

# Domestic Violence Risk Assessment

---

Report to the Washington State Legislature and Governor Jay Inslee

*“Various forms of intimate partner violence risk assessment predict different outcomes, are intended to be used within different systems, and require different information to complete.”*

*(J.T. Messing and J. Thaller, 2013)*

June 2018


June 26, 2018

To the Legislature and Governor Inslee:

*It is the honor of the E2SHB 1163 Section 8 work group to present the requested report concerning Risk Assessment in cases of Domestic Violence. After nearly a year of meetings, collaborative discussion, and writing, the work group chairs wish to acknowledge the fine work of their co-collaborators, the Washington State Coalition Against Domestic Violence (WSCADV) and Washington State University (WSU), and every one of the active work group members.*

*The work group was ably supported by staff from the Administrative Office of the Courts (AOC) and the Supreme Court's Gender & Justice Commission, most particularly by Ms. Laura Jones, J.D.*

*All of the work group members look forward to working with the Legislative, Executive, and Judicial branches to enable the recommendations for substantial improvements to responses essential for the protection of victims of domestic violence and our communities around the State of Washington.*



JUDGE MARILYN PAJA, Vice-Chair Gender & Justice Commission  
E2SHB 1163 Work Group Co-Chair  
Kitsap County District Court



JUDGE ERIC LUCAS, Member Gender & Justice Commission  
E2SHB 1163 Work Group Co-Chair  
Snohomish County Superior Court

# TABLE OF CONTENTS

EXECUTIVE SUMMARY .....	1
INTRODUCTION .....	5
Background and Report Objectives .....	5
Work Group Convener and Three Co-Collaborators .....	10
Work Group Convener and Collaborator: The Washington State Supreme Court Gender and Justice Commission .....	10
Work Group Collaborator: Washington State Coalition Against Domestic Violence (WSCADV).....	11
Work Group Collaborator: Washington State University- Department of Criminal Justice and Criminology .....	12
Work Group Designees and Other Contributors .....	13
Work Group Activities and Consensus Building .....	15
KEY DEFINITIONS .....	16
RISK ASSESSMENT RESEARCH.....	19
Risk Assessment Overview.....	19
Domestic Violence Risk Assessment .....	26
Additional Research Needed for Analysis and Quality Improvements .....	32
Definition of Domestic Violence.....	32
Other Data Necessary for Analysis.....	41
Revisions to the Washington Administrative Code (Chapter 388-60A WAC).....	44
DOMESTIC VIOLENCE RISK ASSESSMENT AT DIFFERENT PHASES WITHIN THE LEGAL SYSTEM .....	46
Overview .....	46
Criminal Process.....	48
Law Enforcement Report.....	48
Pretrial Release.....	55
Post-Adjudication.....	63
Civil Process.....	66

Protection Order Hearings .....	66
Family Law Proceedings .....	81
Dependency Proceedings .....	82
CONCLUSION.....	86
APPENDICES.....	87
Appendix A: Summary of Characteristics for Intimate Partner Violence Assessments Tested .....	87
Appendix B: Intimate Partner Risk Assessment- Key Characteristics .....	89
Appendix C: Data Analysis Checklist.....	94
Appendix D: Lethality Assessment Program Risk Assessment Tool.....	95
Appendix E: Sample Pretrial Services Evaluation for Release and Appointment of Counsel .....	96
Appendix F: Sample Personal Recognizance Card .....	97
Appendix G: Screenshots of Judicial Access Browser (JABs) Screens.....	99
Criminal History Screen and Person/Case Tabs .....	99
JABs Summary Tab & Electronic Citation Attachment.....	100
JABs Department of Licensing Tab .....	101
JABs Domestic Violence Inquiry Tab.....	102
JABs Orders Tab.....	103
JABs Relations Tab.....	104
JABs Warrant Tab .....	105
JABs Assessment Tab & ASRA Report.....	106
JABs Plea & Sentence Tab.....	107
Appendix H: New York Domestic Violence Risk Factor Guide for Judges .....	108
Appendix I: Bench Guide for Recognizing Dangerousness in Domestic Violence Cases .....	110
Appendix J: Table of Contents: Social Worker’s Practice Guide to Domestic Violence .....	111
Appendix K: Chart of Civil Orders in Washington State.....	112

# EXECUTIVE SUMMARY

---

*“Risk assessment is a procedure whereby we measure some characteristic of a person or situation and then use that information to predict the likelihood of some negative event.” (R. Moyer, Ph.D.)*

---

Research on risk assessment for domestic violence perpetrators is critical to accumulate knowledge on risk assessment best practices and to promote evidence-based strategies in response to domestic violence across the State of Washington. The research for domestic violence offenders is limited as compared to risk assessments for general offending populations. As a result, the work group strongly recommends:

- **INVEST** in ongoing funding of research on risk assessments for domestic violence offenders. Fund research that (1) evaluates the effectiveness of actuarial risk assessment practices in Washington, (2) examines local jurisdictions’ access to such risk assessment instruments, and (3) examines the quality of the implementation of risk assessment instruments to ensure accurate use.
- **REQUIRE** use of domestic violence risk assessment tools that rely on actuarial risk assessments with the highest degree of predictive accuracy that is validated in Washington.<sup>1</sup>

---

<sup>1</sup> Additional considerations should include engagement of a psychometrician, development of a plan for future “re-tooling” of the assessment, and requirement of training and quality assurance.

- **COLLECT** accurate Washington State data about domestic violence cases in order to evaluate domestic violence risk assessment practices:
  - **REFINE** the definition of Domestic Violence to distinguish between intimate partners and other family relationships to promote data collection and consistency between the justice system and partner professionals.
  - **MANDATE** enhanced data collection.
  - **MONITOR** data collection and assessment processes established in the new 388-60A WAC.<sup>2</sup>

A risk assessment may be used in a variety of contexts within the criminal justice system and civil processes,<sup>3</sup> both to promote accountability for the DV perpetrator and to protect the victim.<sup>4</sup> The form of the risk assessment will vary dependent upon purpose, need, resources, and time available.

- **REQUIRE** reassessment of risk throughout both the criminal and civil legal processes because risk and lethality factors are dynamic.
- **CREATE** a statewide domestic violence risk/lethality assessment tool for law enforcement to use at the scene. Also, because the research findings on mandatory arrest laws are complex and nuanced and because there are potentially lethal

---

<sup>2</sup> Chapter 388-60A WAC will be adopted June 29, 2018. Perhaps data collection and assessment could be coordinated by the Advisory Committee established in WAC 388-60A-0035.

<sup>3</sup> Risk assessments may be used by law enforcement at initial contact, prosecution to make criminal charging decisions, judges to determine bail or release conditions, sentencing, probation and parole, treatment decisions for criminal offenders and parties to civil actions, civil protection orders, and family law attorneys in dissolution or parenting plan cases, or dependency cases.

<sup>4</sup> The terms “victim” and “survivor” are used interchangeably throughout this report.

consequences for victims, the work group recommends that before revising or adopting new laws concerning mandatory arrest, the legislature fund research to better understand the impacts of mandatory arrest laws in Washington, including the potential impacts to offenders and victims of using an evidence-based risk assessment as an alternative to mandatory arrest.

- **CONSIDER** bias as it concerns race, ethnicity, and poverty prior to adoption of any risk assessment, particularly as to reliance on previous criminal history.
- **ADOPT** a risk assessment tool for use by victims and victim advocates filing for civil protection orders. Fund a study of efficacy of the tool.
- **EXPAND** access to information for judges, to assure that courts are acting within authority and to avoid conflicting orders.
- **FUND** each Washington court to implement a firearms review calendar and require that any court with a firearms review calendar utilize a validated risk assessment tool.
- **FUND** adequate and ongoing education and access to resources in order to improve domestic violence response, including:
  - **ALLOCATE** funding and resources for law enforcement officers and victim/witness advocate training for criminal justice-based advocates in police departments and prosecutors' offices.
  - **ALLOCATE** resources for ongoing training of social workers, including periodic and timely updates to the important resource entitled "Social Worker's Practice Guide to Domestic Violence."

- **ALLOCATE** resources for the Family Law Section of the Washington State (WSBA) and local county bar associations to provide education opportunities and resources for their members, including developing tools such as initial client meeting checklists to recognize dangerousness in domestic violence cases and inform both legal aid and private attorney referral to victim advocates.
- **SHARE** best practices and promising practices among jurisdictions and provide supported/funded access to professional independent evaluators in such a way that the data from these practices can be widely shared, evaluated, and monitored.



# INTRODUCTION

## Background and Report Objectives

Engrossed Second Substitute House Bill 1163 (hereafter referred to as HB 1163) was signed into law on May 10, 2017, creating a new recidivist law and bringing stakeholders together throughout the state of Washington to address offender risk and treatment. This legislation recognizes Domestic Violence (DV) as one of the greatest public safety challenges faced by our communities.<sup>5</sup>

Work on early versions of HB 1163 began in 2014 with a group of fourteen (14) front line DV prosecutors from communities all over Washington.<sup>6</sup> They gathered over concern with domestic violence response in misdemeanor cases. There was inconsistent sentencing and bail, especially for repeat batterers, and rampant recidivism. These prosecutors recognized that Washington's DV laws had shortcomings. (There was no mandatory sentencing for repeat misdemeanor batterers as there was for repeat DUI offenders. Moreover, only certain recidivist DV crimes were eligible to become felonies.<sup>7</sup> Misdemeanor crimes of intimate partner assault, no matter how frequent, never became a felony.) The recommendation was to follow the lead of other states, and the research community, and make repeat DV assault a felony crime.<sup>8</sup> This recommendation,

---

<sup>5</sup> Please refer to Washington State Fatality Review Reports from 2000, 2002, 2004, 2006, 2008, 2010, 2012-13, 2016, available at <https://wscadv.org/resources/washington-state-fatality-review-reports/>

<sup>6</sup> Domestic violence prosecutors were from Benton, Kitsap, Whitman, Pierce, Pend Oreille, Kittitas, Whatcom, Yakima, Franklin, Snohomish, and King County, as well as the cities of Spokane, Tacoma, Walla Walla, and Seattle.

<sup>7</sup> Harassment, stalking, and court order violations

<sup>8</sup> See, e.g. "Bill gets tough on repeat DV offenders", NY Daily News (October, 2012), retrieved at <http://www.nydailynews.com/new-york/ny-toughens-laws-repeat-domestic-violence-offenders-article->

however, was only part of the answer: longstanding questions about victim safety and the risks surrounding domestic violence perpetrators still had to be addressed.

