



## **Lethality Assessment Program – Maryland Model (LAP)**

### **Protocol for Law Enforcement and Domestic Violence Service Programs (DVSPs)**

It is not uncommon to hear, after a domestic violence death, that it is difficult to stop someone who is bent on killing another person. The Lethality Screen and accompanying protocol were developed to help officers identify victims of domestic violence who are at risk of being killed and to take steps that might redirect their path toward safety. The LAP is an evidence-based homicide prevention tool. Because intimate partner homicides are predictable, they are preventable. The Maryland Network Against Domestic Violence (MNADV) believes that the LAP can prevent domestic violence deaths, and we welcome your adoption of the Program.

# Table of Contents

<b>Purpose</b> .....	3-4
Identifying and Responding to High-Danger Situations.....	3-4
Purpose of the Lethality Assessment Program .....	3-4
<b>Goals and Summary</b> .....	5
Goals .....	5
Overview of the Lethality Assessment Program .....	5
<b>Initiating the Screen</b> .....	6-8
When to Initiate the Lethality Screen.....	6-7
Criteria for initiating the Lethality Screen.....	6
Situations in which the Lethality Screen cannot be administered.....	6-7
Situations involving mutual battery.....	7
How to Initiate the Lethality Screen .....	8
Asking the questions .....	8
Lethality Screen questions .....	8
<b>Assessing the Screen</b> .....	9
How to Assess the Responses to the Screen .....	9
Unclear answers .....	9
<b>Hotline Call</b> .....	10-13
Response After the Lethality Screen .....	10
High-Danger cases .....	10
Non-High Danger cases .....	10
Phone Protocol .....	10-11
Patrol phone .....	10-11
Officer's personal cell phone .....	11
The victim's cell phone or landline .....	11
Connecting the Victim to Services .....	11-13
If the victim initially declines to speak with the advocate.....	11
If the victim continues to decline to speak with the advocate.....	11-12
If the victim agrees to speak with the advocate .....	12
The need for a longer call .....	13
<b>Protocol Conclusion</b> .....	14-16
Concluding the Call for Service .....	14-15
Before leaving the scene.....	14
After leaving the scene.....	14-15
Providing Enhanced Services for High-Danger Victims.....	15-16

## **PURPOSE | Lethality Assessment Program Protocol**

### **Identifying and Responding to High-Danger Situations**

Domestic violence situations often escalate to further and more serious violence, and may result in the death of the victim, children or other family members, the abuser, bystanders and/or first responders. Recognizing and responding to this phenomenon is not easy for officers nor domestic violence advocates. **The LAP is designed to encourage and enable High-Danger victims to utilize the community's domestic violence resources, thereby reducing risk of re-assault and intimate partner homicide.** When High-Danger victims are identified in this way, the community is empowered to provide a differentiated response, thus improving the victim's safety.

### **Purpose of the Lethality Assessment Program**

#### **To improve response to victims.**

The Lethality Screen and accompanying protocol improve the way law enforcement officers and the community deal with domestic violence across the nation. Officers often leave the scene of a domestic violence call for service and wish there were more they could do for the victim. The LAP allows officers to make a tangible difference in the lives of victims and their families, even when arrests are not made.

#### **To educate and empower victims.**

Simply by asking the Lethality Screen questions, the officer educates the victim about the predictors that indicate that she/he is at increased risk of homicide. The hotline advocate gives further education to the victim, as to how to remain safe, what options are available, and what resources are in the community. The victim is then empowered to make choices that increase her/his own safety and decrease the risk of homicide. Even victims who are not assessed as High-Danger at the time of the call for service and those who are not ready to seek help, receive valuable information from the Lethality Screen; it affords them insight into the warning signs that could indicate that their abusive relationship is escalating in severity, and could lead to death.

#### **To respond more strategically to High-Danger situations.**

The LAP provides officers an evidence-based tool for assessing the dangerousness of a victim's situation, and an accompanying procedure that immediately connects those victims who are at high risk of severe re-assault or death to a local domestic violence service program (DVSP). The LAP is founded on the belief that domestic violence is **variable**, and that domestic violence fatalities are **predictable and preventable**. Thus, the LAP is an innovation in **safety promotion** and **homicide prevention** that equips law enforcement agencies and DVSPs to respond more proactively to domestic violence in their communities through a **standardized lethality assessment instrument** and **differentiated response procedure** tailored to the victim's unique circumstances.

