues: “If high levels of objective personal security are obtainable only at the cost of living in a ‘fortress–society’ with significant limitations on freedom of movement and civil liberties, then that cost may be too high” (2001, p. 202). Zedner’s focus is on external threats, risks from those outside of the home, but her caution has applicability to threats from within. As explained above, the victim safety plan has a number of rather restrictive recommendations for those who decide to separate from their violent partner, from installing alarms, window locks, external lighting and fire extinguishers, to changing their locks, their children’s schools, their working patterns and hours, their routes to work and school, and avoiding any places frequented by the perpetrator. Furthermore, these more drastic measures are not limited to only the most serious cases: 15 of the 35 victim safety plans studied for this article included advice on changing children’s schools or working patterns/routes to work, etc.

Such restrictions on behaviour or movement and recommendations for putting in place a range of security measures will not impact on all women equally. Unless they take into account structural inequalities, such as racism, class privilege and heterosexism, they are unlikely to be effective for all victims. Recent research suggests that women from lower socio-economic groups are significantly more likely to be victimised and that their victimisation and their needs are exacerbated by their poverty (Renzetti, 2004; Sokoloff & Dupont, 2005, p. 44). The US National Crime Victimization Surveys show that very low income households suffer about five times the amount of domestic violence as do high income families (Raphael, 2002, p. 367).

Studies of the experiences of ethnic minority groups have shown that race interacts with other sites of disadvantage. In the UK there is little variation in the prevalence of domestic violence by ethnicity (Walby & Allen, 2004), but that minority victims are less likely to report the violence or seek help from other sources (Parmar et al., 2005). Surveys in the US however suggest that domestic violence is higher amongst black couples than white and lowest amongst Asian communities (Tjaden & Thoennes, 1999). It is not clear how to explain these data. They may reflect reluctance to reveal violence amongst Asian women. Eng (1995) found that Asian immigrant women had difficulty acknowledging domestic abuse as they felt ashamed, having been socialised to believe that marital failure is always the fault of the wife. Furthermore, the data might show differences in socio-economic status: some ethnic minorities in countries in the US might be trapped in violent relationships, without the resources to escape, and therefore over time more likely to experience greater levels of domestic abuse. However, as scholars of race make clear, it is necessary to examine the impact of other forms of inequality in addition to gender (Bosworth, 2004). Risk assessment tools must be sensitive to differences between victims, not just gender differences but other cultural and structural differences, as strategies of risk management differently impact gendered, stratified and racialized groups (Hannah-Moffat, 2006).

Of course, with risk assessment and management techniques in place, victims may be more likely to be blamed for their future victimisation and perhaps particularly for any harm to their children. As Radford and Gill make clear, “risk assessment that fails to deal with the perpetrator’s responsibility for the violence can support victim blaming and the categorisation of women into ‘deserving’ and ‘non-deserving’ victims” (2006, p. 379). Victims have often been burdened with some of the blame for domestic violence, as police officers have typically dealt increasingly unsympathetically with those who would not support their endeavours to arrest and charge perpetrators (Hoyle, 1998). Nonetheless, the primary focus of the blame was on the perpetrators. Once police take responsibility for assessing risk and designing risk management tools the police service necessarily assumes some responsibility for preventing future violence. Furthermore, once victims are given significant responsibility for their own risk management, they share the ownership of the problem with those victims. Hence, when things go wrong, both the police and the victims can be seen as blameworthy. Women who fail to take measures recommended by the police will be seen as having contributed to their harm and, in particular, they are likely to be blamed for failing to protect their family, especially if children are subsequently harmed by abusive fathers.

3.7. *Risk is reactive*

When victims are told they are at high risk of violence and are told how to reduce it, they may, if compliant with the police safety plan, succeed in actually reducing their risk of victimisation. However, risk management practices may have unintended consequences, with some victims engaging in more risky behaviour because of the presence of target

hardening devices. This tendency to adjust behaviour in response to changing perceptions of risk is usually called “risk compensation” (Garland, 2003, p. 54). For example, a woman may resume a relationship or even just communicate with an estranged violent partner because she feels safe after a personal alarm has been installed or a non-molestation order imposed by the court. In doing so she may render herself less safe than she would have been prior to a risk assessment. And what about the impact on her partner’s behaviour?

The risk assessment and management process rests on the assumption that different people react similarly to a change in policing; that, for example, they will respond in a predictable way to arrest or increased surveillance. Harcourt argues that this assumption is unfounded and likely wrong in many circumstances (2006, p. 25). That different domestic violence offenders respond differently to arrest was evident from Sherman’s (1992) Minneapolis study and the subsequent replication studies. Some studies have found that prior arrest for intimate violence is a risk factor for subsequent reassault, but Campbell’s American 12-city study suggests that it was a protective factor among those women most at risk (according to the Danger Assessment clinical and research risk assessment instrument used in Campbell’s study). Arrest seemed to function to keep highly dangerous abusive men from killing their partners, perhaps by surveillance or by triggering a criminal justice response, although for women assessed as being at lower risk it increased the risk of murder or attempted murder (Campbell et al., 2003). The elements of a victim safety plan, such as enhanced security devices, might provoke some men into further retaliatory violence whilst encouraging others to control their behaviour for fear of further police intervention. We simply cannot know and the police officers and even the victims themselves are not likely to know, until it is too late. And what about the impact on how the victim actually feels; on her perceptions of safety?