In Washington, many court systems<sup>9</sup> are considering risk assessment in conjunction with bail reform, from the Supreme Court's Minority and Justice Commission<sup>10</sup> to the Arnold and MacArthur Foundations (in partnerships with courts in Yakima<sup>11</sup> and Spokane<sup>12</sup>), to King County's Risk Needs Responsivity Project.<sup>13</sup> At the same time, many perceive flaws in Washington's bail system as it relates to domestic violence, tragically highlighted by cases involving homicide.<sup>14</sup> Moreover, risk tools can be used for more than pretrial bail decisions, from improvement of police response<sup>15</sup>, to enhanced triage of child abuse and neglect referrals<sup>16</sup> to differentiation of

---

[1.1192421](http://www.denverpost.com/2016/06/24/new-law-targets-repeat-domestic-violence-offenders/); "Colorado law targets repeat DV offenders", retrieved at <http://www.denverpost.com/2016/06/24/new-law-targets-repeat-domestic-violence-offenders/>. See also Klein, Andy "Impact of Differential Sentencing Severity for Domestic Violence Offenses and All Other Offenses Over Abusers' Life Spans", National Institute of Justice, Document 244757 (2014): "Sentences that do not reflect a defendant's prior criminal history (and prior sentences) suggest to the defendant that domestic violence offenses are not taken as seriously as other offenses."

<sup>9</sup> Washington does not have a unified court system. There are 39 counties, each with at least one (and some many more) superior court and district court, and at least 91 municipal courts within those counties. The Administrative Office of the Courts provides administrative support to all courts. The Board for Judicial Administration (BJA) provides policy direction and leadership through the Chief Justice of the Washington State Supreme Court.

<sup>10</sup> <http://www.courts.wa.gov/?fa=home.sub&org=mjc&layout=2>; See Washington Pretrial Reform Task Force to review risk assessment at <http://www.courts.wa.gov/newsinfo/?fa=newsinfo.pressdetail&newsid=12727>

<sup>11</sup> See <http://www.pretrial.org/yakima-county-wa/>

<sup>12</sup> See <https://www.spokanecounty.org/3891/MacArthur-Grant>

<sup>13</sup> See <https://kingcounty.gov/depts/executive/performance-strategy-budget/performance-strategy/criminal-justice-strategy-policy/Reducing%20Recidivism%20and%20Reentry.aspx>

<sup>14</sup> For example, <https://www.seattletimes.com/seattle-news/crime/accused-killer-had-just-been-freed-without-bail-in-auburn-domestic-violence-case/>

<sup>15</sup> See Maryland's Lethality Assessment Protocol, now considered a national best practice, retrieved at: [http://www.bwjp.org/assets/documents/pdfs/lethality\\_assessment\\_for\\_first\\_responders.pdf](http://www.bwjp.org/assets/documents/pdfs/lethality_assessment_for_first_responders.pdf)

<sup>16</sup> RCW 26.44.030(18) requires Washington's Department of Social and Health Services to use a risk assessment process when investigating child abuse and neglect claims.

treatment recommended for offenders.<sup>17</sup> Statewide integration of validated risk assessment tools in domestic violence response is overdue.<sup>18</sup>

Pursuant to HB 1163, Section 8, the Legislature established the Washington Domestic Violence Risk Assessment Work Group “to study how and when risk assessment can best be used to improve the response to domestic violence offenders and victims and find effective strategies to reduce domestic violence homicides, serious injuries, and recidivism that are a result of domestic violence incidents in Washington state.”<sup>19</sup> The work of this Section 8 work group complements and overlaps with the mandate of the Section 7 work group established in HB 1163. The Section 7 work group is tasked to address “the issue of domestic violence perpetrator treatment and the role of certified perpetrator treatment programs in holding domestic violence perpetrators accountable.”<sup>20</sup>

The legislation requires the Section 8 work group to research, review, and make recommendations on the following questions:

- i. How to best develop and use risk assessment in domestic violence response utilizing available research and Washington state data;

---

<sup>17</sup> Colorado’s risk-based differentiated DV offender Treatment program available at: <http://www.bwjp.org/resource-center/resource-results/colorado-dv-offender-treatment.html>

<sup>18</sup> See footnote 5

<sup>19</sup> E2SHB 1163, 2017 Leg., 65<sup>th</sup> Leg., Reg. Sess. (Wa. 2017).

<sup>20</sup> *Id.*

- ii. Providing effective strategies for incorporating risk assessment in domestic violence response to reduce deaths, serious injuries, and recidivism due to domestic violence;
- iii. Promoting access to domestic violence risk assessment for advocates, police, prosecutors, corrections, and courts to improve domestic violence response;
- iv. Whether or how risk assessment could be used as an alternative to mandatory arrest in domestic violence;
- v. Whether or how risk assessment could be used in bail in domestic violence cases, and in civil protection order hearings;
- vi. Whether or how offender risk, needs, and responsivity could be used in determining eligibility for diversion, sentencing alternatives, and treatment options;
- vii. Whether or how victim risk, needs, and responsivity could be used in improving domestic violence response;
- viii. Whether or how risk assessment can improve prosecution and encourage prosecutors to aggressively enforce domestic violence laws; and
- ix. Encouraging private sector collaboration.<sup>21</sup>

---

<sup>21</sup> *Id.*

Within the executive summary and this report, we address the legislative questions posed above with the following broad recommendations:

- **Fund research on risk assessments for domestic violence offenders;**
- **Support robust and ongoing collection of Washington State data for analysis and quality improvements;**
- **Promote access to best information about perpetrator and victim, depending upon the purpose, need, resources, and time available for risk assessment;**
- **Consider adoption of a statewide lethality assessment tool for law enforcement to use at the scene; however, this tool should not be used in lieu of mandatory arrest without further research;**
- **Consider express and implicit bias in any risk assessment tools utilized;**
- **Consider timely access to advocacy, risk assessment tools for use by victims and/or advocates, and review of firearms surrender to reduce risk for victims;<sup>22</sup>**
- **Explore additional and ongoing education opportunities and resources for use by justice system personnel and its partners related to risk assessment;**
- **Encourage institutional and systemic enactment and equitable statewide funding for evaluation of promising practices that may be initially explored through the use of private sector collaboration.**

---

<sup>22</sup> See pp. 20, 25-28, 42-43 of WSCADV's report entitled "Up to Us: Lessons Learned and Goals for Change" (2010), available at <http://wscadv.org/wp-content/uploads/2016/12/2010-dvfr-report.pdf>

## Work Group Convener and Co-Collaborators

HB 1163 states that “[t]he Washington State Gender and Justice Commission, in collaboration with the Washington State Coalition Against Domestic Violence and the Washington State University criminal justice program, shall coordinate the work group and provide staff support. This legislative work group was convened and co-chaired by Judge Marilyn Paja of Kitsap County District Court and Judge Eric Lucas of Snohomish County Superior Court on behalf of the Washington State Supreme Court Gender and Justice Commission. The Washington State Legislature generously provided funding to support the organizational structure of both of the HB 1163 work groups. Ms. Laura Jones, Esq. provided essential staff assistance to the convener, co-collaborators, and members.

*Work Group Convener and Collaborator: The Washington State Supreme Court Gender and Justice Commission*

In 1987 the Washington State Legislature tasked the Administrative Office of the Courts with developing measures to prevent gender bias in the state court system. After two years of research, public hearings, and surveys, the Gender and Justice Task Force concluded that gender bias existed in the Washington State court system and described the extent of that bias along with recommendations for change in its final report, *Gender and Justice in the Courts, Washington State, 1989*.

The Washington State Gender and Justice Commission was established by the Washington Supreme Court in 1994 to continue monitoring and implementing the

recommendations from the 1989 Report. The Court has renewed the Commission every five years since, most recently in 2015. The mission of the Commission is to identify concerns and make recommendations regarding the equal treatment of all parties, attorneys, and court employees in the State courts, and to promote gender equality through researching, recommending, and supporting the implementation of best practices; providing educational programs that enhance equal treatment of all parties; and serving as a liaison between the courts and other organizations in working toward communities free of bias.<sup>23</sup>

*Work Group Collaborator: Washington State Coalition Against Domestic Violence (WSCADV)*

Jake Fawcett, Fatality Review Coordinator, and Tamaso Johnson, Public Policy Director, represented the Washington Coalition Against Domestic Violence (WSCADV) on this work group. Founded in 1990, WSCADV is a non-profit network of domestic violence programs across the state of Washington. The mission of WSCADV is to mobilize member programs and allies to end domestic violence through advocacy and action for social change. WSCADV improves how communities respond to DV and create social intolerance for abuse, supports member programs, and informs the public.<sup>24</sup>

---

<sup>23</sup> [http://www.courts.wa.gov/programs\\_orgs/gjc/?fa=gjc.Education&parent=res](http://www.courts.wa.gov/programs_orgs/gjc/?fa=gjc.Education&parent=res)

<sup>24</sup> [www.wscadv.org](http://www.wscadv.org)

*Work Group Collaborator: Washington State University- Department of Criminal Justice and Criminology*

Dr. Faith Lutze represented the Department of Criminal Justice and Criminology at Washington State University on the Section 8 work group. The Department of Criminal Justice and Criminology at WSU is designed to provide students with the skills needed to conduct and assess theoretically-based research about the causes of crime, the administration of criminal justice, and the development and evaluation of policies which have an impact on criminal justice systems at the local, state, national, and international levels. Department faculty have a wide range of research and teaching interests. The Department is nationally and internationally recognized for scholarship with a focus on problem-driven research that confronts both traditional and emerging challenges in the U.S. and throughout the world. Faculty members routinely lend their expertise to a broad range of local, state, national and international government agencies and non-governmental groups. This involvement on the 'practitioner-side' of policy serves to enrich faculty research and enhance the learning environment and opportunities for our students. Historically, the department is the oldest in the United States, established in 1943, and continues to be a leader in criminal justice education and research.



## Work Group Designees and Other Contributors

In addition to the work group convener and co-collaborators, the following work group members were statutorily designated and active participation was provided as follows:

- Department of Corrections: Angella Coker
- Washington Department of Social and Health Services: Amie Roberts
- Washington Association of Sheriffs and Police Chiefs, city law enforcement, county law enforcement: Chief Jonathan Ventura (Arlington Police Department)
- Superior Court Judges' Association: Judge Kristin Richardson (King County Superior Court)
- District and Municipal Court Judges' Association: Judge Patti Connolly Walker (Spokane County District Court)
- Washington State Association of Counties: Commissioner Kathleen Kler (Jefferson County)
- Washington Association of Prosecuting Attorneys: Michael Haas (Jefferson County Prosecuting Attorney)
- Washington Defender Association: Alex Frix (Thurston County Public Defense)
- Washington Association of Criminal Defense Lawyers: Aimee Sutton (The Marshall Defense Firm)
- Association of Washington Cities: Brie Ann Hopkins (City of Bellevue)

- Legal Aid: Dana Boales (The Washington State Office of Civil Legal Aid), Ariana Orford (Northwest Justice Project)
- The family law section of the Washington State Bar Association: Patrick Rawnsley (PWR Law PLLC)
- Treatment providers: Mark Adams, MA, LMHC (Wellspring Family Services), Keith Waterland, LICSW (Anger Control Treatment & Therapies)
- Court administrators: Jennifer Creighton (Court Administrator, Thurston County District Court), Jessica Humphreys (Financial Manager, Yakima County Superior Court)
- Domestic and Gun Violence Survivor Volunteer: Trese Todd

Other contributors invited and participating in the work group included:

- Anne Korp (Washington State University, student of the Department of Criminal Justice and Criminology)
- David Baker (King County Deputy Prosecuting Attorney)
- David Martin (King County Deputy Prosecuting Attorney)
- Dr. Carl McCurley (Washington State Center for Court Research)
- Elizabeth Drake (Washington State University PhD candidate)
- Grace Huang (Asian Pacific Institute on Gender-Based Violence)
- Judge Lorintha Umtuch (Yakama Nation)
- Judge Theresa Doyle (Washington State Supreme Court Minority & Justice Commission)

- Randy Kempf, MA, LMHC (Chehalis Tribe)
- Sophia Byrd McSherry (Washington State Office of Public Defense)

Staff from the Administrative Office of the Courts (AOC) who coordinated, facilitated, and provided administrative support to this work group included Cynthia Delostrinos J.D., Kelley Amburgey-Richardson J.D., and Nichole Kloepfer, as well as contract staff Laura Jones J.D., who was essential in coordinating this report.

