

	HARRISONBURG POLICE DEPARTMENT General Orders	Policy Number: 515
	Chapter: Investigation Operations	Total Pages: 5
	Section: Lethality Assessment Protocol (LAP)	Issue Date: 11/30/2021
	Issued By: Kelley Warner, Chief of Police	Effective Date: 11/30/2021
	Replaces: All General Orders Previously Issued Relative to Subject	
VALEAC Standards:		

A. POLICY AND PURPOSE

This policy establishes protocol and use of the Lethality Assessment Program (LAP) to prescribe measures to protect victims and identify those who may be at greater risk of a lethal domestic encounter.

It is the policy of the Harrisonburg Police Department to identify victims of intimate partner violence, in potentially lethal situations, and use the Lethality Screen by following established criteria to place victims in immediate and direct contact with a service program advocate. Officers administering the Lethality Screen shall ask the victim questions from the See attachment: 295- Lethality Assessment - LAP and, when a victim is assessed as being High-Danger, call First Step hotline.

B. ACCOUNTABILITY STATEMENT

All employees are expected to fully comply with the guidelines and timelines set forth in this policy. Responsibility rests with the supervisor to ensure that any violations of policy are investigated and appropriate training, counseling and/or disciplinary action is initiated. This directive is for internal use only and does not enlarge an employee's civil liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violation of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

C. DEFINITIONS

Assault – See [VA Code §18.2-57](#) and [VA Code §18.2-57.2](#) (“Assault and Battery against a Family or Household Member”). A related matter, [VA Code §18.2-60](#) criminalizes the sending of letters or text messages to anyone threatening death or injury (Class 6 felony). A Magistrate issuing a warrant for violation of [VA Code §18.2-57.2](#) shall also issue an emergency protective order.

Abuser - A person who perpetrates a pattern of coercive tactics which can include physical, psychological, sexual, economic, and emotional abuse against an intimate partner, with the goal of establishing and maintaining power and control over the victim.

Domestic Violence/Abuse - Domestic violence is a pattern of coercive behavior characterized by the domination and control of one person over another, usually an intimate partner, through physical, psychological, emotional, verbal, sexual, and/or economic abuse. Domestic violence is often called “domestic abuse” because it does not necessarily involve physical violence, and some of the tactics may not even be considered a crime.

High-Danger - A term used for a victim who has been assessed through use of the Lethality Assessment Screen as being at the greatest risk of being killed. The victim is said to be at “High-Danger.”

Intimate Relationship - An “intimate relationship” is one in which heterosexual or homosexual partners have, or have had, a sexual or emotionally intimate relationship.

Intimate partners - Persons who are, or have been involved, in an intimate relationship who:

- a. Are married, separated, or divorced;
- b. Live or have lived together;
- c. Have children in common; or,
- d. Date, or have dated, but do not live, or never have lived together.

Lethality Assessment Protocol (LAP) – The LAP is a multi-pronged intervention that consists of a standardized, evidence-based lethality assessment instrument and accompanying referral protocol that helps first responders make a differentiated response that is tailored to the unique circumstances of High-Danger victims.

Lethality Assessment Screen - The evidence-based field instrument used by trained officers to assess a person who is a victim of intimate partner violence for her/his risk of being killed by an intimate partner.

Victim - The person against whom an abuser directs coercive and/or violent acts.

D. INITIATING A LETHALITY ASSESSMENT

The responding officer shall complete the Lethality Screen when he/she responds to an assault complaint involving intimate partners and one or more of the following conditions exist:

- a. There is reason to believe an assault or an act that constitutes violence has occurred whether or not there is an arrest.
- b. There is a belief or sense on the part of the responding officer that once the victim is no longer in the care or presence of the responding officer the potential for assault or danger is high.
- c. Repeated calls for intimate partner violence complaints at the same location or involving the same parties.
- d. The responding officer believes one should be administered based on his/her experience and training.

a. LETHALITY ASSESSMENT QUESTIONS

To initiate the Lethality Assessment Protocol, the responding officer should:

- a. Advise the victim in a positive, supportive tone that she/he will be asked a series of questions to help the officer determine the immediate potential for danger to the victim.
- b. Administer the Lethality Assessment Screen outside the presence, hearing and awareness of the abusive partner.
- c. Ask the questions in the order they are listed on the form and in the manner they are written.
- d. Ask all the questions in assessing the victim. The more questions the victim responds to positively, the clearer and more immediate the potential for danger is to the victim.

b. ASSESSING THE RESPONSES TO THE LETHALITY QUESTIONS

After the responding officer asks the questions on the Lethality Assessment Screen, he/she shall handle the information as follows:

