

<p style="text-align: center;"><b>East Haven Police Department</b></p> 	<b>Type of Directive:</b> <b>Policies &amp; Procedures</b>		<b>No. 441.2</b>
	<b>Subject/Title:</b> <b>Domestic Violence Lethality Assessment Program</b>		<b>Issue date:</b> January 29, 2019
			<b>Effective Date:</b> February 12, 2019
	<b>Issuing Authority:</b> <b>Honorable Board of Police Commissioners</b>		<b>Review Date:</b> <b>Annually</b>
<b>References/Attachments:</b> Connecticut General Statutes § 46b-38b Policies and Procedures #: 415, 416		<b>Rescinds:</b> 441.1	<b>Amends:</b> N/A

## I. PURPOSE

- A. The purpose of this directive is to set forth the policies and procedures of the East Haven Police Department regarding the use of a domestic violence lethality assessment while attending to victims or potential victims of domestic violence.

## II. POLICY

- A. It is the policy of the East Haven Police Department (EHPD) to identify victims of domestic violence involving intimate partners in potentially lethal situations, and to place those victims in immediate and direct contact with a domestic violence advocate trained in the Lethality Assessment Program (LAP).
- B. LAP shall be used at the scene of a domestic violence incident to assist the officers in identifying high risk situations and follow the established criteria to place the victim in direct contact at the scene with a domestic violence program counselor.
- C. Officers conducting a Lethality Assessment will ask the victim the Lethality Screening Questions included on the Domestic Violence Lethality Screen for Law Enforcement Officers Form and when a victim is assessed as being in danger, will contact the on-call victim advocate.

### III. DEFINITIONS

- A. **Advocacy:** Refers to collaboratively working with, and in support of, a survivor that keeps with a survivor-centered, empowerment-based, and self-determined approach. Both in person or phone advocacy and support are provided by the program’s qualified staff and volunteers to family violence clients.
- B. **Child and Family Advocate:** A person who is employed by and under the control of a direct service supervisor of a domestic violence agency whose primary role is to provide services, support and advocacy services to sheltered and non-sheltered child, adolescent and teen victims of family violence and their families.
- C. **Dominant Aggressor:** The person who poses the most serious ongoing threat in a situation involving the suspected commission of a family violence crime.
- D. **Family or household member:** Any of the following persons regardless of the age of such person.
1. Spouses or former spouses.
  2. Parents or their children.
  3. Persons related by blood or marriage.
  4. Persons presently residing together or who have resided together, i.e. roommates. However, this does not apply to persons who are attending an institution of higher education and presently residing together in on-campus housing, provided such persons are not in a dating relationship, (Connecticut General Statute §46b-38a(j) as amended by PA 18-5).
  5. Persons who have a child in common regardless of whether they have been married or have lived together at any time.
  6. Persons in, or have recently been, in a dating relationship – Connecticut General Statute (CGS) § 46b-38a(2).
- E. **Domestic Violence:** An incident resulting in physical harm, bodily injury or assault, or an act of threatened violence that constitutes fear of imminent physical injury, bodily injury or assault, including, but not limited to stalking or a pattern of threatening, between family or household members. The term “domestic violence” and “family violence” are synonymous and shall be deemed to mean the same thing when the terms are referenced in any of the Department’s policies and procedures and/or Connecticut General Statutes.
1. Verbal abuse or argument does not constitute domestic violence unless there is present danger and the likelihood that physical violence will occur in accordance with CGS § 46b-38a(1).
  2. A domestic violence crime refers to a crime as defined in CGS § 53a-24, other than a delinquent act as defined in CGS § 46b-120, which, in addition to its other elements,

contains an element thereof an act of domestic violence to a family or household member. A domestic violence crime does not include acts by parents or guardians disciplining minor children unless such acts constitute abuse in accordance with CGS § 46b-38a(3).

- F. Family Violence Victim Advocate - FVVA: A person who is employed by and under the control of a direct service supervisor of a domestic violence agency; who has undergone a minimum of twenty (20) hours of training which shall include, but not be limited to, the dynamics of domestic violence, crisis intervention, communication skills, working with diverse populations, an overview of the state criminal justice and civil family court systems and information about state and community resources for victims of domestic violence; who is certified as a counselor by the domestic violence agency that provided such training; and whose primary purpose is the rendering of advice, counsel and assistance to, and the advocacy of the cause of, victims of domestic violence.
- G. Intimate Partners: Persons involved in an intimate relationship who fall into one of the following categories.
  - 1. Are married, separated, or divorced;
  - 2. Live or have lived together;
  - 3. Have children in common; or
  - 4. Are dating, or have recently dated, but do not live, or never have lived together
- H. Lethality Assessment: The identification of victims who are at the highest risk of danger or serious injury by their abuser.
- I. Lethality Assessment Program (LAP): A two-pronged intervention process that features a research-based lethality screening questionnaire and an accompanying protocol referral that provides direction for law enforcement, medical personnel, clergy, social workers and others to initiate appropriate action based upon the results of the screening process.
- J. LAP Assessment Screen: A lethality assessment utilizing the Connecticut Coalition Against Domestic Violence's (CCADV) Form, the Lethality Assessment Screen for First Responders (lethality assessment screen).
- K. Possess: To have physical possession or otherwise to exercise dominion or control over tangible property (CGS § 53a-3(2)).
- L. Protocol Referral: The process of initiating a LAP call to the regional domestic violence service provider and speaking to a LAP Victim Advocate from that agency.
- M. Safety Plan: A plan developed between an advocate/counselor or a police officer and a victim that contains specific activities for a victim to be safe from an offender. Safety

