

Lethality Assessment Workgroup Meeting Minutes

August 21, 2024, 2:00 pm (start time)

Deputy Director Melissa Bujeda Called the meeting to order.

Roll call completed by Michele Snow.

Name	Role	Agency	8/21/2024
Amanda Price	Vice Chair	Florida Partnership to End Domestic Violence	Present
Tanesha McDonald		Florida Partnership to End Domestic Violence	Present
Jenna White		Peaceful Paths Domestic Abuse Network	Present
Joe Petito	Chair	Gabby Petito Foundation	Present
Tammy Taylor		Hubbard House	Not Present
Jennifer Rodriguez		Department of Children and Families	Present
Chief Todd Garrison		North Port PD	Present
Deputy Chief Ruth Cate		Tampa PD	Not Present
Chief Antoine Sheppard		High Springs PD	Present
Chief Robert Bage		Ft Walton PD	Present
Chief Richard Jones		Gulf Stream PD	Present
Sheriff Bob Gaultieri		Pinellas County Sheriff's Office	Present
Sheriff Vent Crawford		Hardee County Sheriff's Office	Not Present
Sheriff Bill Prummell		Charlotte County Sheriff's Office	Present
Sheriff Mike Adkinson		Walton County Sheriff's Office	Capt. Taylor Park in for the Sheriff

Deputy Director Bujeda explained the role of moderating the meeting and allowing time for public comment, which will be limited to three minutes once recognized.

Old Business:

The meeting minutes from the previous meeting were approved.

Amanda Price made the motion to approve, and Joe Petito seconded the motion.

Amanda Price was not present at the last meeting and was nominated to be the Vice-Chair of the Executive Workgroup. She was unavailable to formally accept the position.

Deputy Director Bujeda asked if she would accept the nomination. She answered in the affirmative that she would accept the nomination.

Sunshine Law Discussion:

On the record: FDLE was made aware that two Executive Workgroup members had an exchange that resulted in the production of documents, which is not in accordance with the Florida Sunshine Law. FDLE reminded everyone that all communication, whether verbal and/or written, whether text and/or email and all meetings must be open to the public with reasonable notice. Minutes of the meetings must also be taken. Sunshine Law was explained in detail in last month's meeting minutes as well as in this meeting by Attorney Audra Thomas-Eth. Deputy Director Bujeda asked Amanda Price and Joe Petito to discuss what was articulated by phone or email that was in violation of the Sunshine Law.

Amanda Price stated that she reached out to Mr. Petito to help develop structure around the timeline and to discuss topics to be covered by the group. Ms. Price stated that they discussed what could be useful and decided to share what was in SB 1224, including the lethality assessment questions to be discussed in the first committee meeting. She mentioned that she spoke to the FDLE attorney and had no additional communication since then. Mr. Petito confirmed what Amanda Price stated and that there were documents shared with Michele Snow as well. Deputy Director Bujeda stated that all documents will be forwarded to the members of the workgroup and added to the website. Attorney Audra Thomas-Eth completed another brief on the Sunshine Law and public records pursuant to Chapter 119 Section 286.011.

Three basic requirements:

1. Meetings are open to the public.
2. Public notice must be given. FDLE is providing notice on the website and the Professionalism page.
3. Minutes from the meeting must be taken.

The scope of a meeting includes where two or more members are gathered to discuss topics within the scope of the workgroup to include discussions via text, cell phone, in person, or email. If any discussion is within the Sunshine, it must be noticed, and the public must be able to attend. She explains that understanding the Sunshine Law is important, following rules is important, and a knowing violation is a misdemeanor. Going forward, everyone is advised that the meetings must be within the Sunshine Law, and a second roll call to confirm understanding by each member was conducted.

New Business:

Joe Petito began the meeting by discussing SB 1224 and asked if there were any questions or issues. He asked Amanda Price to begin reading the Bill at lines 3021 and ending with line 3037. She read the lethality assessment questions beginning on lines 3064-3077. Then, read the questions themselves, beginning on lines 3134-3157. Mr. Petito began by reviewing the first question, "Did the aggressor ever use a weapon against you or threaten you with a weapon?"