#### **To enhance COOPERATION, COMMUNICATION, and COORDINATION between Law Enforcement Agencies and DVSPs.**

A successful response to domestic violence depends on the willingness of law

enforcement agencies and DVSPs to work together in different ways. Without cooperation, communication, and coordination, law enforcement agencies and DVSPs cannot effectively identify victims who are in potentially lethal situations and properly connect them to safety and services, which are proven to save lives. Law enforcement and DVSPs need to understand that the safety of victims is best-achieved by their mutual willingness to work together. The LAP elevates the collective intelligence of the criminal justice and social services systems regarding best practices in intimate partner homicide reduction.

## GOALS AND SUMMARY | Lethality Assessment Program Protocol

### Goals

The goals of the Lethality Assessment Program are to:

- Reduce the danger level for victims;
- Reduce domestic violence-related fatalities;
- Educate victims to recognize lethality predictors;
- Educate and empower victims to make safe choices;
- Increase awareness of danger and lethality predictors among law enforcement agencies and DVSPs;
- Educate law enforcement agencies and DVSPs on how to provide differentiated responses to domestic violence situations;
- Inspire greater consideration of proactive interventions in law enforcement agencies and DVSPs;
- Provide victims an opportunity "to see themselves, their abusers, and their overall predicaments" through a "different lens"; and
- Enhance cooperation, communication, and coordination between law enforcement agencies and DVSPs.

### Overview of the Lethality Assessment Program

The Lethality Assessment Program is comprised of:

1. Law enforcement conducting a lethality assessment through the use of an evidence-based instrument, the Lethality Screen.
2. Law enforcement contacting the DVSP hotline when a victim is assessed as being in High-Danger.
3. Law enforcement calling the DVSP hotline to seek guidance on how to provide a situation-appropriate, differentiated response.
4. Law enforcement encouraging the victim to speak with the DVSP hotline advocate.
5. DVSPs providing immediate safety planning and education to the victim.
6. DVSPs encouraging the victim to use the DVSP's services, as determined by the situation.
7. DVSPs following up with High-Danger victims and providing them with enhanced services, as appropriate.

# INITIATING THE SCREEN | Lethality Assessment Program Protocol

## When to Initiate the Lethality Screen

### Criteria for initiating the Lethality Screen

**The officer should initiate the Lethality Screen when he/she responds to a domestic situation between intimate partners, AND at least one of the following conditions exist:**

- There is reason to believe that an assault or an act that constitutes domestic violence has occurred, whether or not there is an arrest;
- There is a belief or sense on the part of the officer that once the victim is no longer in the presence of the officer the potential for violence or danger is high;
- When the officer has responded to a domestic situation involving either partner before; and/or
- The officer believes one should be conducted, based on the officer's professional experience, training, and instincts.

The Lethality Screen should only be used in situations involving individuals<sup>1</sup> who have been in or are currently in an **intimate relationship** with each other. An intimate relationship is one in which heterosexual or homosexual partners have, or have had, a sexual or emotional relationship. Persons involved in an intimate relationship are or were romantic partners who:

- Are married, separated, or divorced;
- Live or have lived together;
- Have children in common; or
- Are dating, or have dated.

### Situations in which the Lethality Screen cannot be administered

The officer must consider the immediate circumstances to determine whether to administer a Lethality Screen, and whether it will be feasible to employ all aspects of the lethality assessment and accompany response procedure (**explained on pgs. 8-13**). It might not be practical nor safe to initiate the screen if the abuser is present, the victim is incoherent or needs immediate medical attention, or when there is no telephone available.

