

 University of Pittsburgh Police Department Rules & Regulations Manual	<b>Reference Number:          (Chapter / Section)</b> 07-8
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Title: Lethality Assessment Program	 By Order of James K. Loftus, Chief of Police

**1.0 Purpose**

The purpose of this policy is to establish protocol and implement the *Lethality Assessment Program-Maryland Model*.

**2.0 Policy**

It is the policy of the University of Pittsburgh Police Department to attempt to identify victims of domestic violence in potentially lethal situations, and place those victims in immediate and direct contact with a domestic violence program counselor. University of Pittsburgh Police officers shall use the Domestic Violence Lethality Screen, while at the scene of a domestic violence incident, to aid in identifying high-risk situations. When a victim is assessed as being at a high-risk of a potentially lethal situation, University of Pittsburgh Police officers shall contact the Women’s Center and Shelter of Greater Pittsburgh and request that the victim speak with a counselor.

**3.0 Definitions**

**Intimate Partners** - Individuals who are spouses or are living together as spouses (either presently or in the past); current or former sexual intimate partners; and/or those with a child or children in common.

**Intimate Partner Violence:** University of Pittsburgh Police officers must have probable cause to believe that one of the following crimes has occurred:

- §2504 (relating to involuntary manslaughter)
- §2701 (relating to simple assault)
- §2702(a)(3),(4) or (5) (relating to aggravated assault)
- §2705 (relating to recklessly endangering another person)
- §2706 (relating to terroristic threats)
- §2709.1 (relating to stalking)

AND the relationship between the victim and the subject must be one of the following:

- Spouses or persons living as spouses (now or in the past)
- Current or former sexual partners; and/or
- Persons who have a child or children in common

There shall be no requirement that the concerned parties be currently sharing a residence

#### **4.0 Initiating a Lethality Assessment**

In addition to any services or procedures mandated by the Pennsylvania *Crime Victims Act*, or any procedures or services outlined in Chapter 7, Section 2 (Response to Victims of Crime) of the *University of Pittsburgh Police Department Rules and Regulations Manual*, investigating officers shall complete a Domestic Violence Lethality Screen when he/she responds to a domestic complaint involving **intimate partners AND** one or more of the following conditions exist:

- There is probable cause that an assault or an act that constitutes domestic violence under 18 Pa. C.S.A. §2711 has occurred, whether or not there is an on scene arrest or warrant to be obtained;
- There is belief or sense on the part of the investigating officer that once the victim is no longer in the presence of the responding officer, the potential for assault or danger is high;
- The investigating officer believes one should be conducted based on their training, experience, and/or instinct;
- There is an Indirect Criminal Contempt violation of a Protection From Abuse Order
- There have been repeated calls for domestic complaints at the same location or involving the same parties **AND** a Domestic Violence Lethality Screen has previously been completed.

#### **5.0 Lethality Screening Questions**

When one or more of the criteria set forth in section 4.0 are met, the officer shall ask the questions listed on the Domestic Violence Lethality Screen.

The investigating officer should:

- Advise the victim that they will be asking a series of questions to help the officer determine if there is an immediate potential for danger to the victim;
- Ask **all** the questions in the order which they are listed on the Domestic Violence Lethality Screen

## **6.0 Assessing the Responses to the Lethality Questions**

After the investigating officer asks the questions on the Domestic Violence Lethality Screen, he/she will interpret the information as follows:

- A **single** “yes” or positive response by the victim to questions #1, 2, or 3 indicates that a high danger situation exists and automatically triggers a counselor referral.
- If the victim answers “no” or gives a negative response to questions #1-3, but there are **four** or more “yes” or positive response answers on questions #4-11, indicates a high danger situation and triggers a counselor referral.
- “No” or negative responses to the lethality screen questions; OR less than four positive responses on questions #4-11, may still result in a counselor referral if the investigating officer believes it is appropriate. The investigating officer should ask, “Is there anything else that worries you about your safety?” If the victim replies “yes” or gives an affirmative response, the officer should ask, “What worries you?”
  - Any answer provided by the victim may aid the investigating officer in their decision to make a referral.
- The Domestic Violence Lethality Screen takes into account the opinion, instinct, and/or belief of a police officer. The screen is flexible and it relies on the investigating officer acting on his or her instincts. If the victim’s responses do not trigger a referral, but the officer’s instincts indicate that a high-risk situation may exist, then the officer should refer the victim to a counselor.

## **7.0 Procedures for Domestic Violence Lethality Screens Not Resulting in a Referral**

If the referral is not triggered or the victim does not answer the questions on the Domestic Violence Lethality Screen, the investigating officer shall:

- Advise the victim that domestic violence is dangerous and sometime fatal;
- Inform the victim to watch for the signs listed in the assessment, because such signs may convey to the victim that he or she is in an increased level of danger;
- Refer the victim to the Women’s Center and Shelter of Greater Pittsburgh; and
- Provide the victim with a copy of the Crime Victim Notification Pamphlet. The investigating officer shall provide their name, badge number, 24-hour department phone number and the ARMS report number for the case.