Sheriff Gualtieri: Stated that if we are going to go through each question, the first question is an important one and everyone will agree with that. He explained that there is a bigger problem; from his perspective, as someone who has been doing this for a long time, the questions need to be clear and in plain speak. He gave an example of the difficulty of obtaining answers in common situations. He commented that if you are unable to get the information from all of the questions, you will end up with line 3169, "If a victim does not, or is unable to, provide information to a law enforcement officer sufficient to allow the law enforcement officer to administer a lethality assessment, the law enforcement officer must document the lack of a lethality assessment in the written police report required in subsection (3) and refer the victim to the nearest locally certified domestic violence shelter." You will end up with a plethora of police reports of why it was not done. This has to be taken into consideration by pairing the survey down to four or five questions in plain speak that are meaningful. If all twelve are adopted, then we will end up with a check the box and nothing will be done.

Joe Petito: Mr. Petito did not agree with the Sheriff and explained that the program has been in development for over twenty years, and statistically, these questions make a difference. Mr. Petito highlighted the Charlotte County Sheriff's Office assessment, stating they use questions 1, 2, 3, 4, 5, 7 and 9 of the Maryland model. He read the first question from Charlotte County and emphasized that the questions can be asked in plain language. They also ask sub-questions about whether you and your partner ever been separated, has your partner threatened suicide, or have they put their hands or object around your throat. Joe Petito then differentiated between strangulation versus hands over nose/mouth, preventing one from breathing. Asking these questions in a certain manner is very important, and they have to be asked in a certain way. When asking in a certain manner, the most important part is not the questions but rather the victims reading the responses back to themselves.

Sheriff Gualtieri: Informed Mr. Petito that he does not determine the process.

Joe Petito: Stated that is how the Maryland Network Against Domestic Violence uses the questions and that is how the program works.

Amanda Price: Reviewed the workgroup requirements and the language of SB1224. The bill states that the duty of the workgroup is to review the questions that are outlined and make a recommendation on whether the questions outlined should be included in a statewide lethality assessment or not.

If not, the workgroup must include the definition and information of why there was a change to the questions; the bill requires any change to the questions to include confirmation of status and evidence-based research. She is not sure if there are additional evidence-based assessments that the group wants to discuss. She stated that it does not appear that there is much interpretation of the questions.

Deputy Director Bujeda: Offered the assistance of FDLE's Office of Criminal Justice Excellence to assist with research if requested or needed by the workgroup.

Antoine Sheppard (High Springs Police Department): Explained that his agency uses identical questions asked by the officers and that this has been done for a number of years. The questions have been effective, and officers can answer them. He did not have feedback on which, if any, of the questions should be eliminated and stated that the assessments work in his area.

Joe Petito: Stated that over 200 people die from domestic violence in the State of Florida; if the state can reduce this number by 70%, let's say 45%, it would be a significant decrease for those families. We need to make this work; we need to get on the same page. He commented to the Sheriff that the questions work and articulated that if a two-year officer does not feel comfortable asking them, they should not respond to those calls. He stated that most calls police respond to in their duties are domestic violence related.

Chief Bage: Agreed with what Sheriff Gualtieri brought up. He clarified that these are not uncomfortable questions. The issue is that law enforcement works in a nonclinical environment, and they are out there in a dynamic environment. He would like to see the Office of Criminal Justice Excellence provide research or articles they can read. Specifically, what was meant by evidence-based? He inquired if there were evidence-based studies and stated it is hard to get a domestic violence questionnaire filled out on the scene of a domestic incident. He stated traffic crashes are the number one call their agency handles.

Deputy Director Bujeda: Confirmed the Office of Criminal Justice Excellence could provide some research by the next meeting.

Joe Petito Stated he could only find one evidence-based study and to let him know if another one can be located.

Sheriff Prummell: Stated his Charlotte County Sheriff's Office has been using an assessment for many years, using the questions from the InVEST study from the Florida Coalition Against Domestic Violence. They ask questions, but they are not regimented. The questions can be worked into the interview process and not read verbatim. If you speak to people, the questions are easy to get answered. In many cases, the individuals don't want any more involvement with law enforcement and refuse to answer questions. Other ways to get information include any past contact, observation, or knowledge of familial history. If law enforcement can get people to answer honestly, then law enforcement can intervene and assist in breaking the cycle of domestic violence; it does not happen in every case. When they see someone going to jail, they don't want law enforcement there anymore. The biggest problem is when an arrest is made and it goes to the State Attorney's Office, and the victim can walk in and decide to drop the case. The prosecution will then drop the case, not considering the violence, the history of the offender, and whether the couple is back together. Twelve questions are too much; the questions his agency utilizes do work when they get them answered.