planning is an essential step to be completed with all survivors of domestic violence. It allows individualized planning for situations the survivor and children or family may encounter regardless of what the survivor decides to do about the relationship with the abuser. Appropriate Safety Planning is also important for child survivors/witnesses of domestic violence.

1. A Short-Term Safety Plan is an immediate plan developed at the time of the report. A responding police officer should remain on scene and assist the victim with this plan. Some of these steps could include but are not limited to the following.
  - a. Ensuring that the victim and any children have the ability to call 9-1-1.
  - b. Ensuring that the victim can get to a safe location.
  - c. Calling a friend, family member or advocate for support.
  - d. Going to a safe place for the night.
  - e. Creating a plan as to what to do next.
2. A Long-Term Safety Plan is a plan developed with an advocate which allows individualized planning for situations the survivor and children or family may encounter regardless of what the survivor decides to do about the relationship with the abuser.

N. “Screened In”: A term that refers to situations when a victim’s responses initiate a “protocol referral.”

O. Self-Defense: The State of Connecticut recognizes the use of physical force upon another person which would otherwise constitute a criminal offense is justifiable and therefore not criminal in certain circumstances. CGS § 53a-19 is applicable in the context of domestic violence crime and addresses such circumstances.

1. This statute provides in part that a person is justified in using reasonable physical force upon another person to defend himself or a third person from what he/she reasonably believes to be the imminent use of physical force, and he/she may use such degree of force which he/she reasonably believes to be necessary for such purpose.
2. There are, of course, exceptions to the use of such physical force in defense of a person. For example, “a person is not justified in using physical force when he or she knows that he or she can avoid the necessity of using such force with complete safety (1) by retreating, except that the actor shall not be required to retreat if he or she is in his or her dwelling . . .”
  - a. Essentially, the statute requires that, before a person uses physical force in self-defense or to defend a third person, he or she must have two "reasonable beliefs."
    - 1) The first is a reasonable belief that physical force is being used or about to be used upon themselves or another.

- 2) The second is a reasonable belief that the degree of force they are using to defend themselves is necessary for that purpose.

P. Trauma Informed Care: Pursuant to CGS § 46b-38b(d), police officers and domestic violence intervention unit counselors must inform domestic violence victims of services available, including providing the victims with contact information for a regional family violence organization that employs, or provides referrals to, counselors who are trained to provide trauma-informed care. Existing law describes this as services directed by a thorough understanding of the neurological, biological, psychological, and social effects of trauma and violence on a person. The Act adds that the services be delivered by a regional family violence organization that employs or provides referrals to counselors who:

1. Make available to domestic violence resources on trauma exposure and its impact on treatment.
2. Engage in efforts to strengthen the resilience and protective factors of victims of family violence who are affected by and vulnerable to trauma.
3. Emphasize continuity of care and collaboration among organizations that provide services to children.
4. Maintain professional relationships for referrals and consultations with programs and people with expertise in trauma-informed care.

#### **IV. GENERAL GUIDELINES AND CONSIDERATIONS**

A. Law enforcement officers are regularly assigned to investigate incidents of domestic violence. It is critical that law enforcement officers approach these incidents with professionalism while vigorously pursuing a thorough and comprehensive investigation. Law enforcement officers should make every effort to consider and identify the potential for escalating violence during these investigations.

B. LAP is a program for law enforcement officers. It is a screening tool that begins when an officer arrives at a domestic violence call. The goal of LAP is to prevent homicides, serious injury and re-assault involving intimate partners by encouraging victims to utilize the support and shelter services of domestic violence programs.