**Limited English Proficiency.** It is important to consider the victim's English language proficiency when considering whether to administer the Lethality Screen. Best practice is to have an officer who is fluent in the victim's primary language administer the Lethality Screen in the language the victim prefers. Officers may also use professional

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<sup>1</sup>As of 2014, the Lethality Screen is a valid instrument for individuals 16 years old or older. There may be situations where completing a Lethality Screen on a minor is appropriate, but first check your established policies. Mandatory reporting laws vary by state and the DVSP may not be permitted to provide services to minors without parental involvement. The local LAP Team Coordinator should be up-to-date as to the laws affecting mandatory reporting and the DVSP's policies concerning providing services to minors.

translators or telephone language lines to communicate with the victim. Make sure all officers are familiar with their agency's policies regarding Limited English Proficiency/Language Access. Officers should not have a family member or a neighbor of the victim interpret the Lethality Screen.

**Hospitalization.** If the officer was not able to administer the Lethality Screen because the victim was in need of immediate medical attention, the officer should automatically assess the victim as High-Danger (by checking the “Based on officer's belief” box on the Screen and noting that the victim was hospitalized), and call the hotline to advise the DVSP of the victim's condition. Officers should also immediately notify the emergency department of the victim's situation and the perpetrator's name, so that the hospital can take security precautions to protect the victim.

If the circumstances do not permit, or the officer believes that initiating the Lethality Screen may place the victim in immediate danger, the officer should not initiate the Lethality Screen at that time, but should still implement as many steps of the response procedure (**explained on pgs. 8-13**) as possible. The officer, or the agency's domestic violence unit, should consider trying to administer a Lethality Screen as soon as possible, at a safe time and location in order to determine the victim's level of danger.

### Situations involving mutual battery

In cases involving allegations of mutual battery, usually one of the parties has acted in self-defense. Administering the Lethality Screen to an abuser would enable the abuser to manipulate the process and possibly have dangerous repercussions for the true victim. Many state laws expect officers to investigate mutual battery cases with a view toward identifying the predominant/primary aggressor. **Administering the Lethality Screen challenges officers to properly investigate cases of mutual battery.** It is highly unlikely that both parties would exhibit the dangerous and controlling predictors that comprise the Lethality Screen. Assess the situation very carefully. Do not administer Lethality Screens to both parties. Do not determine who is the primary aggressor by reviewing Screen answers—the Screen should be administered only after the primary aggressor is determined.

**Best Practice:** We strongly recommend determining which party is the abuser in the relationship (not necessarily the offender in the particular incident), and which party is generally the victim in the relationship, and then administering the screen to the “victim.” Often victims in abusive relationships can provoke a violence incident — they feel it is coming anyway, and want to diffuse tension — but that does not mean they are not “true victims.” Consider not only the most recent incident, but the history of violence in the relationship, whether one party seems controlling or has more power in the relationship, and your intuition.

## How to Initiate the Lethality Screen

### Asking the questions

The officer should advise the victim that he/she will ask the victim a short series of questions to help the officer determine how much immediate danger the victim is in. **The Lethality Screen questions should be asked in the order in which they are listed on the form, as their order is designed to help victims assimilate the lethality predictors in a logical fashion. The officer should ask the questions in a private setting, and use a positive and understanding tone of voice.** More information is available in the **"Communication Guidelines."**

The officer will use the form titled "Lethality Screen" to ask the victim the Lethality Screen questions.

### Lethality Screen questions

1. Has he/she ever used a weapon against you or threatened you with a weapon?
2. Has he/she threatened to kill you or your children?
3. Do you think he/she might try to kill you?
4. Does he/she have a gun or can he/she get one easily?
5. Has he/she ever tried to choke you?
6. Is he/she violently or constantly jealous or does he/she control most of your daily activities?
7. Have you left him/her or separated after living together or being married?
8. Is he/she unemployed?
9. Has he/she tried to kill himself?
10. Do you have a child that he/she knows is not his/hers?
11. Does he/she follow or spy on you or leave threatening messages?

**Note:**

Question 7 refers to whether the victim has ever, in the history of the relationship with this abuser, separated or broken up with the abuser – NOT whether they are currently broken up.



## ASSESSING THE SCREEN | Lethality Assessment Program Protocol

### How to Assess the Responses to the Screen

#### **Yes to Questions #1, 2 or 3**

A “yes” or positive response by the victim to any of Questions 1, 2, or 3 reflects a High-Danger situation and automatically warrants a call to the hotline.