### Work Group Activities and Consensus Building

Throughout the course of this work group, four in-person work group meetings were held:

- **October 4, 2017:** Introductions of co-collaborators, key stakeholders, and participants; discussion of questions posed by legislature; issues identified; tentative work plan established.
- **December 12, 2017:** Presentation re: research on risk assessment; presentation re: implicit bias; presentation re: revisions to Chapter 388-60A WAC; system mapping
- **February 27, 2018:** Priorities with regard to risk assessment; discussion re: proposed draft outline for report
- **May 8, 2018:** Discussion re: areas of draft report requiring supplementation and primary recommendations

Additionally, the work group communicated via email and list serv, created a shared drive for articles and research, and held monthly work group conference calls in

November 2017 and January, February, March, April, May, and June 2018. Topics addressed on these substantive calls included identifying priorities; discussion about research re: DV Risk Assessment tools; definition of domestic violence and data collection. Additional telephone calls between individuals also were held with issues raised then folded into the entire discussion group.

In the recommendations below the work group reached consensus except where noted otherwise. Consensus was determined by continuous communication by voice and in writing with opportunities for comment. Multiple preliminary drafts of this report were circulated for review and input. Concerns raised or unanswered questions are included in the written discussion below.

## KEY DEFINITIONS

This section identifies and defines key terms and concepts that are discussed in the report:

- **Domestic Violence** is defined in RCW 26.50.010(3) as “(a) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault, between family or household members; (b) sexual assault of one family or household member by another; or (c) stalking as defined in RCW 9A.46.110 of one family or household member by another family or household member.” Domestic Violence is often referred to in this report as “DV.”
- **Family or Household Members** are defined in RCW 26.50.010(6) and include “spouses, domestic partners, former spouses, former domestic partners, persons

who have a child in common regardless of whether they have been married or have lived together at any time, adult persons related by blood or marriage, adult persons who are presently residing together or who have resided together in the past, persons sixteen years of age or older who are presently residing together or who have resided together in the past and who have or have had a dating relationship, persons sixteen years of age or older with whom a person sixteen years of age or older has or has had a dating relationship, and persons who have a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren.”

- **Lethality Assessment** measures the likelihood that a fatality will result from domestic violence.
- **Risk Assessment** “is a procedure whereby we measure some characteristic of a person or situation and then use that information to predict the likelihood of some negative event.”<sup>25</sup>
- **Victim Advocates** are trained to support victims of crime:

“**Legal advocate**” means a person employed by a domestic violence program or court system to advocate for victims of domestic violence, within the criminal and civil justice systems, by attending court proceedings, assisting in document and case preparation, and ensuring linkage with the community advocate.<sup>26</sup>

---

<sup>25</sup> Moyer, R., Ph.D. Emeritus Prof. of Psychology, Bates College, “Evidence-based Risk Assessment of Domestic Violence Offenders: The State of the Science in 2006.”

<sup>26</sup> RCW 70.123.020(9)

**“Victim/Witness Advocates”** are usually affiliated with law enforcement and/or prosecutors’ offices.<sup>27</sup>

**“Community Advocates”** are employed or supervised by community-based domestic violence agencies trained to provide assistance and advocacy services, including social service referrals, legal support, temporary housing, safety planning, support groups, etc.<sup>28</sup>

Under RCW 70.123.030, the Department of Social and Health Services (DSHS) is charged with developing and maintaining a plan for delivery of domestic violence victim services,<sup>29</sup> setting minimum standards for community-based programs,<sup>30</sup> conducting outreach, administering funds from domestic violence prevention accounts and prevention efforts in consultation with other state agencies, the domestic violence

---

<sup>27</sup> Pursuant to RCW 7.69.020(6) "Crime victim/witness program" means any crime victim and witness program of a county or local law enforcement agency or prosecutor's office, any rape crisis center's sexual assault victim advocacy program as provided in chapter 70.125 RCW, any domestic violence program's legal and community advocate program for domestic violence victims as provided in chapter 70.123 RCW, or any other crime victim advocacy program which provides trained advocates to assist crime victims during the investigation and prosecution of the crime. *See also*, Domestic Violence Legal Advocacy - Washington State Department of Commerce <http://www.commerce.wa.gov/serving-communities/crime-victims-public-safety/office-of-crime-victims-advocacy/domestic-violence-legal-advocacy/>

<sup>28</sup> RCW 70.123.020(1) "Community advocate" means a person employed or supervised by a community-based domestic violence program who is trained to provide ongoing assistance and advocacy for victims of domestic violence in assessing and planning for safety needs, making appropriate social service, legal, and housing referrals, providing community education, maintaining contacts necessary for prevention efforts, and developing protocols for local systems coordination.

<sup>29</sup> RCW 70.123.030(6) "Domestic violence program" means an agency, organization, or program with a primary purpose and a history of effective work in providing advocacy, safety assessment and planning, and self-help services for domestic violence in a supportive environment, and includes, but is not limited to, a community-based domestic violence program, emergency shelter, or domestic violence transitional housing program.

<sup>30</sup> RCW 70.123.030(2) "Community-based domestic violence program" means a nonprofit program or organization that provides, as its primary purpose, assistance and advocacy for domestic violence victims. Domestic violence assistance and advocacy includes crisis intervention, individual and group support, information and referrals, and safety assessment and planning. Domestic violence assistance and advocacy may also include, but is not limited to: Provision of shelter, emergency transportation, self-help services, culturally specific services, legal advocacy, economic advocacy, community education, primary and secondary prevention efforts, and accompaniment and advocacy through medical, legal, immigration, human services, and financial assistance systems. Domestic violence programs that are under the auspices of, or the direct supervision of, a court, law enforcement or prosecution agency, or the child protective services section of the department as defined in RCW 26.44.020, are not considered community-based domestic violence programs.

coalition<sup>31</sup> and others experienced with providing necessary domestic violence services. Much of the policy work of the DSHS DV group is accomplished by the rulemaking contained in Chapter 388-60A WAC.

## RISK ASSESSMENT RESEARCH

### Risk Assessment Overview

Risk assessment is a common practice in a variety of fields including public health, social work, health care, engineering, and the environment, among many others. In criminal justice, tools<sup>32</sup> used to systematically and empirically assess risk have become an essential function of correctional agencies.<sup>33</sup> Risk assessments are used by probation officers to determine an offender's risk to the community, by parole boards who assess whether individuals should be released from prison, and by corrections officials who triage individuals to participate in treatment programs. Risk assessments are also used by judges as an additional empirical tool to inform judicial discretion in determining whether defendants should be detained prior to trial. Public safety is typically the primary goal for conducting risk assessment in the field of criminal justice.

---

<sup>31</sup> RCW 70.123.030(5) "Domestic violence coalition" means a statewide nonprofit domestic violence organization that has a membership that includes the majority of the primary purpose, community-based domestic violence programs in the state, has board membership that is representative of community-based, primary purpose domestic violence programs, and has as its purpose to provide education, support, and technical assistance to such community-based, primary purpose domestic violence programs and to assist the programs in providing shelter, advocacy, supportive services, and prevention efforts for victims of domestic violence and dating violence and their dependents.

<sup>32</sup> A variety of terms are used to refer to actuarial risk assessment including tools, instruments, or assessments, which have no real distinction among them.

<sup>33</sup> Taxman, Faye S., (2016). *Handbook on risk and need assessment: Theory and practice*. Vol. 1. (Ed). New York, NY: Taylor & Francis.

Risk assessment can also serve as a method to manage limited resources and drive case management within an agency based on an individual's risk for re-offense and treatment needs.

The objective of risk assessment is to identify sub-groups within a larger population that have different rates on the outcome that stakeholders are interested in predicting (e.g., recidivism, failure to appear in court, compliance with conditions ordered, release from confinement). The specific outcome of interest varies depending on the purpose of the risk assessment and the stage of the criminal justice system. The tool produces a score for each individual person, representing that individual's risk relative to the larger population. Scores are then divided into broad, aggregate classification levels (e.g., low, moderate, high risk levels) to help guide organizational decision-making. Due to their ability to predict risk for re-offense, a properly validated risk assessment tool is considered an evidence-based strategy to prevent violence.

The term *Risk-Need-Responsivity* was coined more than three decades ago by Canadian criminologists/psychologists.<sup>34</sup> Its theoretical underpinnings date back to the "nothing works" era of the 1970s when empirical, systematic reviews of the research literature uncovered that correctional interventions, at best, had mixed or inconclusive findings and, at worst, were ineffective at reducing crime altogether.<sup>35</sup> Over the next three decades, evaluation evidence amassed by researchers around the world helped

---

<sup>34</sup> Andrews, Donald Arthur and James Bonta (2010). *The psychology of criminal conduct*. Routledge. New York, NY: Routledge.

<sup>35</sup> Palmer, Ted (1975). "Martinson revisited." *Journal of Research in Crime and Delinquency*, 12(2): 133-152.  
Martinson, Robert (1974). "What works? Questions and answers about prison reform." *The Public Interest*, 35: 22.



supply the evidentiary base for the Risk-Need-Responsivity model as it is known today.<sup>36</sup> Risk-Need-Responsivity serves as the cornerstone of corrections; a modern rehabilitative framework that is rooted in empirical, applied research findings.<sup>37</sup>

Broadly, Risk-Need-Responsivity explains criminal behavior through two perspectives: general personality and cognitive, social learning.<sup>38</sup> Key indicators of general personality that are correlated with crime include antisocial personality, which can manifest by way of aggression, low self-control, or pleasure seeking. Key indicators of cognitive, social learning that are correlated with crime include antisocial cognitions, attitudes, values, or rationalization. Criminal behavior is reduced by targeting these antisocial constructs.<sup>39</sup>

In this context, risk is typically measured through *static risk factors*, those that do not change over time, such as criminal history.<sup>40</sup> The *risk principle* has been well-supported, empirically in the research literature.<sup>41</sup> There are two important aspects of

---

<sup>36</sup> Lipsey, Mark W., and Francis T. Cullen (2007). "The effectiveness of correctional rehabilitation: A review of systematic reviews." *Annual Review of Law Social Science*, 3: 297-320.

<sup>37</sup> Andrews, Donald A., Ivan Zinger, Robert D. Hoge, James Bonta, Paul Gendreau, and Francis T. Cullen (1990). "Does correctional treatment work? A clinically relevant and psychologically informed meta-analysis." *Criminology*, 28(3): 369-404. Taxman, Faye S., Meredith Thanner, and David Weisburd (2006).

