



# RICHMOND POLICE DEPARTMENT GENERAL ORDER



Subject: <b>LETHALITY ASSESSMENT PROTOCOL</b>		Chapter 6	Number 31	Pages 7
CALEA Standards: <i>55.1.1, 55.1.3, 55.2.1, 55.2.2, 55.2.3</i>	Related Orders: 6-9	Effective Date: 01/19/2024 Revised By: <b>Review</b> Prv. Rev. Date: 11/18/2020		
Chief of Police:  <div style="text-align: center; font-family: cursive; font-size: 1.2em;">  </div>				

**I. PURPOSE**

The purpose of this directive is to define intimate partner violence, prescribe measures to protect victims and identify those who may be at greater risk of a lethal domestic encounter.

**II. SUMMARY OF CHANGE**

*This policy is due for review. All changes will be notated in bold and italicized throughout the document.*

**III. POLICY**

It is the policy of the Richmond Police Department to thoroughly investigate complaints of intimate partner violence. Officers shall convey the attitude that violence among intimate partners is criminal behavior and will not be tolerated. The intent of the law and departmental procedures are to protect the health and safety of people involved in abusive intimate relationships. With all due consideration for their own safety, Department personnel responding to a violent incident call among intimate partners shall: (1) restore order; (2) arrest persons when probable cause exists that a crime has occurred; (3) provide safety and security for the crime victim(s); (4) provide the victim with community and legal resources; and (5) help participants contact appropriate agencies to help prevent future occurrences. To that end, a Lethality Assessment Screen should be conducted to identify persons at risk of being killed by an intimate partner.

*[CALEA 55.2.1, 55.1.3]*

**IV. ACCOUNTABILITY STATEMENT**

All employees are expected to fully comply with the guidelines and timelines set forth in this general order. Responsibility rests with the Division Commander 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.

V. DEFINITION

- A. ASSAULT – See Virginia Code §18.2-57 and 18.2-57.2 (“Assault and Battery against a Family or Household Member”). A related matter, §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 §18.2-57.2 shall also issue an emergency protective order.
- B. 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.
- C. 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.
- D. HIGH-DANGER – A term used for a victim who has been assessed through use of the Lethality Assessment Screen (PD-177) as being at the greatest risk of being killed. The victim is said to be at “High-Danger.”
- E. INTIMATE RELATIONSHIP – An “intimate relationship” is one in which heterosexual or homosexual partners have, or have had, a sexual or emotionally intimate relationship.
- F. INTIMATE PARTNERS – Persons who are, or have been involved, in an intimate relationship who:
  - 1. Are married, separated, or divorced;
  - 2. Live or have lived together;
  - 3. Have children in common; or,
  - 4. Date, or have dated, but do not live, or never have lived together.
- G. 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.

- H. LETHALITY ASSESSMENT SCREEN (PD-177) – The evidence-based field instrument used by officers to assess a person who is a victim of intimate partner violence for *their* risk of being killed by an intimate partner.
- I. VICTIM – The person against whom an abuser directs coercive and/or violent acts.

## VI. PROCEDURE

### A. INITIATING A LETHALITY ASSESSMENT PROTOCOL (LAP)

#### 1. General

In addition to the procedures outlined in General Order 6-9, Family Violence Response, the responding officer shall complete the Lethality Assessment Screen (PD-177) when *they* respond to *an incident* 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 domestic abuse 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 domestic violence complaints at the same location or involving the same parties.
- d) The responding officer believes one should be administered based on *their* training and experience.

#### 2. Lethality Assessment Questions

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

- a) Advise the victim in a positive, supportive tone that *they* 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 (PD-177) 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 immediate the potential for danger is to the victim.

### 3. Assessing the Responses to the Lethality Questions

After the responding officer asks the questions on the Lethality Assessment Screen (PD-177), *they* 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 they are at risk of being killed by *their* intimate partner. *[CALEA 55.2.3]*
- 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 *the officer’s* 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 (PD-177); 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.