#### **V. PROCEDURES**

A. Officers shall perform a LAP Assessment Screen with the victim when the domestic violence incident involves an intimate partner relationship and:

1. The officer reasonably believes there has been an assault or other act of domestic violence; and/or
2. The officer reasonably believes that the victim may face danger once the officer leaves; and/or

3. This department has investigated previous domestic violence incidents at the home or previous incidents involving the family or household members; and/or
  4. When the officer's training and experience indicates the situation is dangerous, but the officer may lack probable cause to make an arrest.
- B. The officer should remain at the scene for a reasonable time until, in the judgment of the officer, the likelihood of further imminent violence has been eliminated and the officer has helped the victim with a safety plan in conjunction with an advocate after completing the LAP Assessment Screen.
- C. The process for conducting a lethality assessment in domestic violence incidents involving intimate partners is as follows.
1. Determine if any party present is in immediate need of medical attention.
  2. Interview all persons present including the victim, suspect and witnesses.
  3. Assess the scene. If, based on physical observations and/or information gathered from the interviews, the officer believes the victim could be in danger or is at risk of serious injury, the officer shall complete a lethality assessment screen.
- D. The LAP Assessment Screen is comprised of eleven (11) questions as outlined on the CCADV Form. The investigating officer shall:
1. Advise the victim he/she will be asked a series of questions to help the officer determine the immediate potential for danger to the victim.
  2. Ask the questions in the order they are listed on the CCADV Form.
  3. 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.
- E. Assessing the Responses to the Lethality Questions.
1. After the responding officer asks the questions during the lethality screening, the information shall be handled as follows.
    - a. A single "yes" or positive response by the victim to questions #1, 2 or 3 signifies a high danger situation and automatically triggers the protocol referral.
    - b. If the victim gives negative responses to questions #1 – 3, but positive responses to four (4) or more of questions #4 through 11, this also signifies a high danger situation and triggers the protocol referral.
    - c. "No" or negative responses, to all of the assessment questions, or positive responses to less than four of questions #4 through 11, may still trigger the referral if the investigating officer believes it is appropriate. The officer should ask the victim the following clarifying questions:

- 1) ‘Is there anything else that worries you about your safety?’ If the victim answers, “Yes;” then ask, “What worries you?” The response to this question may aid in your decision.
- 2) Trust your instincts. Use of the domestic violence lethality screen takes into account your training and experience as a police officer. It’s flexible and relies on the investigating officer acting on that training and experience. If the victim’s responses don’t trigger the referral, but the officer’s assessment of the situation indicates high danger, the officer should still initiate the referral.

F. If the Officer concludes a Referral is not Indicated.

1. If the referral is not indicated or the victim does not answer the screening questions, the officer should:
  - a. Advise the victim that domestic violence is dangerous and sometimes fatal.
  - b. Inform the victim to be alert to 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 the (regional family violence organization).
  - d. Provide the victim with the Department’s telephone number, the case number and the officer’s contact information should the victim wish to discuss the event further or requires additional assistance.
  - e. Ensure the encounter complies with the requirements of Connecticut General Statutes § 46b-38b concerning the investigation of family violence crimes by Connecticut Peace Officers and the Department’s policies and procedures regarding domestic violence crimes.

G. If the Officer concludes a Referral is Indicated.

1. If an assessment results in a “screened in” or the officer believes it is appropriate, the referral will be implemented as follows:
  - a. Advise the victim that this situation indicates that the victim may be at an increased risk of danger and that others in similar situations have suffered serious injury or death.
  - b. Advise the victim that you would like to call the local domestic service provider and have the victim speak with a domestic violence advocate.
    - 1) If the victim declines to speak with an advocate, the officer should:
      - a) Tell the victim the officer will contact the domestic violence hotline to receive guidance on how to proceed further.
      - b) Tell the victim to reconsider speaking with the hotline advocate and;
      - c) Ask the victim again if they have reconsidered and would now like to speak with the advocate.

- 2) Regardless of whether the victim continues to decline to speak with an advocate, the officer should provide the same service they would perform for a victim when a referral is not indicated pursuant to the provisions of Connecticut General Statutes § 46b-38b and the Department's policies and procedures concerning the investigation of domestic violence crimes by police officers including the following.
    - a) Conveying information that the advocate may have suggested.
    - b) Reviewing safety tips.
    - c) Discussing the option of leaving the location if possible.
  - 3) If the victim agrees to speak with an advocate, the officer will advise the advocate that the officer has completed an assessment that indicates danger or that the officer believes that the victim may be in danger and would like the advocate to speak with the victim.
- c. Officers should not provide the name of the victim and their contact information to the advocate without the consent of the victim.
  - d. During the conversation between the victim and the advocate, the advocate may ask to speak with the officer regarding the situation.
  - e. The officer will then be guided by the discussion with the advocate for further assistance.
  - f. Officers should provide reasonable assistance to the victim if the victim wants to leave the residence.

#### H. Reporting.

1. All lethality assessment screens shall be signed by a supervisor and submitted to the Records Division to be forwarded to the Domestic Violence Advocate regardless of whether the victim screened in, as soon as possible.
2. The Records Division shall forward to the Domestic Violence Advocacy Center the Lethality Assessment Reporting Template by the 15<sup>th</sup> of each month which contains the following information:
  - a. The number of lethality assessment screens that were attempted.
  - b. The number of victims screened to be "at risk."
  - c. The number of victims screened to be as not "at risk.
  - d. The number of victims who did not respond to the screening questions.
  - e. The number of victims who were screened and spoke with a domestic violence advocate.