"Risk, need, and responsivity (RNR): It all depends." *Crime & Delinquency*, 52(1): 28-51.

<sup>38</sup> Andrews, Donald Arthur and James Bonta (2010).

<sup>39</sup> Piquero, Alex R., Wesley G. Jennings, and David P. Farrington (2010). "On the malleability of self control: Theoretical and policy implications regarding a general theory of crime." *Justice Quarterly*, 27(6): 803-834. Pratt, Travis C., Francis T. Cullen, Christine S. Sellers, L. Thomas Winfree Jr, Tamara D. Madensen, Leah E. Daigle, Noelle E. Fearn, and Jacinta M. Gau (2010). "The empirical status of social learning theory: A meta- analysis." *Justice Quarterly*, 27(6): 765-802. Landenberger, Nana A., and Mark W. Lipsey (2005). "The positive effects of cognitive-behavioral programs for offenders: A meta-analysis of factors associated with effective treatment." *Journal of Experimental Criminology*, 1(4): 451-476. Cullen, Francis T., and Paul Gendreau (2000). "Assessing correctional rehabilitation: Policy, practice, and prospects." *Criminal justice*, 3(1): 299-370.

<sup>40</sup> See discussion at pp. 60-62 of this report

<sup>41</sup> Andrews, Don A., and Craig Dowden (2006). "Risk principle of case classification in correctional treatment: A meta-analytic investigation." *International Journal of Offender Therapy and Comparative*

the risk principle. First, intervention with an individual should be commensurate with that individual's risk for re-offense. Second, resources should be focused on individuals with the highest risk for re-offense. Not only are higher risk offenders capable of change, but some research has demonstrated harmful effects when intervening with lower-risk offenders.<sup>42</sup>

The *need principle* posits that suitable interventions must be aligned with an individual's criminogenic needs, or *dynamic risk factors*. Criminogenic needs are those factors directly related to the individual's criminal behavior that have the potential to change over time (e.g., substance abuse). Some research has shown that these dynamic factors are not as predictive of risk for re-offense as criminal history;<sup>43</sup> however, others have argued the importance for inclusion in order to assist with agency case management and targeted interventions.<sup>44</sup>

---

*Criminology*, 50(1): 88-100. Lowenkamp, Christopher T., Edward J. Latessa, and Alexander M. Holsinger (2006). "The risk principle in action: What have we learned from 13,676 offenders and 97 correctional programs?" *Crime & Delinquency*, 52(1): 77-93. Barnoski, Robert and Steve Aos (2003). *Washington's Offender Accountability Act: An analysis of the Department of Corrections' risk assessment*. Olympia: Washington State Institute for Public Policy. Dowden, Craig, and Don A. Andrews (1999). "What works for female offenders: A meta-analytic review." *Crime & Delinquency*, 45(4): 438-452. Andrews, Donald A., Ivan Zinger, Robert D. Hoge, James Bonta, Paul Gendreau, and Francis T. Cullen (1990). "Does correctional treatment work? A clinically relevant and psychologically informed meta-analysis." *Criminology*, 28(3): 369-404.

<sup>42</sup> Latessa, Edward J., Lori Brusman Lovins, Paula Smith, and M. Makarios (2010). "Follow-up evaluation of Ohio's community based correctional facility and halfway house programs: Program characteristics supplemental report." *Cincinnati, OH: Center for Criminal Justice Research, University of Cincinnati*.

Lowenkamp, Christopher T., and Edward J. Latessa (2004). "Understanding the risk principle: How and why correctional interventions can harm low-risk offenders." *Topics in Community Corrections*: 3-8.

<sup>43</sup> Caudy, Michael S., Joseph M. Durso, and Faye S. Taxman (2013). "How well do dynamic needs predict recidivism? Implications for risk assessment and risk reduction." *Journal of Criminal Justice*, 41(6): 458-466. Girard, Lina, and J. Stephen Wormith (2004). "The predictive validity of the Level of Service Inventory-Ontario Revision on general and violent recidivism among various offender groups." *Criminal Justice and Behavior*, 31(2): 150-181. Barnoski, Robert and Steve Aos (2003). *Washington's Offender Accountability Act: An analysis of the Department of Corrections' risk assessment*. Olympia: Washington State Institute for Public Policy.

<sup>44</sup> Hamilton, Zachary K., Tollefsbol, Elizabeth, Campagna, Michael, and van Wormer, Jacqueline (2016).

The *responsivity principle* refers to how and when to respond in order to maximize an individual's ability to change through treatment. There are two types of responsivity, general and specific. General responsivity refers to the use of cognitive behavioral or social learning interventions, which have been demonstrated to be effective throughout the literature.<sup>45</sup> Specific responsivity pertains to the importance of tailoring treatment to each individual's characteristics such as learning style, personality, motivation, or race and gender.

Risk Assessment Tool Must be Validated and Predictive. Because the primary goal of risk assessment is to predict a particular outcome, it is important to examine whether the selected risk assessment tool is effective at accurately predicting outcomes compared to what outcomes are actually observed. Risk assessment tools are first designed or constructed using information from one population. Next, the assessment is validated on a separate population to determine its predictive accuracy.<sup>46</sup> This validation process allows researchers to determine whether the assessment has a high

---

Customizing criminal justice assessments. Pg. 333-377. In Taxman, Faye S., ed (2016). *Handbook on risk and need assessment: Theory and practice*. New York, NY: Taylor & Francis.

<sup>45</sup> Bourgon, Guy, and Leticia Gutierrez. "The general responsivity principle in community supervision: The importance of probation officers using cognitive intervention techniques and its influence on recidivism." *Journal of Crime and Justice*, 35(2):149-166. Landenberger, Nana A., and Mark W. Lipsey (2005). "The positive effects of cognitive-behavioral programs for offenders: A meta-analysis of factors associated with effective treatment." *Journal of Experimental Criminology*, 1(4): 451-476. Cullen, Francis T., and Paul Gendreau (2000). "Assessing correctional rehabilitation: Policy, practice, and prospects." *Criminal justice*, 3(1): 299-370.

<sup>46</sup> Messing, Jill Theresa, and Jonel Thaller (2013). "The average predictive validity of intimate partner violence risk assessment instruments." *Journal of interpersonal violence*, 28(7): 1537-1558. Hanson, Robert Karl, Guy Bourgon, and Leslie Helmus (2007). *The validity of risk assessments for intimate partner violence: A meta-analysis*. Ottawa, Ontario: Public Safety Canada.

degree of predictive accuracy. Once tested, these instruments are often referred to as *validated assessments*.<sup>47</sup>

Tools that have not been validated cannot demonstrate whether they achieve the expected results. Once a tool has been validated, the strength of its predictive accuracy can be obtained. For example, if using recidivism as an outcome, an analysis of observed recidivism should indicate higher rates of recidivism for higher risk levels.<sup>48</sup> If the outcome is not commensurate with the classification produced by the risk assessment, this metric is one indication that the assessment does not predict well.

Another commonly used statistic, the *Area Under the Curve* (AUC), measures the strength of the association between the classification (e.g., predicted recidivist or not) and the observed outcome (e.g., actual recidivist or not). This is a standardized measure and can be compared across risk assessments and demonstrates whether the assessment can correctly *discriminate* between true positives (i.e., individuals predicted to recidivate and do recidivate, called *sensitivity*) and true negatives (i.e., individuals predicted not to recidivate and do not, called *specificity*).

---

<sup>47</sup> "Validated" has a specific statistical meaning to researchers. We use the term to refer more broadly to instruments that have been tested through a cross-validation process to produce an AUC to examine strength of the instrument's accuracy.

<sup>48</sup> Baird, Christopher (2009). "A question of evidence: A critique of risk assessment models used in the justice system." *Madison, WI: National Council on Crime and Delinquency*.

		Observed outcome:	
		Recidivist	non-recidivist
Predicted outcome:	recidivist	true positive (sensitivity)	false positive (type I error)
	non-recidivist	false negative (type II error)	true negative (specificity)

Figure 1 shows the types of discrimination and errors in risk prediction, which provide the statistical basis for calculating the AUC statistic.

AUCs range from 0.50 (precision equivalent to a coin flip), to 1.00 (perfect prediction). Thus, risk assessments with higher AUCs have greater predictive accuracy. Based on a compilation of validation studies, the following guidelines have been established to determine the degree of predictive accuracy:

- .50 - .55      Negligible
- .56 - .64      Small
- .65 - .71      Moderate
- .72 - 1.00    Strong

Although the Area Under the Curve is the most commonly reported statistic for assessing performance, risk assessment developers also rely on other statistics to help determine other, nuanced aspects of the tool’s ability to classify correctly. These methods continue to evolve as the field for risk assessment advances, but researchers agree that the two metrics discussed here provide a basic foundation for comparing

predictive accuracy across instruments as well as assessing the strength of its accuracy.<sup>49</sup>

Prior to implementation of any risk assessment tool, it is advisable for jurisdictions to discuss the nuanced, technical aspects of a risk assessment's predictive validity with the developer or expert in the field; typically, a professionally trained psychometrician with statistical skills and experience developing and validating instruments.

In terms of assessment validity, it is important to highlight that validated assessments will lose their shelf-life as populations change over time. Risk assessments will only remain valid as long as the underlying population is similar to when the assessment was originally constructed. It is for this reason that jurisdictions should have risk assessment developers re-tool the instrument as the population changes. This practice is recommended for both custom risk assessments as well as existing tools that may be purchased "off-the-shelf."

## **Domestic Violence Risk Assessment**

To assess the predictive accuracy of intimate partner violence risk assessments that are already in existence, we examined tools that have been validated in the research literature and tested on a follow-up population. Because HB 1163 legislatively directed this work group to examine outcomes such as "domestic violence homicides, serious

---

<sup>49</sup> For a full description of these metrics, see e.g. Hamilton, Zachary, Melanie-Angela Neuilly, Stephen Lee, and Robert Barnoski (2015). "Isolating modeling effects in offender risk assessment." *Journal of Experimental Criminology*, 11(2): 299-318.

injuries, and recidivism that are a result of domestic violence,” we prioritized the scope of research discussed in this report to tools that measured these types of outcomes. The legislative directive also asked the work group to examine risk assessment utilizing available research and Washington state data, thus we relied on externally published research as well as risk assessment validation research conducted in Washington State.

We aimed to locate meta-analyses<sup>50</sup> or systematic reviews that empirically quantified the predictive accuracy of risk assessment tools. Compared to traditional, narrative reviews, the benefits of this method are its systematic and empirical approach to summarizing a body of literature. Results are quantifiable and show the strength of the effect. Advantages also include improved statistical power, precision, and generalizability due to the inclusion of many studies. Lastly, systematic reviews and meta-analysis minimizes the potential bias for “cherry-picking” results by including all studies regardless of whether the findings were good or bad.

While there are many domestic violence risk assessment tools in national practice, there is little available thorough research. We located only three studies that took a systematic or meta-analytic approach to examining the predictive accuracy of risk assessment.

