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NEWSLETTER

Liability & LAP:

A Line You Don't Want to Cross

Law enforcement liability and the Lethality Assessment Protocol (LAP) go hand-in-hand. In Oklahoma, LAP is not optional — it is a statutory requirement under **21 O.S. § 142A-3**. That means every law enforcement officer responding to a call involving intimate partner violence (IPV) must complete a LAP when criteria are met. This includes IPV calls involving current or former intimate partners.

While the statute itself does not explicitly address officer accountability, accountability may exist elsewhere. Specifically, it is important to consider **21 O.S. § 581** – Willful Omission of Duty by a Public Officer – which makes certain willful omissions to perform a duty required by law punishable as a criminal misdemeanor. Could skipping a LAP fall into that category?

As of now, we are currently not aware of any peace officer in Oklahoma who has faced criminal charges or civil litigation for failing to complete a LAP; However, similar cases in other states are already testing the limits of liability, as discussed below.

National Headlines - The Gabby Petito Case

Gabby Petito and Brian Laundrie began dating in March 2019 and moved from New York to Florida later that year. They became engaged in July 2020 and opted for a cross-country van trip instead of a traditional wedding. By July 2021, they hit the road from Florida and reached Utah by August.



Bring LAP Training to Your Community

Partner with Us to Strengthen Your Response to IPV

If your agency or community is interested in strengthening your response to intimate partner violence, we would be happy to provide a LAP training. Our team offers in-person and virtual sessions tailored to law enforcement, prosecutors, and service providers. To request a training or learn more, please fill out the form below—we're here to support your team in implementing a proactive, coordinated approach to victim safety.

[Training Request Form](#)

Statistics

From 2011 to 2020, an average of 24,845 domestic abuse incidents were reported per year. (Oklahoma State Bureau of Investigation, UCR) These figures are likely lower than the actual number of domestic abuse incidents in Oklahoma as they are based on police reports.

On August 12, 2021, the couple had a public argument outside a grocery store in Moab, Utah. A 911 call led police to initiate a traffic stop to contact the couple. In bodycam footage, Gabby was visibly distressed and said Brian grabbed her face. Brian appeared calm and even joked with officers. Police separated them for the night.

Gabby was last seen on August 27 at Whole Foods in Jackson, Wyoming. Brian returned to Florida alone on September 1. Gabby's family reported her missing on September 11. Brian disappeared on September 13 and was reported missing four days later. Gabby's remains were found on September 19 in Wyoming; her death was ruled a homicide by strangulation. Brian's remains were found on October 20 in Florida after a national search by local and federal authorities. His death was ruled a suicide. In January 2022, his notebook was released, wherein he admitted to killing Gabby

The Legal Battle

In November 2022, Gabby's family sued the Moab Police Department for negligence, later naming a specific officer for failing to follow agency policy, including skipping a lethality assessment. In November 2024, a district judge dismissed the suit under Utah's Governmental Immunity Act, acknowledging the seriousness of the claims but citing legal precedent. The family appealed to the Utah Supreme Court, which agreed to hear the case, and is currently pending. A ruling in the family's favor could allow victims' families to sue law enforcement agencies for neglecting to conduct lethality assessments despite immunity protections.

The Risk

As previously noted, a similar lawsuit has, to the best of our knowledge, not been filed in Oklahoma yet – and we hope it remains that way. However, this development is important to follow. The Gabby Petito case made international headlines, and thousands of people are watching to see how the Utah Supreme Court rules.

Attend the Partners for Change Conference

The annual Partners for Change Conference will be held September 15th & 16th in Norman, Oklahoma. This conference brings innovative, multidisciplinary training to Oklahoma to support a coordinated community response to violence against women. The conference features a variety of breakout sessions covering a wide range of topics relevant to allied professionals, with continuing education (CEU) opportunities available. This event plays a vital role in enhancing victim safety and advancing efforts to end domestic violence, dating violence, sexual assault, stalking, and trafficking that involves these forms of abuse.

Multi-Disciplinary Training

Gain insights from experts across fields on innovative approaches to addressing violence against women.

Wide-Ranging Topics & CEUs

Choose from diverse breakout sessions tailored to your role, with opportunities to earn continuing education credits.

Collaborative Impact

Join a statewide network of professionals working together to strengthen Oklahoma's coordinate response and enhance victim safety.

There will be over 40 CLEET-Approved Classes available at the Partners for Change Conference.



That is where the conversation about officer liability comes in – especially when it comes to the LAP. This is not about nitpicking officers' work; it is about making sure officers are protected while they protect others. We sometimes call this "Oversight in Action" – because in today's world, law enforcement is under the watchful eye of many: the media, community members, victims and survivors, perpetrators and defendants, agency leadership, prosecutors, courts, civilian review boards, and state-level entities.

One example of a state-level body is the Oklahoma Attorney General-based Domestic Violence Fatality Review Board. The Board meets monthly to review IPV-related homicides, murder-suicides, and other cases stemming from IPV, examining extensive documentation such as law enforcement reports, court records, and homicide reports. After each case review, the Board sends a letter to the agency involved—either recognizing their efforts despite the tragedy or identifying gaps and recommending what could have been done differently.

The point is peace officers' willful (or even unwilful) non-compliance with state statute can have consequences – in more ways than one.

Law enforcement liability is never an easy topic to discuss, nevertheless, it is still worth emphasizing due to its role in this new era of "Oversight in Action" (defined above). Our mission is to not only elevate the importance of LAP statutory compliance for the sake of victim safety, but to also do so in the interest of protecting individual peace officers, police departments, and sheriff offices from potential personal and professional legal liability.

Upcoming Trainings

Duncan Police Department
Wednesday, September 3rd
10am to 12pm

First Assistants Conference
Thursday, September 11th
10:45am to 11:45am

Partners for Change Conference
Monday & Tuesday, September 15th & 16th
10:45am to 12:15am & 12:30pm to 1:45pm

Oklahoma Sheriff's Association Conference
Thursday, October 2nd
3pm to 5pm

Resources

[LAP Form](#)

[LAP 2.0 Informational Video](#)

[OAG LAP Team Webpage](#)

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The Lethality Assessment Protocol represents one of our most critical tools in protecting vulnerable Oklahomans. This partnership between law enforcement and victim advocates isn't just procedure - **it is a lifeline that saves lives.**”



GENTNER DRUMMOND
Oklahoma Attorney General