



BILL NO: House Bill  
TITLE: Public Safety - Lethality Assessment Protocol  
COMMITTEE: Judiciary  
HEARING DATE: February 18, 2025  
POSITION: **OPPOSE**

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The Maryland Network Against Domestic Violence (MNADV) is the state domestic violence coalition that brings together victim service providers, allied professionals, and concerned individuals for the common purpose of reducing intimate partner and family violence and its harmful effects on our citizens. **MNADV urges the House Judiciary Committee to issue an unfavorable report on HB 810.**

House Bill 810 would require each law enforcement agency to adopt a policy requiring the use of a lethality assessment protocol. It defines "lethality assessment protocol" as a multiprong validated tool intended for use by law enforcement officers investigating domestically related crime, which uses evidence-based questions to assess certain risk to an individual and includes offering legal resources to those deemed to be at risk of homicide.

MNADV opposes this bill for a variety of reasons. First, every jurisdiction in Maryland, with the exception of Baltimore City, is already using MNADV's validated, copyrighted Lethality Assessment Program (LAP) risk assessment tool in some form or another. Therefore, we are not sure why this bill is necessary. Importantly, use of the LAP comes with mandatory training before it is used. We fear this bill would cause the LAP, or any other lethality assessment product, to be more of a false panacea, just handed out or going through the motions without the appropriate follow up and response. Training and technical assistance is essential to effective implementation. Mandating a tool without the supporting structures necessary to ensure it is being properly used could lead to misuse and a breakdown in the ideal response protocol.

Second, if a variety of lethality assessment tools other than the already implemented LAP tool begin to be used around the state we are concerned about confusion, both by law enforcement and the domestic violence service providers that partner with local law enforcement as part of the current LAP response protocol. Part of the strength of LAP in Maryland is the universal nature of the use of the tool among jurisdictions.

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Another problematic part of this bill is the use of “domestically related crime” to delineate when law enforcement would be required to administer the protocol. Under current law, crimes are not notated as “domestically related” until after a conviction. The designation is made by the prosecutor in the case. This may be a drafting change to amend the bill to terminology that law enforcement uses when responding to a call (colloquially, we hear that they were called to a “domestic”), but as is, it makes no sense.

We acknowledge that breakdowns in the proper use of LAP and the corresponding protocol do occur. However, these can be addressed by coordinated community response teams and additional training from MNADV and does not require passage of law. Please see our attached Position Paper for a more detailed discussion on the unintended consequences of mandated LAP.

For the above stated reasons, the Maryland Network Against Domestic Violence strongly urges an **unfavorable report on HB 810**.

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## Position Paper Mandated Lethality Assessment Program (LAP) Implementation

The Maryland Network Against Domestic Violence (MNADV) appreciates that some governing entities wish to combat domestic violence injuries and homicides on a systemic scale. To make changes on a systemic level, often governing bodies require law enforcement agencies to take certain actions. Some governing bodies or funding agencies have functionally mandated that jurisdictions carry out the Lethality Assessment Program (LAP) or aspects of it, via legislation or other regulations. We believe that mandating agencies to implement LAP is less desirable and effective than inviting and encouraging agencies to voluntarily decide to implement LAP.

MNADV can only train qualified, partnering teams of law enforcement agencies and local domestic violence service programs (DVSPs) who apply for LAP training and participation of their own volition.

### Mandated Participation

The “mandated” approach is less desirable for a number of reasons:

*First, mandates can usually only direct the actions or policies of one partner; however, the LAP requires a connection to and partnership with a DVSP.* The mandate may come from executive, legislative, or funding bodies that have control over government entities (e.g., law enforcement), but that do not have authority over the DVSP, which is often a non-profit organization. This is a problem because it mandates only half of the LAP protocol (i.e., Screening) and excludes the portion of the protocol that is life-saving (i.e., connection to safety-planning and services with advocates). While DVSPs may be eager to partner with local law enforcement and reach victims in innovative ways, they may not have the structure or capacity required to accommodate the increased hotline call volume and service utilization that the LAP generates.