### 4. 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 *they are* at an increased level of danger.

- c) Volunteer to call the YWCA of Richmond at 804-612-6126 for the victim if the victim would like to speak with the hotline. *[CALEA 55.1.1]*
- d) Provide the victim with the case number and the Youth & Family Crimes Unit number (804-646-6764) in case the victim wants to talk further or needs help. *[CALEA 55.2.1, 55.2.2, 55.2.3]*

5. High-Danger Victims and the Hotline Call

- a) If a High-Danger assessment is made, the hotline call shall be implemented as follows:
  - (1) Advise the victim that *their* 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.
  - (2) Advise the victim that you would like to call the YWCA of Richmond and invite the victim to speak with a hotline advocate. In communicating with the victim, be encouraging and supportive.
  - (3) Obtain Authorization from the victim by having them sign the bottom of the printed LAP form PD-177. This will give the Richmond Police Department written authorization to release information to the YWCA. The printed LAP form must then be forwarded to the Youth and Family Crimes Sergeant to serve as a record of the written authorization.

Note: Per VA Code §19.2-11.2, you must obtain written consent from the victim in order to share their information with a third party. When speaking with YWCA members, you are only to share general information with them and not disclose any personal information (such as name, DOB or address) of the victim without their written consent.

*[CALEA 55.1.1]*

- b) If the victim initially declines to speak with the hotline advocate, the officer shall:
  - (1) Tell the victim that the officer will still contact the domestic violence hotline to receive guidance on how to proceed with the situation;
  - (2) Tell the victim that they may decline to speak with the hotline, but that the officer would like the victim to reconsider speaking with the hotline advocate; and
  - (3) While the officer is still on the phone with the hotline advocate, ask the victim if they have reconsidered and would now like to speak with the hotline advocate.

- c) If the victim continues to decline to speak with the hotline advocate, the officer should do the same thing *they* would do for a victim who was not assessed as High-Danger. Adding information that the hotline advocate has suggested about safety planning *and*, if victim consents, request *a* safe phone number for an advocate to follow up with the victim.
- d) If the victim agrees to speak with a hotline advocate, the officer shall call the hotline number, introduce *themselves*, and advise the hotline advocate that *they* have made a High-Danger assessment. The officer shall provide responses to a brief set of questions prompted by the hotline advocate.
- e) The officer should use the victim's cell phone as a last resort. Officers may use the LAP cell phone supplied by each Precinct, the officers *personal* cell phone if *the officer* chooses, or the victim's land-line telephone if present.
- f) During the conversation between the hotline advocate and the victim, the officer shall stay on the scene and allow the victim privacy while they speak with the hotline.
- g) 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.
- h) The officer shall be guided by the discussion with the hotline advocate for further assistance. Officers shall provide reasonable assistance to the victim if help is requested, such as transporting the victim to a safe place.

6. Filing of the Lethality Assessment Screen

- a) Officers who have completed a Lethality Assessment Screen shall note in their IBR narrative if one was completed and the results of the assessment. They shall complete and submit an electronic copy of the assessment [REDACTED] Officers shall place the signed hard copy of the PD-177 in the LAP box at each precinct by the end of the officer's shift or transmit a copy to the Youth and Family Crimes Team by fax or email.
- b) The Youth and Family Crimes Team shall:
  - (1) Maintain a file of all Lethality Assessments,
  - (2) Prepare a report, and,
  - (3) Submit the report to the LAP team coordinator by January 15<sup>th</sup> and July 15<sup>th</sup> each year for the previous six-month periods.

7. LAP Agency Representative

The LAP agency representative shall:

- a) Facilitate training;
- b) Maintain and report data;
- c) Serve as a liaison, communicate, and meet with participating LAP agency representatives and agencies; and
- d) Oversee and monitor the LAP.

8. Training

LAP-trained staff shall provide LAP training to all new entry-level officers who have not received it in the training academy before the conclusion of their field-training period.

IV. FORMS

A. PD-177 Lethality Assessment Screen