Joe Petito and Sheriff Prummell: Mr. Petito stated, looking at question five, you are essentially asking if they have been choked. Sheriff Prummell stated yes. Have you seen my daughter's video? Sheriff Prummell stated yes. Mr. Petito asked if hand-over-mouth restricting airway is the same as strangulation. Sheriff Prummell stated the question could be adjusted to suffocation rather than choking; the questions were done before what happened to your daughter. Twelve questions may be a little too much.

Mr. Petito then examined question twelve, an open-ended question about adding additional information. Stating, it is eight questions, and we are talking about four more questions, and they are – are they violent, jealous, or stalking, especially if it is a domestic violence call? Now, we are worrying about three questions. It is not so much about asking questions verbatim; the victim reads the question, and it is not a perfect system. It is about reducing the number of deaths in Florida by asking three more

questions. You do not get the credit right away; you will get pushback from victims and abusers when you see the statistics go from 220 people dead to 130 people dead when you have three million more people. This is where we are supposed to be moving forward.

Sheriff Prummell: We have been doing a threat assessment for some time; the deputies are responsible for quite a bit; these incidents are dynamic; they are not going to break out a card going question by question. If they forget to ask one question, the general public will want to crucify them.

Joe Petito: Commented that it was a few more questions.

Sheriff Gualtieri: Commented the group needs to be collaborative in this process.

Amanda Price: Outlined the duties of the workgroup again to address questions that exist in the law and make a recommendation. We do not have a consensus.

She commented that the included questions are evidence-based, researched and developed in 2005. She highlighted that 37 states currently use the questions included in SB1224. There are 25 years of demonstrated history of 37 states using these questions. The questions have been utilized, successful (not perfect) at predictive validity.

She commented that leaning on the demonstrated experience of the multitude of agencies and states that use this specific tool would be useful. Stated again that the group is charged with evaluating the questions. If the group does not agree that these questions should be used, then the group needs to make recommendations; the group is charged with making sure there is a link to evidence-based.

Ms. Price stated the bill references that the evidence-based assessments are identified as evidence-based when they are reviewed and approved by the Office on Violence Against Women of the United States Department of Justice Office. This limits the recommendations; only tools as evidence-based and approved by the office can be used. She is not aware of other evidence-based tools.

Sheriff Prummell: Commented that once they review the evidence based on how they were developed and validated, the group can make a more educated decision.

Amanda Price: Offered to share an effectiveness position paper by the founder of the tool with FDLE that outlines the history of the research, methodologies, and outcomes of the research.

Joe Petito: Commented that he was not trying to be combative – he does not want to see questions eliminated due to simplicity; instead, he wants to be statistically accurate to help lower the domestic violence homicide rate.

Chief Jones: Commented that he did not disagree. His agency has been using a tool for the past eight years. They have 14 questions- from start to finish to include substance abuse questions. He believes they also need to evaluate why substance abuse is not a question. The second thought is problems with the SAO. Although statutes are in place, his area has the same problem; most cases are dropped immediately because the victim does not want to press charges, and additional legislation is needed in the future.

Next, the group needs to address enhancements to Florida Statutes. For example, you can get three DUIs, and it is a felony, and you can get four domestic violence charges, and it is a misdemeanor.

Address those issues, limited in scope. We can make those suggestions so legislative action can be done. He questioned why discussions need to continue if the DOJ approves only one evidence-based system.

Joe Petito: Agreed with Chief Jones, agreed with harsher penalties, confirmed substance abuse questions are not asked and he offered to reach out to the Maryland Domestic Violence program (Dr. Campbell, Dr. Messick) and the founders to ask why. He asked Chief Jones to go through the questions they use.