### **Study #1: Messing & Thaller (2013)**

This study reviewed the research literature for intimate partner violence risk assessment validation studies and located only ten evaluations representing five

---

<sup>50</sup> Meta-analysis is type of research method where results of many studies are empirically quantified together to produce a weighted average effect.

instruments: the Ontario Domestic Assault Risk Assessment (ODARA), Spousal Assault Risk Assessment (SARA), Danger Assessment (DA), Domestic Violence Screening Inventory (DVS), and the Kingston Screening Instrument for Domestic Violence (K-SID). Using the Area Under the Curve to measure predictive accuracy, results from this study indicate that these risk assessments have small to moderate predictive accuracy; however, the authors also concluded that the quality of the administration of the assessment was in question in nearly half of the validation studies.

**Study #2: Hanson, Helmus & Bourgon (2007)**

In this meta-analysis, 18 studies were located that examined the predictive accuracy of 16 instruments (12 intimate partner violence risk assessments and four risk assessments with general risk scales for violence that were not domestic violence-specific). The authors concluded that intimate partner risk assessments have moderate predictive accuracy and also noted that the risk scales for general violence predict as equally as domestic violence-specific scales.

**Study #3: Drake (2014)<sup>51</sup>**

The third study located was a systematic review of research on risk assessment validation studies in Washington State. The review examined the predictive accuracy of risk assessment tools that were delivered and validated on a Washington state general offender population. Although this study includes tools intended for a general offender population as opposed to domestic violence-specific, the general offender population

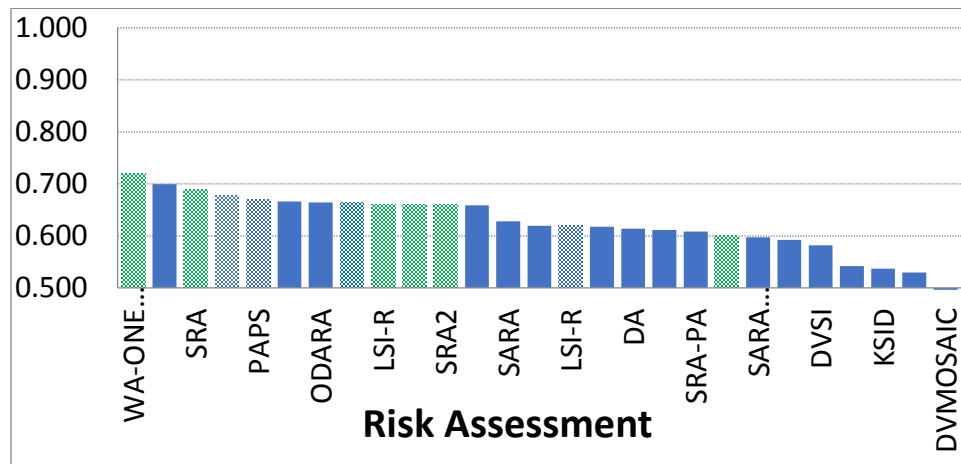
---

<sup>51</sup> Drake, Elizabeth K. (2014). *Predicting criminal recidivism: A systematic review of offender risk assessments in Washington State* (Doc. No. 14-02-1901). Olympia: Washington State Institute for Public Policy.



includes individuals convicted of domestic violence offenses. These risk assessments incorporate key pieces of information regarding an individual’s domestic violence criminal history to predict both general felony and violent felony recidivism. Among the five risk assessments reviewed, the STRONG-R had the highest predictive accuracy for general recidivism. This assessment, now referred to as the WA-ONE is being implemented by the Washington State Department of Corrections as its first fourth generation (4G) assessment system.

The following figure displays the combined empirical results (Area Under the Curve) reported in the three studies on the predictive accuracy of the 27 risk assessment tools tested:



Conclusions from the Available Studies. The first conclusion that can be drawn is that none of the studied tools achieves perfect prediction. Only one assessment (WA-ONE) achieved strong predictive accuracy. Forty-one percent of the risk assessments achieved moderate predictive accuracy; 41% small predictive accuracy; and 15% negligible predictive accuracy.

Of the validated risk assessments reviewed, nearly two-thirds are domestic violence-specific assessments, compared to the rest, which are risk assessments designed for general offenders that include domestic violence offenders within the broader population. The intimate partner violence risk assessment with the highest predictive accuracy is the Domestic Violence Risk Assessment Guide (DVRAG) with moderate predictive accuracy and the intimate partner risk assessment with the lowest predictive accuracy, equivalent to a coin toss, is the DVIMOSAIC. Appendix A to this report provides a detailed table summarizing the study characteristics for each assessment tested. Appendix B to this report provides a summary of seven intimate partner violence risk assessments reviewed in this section of the report.

**WORK GROUP RECOMMENDATION:** Because risk assessment for domestic violence populations is less well-studied when compared with risk assessment for general offending populations, the work group recommends that the legislature fund ongoing research on risk assessments for domestic violence offenders. Furthermore, we recommend that the legislature consider funding research that (1) evaluates the effectiveness of actuarial risk assessment practices in Washington, (2) examines local jurisdictions' access to such risk assessment instruments, and (3) examines the quality of the implementation of risk assessment instruments to ensure accurate use.

**WORK GROUP RECOMMENDATION:** Prior to implementing a particular domestic violence risk assessment tool, the work group recommends that policymakers and practitioners consider the following:

- Rely on actuarial risk assessments if possible, which demonstrate improved prediction over clinical judgement.
- Determine the intended purpose(s) of the risk assessment, which relates directly to outcome predicted by the tool.
- After considering the broader goals and purposes, implement a validated risk assessment that has the highest degree of predictive accuracy possible, and that is validated in Washington.
- Procure the skills of a trained psychometrician or expert in the field to assess the nuanced, technical aspects of the risk assessment chosen to be implemented.
- Prior to implementation, develop a fully supported plan for “re-tooling” the assessment to fit the underlying population of the jurisdiction at the outset and as the population changes over time.
- Consider the structural foundations and systems required for risk assessment to occur. For example, decisions need to be made regarding automation and software, and data management and security. These decisions may be further complicated for multi-jurisdictional assessments where sensitive information may impact each jurisdiction’s ability to share information.
- Consider training and quality assurance as an integral part of risk assessment delivery and cost.

## Additional Research Needed for Analysis and Quality Improvements

Research demonstrates that organizations operating based on research have better performance.<sup>52</sup> Both the safety of domestic violence victims and the effectiveness of perpetrator interventions intended to reduce domestic violence recidivism are more likely to result if performance can be tracked. Experience shows the futility of relying on only good initial design to produce long term benefits; responsible management practice requires bringing information to bear on questions of program performance and improvement through ongoing data collection, analysis, and reporting. Further, providing feedback to courts and justice system partners will be more effective if judicial leadership, court managers, and line staff share a commitment to seeking adaptations and innovations that can improve performance incrementally over the long term.

### *Definition of Domestic Violence*

Over time, Washington State law has changed from being narrowly focused on intimate partner violence to being inclusive of a broader definition that includes cohabitants and other relatives who are not intimately involved with the victim. Although this broader definition contained in RCW 26.50.010(6) has been beneficial in identifying domestic violence that occurs within the home as a serious offense, it has

---

<sup>52</sup> See e.g., “Best Practices in Drug Courts”, Drug Court Review Volume VIII, Issue 1 (National Drug Court Institute, 2012), available at <https://ndcrc.org/resource/drug-court-review-volume-8-issue-1-best-practices-in-drug-courts/> which found that in drug courts where internal review of the data and program statistics led to modifications in program operations, they had 105% greater reductions in recidivism and 131% higher cost savings.

posed problems for identifying and separating the victims of intimate partner violence (IPV) from victims of non-intimate partner violence cases, thus making it impossible to measure intimate partner violence outcomes for risk assessment and court process evaluation.

When Washington passed Substitute House Bill 438 in 1979 to criminalize domestic violence, the legislative intent was to “recognize the importance of domestic violence as a serious crime against society and to assure the victim of domestic violence the maximum protection from abuse which the law and those who enforce that law can provide.”<sup>53</sup> Domestic violence was defined in terms of the commission of certain crimes by one cohabitant against another.<sup>54</sup> In this 1979 statute the focus was on what we now refer to as intimate partners.<sup>55</sup>

This definition changed in 1984 when Washington amended the statute now referred to as the *Domestic Violence Prevention Act*, the definition of “domestic violence” was expanded to include behavior, now defined as “(a) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault, between family or household members; or (b) sexual assault of one family or household member by another.”<sup>56</sup> In addition the definition of “family or household member”

---

<sup>53</sup> 1979 ex.s. c 105 § 2.

<sup>54</sup> *Id.*

<sup>55</sup> In 1979 the statute defined “cohabitant” narrowly: “Cohabitant” meant “a person who is married or who is cohabiting with a person as husband and wife at the present time or at sometime in the past. Any person who has one or more children in common with another person, regardless of whether they have been married or lived together at any time, shall be treated as a cohabitant.”<sup>55</sup> Thus, the legal definition of domestic violence was narrowly defined to include some, but not all, intimate partner violence.

<sup>56</sup> 1984 c 263 § 20

extended to include “persons related by blood or marriage, persons who are presently residing together, or who have resided together in the past, and persons who have a child in common regardless of whether they have been married or have lived together at any time.”<sup>57</sup> Though extended, the legal definition of domestic violence still focused on intimate partner violence.

In 1995 the definition of “family or household member” was significantly expanded and the definition of domestic violence was amended to include stalking behavior.<sup>58</sup> This expanded definition remains in effect today, and includes a much broader range of relationships:

“spouses, former spouses, persons who have a child in common regardless of whether they have been married or have lived together at any time, adult persons related by blood or marriage, adult persons who are presently residing together or who have resided together in the past, persons sixteen years of age or older who are presently residing together or who have resided together in the past and who have or have had a dating relationship, persons sixteen years of age or older with whom a respondent sixteen years of age or older has or has had a dating relationship, and persons who have a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren.”<sup>59</sup>

Washington’s legal definition of domestic violence conduct in the civil protection order context is limited to the following: “(a) physical harm, bodily injury, assault, or the infliction... of fear of imminent physical harm, bodily injury or assault... (b) sexual assault ... (c) stalking.”<sup>60</sup> In the criminal context, domestic violence is defined by the

---

<sup>57</sup> *Id.*

<sup>58</sup> 1995 c 246 § 21

<sup>59</sup> 1995 c 246 § 21

<sup>60</sup> RCW 26.50.010.

elements of individual crimes that are considered domestic violence crimes when committed by one family or household member against another.<sup>61</sup> The behavioral definition defines domestic violence conduct in a more broadly psychosocial way that includes “pattern of assaultive and coercive behaviors” ...“including physical, sexual, and psychological attacks, as well as economic coercion.”<sup>62</sup>

The legal definition of domestic violence in Washington encompasses a wide range of relationships between the parties. Conversely, the behavioral definition of domestic violence is often focused on former, current, or future intimate partners.<sup>63</sup> Additionally, the current federal definition of domestic violence is much more similar to the behavioral definition than to Washington’s legal definition.<sup>64</sup>

Washington’s definition of domestic violence as a narrow range of behavior applied across a wide range of relationships is significant to our work group’s inquiry into risk assessment for multiple reasons. First, while certain behaviors may not be classified as criminal under the law, they could be indicative as to a perpetrator’s level of risk. Coercive control or abusive use of litigation are not criminal under the law but are used to establish power and control over victims and are frequently included in definitional statutes in the area of public health and safety which appear to more

---

<sup>61</sup> RCW 10.00.020(5)

<sup>62</sup> Domestic Violence Bench Guide for Judicial Officers (Rev. 2015), Chapter 2, p.2-4.

