



Lethality Assessment Executive Workgroup

Results and Recommendations

January 28, 2025



Lethality Assessment Workgroup Summary Report

Introduction

The Lethality Assessment Workgroup convened from July 2024 to December 2024 to evaluate the implementation of a statewide evidence-based lethality assessment tool for domestic violence (DV) cases in accordance with s. 741.29, F.S. Throughout its seven meetings, the group discussed various proposals, challenges, and recommendations to improve how Florida responds to domestic violence, especially regarding the identification of high-risk situations where lethality is a concern. This report outlines the key outcomes, discussions, and recommendations made by the Workgroup.

Meeting Dates & Workgroup Members

- Meeting Dates:
 - July 17, 2024
 - August 21, 2024
 - September 18, 2024
 - November 1, 2024
 - November 8, 2024
 - December 5, 2024
 - December 18, 2024

- Lethality Executive Workgroup Voting Members:
 - Joe Petito (Chair, Gabby Petito Foundation)
 - Amanda Price (Vice Chair, Florida Partnership to End Domestic Violence)
 - Tanesha McDonald (Florida Partnership to End Domestic Violence)
 - Jenna White (Peaceful Paths Domestic Abuse Network)
 - Tammy Taylor (Hubbard House)
 - Jennifer Rodriguez (Department of Children and Families)
 - Chief Todd Garrison (North Port Police Department)
 - Deputy Chief Ruth Cate (Tampa Police Department)
 - Chief Antoine Sheppard (High Springs Police Department)
 - Chief Robert Bage (Ft Walton Police Department)
 - Chief Richard Jones (Gulf Stream Police Department)
 - Sheriff Bob Gualtieri (Pinellas County Sheriff's Office)

- Sheriff Vent Crawford (Hardee County Sheriff's Office)
 - Sheriff Bill Prummell (Charlotte County Sheriff's Office)
 - Sheriff Mike Adkinson (Walton County Sheriff's Office)
 - **FDLE Staff:**
 - Deputy Director Melissa Bujeda
 - Bureau Chief Brett Kirkland
 - Research Manager Matthew Sharp
 - Research Consultants Michele Snow and Zachary Durrett
 - Post Basic Curriculum Manager Rob Bates
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Key Discussions and Outcomes

1. Purpose of Assessment

Already in s. 741.29, it states the following.

- Any law enforcement officer who investigates an alleged incident of domestic violence shall advise the victim of such violence that there is a domestic violence center from which the victim may receive services. The law enforcement officer shall give the victim immediate notice of the legal rights and remedies available on a standard form developed and distributed by the department.

Already in s. 39.906, it states the following.

- Referral to centers and notice of rights. Any law enforcement officer who investigates an alleged incident of domestic violence shall advise the victim of such violence that there is a domestic violence center from which the victim may receive services. The law enforcement officer shall give the victim immediate notice of the legal rights and remedies available in accordance with the provisions of s. 741.29.

Already in s. 741.29, it states the following.

- The law enforcement agency shall, without charge, send a copy of the initial police report, as well as any subsequent, supplemental, or related report, which excludes victim/witness statements or other materials that are part of an active criminal investigation and are exempt from disclosure under chapter 119, to the nearest locally certified domestic violence center within 24 hours after the agency's receipt of the report. The report furnished to the domestic violence center must include a narrative description of the domestic violence incident.

Regardless of whether a lethality assessment is completed or the results of the assessment, every domestic violence victim in Florida, regardless of incident severity, is already advised of the availability of a local domestic violence center where they can receive services. A copy of every

domestic violence police report is provided to the nearest locally certified domestic violence center within 24 hours.

2. Concerns with the Maryland Network Against Domestic Violence Lethality Assessment Program (MNADV-LAP)

The Workgroup initially voted to use the evidence-based MNADV-LAP in Florida. However, after FDLE conducted thorough research, it was determined that there were significant barriers to implementing the MNADV-LAP. These included copyright issues, high implementation costs (which exceeded \$30,000 with ongoing annual fees, and no funding was provided in statute), the required training (including travel and per diem charges for MNADV-LAP trainers), and the requirement for each law enforcement agency in Florida to sign a Memorandum of Understanding (MOU) with their local domestic violence center.

After FDLE presented these obstacles to the Workgroup, the group voted to rescind the original decision, with a vote of nine to one. As a result, the Workgroup reverted to using the questions already outlined in statute, which according to the subject matter expert who spoke at the meeting are not evidence-based as written.