As non-profit organizations, DVSPs are often underfunded and unable to quickly adjust their staffing or caseload levels to assist more clients. The LAP works because it offers victims who are at risk for homicide a chance to take advantage of services that are protective. If this connection is not made, or if it is made to an organization that cannot accommodate additional clients, the LAP

will not be able to do what it's designed to do, nor what the mandate ultimately seeks to accomplish: save lives.

*Second, because LAP involves law enforcement officers and advocates to do more than is typically expected or required, it is critical that there is buy-in from both agencies. A mandate can require officers to administer the Lethality Screen, but it cannot mandate compassion, relieve the pressure officers feel to clear the scene, force officers to use their personal cell phones to call the hotline, nor ensure a positive relationship between officers and advocates from the DVSP. These necessary foundations for LAP implementation can only come with genuine buy-in from leadership; a culture of victim-centered policing; and multidisciplinary efforts to address domestic violence creatively and collaboratively. Throughout MNADV's application and approval process, these elements are assessed because they ensure effective, sustainable implementation.*

*Third, a mandate generally does not take into consideration that the LAP is a creation of MNADV and is copyrighted. MNADV (and the hundreds of currently implementing agencies that MNADV has directly trained or worked with) have a vested interest in ensuring the LAP is only implemented in jurisdictions that will maintain fidelity to the evidence-based model. MNADV's technical assistance process is highly structured and standardized to ensure fidelity, and involves an intensive application and review process, pre-training teleconferences, a full-day training, webinars, and post-training teleconferences to ensure readiness for in-service training and implementation. If agencies attempt to implement LAP without MNADV's knowledge or involvement, steps are skipped and training is shortened, leading these agencies to proceed with an implementation that not in alignment with the evidence-based and validated design of the LAP.*

### **Voluntary Participation**

MNADV promotes the practice of voluntary implementation. It is vital to the effectiveness of the LAP that teams:

- (1) have the capacity to accommodate the practical demands of the LAP;
- (2) understand that the LAP requires collaboration, and either have or are willing to develop a strong working relationship; and
- (3) believe the LAP is the best-fit program to prevent intimate partner homicide in their communities.

### **Solutions in Lieu of a Mandated Approach**

We offer the following solutions to jurisdictions considering a mandated approach:

- **Consultation with MNADV:** When developing a plan to enhance the jurisdiction's law enforcement response to high-danger victims, consult with MNADV. MNADV can advise

jurisdictions on factors to consider and how to stagger implementation strategically and thoughtfully, with teams that are ready and committed to implementing with fidelity to the model.

- **MNADV Involvement in Development:** MNADV is willing and able to play a direct role in the development of a jurisdiction's process. Involvement would depend on the level of jurisdictional cooperation with MNADV, collaboration with other state and local partners, and localities' commitment to implement the LAP. MNADV can work directly with jurisdictions to implement the LAP if the team's law enforcement agency(ies) and local domestic violence program:
  - Have or are willing to develop a working relationship with one another;
  - Are ready, willing and capable to effectively implement the LAP;
  - Apply to the MNADV for training and technical assistance; and
  - Welcome the MNADV's direct involvement in training and implementation.

### **Examples of Successful Coordinated Implementation:**

MNADV has worked with a number of states on coordinated implementation, including:

- A Western state, in which the statewide coordinating body successfully lobbied the legislature to receive funding to support a pilot project involving implementation in four diverse jurisdictions. This state chose the jurisdictions, in coordination with MNADV, in a competitive process to ensure the jurisdictions were committed to implementation, and then were supported by the funding to ensure sustained implementation.
- A Midwestern state and a Southern state, in which the statewide coordinating bodies promoted the LAP as a best practice, encouraged individual jurisdictions to apply to MNADV for training and technical assistance, and then coordinated regional trainings so that multiple sites could be trained by MNADV at once.
- States in the Midwest and Northeast, in which the statewide coordinating body identified specific jurisdictions with the capability of implementing successfully, and then targeted LAP promotional efforts toward those jurisdictions.

Please contact MNADV with any questions regarding the best way to implement LAP within your jurisdiction.

*This project was supported by Grant No. 2011-TA-AX-K111 awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication are those of the authors and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.*