<sup>63</sup> Id.

<sup>64</sup> “We define domestic violence as a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.” Department of Justice, Office on Violence against Women, March 2013.

comprehensively connect the abuser's behavior to their criminal acts. For example, when defining Domestic Violence in the context of shelters for victims of domestic violence, the legislature has connected the behavioral definition of domestic violence to the criminal definition of domestic violence:

(4) "Domestic violence" means the infliction or threat of physical harm against an intimate partner, and includes physical, sexual, and psychological abuse against the partner, and is a part of a pattern of assaultive, coercive, and controlling behaviors directed at achieving compliance from or control over that intimate partner. It may include, but is not limited to, a categorization of offenses, as defined in RCW 10.99.020, committed by one intimate partner against another.  
RCW 70.123.020(4).

To adequately assess risk and determine effective intervention it is necessary to consider more than the mere elements of the crime alleged because the charged criminal act only examines a perpetrator's conduct at the time of the charge. Some statutes recognize this distinction. For example, when sentencing a defendant for a domestic violence crime under RCW 10.99, in addition to examining criminal history and history of prior protection orders, the judge is required to consider whether: "the offense was part of an ongoing pattern of psychological, physical, or sexual abuse of a victim or multiple victims manifested by multiple incidents over a prolonged period of time."<sup>65</sup>

Second, most risk assessment tools are geared toward intimate partner violence. Washington's broader definition of relationships has led to an inability to capture data specifically related to intimate partner domestic violence for study. Currently, data

---

<sup>65</sup> RCW 10.99.100(1)(b)



collected by the Administrative Office of the Courts tracks cases with a Domestic Violence designation or 'flag'; however, it does not distinguish between the parties' relationships (e.g. Intimate partners versus cohabiting non-intimate persons such as siblings, parent-child relationships, and roommates). This makes it difficult for researchers to compare and evaluate Washington data in order to validate risk assessment tools designed to measure the future risk of serious injury and death between intimate partners.<sup>66</sup> The new Chapter 388-60A WAC governing DV treatment standards relates only to treatment protocols and risk assessments of perpetrators of intimate partner violence.<sup>67</sup>

The work group heard extensively from highly reputed researchers from WSIPP and the Washington State Center for Court Research (WSCCR) who made it clear that research about risk assessment tools and about intimate partner violence is made extremely difficult by the expanded definition of domestic violence. An intimate partner 'flag' is not available under existing old computer systems and requires file-by-file access. This is a deterrent to research by these agencies with long experience in WA, and also by PhD doctoral students; too much precious time must be spent gathering data.

---

<sup>66</sup> For example, a doctoral candidate or researcher would need to examine files, one at a time, using valuable professional time to obtain the 'fact' of intimate partner violence before even contemplating research. This lack of available data in Washington has led, in part, to lack of available research. A refinement of the existing definition of DV to distinguish between intimate partner violence and other categories of domestic violence would remove this impediment and encourage research.

<sup>67</sup> WAC 388-60A-0015 and 388-60A-0025(1)(c).

Staff to the work group met with Information Technology (IT) and Business Team professionals at the Administrative Office of the Courts (AOC) to discuss the feasibility of adding a DV intimate partner field presently or in the future. AOC technical staff indicated that it might be possible, in the context of a criminal charge to do a 'fix' that would enable the court to make a finding at the time of sentencing that could then be added into the computer system; however this fix is difficult for several reasons, among them: fiscal priorities facing the courts' IT systems; multiple computer systems in use (JUVIS, DISCUS, JABs, Odyssey, etc.) several of which are very old and without current capacity for retooling; multiple computer systems now in use through the state as various jurisdiction opt-out of the state court system (and now only report conviction data on a universal basis).

After consulting with AOC staff, it was determined that the best way to accomplish differentiation between intimate partner DV cases and DV cases involving family or household non-intimate relationships would be to refine the DV definition in existing statute, without any change to relief available to the victims, and identify those relationships that are protected by the statute into a) intimate partner relationships and b) family or household non-intimate relationships.

**WORK GROUP RECOMMENDATION:** The work group recommends that the legislature refine Washington's definition of Domestic Violence to distinguish between

intimate partner violence and other categories of domestic violence (such as intimate partners as compared to cohabiting non-intimate partners such as siblings or parents).<sup>68</sup>

A starting point for this proposed statutory amendment is contained in footnote 68. The workgroup proposes this amendment as a *refinement* to bifurcate the definition, not a substantive change that would impact remedies currently available to potential petitioners under the current statutory scheme. It would entail adding subsections to current DV statutes defining relationships as follows:

Relationship Between Parties	Applicable Statutes	Proposed Statutory Breakdown
<b>FAMILY OR HOUSEHOLD INTIMATE PARTNERS:</b>		
Current Spouses	RCW 26.50.010(2) RCW 10.99.020(3)	RCW 26.50.010(2)(a) RCW 10.99.020(3)(a)
Current Domestic Partners	RCW 26.50.010(2)	RCW 26.50.010(2)(a)
Former Spouses	RCW 26.50.010(2) RCW 10.99.020(3)	RCW 26.50.010(2)(b) RCW 10.99.020(3)(b)
Former Domestic Partners	RCW 26.50.010(2)	RCW 26.50.010(2)(b)

<sup>68</sup> For example, the following changes to RCW 26.50.010 could be made:  
 26.50.010(3): "Domestic violence" means: (a) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault, sexual assault, or stalking as defined in RCW 9A.46.110 of one intimate partner by another intimate partner, or (b) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault, sexual assault, or stalking as defined in RCW 9A.46.110 of one family or household member by another family or household member.  
 26.50.010(6): The definition of "family or household members" could be narrowed to include "adult persons related by blood or marriage, adult persons who are presently residing together or who have resided together in the past, and persons who have a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren."  
 A new subsection could then be added to define "intimate partner" as: "Intimate partner" means spouses, domestic partners, former spouses, former domestic partners, persons who have a child in common regardless of whether they have been married or have lived together at any time, persons sixteen years of age or older who are presently residing together or who have resided together in the past and who have or have had a dating relationship, and persons sixteen years of age or older with whom a person sixteen years of age or older has or has had a dating relationship."

Parents of Child in Common (regardless of whether ever married or lived together)	RCW 26.50.010(2) RCW 10.99.020(3)	RCW 26.50.010(2)(c) RCW 10.99.020(3)(c)
Adult Persons Presently or Previously Residing Together who had or have had a Dating Relationship	RCW 26.50.010(2) RCW 10.99.020(3)	RCW 26.50.010(2)(d) RCW 10.99.020(3)(d)
Persons 16 years or older Presently or Previously Residing Together who have or have had a Dating Relationship	RCW 26.50.010(2) RCW 10.99.020(3)	RCW 26.50.010(2)(e) RCW 10.99.020(3)(e)
Persons 16 years or older who have or have had a Dating Relationship (never lived together)	RCW 26.50.010(2) RCW 10.99.020(3)	RCW 26.50.010(2)(f) RCW 10.99.020(3)(f)
<b>FAMILY OR HOUSEHOLD NON-INTIMATE PARTNERS:</b>		
Persons who have a Biological or Legal Parent-child Relationship (including stepparents/stepchildren, grandparents/grandchildren)	RCW 26.50.010(2) RCW 10.99.020(3)	RCW 26.50.010(2)(g) RCW 10.99.020(3)(g)
Adult Persons Currently or Previously Residing Together	RCW 26.50.010(2) RCW 10.99.020(3)	RCW 26.50.010(2)(h) RCW 10.99.020(3)(h)
Adult Persons Related by Blood or Marriage	RCW 26.50.010(2) RCW10.99.020(3)	RCW 26.50.010(2)(i) RCW 10.99.020(3)(i)

The Washington State Coalition Against Domestic Violence (WSCADV) has expressed concerns about whether a definitional refinement is really necessary and would like to be involved in a larger discussion about specifically proposed language to be certain that any implementation would avoid or minimize potential negative unintended consequences for survivors. The work group understands this hesitation and recognizes that WSCADV is unable to support this recommendation in its current form.

### *Other Data Necessary for Analysis*

Additional planning must address how to modify existing data collection systems or create new systems necessary to capture data related, for example, to the risks posed to the victim, the criminogenic needs of the perpetrator, details of no contact orders, locally-available treatment interventions, perpetrator engagement with treatment, and long-term victim safety and perpetrator recidivism. By measuring process and outcomes, the courts and justice system partners can continually assess the effectiveness of their programs, identify priorities for improvement, and assess the impact of innovations intended to improve safety and lower recidivism.

Therefore, to promote effective and efficient operations, the courts and justice system partners should invest for the following purposes:

- (1) improve data systems/collection infrastructure (or developing new systems),
- (2) improve types of data collected for risk assessment development and validation,
- (3) provide efficient information/ data sharing between data systems, institutions, and agencies,
- (4) evaluate risk assessment and program effectiveness, and
- (5) provide for the implementation of and on-going monitor of the quality of court processes and performance.

Investment and attendance to these goals will strengthen data collection, provide for competent analysis and reporting, and support a commitment to organizational learning to ensure that valid, timely data is collected, appropriately analyzed,

continually reported in a user-friendly manner, and used by local, jurisdiction based teams of law enforcement, prosecutors, defense counsel, courts, victim advocates, and treatment providers to reduce domestic violence offending and victimization (See Appendix C for Data Analysis Checklist).

Data should be collected and analyzed for more than risk assessment alone. Data collection should also include information that is useful to evaluating the court process with the intention of informing quality improvements over time. Therefore, the courts will need more information about their outcomes on an ongoing basis. Information that should be collected to inform the risk/needs assessment relating to court process includes:

#### **Characteristics of offenses and offenders**

- Current charge(s)
- Bail
- Time in jail
- Plea vs. trial
- Offense history
- Risk/Needs assessment information inclusive of all items (e.g. children present, firearms present, suicide threat, etc.)

#### **Court response to offenses and offenders**

- Conviction
- Sentence/time served
- Diversion (to what)
- Treatment (type, duration, completion status, community/prison/jail)
- Domestic violent court or traditional court process
- Corresponding civil processes

## Outcomes

- Treatment completion (by who, what type, when, where)
- Recidivism- intimate partner violence
- Recidivism- non-intimate partner domestic violence
- Time to recidivism
- Reunification with children/family
- Employment or other support
- Victim wellbeing (e.g. treatment, support, etc.)