Darrell Holly, the National LAP (Lethality Assessment Program) Administrator of the MNADV-LAP, was a guest at a Workgroup meeting and clarified that his organization does not recommend making their lethality assessment statute mandated. He further explained that the lethality assessment only qualifies as evidence-based if the questions are presented verbatim and in the specific order, which is copyrighted.

3. Modifications to Assessment Wording

The Workgroup discussed the language of the lethality assessment questions already outlined in the statute. Members suggested modifying the questions to make them less rigid and more conversational, such as replacing the term "aggressor" with "he" or "she" or the specific name of the aggressor. FDLE Attorney Audra Thomas-Eth confirmed that these changes could be made without additional legislative review and could be incorporated into the training process. A motion to approve these wording changes was passed unanimously (10-0).

4. Lethality Assessment be Sent to the State Attorney's Office

The Workgroup proposed that a copy of the lethality assessment for each domestic violence case be sent to the State Attorney's Office. This motion passed unanimously (10-0) and is expected to improve coordination between law enforcement and the judicial system.

5. Clarification on Definitions of Intimate Partners

The Workgroup addressed the need for clearer definitions of what constitutes an intimate partner in domestic violence cases. The group agreed that the existing definitions from the Department of Children and Families (DCF) could be used to provide clarity in the statute, training, and implementation procedures.

Recommendations to the Legislature

- **Use of Questions Already in Statute:**

The Workgroup voted to recommend using the questions already outlined in statute as the basis for the lethality assessment. It is important to note that these questions in statute are not evidence-based.

1. *Did the aggressor ever use a weapon against you or threaten you with a weapon?*
2. *Did the aggressor ever threaten to kill you or your children?*
3. *Do you believe the aggressor will try to kill you?*
4. *Has the aggressor ever choked you or attempted to choke you?*
5. *Does the aggressor have a gun, or could the aggressor easily obtain a gun?*
6. *Is the aggressor violently or constantly jealous, or does the aggressor control most of your daily activities?*
7. *Did you leave or separate from the aggressor after you were living together or married?*
8. *Is the aggressor unemployed?*
9. *To the best of your knowledge, has the aggressor ever attempted suicide?*
10. *Do you have a child whom the aggressor believes is not the aggressor's biological child?*
11. *Has the aggressor ever followed, spied on, or left threatening messages for you?*
12. *Is there anything else that worries you about your safety and, if so, what worries you?*

- **Local Flexibility for Lethality Assessment Protocols:**

- Given the challenges of statewide implementation and the success of certain localized programs, FDLE recommends offering law enforcement agencies the option to continue using their own established lethality assessments or adopt an evidence-based lethality assessment program. Each agency in Florida would be required to certify to FDLE that they have the necessary policies and procedures in place to comply with the statute. This approach allows for greater customization to meet the unique needs of each community. Additionally, it enables successful programs, such as Jacksonville's INVEST program, to continue. It also allows agencies and domestic violence centers already using the evidence-based MNADV-LAP to maintain their use based on the resources available in their community.

- **Inclusion of Prosecutors in the Process:**

- The Workgroup recommends that the lethality assessment for each domestic violence case be sent to the State Attorney's Office. FDLE agrees with this recommendation as it would improve coordination between law enforcement and the judicial system.

- **Clarify Definitions of Intimate Partner:**

- The Workgroup recommends clarifying the definition of “intimate partner” in the statute. FDLE recommends DCF's existing definition to ensure consistency and accuracy in identifying intimate partner relationships across all law enforcement agencies.

Conclusion

The Lethality Assessment Workgroup has made significant progress in evaluating the feasibility of a statewide lethality assessment tool for Florida. The Workgroup voted to revert to using the original questions in statute (which are not evidence-based), with recommended adjustments for flexible language. This approach reflects a pragmatic approach to meet the needs of law enforcement agencies and domestic violence service providers. Additionally, FDLE recommends allowing local law enforcement agencies the option to continue using their existing programs or adopting new evidence-based lethality assessment programs that address concerns about cost, local autonomy, and the effectiveness of current programs.

FDLE has developed a statewide lethality assessment form based on the statutory questions and created an online training program, which was reviewed and approved by the Workgroup.

The Workgroup's and FDLE's recommendations aim to ensure that Florida's domestic violence response system is efficient, potentially evidence-based, and responsive to the needs of victims, while also considering the logistical challenges involved in statewide implementation.