- a. A single “yes” or positive response by the victim to questions #1, 2 or 3 reflects a High-Danger situation and automatically triggers the hotline call. Officers shall still ask the remaining questions, as they will help the officer gather a more comprehensive understanding of the victim’s situation before calling the hotline. Doing so will also allow the victim to assimilate lethality predictors that indicate that she/he is at risk of being killed by her/his intimate partner.
- b. If the victim gives negative responses to questions #1-3, but positive responses to four or more of questions #4 thru 11, this reflects a High-Danger situation and triggers the hotline call.
- c. “No” or negative responses to all of the assessment questions, or positive responses to less than four of questions #4 thru 11, may still trigger the hotline call if the responding officer believes it is appropriate. The officer should ask the victim if there is anything else that worries them about their safety. If the victim states “yes”, then the officer should ask what worries them. The response to the question may aid the officer in his/her assessment.
- d. Similar to the subsection above, the officer may also assess a victim as High-Danger if the officer believes it is appropriate when:
 1. The victim declines to answer all the questions on the Lethality Assessment Screen or,
 2. The victim does not answer one or several of the questions so that the victim does not respond “yes” to enough questions to be assessed at High-Danger according to the protocol.

NOTE: If the victim’s responses do not reflect High-Danger, but the officer’s “read” of the situation indicates High-Danger, the officer should make the hotline call.

c. ASSESSING THE RESPONSES TO THE LETHALITY QUESTIONS -NON-HIGH – DANGER

If the victim is not assessed as High-Danger after the Lethality Assessment is completed, the officer shall:

- a. Advise the victim that domestic violence is dangerous and sometimes fatal.
- b. Inform the victim to watch for the signs listed in the assessment because they may convey to the victim that she/he is at an increased level of danger.
- c. Refer the victim to First Step. The officer should volunteer to call the hotline for the victim if the victim would like to speak with an advocate. If the victim agrees, the officer does not need to remain on the scene during the victim-advocate conversation.
 1. The LAP hotline call should be made from the officer's PD issued phone.
- d. Provide the victim with the case number, the officer's contact information or the number of another agency contact if the officer will not be available, in case the victim wants to talk further or needs help.

d. ASSESSING THE RESPONSES TO THE LETHALITY QUESTIONS – HIGH-DANGER

If a High-Danger assessment is made the hotline call shall be implemented as follows:

- a. Advise the victim that her/his situation has indicated to the officer that the victim is at an increased level of danger, and that people in the victim's situation have been killed or seriously injured. Convey this information in an understanding manner.
- b. Advise the victim that you would like to call an advocate and invite the victim to speak with them. In communicating with the victim, be encouraging and supportive.
 1. If the victim initially declines to speak with the hotline advocate, the officer shall:
 - a. Tell the victim that the officer will still contact the advocate to report the findings of the assessment;
 - b. Tell the victim that she/he may decline to speak with the hotline, but that the officer would like the victim to reconsider speaking with the hotline advocate
 - c. While the officer is still on the phone with the advocate, the officer can ask the victim if she/he has reconsidered and would now like to speak with them.
 2. If the victim continues to decline to speak with the advocate, the officer should do the same thing he/she would do for a victim who was not assessed as High-Danger, including conveying information that the advocate has suggested about safety planning and requesting a safe phone number for them to follow up with the victim.
 3. If the victim agrees to speak with an advocate, the officer shall call the hotline number, introduce him/herself, and advise the advocate that he/she has made a High Danger assessment. The officer shall provide responses to a brief set of questions prompted by the hotline advocate.
 - a. During the conversation between the hotline advocate and the victim, the officer shall stay on the scene and allow the victim privacy while she/he speaks with the advocate.

- b. At the appropriate time during the conversation between the victim and the hotline advocate, the hotline advocate will ask to speak with the officer to conclude the call.
- c. Officers shall provide reasonable assistance to the victim if help is requested, such as transporting the victim to a safe place or arranging for transportation if they have children.

E. REPORTING

A report shall be filed when a LAP screen is completed, regardless of whether the victim's responses triggered the protocol. The LAP form shall be attached to the incident report and documented on the end of shift report.

F. TRAINING

Lethality Assessment training shall be provided by LAP trained staff to all new officers, not previously trained, prior to the conclusion of their field training period.

G. LAP AGENCY REPRESENTATIVE

In accordance with a regional memorandum of understanding the LAP agency representative shall:

- a. Facilitate training
- b. Maintain and report data
- c. Generally oversee and monitor progress of the LAP
- d. Serve as a liaison, communicate, and meet with participating LAP agency representatives and agencies.