Chief Jones:

- Has he or she ever used a weapon against you or threatened you with a weapon?
- Has he or she threatened to kill you or your children?
- Do you think he or she might try to kill you?
- Does he or she have a gun, or can they easily obtain one?
- Has he or she ever tried to choke you?
- Is he or she violent, jealous or control most of your daily activities?
- Does he or she follow you, spy on you, or leave you threatening messages?
- Have you ever left him/her, separated after living together or being married?
- Is he or she unemployed?
- Has he or she tried to kill himself or herself?
- Do you have any children together?
- Do you have a child or children that he or she knows is not theirs?
- Has he or she physically been violent to the children in any manner?
- Does he or she have an alcohol or substance abuse problem?

One thing that is different is that they have three options of responses: yes, no, or no answer. If the person is providing an answer, give a yes or no, it is not unclear. If you answer a certain number of trigger questions, we call the advocate and put you on the phone with them. We create the relationship when most vulnerable and willing to communicate with an advocate.

Joe Petito: Mr. Petito reviewed three additional questions about children, violence, and drugs and alcohol. He asked if Chief Jones had an opinion on too many questions or if it was hard to get responses.

Chief Jones: Stated police become a resource for everything there is no resource for; we are the first victim advocate on the scene dealing with the victim. You can go through the process using a queue card/document in front of you, like field sobriety exercises. You will have to use the queue card for consistency, less training, and keep it simple. The child/children issue is relevant; they are more vulnerable to being victims. They may be the first ones to be targeted, rather than the mother/spouse/significant other. We had a presenter come to Palm Beach County in 2015, and from that, we built the questions. The people it does work with, most likely need the help. Law enforcement finds them at their most vulnerable moment; once you decide to create conflict with an arrest, the questions have to be asked strategically before the victim knows those processes.

Amanda Price: Stated one of the benefits is that the founder (of the Maryland assessment) provides technical assistance, the workgroup does not have to start from scratch, and the tools are developed.

Chief Jones: Stated law enforcement has become a solution for society's problems; we have taken on additional training requirements and are subject to litigation. He suggests the training to be simple.

Jennifer Rodriguez (DCF): Stated this has to be a conversational interview when you are working with survivors, speak from survivor's perspective, not linear when they are in a fight or freeze mode. She stated the questions need to be integrated into the interview process. The second thing is strangulation versus suffocation. Strangulation includes internal injuries as well. We need to take into consideration that both should be asked. One could require emergency medical treatment with difficulty breathing and needing to call 911. Third, it goes back to the questions and the interviewing process, where survivors are taught to keep secrets. I want us to be mindful of what their experience is going to be like for them working with law enforcement when their perpetrators have had many conversations with them to be threatened by and not share information. There becomes a point where it is shut down, and they are no longer cooperative.

Joe Petito:

Recap:

1. Other evidence-based research/tools- that can be utilized.
2. Effectiveness efficiency paper shared.
3. Training and program we will figure out after.
4. Questions: do they have to be removed?

Amanda Price: "Link questions to be removed to body of evidence."

Sheriff Gualtieri: Line 3081- The quote discusses the need for evidence-based lethality assessments but lacks clarity on who is responsible for their establishment and approval. He refers to line 3099, "The Department (FDLE) must include the availability of any additional evidence-based assessments that have been reviewed and approved by the Office on Violence Against Women of the United States Department of Justice Office." These questions have to be evidence-based, but it is not clear by who.

Amanda Price: Stated she can give some analysis on 3099 - Office of Violence Against Women does not identify as part of these questions.

Sheriff Gualtieri: Stated that it does not say this instrument has to be one of those constituting evidence-based assessment. Inquired about studies done by universities. We need to determine what constitutes evidence-based before we decide on the questions.

Deputy Director Bujeda: We can review and have an answer back at the next meeting.

Mr. Petito: Can we put that on the agenda under old business?

Sheriff Gualtieri: Inquired on the process. Asking if this is going to be done by a list, simple up or down, majority vote or Robert's rule. He asked if voting members will be making the decision.

Mr. Petito: Majority vote.

Deputy Director Bujeda: Stated the workgroup can make a decision of what the voting threshold is going to be going forward.

Sheriff Gualtieri: Same page, product motion, second, up or down vote.

