



Training Bulletin

SANTA BARBARA POLICE DEPARTMENT



LORI LUHNOW, Chief of Police

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Santa Barbara County Domestic Violence Lethality Assessment

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PURPOSE:

The purpose of this training bulletin is to introduce and familiarize officers with the new Lethality Assessment form for Santa Barbara County. Officers will begin to use the form on all domestic violence investigations where a suspect is arrested or anticipated to be arrested.

The Santa Barbara Police Department is being asked to pilot a new form to help responding officers determine the likelihood of future violence and its severity when dealing with domestic violence investigations. This form will also assist the District Attorney's office in making filing decisions, the OR department in determining whether to release the suspect, and the judges in their decisions to keep suspects incarcerated for the safety of victims.

This form will give law enforcement and the courts a set of criteria which will help predict future violence against a victim. The use of this form and coordinated efforts from all Law enforcement is aimed at reducing domestic violence in Santa Barbara county.

LEGISLATIVE MANDATE:

Senate Bill AB 1331 took effect on January 1, 2019. It states POST Academy's will train about Lethality indicators and individual agencies, are in essence, encouraged to use the POST developed form if possible.

This POST Lethality Assessment form was taken and tailored by experts in our County. The attached form is what was developed for Santa Barbara County and will soon be asked to be used by all agencies.

APPLICATION:

The Assessment is a two-page carbon form.

Your name, agency, date, and case number are on the top.

The suspect name and DOB are listed and whether the suspect was arrested.

The victim's name is not included on the form for victim confidentiality.

Fill out the form by asking the victim the listed questions and marking "Yes", "No", or "Not answered". You may take efforts to corroborate the victim's responses to each question, but it is not necessary to complete the

form. You can also use the form to augment your investigation, but it should not replace your thorough investigation. Solely using the questionnaire to guide a multifaceted domestic violence investigation will most likely omit critical facts in the primary case you are there to investigate.

The White copy will be attached to the primary officer's police report and the yellow copy will be attached to jail booking paperwork. The back of the yellow copy contains definitions and explanations of terms. In the event that the suspect is not arrested, the white copy will still be attached to the police report and the yellow copy will be shredded. If/when the suspect is later booked for the case, a copy of the Lethality Assessment form should be printed and attached to the booking paperwork.

BREAKDOWN OF THE FORM:

On the back of the white copy are three sections guiding law enforcement.

The first section "First Responders" is guidance for law enforcement.

"The Lethality Assessment should be administered to all victims of domestic violence to assess the level of danger and/or the severity of the situation. Law Enforcement Personnel or victim advocates should use their judgment to interpret the information, which the victim provides. More "Yes" answers to the Lethality Assessment questions indicate that the victim is more likely to experience continued violence, be severely injured, and /or killed. It is important to use the results of this assessment in a constructive way to help the victim plan for her/his safety and to make referrals to resources matching the specific circumstances of the victim's situation. The completed assessment must be attached to the incident report."

The second section "...read or paraphrased to victim..." is suggested statements to victims prior to asking the questions. It can be read verbatim or paraphrased. The main concept is to assess future risk of violence, assist law enforcement and the courts in the current case.

The third section "Preventative Measures" is guidance for preventative measures. The more "yes" responses from the victim indicate a higher possibility of future violence.

When there is a high possibility of violence, proactive measures should be taken to protect the victim and family. This includes, but not limited to, bail increase, bail conditions, EPO, referrals, and follow-ups.

Victims should be advised of the potential ongoing threat based on your experience, and the number of indicators the victim believes to be true. This will allow the victim to make informed choices about their safety and encourage them to call 911 in the future.

This form must be used in all domestic violence investigations where a suspect is arrested or an arrest is anticipated.

LAWS TO WHICH THIS FORM IS APPLICABLE:

Criminal sections included, but not limited to:

- 273.5 PC – Domestic Battery (F)
- 243 (e)(1) PC- Domestic Battery (M)
- 262(a) PC – Spousal Rape

273.6 PC – Violation of an EPO

166(a) / 166(c) PC- Contempt of Court / Violating a court order in Domestic Violence situations

646.9 PC – Stalking in Domestic Violence situations

136.1 PC – Dissuading a witness in Domestic Violence situations