#### **Yes to any 4 of Questions #4-11 and No to Questions #1-3**

If the victim gives negative responses to Questions 1–3, but positive responses to at least four of Questions 4–11, that reflects a High-Danger situation and warrants a call to the hotline.

#### **No to Questions #1-3 and Yes to no more than 3 of Questions #4-11**

The officer should ask the victim the following question: “Is there anything else that worries you about your safety?” If “yes,” then: “What worries you?” The response to the question may help the officer better determine whether the hotline call should be made. **An officer may call the hotline and assess the victim as being in High-Danger (and call the hotline) whenever he/she believes the victim is in a potentially lethal situation.**

#### **Unclear answers**

Sometimes a victim might provide an unclear answer, or may share information in the context of answering the Lethality Screen questions that seems to contradict a previous “yes” or “no” answer. For example, a victim might answer “no” to, “Do you think he might try to kill you?” but then later say, “When he’s choking me, I’m afraid he’ll kill me.” In situations like these, the officer should note his/her concern on the bottom of the Screen, and discuss it with the hotline advocate if a High-Danger assessment was made, so the hotline advocate can better assess the victim’s danger, and coordinate a safety plan that is tailored to the victim’s risk factors. **Even if a victim is not assessed as High-Danger on the Lethality Screen, an officer can still make a High-Danger assessment based on his/her professional experience, training, and instincts.**

# HOTLINE CALL | Lethality Assessment Program Protocol

## Response after the Lethality Screen

### High-Danger cases

If a victim is assessed to be in High-Danger based on the Lethality Screen's results or the officer's belief, the officer will implement a **hotline call** as follows:

- **The officer explains the assessment to the victim.**  
The officer advises the victim that his/her assessment of the victim's situation has shown that the victim is at an increased level of danger, and that people in the victim's situation have been killed.
- **The officer advises the victim that he/she will call the hotline.**  
The officer then tells the victim that he/she would like to call the domestic violence hotline to get further guidance on how to proceed and to have the victim speak with an advocate.
- **The officer will call the hotline.**  
Whether or not the victim initially wants to speak with the hotline advocate, the officer will call the hotline to inform them that there is a High-Danger victim, and to get advice on how to proceed.

### Non-High Danger cases (including situations where none of the questions were answered)

- **Advise the victim that domestic violence is dangerous**, and sometimes fatal;
- Inform the victim to **watch for the lethality predictors** listed in the Lethality Screen because they may convey to the victim that she/he is at increased level of danger;
- **Refer the victim to the DVSP**; and
- Provide the victim with the officer's **contact information** or contact information of others who may be available during times when the officer is not available, in case the victim wants to talk further or needs help. Remind the victim to call 911 in situations where she/he might need immediate help.

## Phone Protocol

### Patrol phone.

If the officer has a work-issued cell phone, using that to call the hotline is the best option. The abuser will not be able to link the victim to the hotline, it does not involve a

### In High- and Non-High Danger cases and "Did Not Answer" cases: Record-keeping

In all cases, including those when the victim was not High-Danger but a Lethality Screen was completed, the officer prepares a report.

- Record why a Lethality Screen was conducted;
- Record whether the hotline call was made;
- Specify which resources, (including the DVSP), were recommended to the victim; and
- Explain what, if any, follow-up actions were/will be taken. For victim safety, it is considered a best practice to arrange for both an officer and an advocate follow-up together, in-person, at the victim's residence or for the DVSP to conduct telephone follow-up.

third party, and it ensures the call will be brief. Consider using a supervisor's patrol phone, if officers do not carry patrol phones.

### Officer's personal cell phone.

The officer is **under no obligation to use his/her personal cell phone**. However, because the victim is in danger, the officer should consider this as an option. Doing so will enable the victim to connect with services that may help her/him and will provide the officer with a practical way to handle the situation.

### The victim's cell phone or landline.

**This should be used only as a last resort.** Modern technology gives even the least tech-savvy abuser the ability to trace or record calls. Be cognizant that the call history (even on a landline) can be tracked. Take all possible precautions. Officers should ask the victim if it is a possibility that the abuser could be recording the call, mention some warning signs (such as the abuser always knowing what the victim is doing, even without the victim telling him/her), and ask the victim if it is safe to use the victim's phone before making the call. Keep in mind that the abuser may be using other technology, including hacking into email, spyware, or video cameras, to monitor and control the victim.