## **8.0 Procedures for Domestic Violence Lethality Screens Resulting in a Referral**

If a high danger assessment is made or the officer believes it is appropriate, the referral will be implemented as follows:

- Advise the victim that his or her situation has shown that he or she is at an increased level of danger and that people in such situations have an increased potential of being killed or seriously injured.

- Advise the victim that the officer will call the Women’s Center and Shelter of Greater Pittsburgh, and that is recommended that the victim speak with a counselor.
- If the victim initially declines to speak with the counselor, the officer shall:
  - Tell the victim that the officer will contact the domestic violence hotline to receive guidance on how to proceed with the situation;
  - Ask the victim to reconsider speaking with the hotline counselor;
  - After the officer is finished consulting with the hotline counselor, ask the victim again if they would reconsider and speak with the counselor.
  - If the victim continues to decline to speak with the counselor, the officer shall follow the same procedures outlined in section 7 of this policy (relating to screens not resulting a referral), as well as convey any information and/or safety tips received from the counselor to the victim.
- If the victim agrees to speak with the counselor, the officer shall advise the counselor that they have made a high-danger assessment, or that they believe the victim in in danger, and would like the counselor to speak with the victim.
- At the appropriate time during the conversation between the counselor and the victim, the counselor will ask to speak with the officer about the situation.
- The officer will then be guided by the discussion with the counselor for further assistance. Officers will provide reasonable assistance to the victim; to include transportation to an alternate location.

**9.0 On-Duty Police Supervisor’s Responsibilities**

The supervisor on-duty shall be responsibilities shall include the following:

- If feasible, transporting a Department cellphone to the scene of a domestic violence incident;
- Ensuring that the screen is completed as set forth in this policy;
- Arranging for reasonable victim assistance;
- Submitting completed screens to the Women’s Center and Shelter of Greater Pittsburgh.

**10.0 Procedures for Victims Unable to Participate in Domestic Violence Lethality Screens**

All reasonable attempts to complete the lethality screen shall be made. However, if a victim cannot participate in the lethality screen due to injury, illness, or intoxication, then the officer shall consult with the on-duty police supervisor. The on-duty supervisor will make that determination whether or not a victim is competent to participate in the screen. If it is determined that victim cannot participate competently, the reason shall be articulately documented in the officer’s incident report.

### **11.0 Investigative Follow-Up on Completed Domestic Violence Lethality Screens**

At least one police officer shall be assigned to follow-up on completed lethality screens. The tasked officer shall be responsible for the following:

- Following up with domestic violence victims within 7 days of a completed screen, if feasible, based upon the victim's condition, as outlined in Chapter 7, Section 6 (B), (C) and (D) of the *University of Pittsburgh Police Department Rules and Regulations Manual* (relating to Response to Crime Victims).
- Further investigating cases in which a victim was deemed unfit to participate in a lethality screen at the time of the incident.
- Coordinating with the Women's Center and Shelter of Greater Pittsburgh on matters affecting victims of domestic violence.
- Preparing and maintaining reports of completed screens and coordinating with the Women's Center and Shelter of Greater Pittsburgh in submitting all required documentation to Pennsylvania Coalition Against Domestic Violence (PCADV).

### **12.0 Reporting Requirements**

As soon as practicable upon the finish of police operations in response to a report of domestic violence, completed Domestic Violence Lethality Screens shall be faxed or emailed to the Women's Center and Shelter of Greater Pittsburgh.

The Department shall maintain its own file of all completed screens. This file shall be in addition to any evidence or case files maintained for prosecution of offenders.

### **13.0 Procedures for Contacting the Women's Center and Shelter of Greater Pittsburgh**

The phone number for the Women's Center and Shelter of Greater Pittsburgh hotline is (412) 687-8005, extension 1.

Department-owned cellular phones shall be made available for shift supervisors.

All telephone calls to the Women's Center and Shelter of Greater Pittsburgh hotline shall be made from the department-owned cellular phone, or any other cellular phone or landline owned by the University of Pittsburgh or University of Pittsburgh Medical Center.

Officers shall not, under any circumstances, contact the Women's Center and Shelter of Greater Pittsburgh from a victims cellular or landline phone. Additionally, officers shall not use their own personal cellular phones.

Should circumstances dictate, officers may transport victims to alternate locations to use a landline phone owned by the University of Pittsburgh or University of Pittsburgh Medical Center.

### **14.0 Notification to the University of Pittsburgh Communications Room**

Investigating officers shall notify the Communications Room, over the radio, when a screen has been completed.

**15.0**      **Title IX and other Statutory Requirements**

As written, this policy shall not supersede any requirements of Title IX, the Jeanne Cleary Act, the Pennsylvania Crime Victims Act, or any other statutory requirements with which the University of Pittsburgh is required to comply.

**16.0**      **References**

Chapter 7, Section 2 – Response to Victims of Crime