WSCADV expressed concerns related to confidentiality of victim information and potential harms of victim information being more widely collected and shared. Victims may have elevated privacy concerns directly related to their safety, and those privacy concerns are a major reason why they might not choose to engage with the system. Consideration must be given to these concerns, including rationale for why the information is being collected, what will be done with it, how long it will be stored, and who has access to it.

Court information must be connected to the assessment information and the treatment information to facilitate performance reporting and evaluation. While communication concerning treatment data to facilitate evaluation may call for an investment in data infrastructure or systems (perhaps between AOC and DSHS), WSCCR, WSU or WSIPP might be involved in periodic evaluations that compare outcomes between treatment and control groups. WSCCR<sup>69</sup> might be able to assist with helping create a mechanism that would be provided for ongoing performance management and improvement. Paying attention to risk/needs assessment alone will

---

<sup>69</sup> WSCCR has substantial experience with evaluation, with setting up performance reporting programs, and with engaging with court-based program managers. Providing courts with information they can use to understand and improve performance is the central role for WSCCR

provide no information about effectiveness that can be used to improve court process or treatment effectiveness.

**WORK GROUP RECOMMENDATION:** The work group recommends that data fields related to the court processes be expanded and connected to the risk assessment information for the purposes of analyzing efficacy and improving the process.

*Revisions to the Washington Administrative Code (Chapter 388-60A WAC)*

In 2013, the Washington State Institute for Public Policy (WSIPP) published a meta-analysis concluding that batterer’s intervention programs, specifically those using the Duluth model, were ineffective.<sup>70</sup> The conclusions were controversial within the judiciary; however, in the years since publication of that report, Washington judges have decreased referrals to batterer’s intervention programs. This lack of confidence by the judiciary in part is reflected in the legislative mandates of HB 1163.

Recognizing that a lack of executive branch oversight could contribute to reduced benefit of perpetrator treatment programs, the Washington State Department of Social and Health Services reconvened a long dormant Advisory Committee in June 2016 to consider revisions to the Washington Administrative Code provisions (Chapter 388-60 WAC) governing domestic violence perpetrator treatment. The revised WACs

---

<sup>70</sup> Miller, Dr. Marna “What Works to Reduce Recidivism by Domestic Violence Offenders” Document No. 13-01-1201 (2013). Available at [http://www.wsipp.wa.gov/ReportFile/1119/Wsipp\\_What-Works-to-Reduce-Recidivism-by-Domestic-Violence-Offenders\\_Full-Report.pdf](http://www.wsipp.wa.gov/ReportFile/1119/Wsipp_What-Works-to-Reduce-Recidivism-by-Domestic-Violence-Offenders_Full-Report.pdf), last accessed 5/23/18



(Chapter 388-60A WAC) will be adopted June 29, 2018, and will apply to all domestic violence intervention programs in the State of Washington.

Significantly, revised Chapter 388-60A WAC defines treatment standards only to provision of a “domestic violence intervention treatment program” to perpetrators of intimate partner violence.<sup>71</sup> Other major changes to the revised Chapter 388-60A include:

- More rigorous risk and needs assessment prior to entering a program
- Mandates on-going risk assessment, as some risk factors can change throughout the course of treatment
- Differentiated treatment levels (1-4), which differ in length
- Progress in the program is determined by specific behavior and belief changes
- Greater program accountability; programs must report status and data to the State quarterly.

**WORK GROUP RECOMMENDATION:** The work group recommends that routine systematic monitoring of data collection and assessment processes established by the revised Chapter 388-60A WAC be established. If funded, established with statutorily-designated broadly based representation, and routine meetings, the Advisory Committee established in WAC 388-60A-0035 may be an appropriate

---

<sup>71</sup> WAC 388-6A-0015; 388-60A-0025 (1)(c)

coordinator of this monitoring process which should be accomplished by a highly professional independent evaluating agency such as WSSIP or WSCCR.

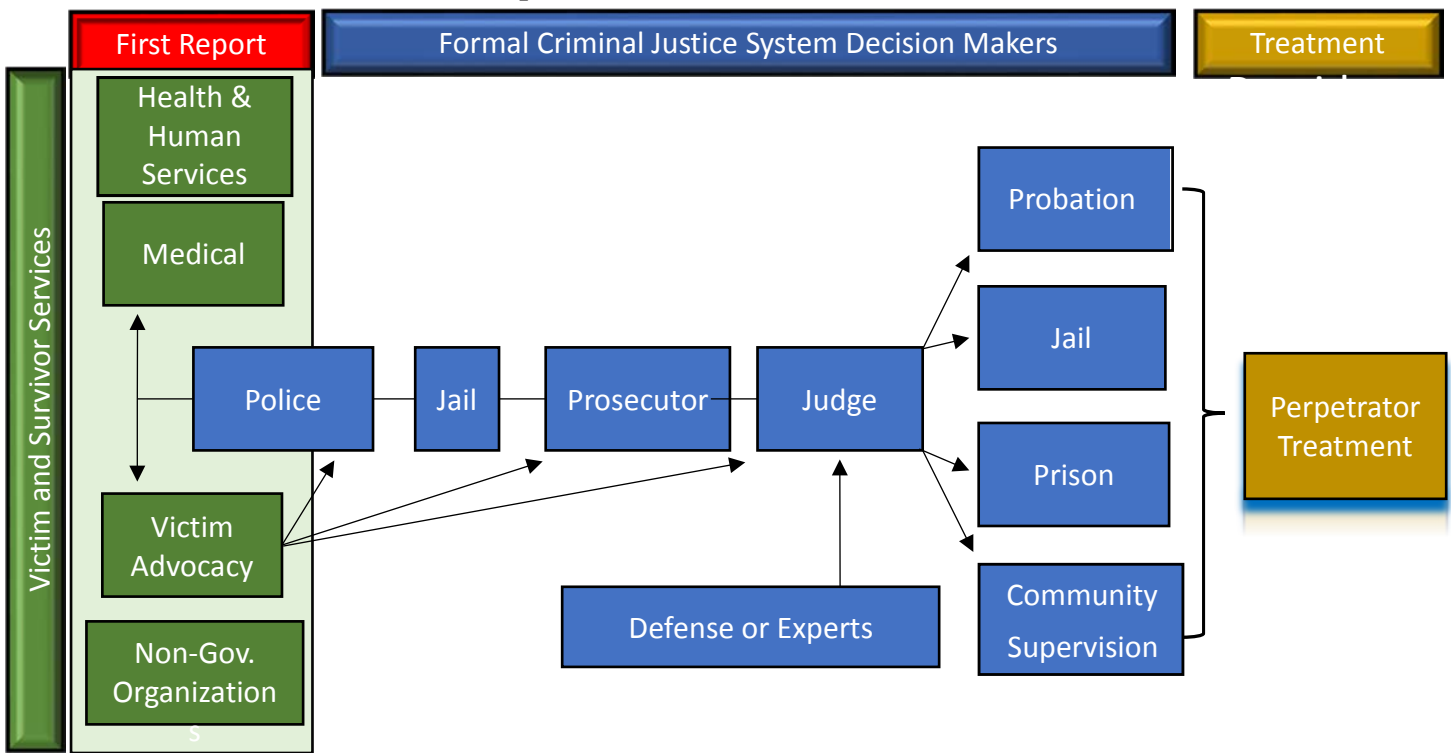
## DOMESTIC VIOLENCE RISK ASSESSMENT AT DIFFERENT PHASES WITHIN THE LEGAL SYSTEM

### Overview

Although differing in purpose, intimate partner violence risk assessment can occur at any many points throughout the criminal justice system, including initial police response, pre-trial, sentencing, correctional management, or outside of the criminal justice system (i.e., civil matters such as child custody or dependency actions; emergency personnel/health care; or non-profit organizations). The predictive outcome is critical and it will vary by the stakeholder's professional role and the target population (victim or perpetrator). Risk assessments can be used to predict intimate partner violence (broadly), lethality (specifically), or other outcomes of interest (e.g., general recidivism or violent or DV recidivism). In terms of predicting outcomes, risk assessments that address intimate partner violence generally take one of two perspectives: (1) the protection of the victim or (2) the perpetrator's re-offense.

*Effective risk assessment is the long-running movie, not merely a snapshot in time.*

Ongoing monitoring and re-assessment throughout the entire criminal or civil process continuum is critical because risk and lethality factors<sup>72</sup> are dynamic and subject to change.<sup>73</sup> The chart below is intended to depict entities inside and outside the criminal justice system that assess acts of domestic violence (through the victim or perpetrator). Various decision-makers along the justice continuum have different purposes and needs for risk assessment as well as different access to key pieces of information. It provides a visual aid to help readers consider (1) the purpose of risk assessment, (2) outcomes to be predicted, and (3) populations served (or setting). These key characteristics will vary from stage to stage and are critical for deciding what risk assessment tool should be implemented.



<sup>72</sup> See e.g. Gover et. al., “Colorado’s Innovative Response to Domestic Violence Offender Treatment: Current Achievements and Recommendations for the Future,” A Buechner Crime Briefing (February 2015), available at <https://cdpsdocs.state.co.us/dvomb/Research/UCDDV.pdf>. Refer to risk factor domains on p. 3.

<sup>73</sup> To improve the process, trained victim advocates may invite victims to participate in the assessment so that the victim may share as much information as they so choose to better inform the process.

## Criminal Process

To best serve the needs of the community, the process of risk assessment should begin with first contact by law enforcement and continue through the treatment provider.

### *Law Enforcement Report*

Law enforcement may use risk assessments to gather information at the beginning of the criminal justice process in order to safeguard the victim, the community, and the accused. A Lethality Risk Assessment may be undertaken by law enforcement to inform the lawyers, court, and advocates of risk of lethality to the victim.<sup>74</sup> Law enforcement may also assess risk of leaving weapons at the scene, determining whether to cite and release an accused or take them into custody or by way of a community caretaking, assess whether to charge a person in crisis or take them to a mental health facility for services. Lethality Risk Assessment protocol and other risk information may be shared with criminal justice partners, advocates and social service agencies. When contained within a police report or as an addendum thereto the risk information can be available to courts when making a probable cause determination on non-court days prior to formal charging.<sup>75</sup>

---

<sup>74</sup> See Messing et. al. "Police Departments' Use of the Lethality Assessment Program: A Quasi-Experimental Evaluation" (July 2014).

<sup>75</sup> A defendant shall be released unless specific factors are found. CrR 3.2; CrRLJ 3.2. A judicial determination of probable cause is required no later than 48 hours post arrest. CrR 3.2.1; CrRLJ 3.2.1.

At the same time there is valid concern about potential harm of survivor information being more widely collected and shared. Persons who experience abuse, particularly those in same sex relationships and survivors from marginalized ethnic and racial communities, may risk arrest and prosecution as part of the criminal justice response to DV. It is well-established that survivors may have elevated privacy concerns directly related to their safety, and that privacy concerns are a major reason that many survivors choose not to engage police or other criminal justice remedies. This concern must be reflected and addressed in proposed efficiencies within the risk assessment system. Please refer to p. 43 for a discussion regarding WSCADV's confidentiality concerns.