**The victim knows the abuser better than anyone; rely on her/his instincts to know whether using her/his personal cellphone or landline is a safe option.**

## Connecting the Victim to Services

### If the victim initially declines to speak with the advocate

The officer will still call the hotline. Follow the "**Communication Guidelines**" for a guide to this conversation. The call should be brief, and should be focused on helping the officer safety plan with the victim.

The officer will:

- Tell the victim that the officer will contact the DVSP hotline to receive guidance on how to proceed with the situation;
- Tell the victim that the officer would like the victim to reconsider speaking with the hotline advocate; and
- While still on the phone with the hotline advocate, the officer will ask the victim if she/he has reconsidered and would now like to speak with the advocate.

### If the victim continues to decline to speak with the advocate

The officer will:

- **Reiterate his/her assessment** that the **victim is in a dangerous situation**;
- Engage in **basic safety planning** with the victim through the advocate
- Inform the victim to **watch for the lethality predictors** listed on the Lethality Screen because they may convey that she/he is at an increased level of danger;
- **Ask if the victim's name and contact information can be given to the hotline**

- **advocate** for follow-up;
- **Strongly encourage the victim to call the DVSP and provide the referral information;**
- **Provide the victim with the officer's work phone number** or the phone number of others who may be available during times when the officer is not, in case the victim wants to talk further or needs help. Remind the victim to call 911 in situations where she/he needs immediate assistance.

The advocate will:

- **Engage in basic safety planning**, using the officer as a go-between.
- **Consider the victim's immediate circumstances:** her/his responses to the Lethality Screen, whether the abuser has been arrested, and whether the victim is planning to leave the abuser.
- Attempt to get permission for the DVSP to **safely follow up with the victim** in the next couple of days.

### If the victim agrees to speak with the advocate

The officer will call the domestic violence hotline and advise the advocate that he/she has made a High-Danger assessment, and would like the advocate to speak with the victim. See "**Communication Guidelines**" for further instructions on the officer's interaction with the hotline advocate.

Upon being advised by an officer that a victim has been assessed as being in High-Danger,

- The advocate will have a brief conversation with the law enforcement officer about **which questions the victim responded "yes" to, which questions the victim declined to answer, and the context of the incident.**
- Then, the advocate will **speak with the victim, counsel the victim as appropriate, and determine immediate safety planning measures with the victim.** See the "**Communication Guidelines**" for specific steps to take, key points of the conversation, and a sample conversation.
- Before concluding the call, the advocate will ask the victim if she/he may **discuss the victim's situation with the officer in order to coordinate a safety plan.** If the victim declines to allow the advocate to share information with the law enforcement officer, the advocate should follow her/his agency's confidentiality policy. Nevertheless, the advocate should speak to the officer to let the officer know that the conversation has concluded and it is safe to end the service call.
- If the victim consents to a follow-up call by the DVSP, **solicit the victim's contact information and a suitable time and date to follow-up safely** (preferably within 24 hours of the initial hotline call), as well as how frequently the DVSP can follow up.

#### Hotline Conversation Points

1. Gather information from the officer.
2. Build rapport with the victim.
3. Reinforce that the victim is in danger.
4. Educate and safety plan.
5. Encourage the victim to use DVSP services.

## The need for a longer call

**If it appears to the advocate that the phone call will last more than 10 minutes** and that the officer's presence does not seem to be required any longer, **the advocate will ask to speak with the officer.** The advocate will explain to the officer that his/her assistance or presence does not seem to be required any longer and that, if the victim agrees, the officer may consider leaving. **If the victim agrees, and the officer believes that the situation on the scene is stable and safe,** the officer should **provide the victim with his/her work phone number,** in case the victim wants to talk further or needs help; **and advise the victim to call 911** if the victim needs emergency assistance.

