

Gabby Petito Homicide Leads to Bills and Law on Lethality Assessment

by D. Kelly Weisberg*

Two bills were filed recently in the Florida legislature,¹ and one bill was enacted into law in Utah² as a response to the 2021 murder of 22-year-old Gabby Petito allegedly by her boyfriend Brian Laundrie. In September 2021, Petito was reported missing after she failed to return from a long cross-country trip with her boyfriend who returned home alone (from Wyoming) in Petito's van to his parents' home in North Port, Florida.

Petito's remains were later found in the Grand Teton National Park in Wyoming. The cause of her death was ruled to be strangulation at the hands of her intimate partner. Despite having been labeled a "person of interest" in Petito's slaying, Laundrie had been "missing" for many weeks. He was found dead in a Florida swamp, near his parents' Florida home, with a self-inflicted gunshot wound to the head. Laundrie's role in Petito's death was confirmed by his handwritten confession found in a notebook accompanying his body.

Weeks before Petito's death, body camera footage captured an incident in which Moab County, Utah, police responded to a report of domestic violence between Petito and Laundrie. Police had pulled over the couple's van after a concerned citizen had called the police after seeing Petito repeatedly slapped by Laundrie. Despite the police observing Petito's considerable distress during their investigation, the police took no action and filed no charges against Laundrie. Instead, the police separated the pair for the night, sending Laundrie to a hotel and letting Petito remain in the van.

After their daughter's death, Petito's parents filed a \$50 million wrongful death lawsuit, alleging that the Moab Police Department failed to recognize their daughter was in a life-threatening situation. The law firm representing

Petito's parents released a selfie of Petito, taken just before the police stop, that revealed her bruised eye and cuts on her cheek. The law firm asserted that, despite Petito's manifest visible signs to the police that she was a victim of aggravated assault, the police failed to conduct an in-depth investigation.³

Florida Bills

Petito's father, Joseph Petito, a resident of Florida, later determined to lobby for law reform. He brought an initiative to Florida State Senate Democratic Leader Lauren Book, in hopes

of an evidence-based tool, originally designed by Dr. Jacqueline Campbell based on her scholarly research, that is designed to evaluate the potential for serious injury or death.

The other Florida bill would require state police departments to consult with specified entities on the policies, procedures, and training necessary to implement the use of the lethality assessment form. This second bill places a mandate on the Florida Department of Law Enforcement to collaborate with the Florida Sheriffs Association, Florida Police Chiefs Association, and domestic

The Florida bills mandate performance of lethality assessments based on Jacqueline Campbell's scholarly research, and require police departments to consult with specified entities on the policies, procedures, and training necessary to implement the use of the lethality form.

of strengthening domestic violence prevention efforts. Senator Book and Florida House Representative Robin Bartleman filed a pair of bills known as the Gabby Petito Act (SB 610). The proposed legislation was shaped and supported not only by Petito's father but also by domestic violence advocates across the state.

The aim of the proposed Florida law is to mandate performance of lethality assessments on domestic violence victims and to foster enhanced collaboration between advocates and law enforcement throughout the state. The bills standardize and improve police investigations of domestic violence. Specifically, one of the two bills would require *all* law enforcement officers to complete a lethality assessment form, approved by the state Department of Law Enforcement, whenever investigating domestic violence incidents. The assessment would establish a comprehensive history of any abuse that took place between the parties. Lethality assessment consists

of violence advocacy organizations to develop policies, procedures, and training programs for the effective implementation of lethality assessments. It would also prohibit law enforcement officers from using the assessment form if they have not received adequate training in the administration of the form.

By emphasizing early intervention, the legislation seeks to create a proactive approach to domestic violence cases. The legislation will be formally presented in the upcoming Florida legislative session.

Utah Law

The Gabby Petito case also led to major legislation on domestic violence victim services in Utah — the site of the police stop where police responded to the report of a domestic violence incident between Petito and Laundrie. In March 2023, SB 117, sponsored by Utah Senator Todd Weiler, unanimously passed the state House of

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Representatives. The bill passed the 2023 legislative session and was later signed into law, effective July 1, 2023.⁴

The new law requires all police agencies in Utah to conduct lethality assessments to determine the risk level of victims in a domestic violence incident — similar to the Florida bill — as well as the adoption of a new

As of July 1, 2023, all law enforcement officers in Utah who responded to a report of intimate partner violence began conducting lethality assessments. The result of the new legislation in Utah was that service providers around the state saw a dramatic increase in referrals to service providers, stemming from the lethality assessments. The new law also led to an increase in victim referrals to shelters.⁵

The Utah law, effective this past July, requires all police agencies in Utah to conduct lethality assessments and standardizes how Utah law enforcement interact with DV victims. One result: a dramatic increase for referrals to service providers and an increase in victim referrals to shelters.

protocol that standardizes how Utah law enforcement interact with victims of domestic violence.

The Utah legislation requires the law enforcement officer to ask the victim such questions as: “Has the offender ever used a weapon against the victim? Has the offender threatened to kill the victim or the victim’s children? Is the offender violently or constantly jealous?” Based on the victim’s number of “yes” answers (with extra weight added to questions dealing with immediate safety or a crime), police connect victims with a 24-hour domestic violence hotline. The hotline advocate then uses the assessment to encourage the victim to access resources like legal services, crisis counseling or a shelter.

This spike in demand highlighted the need for more state funding for victim services. In response, Utah lawmakers approved a record \$30 million for services. However, because federal funding started to dwindle in the successive months, overall providers in Utah saw only a small increase in total funding. (Note: the spike in demand did not necessarily signify an increase in intimate partner violence, but rather that more high-risk victims were being connected to services.)

Before enactment of the new law, some Utah state officials (although not the Moab County Police Department where the police stop occurred in the Gabby Petito case) did administer lethality assessments to victims

following the roll out of a pilot program in 2015. At the time of the Petito slaying, only about half of the Utah police departments were using lethality assessments when responding to reports of intimate partner violence. Even in police departments that had adopted the program, there was no centralized, standardized model. Moreover, if a police department conducted an assessment, that information might not have been shared with different departments who interacted with the same perpetrator on a different call.

The new Utah law’s significance is that it will standardize protocols and require *all* state police departments to adopt lethality assessments and encourage more collaboration between state agencies. Such a cohesive response should significantly improve victim services.

End Notes

1. Press Release for Senate Democratic Leader Lauren Book, District 35 (Nov. 29, 2023). Senate Democratic Leader Lauren Book Introduces “Gabby Petito Act” to Protect Victims of Domestic Violence. Available at <https://www.flsenate.gov/Media/PressRelease/Show/4498>.

2. Joel Leighton (Feb. 20, 2023). Domestic Violence Bill Passes in Utah Senate, Parents of Gabby Petito Attend Vote, *Daily Universe* (BYU Newspaper). Available at <https://universe.byu.edu/2023/02/20/domestic-violence-bill-passes-in-utah-senate-experts-say-it-would-have-kept-gabby-petito-alive/>.

3. Id.

4. Id.

5. Curt Gresseth (Sept. 19, 2023). Since New Law Began, Domestic Violence Referrals Spike 83%. KSL NewsRadio. Available at <https://kslnnewsradio.com/2043318/since-new-law-began-domestic-violence-referrals-spike-83/>. ■



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