Whilst some risk assessment tools explicitly measure victims’ perceptions of safety prior to the risk management plan, as research suggests that victims of intimate violence are fairly accurate predictors of future victimisation, studies to evaluate the effectiveness of risk management procedures might produce data which are apparently paradoxical. The data might show that those identified as ‘high risk’ who are persuaded to install personal safety alarms, purchase mobile phones, and prepare detailed plans for escaping from violent perpetrators when threatened by violence, might feel less safe as a result of the safety measures in place, rather than more, even if objectively the measures may have reduced the risk of future violence. This is more likely if they have followed extreme safety advice, such as fitting bars to ground floor windows. As (Zedner, 2003) explains: “Given that the pursuit of security, in its subjective sense, aims to improve quality of life by increasing individual and collective perceptions of safety, it is a deep irony that, by alerting citizens to risk and scattering the world with visible reminders of the threat of crime, it tends to increase subjective insecurity” (2003, p. 163).

3.8. *A threat to proportionality*

It is not yet known what impact risk assessment and management tools for domestic violence might have on the sentencing of those offenders who are charged with a violent act, having previously been measured as at high risk of offending. Will the police risk assessment be used to inform the pre-sentence report put before the court and will it be used after sentencing to inform plans for the offender whilst in prison or serving a community-based sentence? In either event, the risk assessment tool could contribute toward a disproportionate sentence, where the offender is sentenced not only for what he actually did to the victim on this occasion but for what the police consider to be his potential for future violence. His punishment may be related not only to the act he committed but also to his character traits (obsessive jealousy) or his problems (such as alcoholism) or to some specific recent event (such as the birth of a new child). He might, in other words, receive a custodial sentence where otherwise he would likely get a non-custodial penalty, or he might receive a longer sentence or one with more intrusive elements. It could be argued that such ‘tailored’ sentences, such as a sentence including attendance at a domestic violence perpetrator programme or one involving a restorative justice approach, would be beneficial in helping the offender to manage his anger and stop his violent behaviour, but for just desert theorists the implications are troubling. As Harcourt makes clear, we need at least to be aware of how technical knowledge can dictate the path of justice (2006, p. 4).

Tools need to be very accurate predictors to justify extensive deprivation of their liberty—this applies to both potential perpetrators (in that they impact on both civil and criminal justice response) and potential victims and their families (in that they impact on the measures they are persuaded to take to manage and reduce their risk of victimisation).

Regardless of the modern language of risk, the approach described in this chapter is still a ‘crime-centred’ approach and as such is open to many of the criticisms of mandatory arrest and prosecution policies in that it is seen as paternalistic and as limiting women’s autonomy (Mills, 1998). Furthermore, it may well have a similarly disparate

negative impact on ethnic minority men and women (Richie, 2000) as well as being ineffective at ending abuse (Hoyle, 1998). Coker (2001) has shown the different ways in which state intervention can harm those who are already at increased risk of state interference; poor, black victims of domestic violence and in particular those with insecure immigration status or with a history of offending. These intersections can put victims at a high risk of having their children taken into care, being arrested themselves or being deported. This might be an acceptable risk if criminal justice policies protected women from further abuse, but the evidence suggests that often they do not (Sherman, 1992).

4. Conclusion

In most areas of social life those tasked with intervening in people's lives in ways which might cause harm need to conduct a cost–benefit analysis. This is true of those who work in the medical services, in recognition of the iatrogenic potential of many medicines and therapies, and it is certainly true of those who work in the domain of criminal justice. The costs of risk assessment and management in tackling offences in general is well established in the criminological literature but it has not received full consideration in the area of domestic violence. One recently published article entitled 'Some Questions Regarding Spousal Assault Risk Assessment' deals thoroughly with the technical and some ethical difficulties in this area and yet mentions none of the pitfalls discussed above (Kropp, 2004). The balance of costs and benefits is justifiably different where the purported benefits relate to serious physical or psychological harm. It might therefore be the case that the pitfalls and unintended consequences I have mentioned are considered by many to be an acceptable price for the potential of reducing episodes of severe violence and even homicide. This refers to the 'precautionary principle', developed in the field of environmental law, where if the risk is very grave it might be legitimate to act in absence of full scientific evidence. This would certainly be true for the threat of environmental disasters but may not be considered so for the threat of crime.³ Clearly, the criminal justice system needs to be alive to the costs and put in place measures to minimise them.

In the UK, the risk management techniques are directed firmly at helping victims to reduce their risk of victimisation. The responsibility is clearly to be shared between victims and criminal justice. The perpetrators are not encouraged to be accountable for their behaviour; they are assumed to be determined by their characters and environments toward offending. They do not take into account the potential for change, a potential many victims embrace. Risk assessment and management models should not be so deterministic, but should allow for the fact that perpetrators also have agency. Some can, under the right conditions, take responsibility for changing their behaviour with the right support, whether the victim wishes to remain in a relationship with them or not. Hence, the risk-management programmes should include opportunities for men voluntarily to attend domestic violence perpetrator programmes or become involved in restorative justice processes aimed at supporting both victims and offenders toward changes in their lives which end the violence and leave them both safe. They should, in other words, engage men in the response to their unacceptable behaviours. Risk assessment therefore should also incorporate an assessment for the possibility of change (Maruna, 2001).

Risk assessment and risk management for victims of intimate abuse are in their infancy. The confusing plethora of assessment tools is in itself indicative that many questions and much doubt remain as to the most reliable indicators of likely repeat victimization in cases where victims or others have complained to the police. Absent thorough and rigorous evaluation of their effectiveness, the jury is still out. Meanwhile, the high proportion of cases of serious intimate violence and homicide in households which have never previously come to police attention serves to remind us that in any event, these tools are likely to remain of relatively limited scope in preventing domestic homicide.

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³ The author is grateful to Lucia Zedner for making this point.

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