## PROTOCOL CONCLUSION | Lethality Assessment Program Protocol

### Concluding the Call for Service

#### Before leaving the scene

##### **Before leaving the scene, the officer should:**

- Inform the victim about possible follow-up by him/herself, or other law enforcement officials.
- Have a brief discussion about how to follow-up safely. Think about whether to block the officer's number from showing up on the victim's caller ID before calling, whether it is safe to leave a message, whether follow-up contact for any ongoing investigation should be done at the victim's workplace, etc.
- Make sure the victim knows what actions will be taken by the officer: will the abuser be arrested, will further investigation of the current incident occur or is the investigation closed, etc.
- Make sure the victim knows how quickly the abuser could be released from custody if the abuser was arrested.
- It is a best practice to provide the victim with a "victim's information card." This card should have emergency numbers listed, as well the contact information for the DVSP.

#### After leaving the scene

**Inform domestic violence unit or supervisor.** Notify the agency's domestic violence unit, if one exists, or a supervisor of the High-Danger assessment, and of the victim's wishes concerning follow-up, and offer a personal assessment of the victim's situation based on the information that the officer obtained from the encounter and/or from previous encounters.

- Based on the information provided by the officer and/or information known to the domestic violence unit, the unit or supervisor may decide that no follow-up should be made in this particular case, or that the victim and/or the abuser should be contacted.
- If a decision is made to contact the victim and/or abuser, the unit or a supervisor will devise a plan for contact to better determine the victim's situation, the need for further help and the danger posed by the abuser. The potential risks to the victim must be carefully weighed before activating such a plan.
- If law enforcement decides to do "welfare" follow ups (in contrast to criminal investigation follow ups), a plan should be made in conjunction with the DVSP.

**Document.** Prepare a report fully documenting the incident.

**Share a copy of the Lethality Screen with the DVSP.** This can be done at the end of the officer's shift, or one person can send all the LAP screens to the DVSP once per day. It is important to send the Lethality Screens to the DVSP in a timely fashion so that follow-up attempts by the DVSP will be prompt and informed. The Screens can be faxed or

scanned and e-mailed to the DVSP agency representative.

## Providing Enhanced Services for High-Danger Victims

**Services** include nearly everything the DVSP does beyond the initial hotline call. The DVSP is encouraged to offer, and engage High-Danger victims in: safety planning, obtaining protection orders, referrals to legal services, shelter, free or reduced-cost counseling, survivors' support groups, legal advocacy, economic empowerment classes, food or clothing banks, 911 phones, and more. Please see "**Sample DVSP Policies**" for more information.

**Follow up.** The DVSP should create telephone or home visit follow-up procedures if procedures are not already in-place. Please see "**Sample DVSP Policies**" for more information. The best practice is for the hotline advocate to obtain permission from the victim to follow-up, and to learn the best way to follow-up during the initial hotline call. All attempts to follow-up should be tracked internally by the DVSP.

If a victim is particularly High-Danger, it is a best practice for an advocate and officer to make an unannounced home visit shortly after the initial Lethality Screen.

**Intake.** If a victim who has received a High-Danger assessment contacts the DVSP, the DVSP will:

- Process the victim according to its administrative intake procedures or a specialized, fast-track process.
- Commit itself to providing enhanced services to High-Danger victims and seek to develop and use best practices for helping such victims. Examples of best practices might include:
  - Guarantees of shelter if requested;
  - Providing more resources or a lower eligibility threshold;
  - Sharing resources and information across programs;
  - Set aside next-day appointments for counseling, legal services, or intake for High-Danger victims.

**Conduct Danger Assessment.** As part of the administrative intake procedures (primarily in cases where the victim has gone to the DVSP for assistance), an advocate should administer a Danger Assessment (if the advocate is certified to do so, from [dangerassessment.com](http://dangerassessment.com)) to further understand the victim's situation, reiterate to the victim the danger she/he is in, and tailor a unique, longer-term safety plan. The LAP High Danger analysis is intended to cast a wide net – completing a Danger Assessment on all High Danger victims will allow DVSPs to target their resources more carefully to those most in danger. Further, research has shown that victims who complete a full Danger Assessment are more likely to engage in the criminal justice system for longer periods of time.

**Team Approach.** If the victim agrees and the advocate believes that it would be a constructive process, a coordinated team approach to securing the victim's safety would begin immediately, with other agencies/organizations being contacted as

necessary for further assistance. Other agencies could include law enforcement, the state's attorney's office, parole and probation, social services, adult and/or child protective services, and mental health services.

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