Joe Petito: Looking at this, we break down questions by the next meeting, policies and procedures, and implementation; once those three are done, we will then formulate the first draft by January.

Deputy Director Bujeda: Asked if someone wanted to make a motion for the majority. Jenna White-Motion for the majority, Seconded by Joe Petito. Voting measure. All in favor, no nos.

Sheriff Gualtieri: Inquired what the deadline was to take a vote.

Deputy Director Bujeda: Stated FDLE would need a 30-day notice to prepare the documents needed.

Sheriff Gualtieri: Commented that the workgroup has to be completed by 12/1/24.

Mr. Petito: Asked how quickly FDLE staff could have documentation ready? One month, September 18, 2024?

Deputy Director Bujeda: 9/18

Mr. Petito: 9/4

Deputy Director Bujeda: 9/10

Amanda Price: Stated she appreciates the opportunity for FDLE to do that work and points out that most states currently use these questions, and that research supports these questions. Can we reasonably expect that we can suggest overriding the vast effectiveness of this tool, and why would we? There are 39 states, 734 agencies, and 25 years that use this tool.

“My question is, why would you? What is our opinion that this is not the tool?”

Sheriff Prummell: Stated the group has not read the evidence-based studies and that is difficult to make a decision.

Amanda Price: Commented that the bill passed, did not argue merits, made a recommendation, and the questions have been researched.

Chief Jones: Commented that recommendations on the questions, we can have input; we are open to making a recommendation to keep what is there or change it; it just has to be based on factual data.

Amanda Price: Commented that the group has varying opinions and content of questions, and it seems that opinions are important. This (questions in the bill) is the only evidence-based lethality tool that exists. In statute, we are working hard to create questions with a vast amount of research to support it.

Mr. Petito: Asked if there are questions not in there.

Sheriff Gualtieri: Inquired if other questions or forms were being used since Mr. Petito brought up the variation with the questions used by the Charlotte County Sheriff’s Office. He questions if there are other forms (evidence-based) being utilized.

Amanda Price: Stated that the lethality assessment tool does work.

Sheriff Gualtieri: Commented about getting a great product for Florida, one that will work and where we can get the right people and make a difference. Everyone has to compromise to give a little.

Joe Petito: Stated the goal is to save lives, with flexibility for give and take, and the amount of questions was not as important. He commented about a conversational form so you can write the questions clarifying you are not going to sit there with a clipboard, and they can be conversational questions.

Amanda Price: Stated the actual founder of the tool did not and does not recommend legislation for this tool. The relationship between service providers and law enforcement is critical to the effectiveness. Holistically, the task is to develop the tool and a process that works.

Joe Petito: Tasked with bringing this to other states, not near domestic violence shelters that we have. We are better positioned than most.

Sheriff Gualtieri Commented that we can create a referral process, but we need to have corresponding services in place, and we don't have the resources.

Joe Petito: Inquired on how you know how many resources are needed. He further stated we need to advocate for additional resources.

Amanda Price: Stated that she hoped for the best for Florida and the most useful tool, and we (the group) can evaluate year after year until we have a tool that meets the needs of Florida.

Mr. Petito: Asked if there were any other items? None heard.

Public:

Donna Guinn: Lethality Assessment (Public)- Ocala PD has utilized an eight-question survey similar to the bill. Two items that she did not see: 1. Forced sex, 2. Animal abuse. As far as keeping it simple, the ability to carry it out with current staff. One helpful thing is early training and building a relationship with those asking the questions. We need to keep the questions simple. If they answer yes and have a heightened risk for homicide or serious injury, they should be referred to an advocate and domestic violence shelter. Questions being addressed could identify risk factors. We have to do that wisely and judicially.

Jennifer Rodriguez: Commented that there are other evidence-based lethality assessments that can be shared.

Amanda Price: Documented and referenced materials in the chat, confirming she can gather additional documents and reference materials.

Deputy Director Bujeda: Reminds the workgroup not to reach out directly to Ms. Price, resources can be emailed to Michele Snow.

Next Meeting: 9/18, 2:00pm

Information from FDLE to Workgroup- 9/4-9/10/24

Motion to adjourn the meeting- Joe Petito. Seconded: Jenna White.

Meeting Adjourned.