In some communities, victims may receive advocacy services soon after the reported event, either at the scene or at the hospital; however, this is not always the case. Advocates may provide safety planning, housing information and support through court processes. As they serve the victim, advocates can build on information provided by law enforcement but because of victim safety concerns or privileged communication, in the case of community advocates, deliberately may not share all information with the lawyers or the court.

Law enforcement may also share risk information with the local jail when booking someone into custody. The jail can import or include in their system information provided by law enforcement in the area of risk or needs. The jail can then build on this information in order to provide services such as mental health triage or

medication. Jail staff will also gather risk assessment information to determine how to classify an individual from a safety or housing standpoint within the jail facility.

Within local policy and practice, the jail staff (or executive branch pretrial services) may recommend that the court release an individual into a less restrictive setting such as electronic monitoring, work crew, or work release and determine what type of supervision to provide. Risk assessment is essential to all of these practices.

Use of risk assessment tools by law enforcement at the scene is inconsistent throughout Washington.<sup>76</sup> The Lethality Assessment Program (LAP) form, or some variation, is the most commonly used tool by law enforcement (See Appendix D). An express benefit to the use of this tool is that victims may be connected early in the process with victim advocacy services if they are “screened in” based on their responses to the risk factors.

Arrest of Accused Perpetrator. Mandatory arrest laws were implemented in the early 1980s as a public policy response to the critique that domestic violence offenses were not treated as seriously as other crimes. Our state legislature has long recognized that gender violence was viewed through a lens of implicit and express bias in the community as a whole, not just by law enforcement:

---

<sup>76</sup> It is unknown how many police departments in Washington State are using danger assessment tools to determine the likelihood of serious injury or death to victims of intimate partner violence. There does, however, appear to be a movement toward the use of formal assessment tools by many departments across the state (Asotin County, Clarkston, Colfax, King County, Pullman, Seattle, Spokane, Spokane County, Tacoma, Whitman County).

“The purpose of this act is to recognize the importance of domestic violence as a serious crime against society and to assure the victim of domestic violence the maximum protection from abuse which the law and those who enforce the law can provide. The legislature finds that the existing criminal statutes are adequate to provide protection for victims of domestic violence. However, *previous societal attitudes have been reflected in policies and practices of law enforcement agencies and prosecutors which have resulted in differing treatment of crimes occurring between cohabitants and the same crimes occurring between strangers.* Only recently has public perception of the serious consequences of domestic violence to society and to the victims led to the recognition of the necessity for early intervention by law enforcement agencies.”<sup>77</sup> Emphasis added.

In Minnesota, a study on the effectiveness of a mandatory arrest policy for domestic violence misdemeanants found that batterers randomly assigned to mandatory arrest were less likely to reoffend than those not subject to mandatory arrest.<sup>78</sup> In light of the study’s findings, over a period of several years, mandatory arrest laws were implemented across the nation.

In Washington, pursuant to RCW 10.31.100(2)(c), the arrest is mandatory if:

“the person is 16 years or older, and within the preceding four hours has assaulted a family or household member and the officer believes (i) a felonious assault has occurred; (ii) an assault has occurred which has resulted in bodily injury to the victim; or (iii) that any physical action has occurred which was intended to cause another person reasonably to fear imminent serious bodily injury or death.”

Furthermore, “[w]hen the officer has probable cause to believe that family or household members have assaulted each other, the officer is not required to arrest both persons.

---

<sup>77</sup> Ch. 105 Washington Laws, 1979 1<sup>st</sup> Ex. Sess. at 1300

<sup>78</sup> Sherman, Lawrence W., Berk, Richard A., 1984. The specific deterrent effects of arrest for domestic assault. *American Sociological Review*, 49 (1): 261-272.

The officer shall arrest the person whom the officer believes to be the primary physical aggressor” after considering the intent to protect victims of domestic violence, the comparative extent of injuries or threats, and the domestic violence history of the individuals involved.

Results from subsequent replication studies have shown mixed results and nuanced results on the effectiveness of mandatory arrest laws.<sup>79</sup> For example, some studies have shown that mandatory arrest policies may have short-term deterrence benefits but have no long-term impacts on re-offense. Other studies have found that mandatory arrest laws increased victims’ potential for re-assault<sup>80</sup> or death.<sup>81</sup> For example, the 2015 Sherman & Harris study found that African-American victims of domestic violence are disproportionately more likely to die after partner arrests as compared to white victims.<sup>82</sup>

A concern arising from mandatory arrests is the continuing occurrence of “dual arrests” in certain circumstances; that is when the victim is arrested in addition to the perpetrator. Years ago, it appeared that police, if unable or unwilling to identify the primary aggressor, may have arrested both.<sup>83</sup> To address this issue, in 1985 Washington

---

<sup>79</sup> See e.g., Hirschel, David, Eve Buzawa, April Pattavina, and Don Faggiani. "Domestic violence and mandatory arrest laws: To what extent do they influence police arrest decisions?" *The Journal of Criminal Law and Criminology* (2007): 255-298.

<sup>80</sup> Felson, R. B., Ackerman, J. M., & Gallagher, C. A. (2005). Police intervention and the repeat of domestic assault. *Criminology*, 43(3), 563-588.

<sup>81</sup> Sherman, L.W. & Harris, H.M. 2015. Increased death rates of domestic violence victims from arresting vs. warning suspects in the Milwaukee Domestic Violence Experiment (MilDVE). *J Exp Criminal* (2015) 11: 1. Available at <https://link.springer.com/article/10.1007/s11292-014-9203-x>

<sup>82</sup> *Id.*

<sup>83</sup> Lutze, F. and Symons, M. (2003). The evolution of domestic violence policy through masculine institutions: From discipline to protection to collaborative empowerment. *Criminology and Public Policy*,



was the first state in the nation to pass a “primary aggressor” law to guide police toward determining who was inflicting “offensive” versus “defensive” injuries.<sup>84</sup> Although the findings are mixed, recent studies of dual arrest in intimate partner violence cases show significant differences in the situational variables that may influence outcomes<sup>85</sup> and how organizational policy may influence police behavior and outcomes.<sup>86</sup> For example, Hirschel and Deveau found that same sex female couples were 39.1 times more likely and male couples were 52.8 times more likely than heterosexual couples to experience dual arrest. Black victims/offenders were 4.4% less likely than white victims/offenders to experience dual arrest. Therefore, it is important to consider how the implementation of risk assessment tools may help to reduce bias in all forms, inform police decision making, and work in accordance with mandatory arrest laws and administrative policy.

The work group spent significant time considering the issue of whether risk assessment might be used an alternative to mandatory arrest in domestic violence

---

2(2): 319-328; Miller, S. (2001). The paradox of women arrested for domestic violence: Criminal justice professionals and service providers respond. *Violence Against Women*, 7(12):1339-1376.

<sup>84</sup> Hirschel, D. and Deveau, L. (2017). The impact of primary aggressor laws on single versus dual arrest in incidents of intimate partner violence. *Violence Against Women*, 23(10): 1155-1176.

<sup>85</sup> Durfee, A. (2012). Situational ambiguity and gendered patterns of arrest for intimate partner violence. *Violence Against Women*, 18(1):64-84; Hirschel, D. and Deveau, L. (2017). The impact of primary aggressor laws on single versus dual arrest in incidents of intimate partner violence. *Violence Against Women*, 23(10): 1155-1176.

<sup>86</sup> Johnson, R. and Dai, M. (2016). Police enforcement of domestic violence laws: Supervisory Control or Officer Prerogatives. *Justice Quarterly*, 33(2):185-208; Phillips, S. and Sobol, J. (2010). Twenty years of mandatory arrest: Police decision making in the face of legal requirements. *Criminal Justice Policy Review*, 21(1):98-118.

cases. The consensus is clear that we do not have enough evidence for change. The benefits of mandatory arrest as the current laws dictate, outlined by work group members, include: lack of information at the scene to fully assess risk – the arrest decision has to be made before the investigation can be fully completed, and a tool is only as good as the information provided; victim in a high state of stress/trauma; and it limits professional expertise discretion of responding officers. On the other hand, besides research showing only mixed results from the use of mandatory arrest laws, another downside is continuing anecdotal reports of dual arrests (where the victim is also arrested) and concerns about disproportionate arrests of women of color.

**WORK GROUP RECOMMENDATION:** The work group recommends that there be further inquiry of whether it is feasible to require all law enforcement jurisdictions in the State of Washington to utilize the same risk assessment or lethality assessment tool at the immediacy of the scene of a domestic violence report. This exploration would include consideration of the costs involved, an evaluation of different law enforcement risk assessment/lethality assessment tools and their effectiveness, whether the tools help police and other criminal justice professionals to increase responsiveness to high risk offenders, and also determine if victims experiencing an increased risk of serious injury or lethality are thus better connected to victim services. Training might be done in conjunction with the training requirements outlined in RCW 10.99.030.

The work group strongly cautions and recommends that before adopting new laws or modifying current laws concerning mandatory arrest, the legislature fund research to better understand the impacts of mandatory arrest laws in Washington because the research findings on mandatory arrest laws are complex and nuanced, there are several benefits to mandatory arrest, and there are potentially lethal consequences for victims.

### *Pretrial Release*

At the next phase of the criminal justice process, Pretrial Services can build on information previously gathered.<sup>87</sup> The advantage to having an executive branch department conduct the assessment is that it can be initiated prior to formal charging, either when the accused is booked into jail, or, if the accused is not taken into custody, when an accused makes application for representation by the public defender. In Spokane County, for example, Pretrial Services can upload information gathered by the jail and supplement with information not previously obtained such as stability in the community, references to verify information provided, mental health and treatment history and current needs, financial resources to address need for appointment of counsel and ability to post bond if not released and where the accused will reside if a no contact order issues (See Appendix E). In the City of Seattle, when individuals are booked into the King County Jail on Seattle Municipal Court charges, they are

---

<sup>87</sup> In some jurisdictions Pretrial Services is an executive branch department that is separate from law enforcement and the jail; in others, Pretrial Services is housed in the jail and managed by the Sheriff using processes developed in consultation with the local courts, prosecutors, and defense.

interviewed by a “Personal Recognizance Screener” and the information obtained is entered into the computer system and a “personal recognizance card” is produced (See Appendix F). This information is provided to the court prior to the defendant’s hearing.

It is to the benefit of the executive branch to not duplicate services and to keep judicial branch costs down by sharing appropriate information with courts. In smaller jurisdictions, the executive branch may find it cost effective to have jail personnel gather additional information rather than adding a separate pretrial department.

Judges must be able to access and synthesize a great deal of information when considering bail and release conditions.<sup>88</sup> The court’s analysis in whether to incarcerate or release a person is onerous.<sup>89</sup> They have limited options regarding the decision to

---

<sup>88</sup> CrR 3.2; CrRLJ 3.2 and RCW 10.21.050 Conditions of release – Judicial officer to consider available information.

The judicial officer must, in determining whether there are conditions of release that will reasonably assure the safety of any other person and the community, take into account the available information concerning:

- (1) The nature and circumstances of the offense charged, including whether the offense is a crime of violence;
- (2) The weight of the evidence against the defendant; and
- (3) The history and characteristics of the defendant, including:
  - (a) The person's character, physical and mental condition, family ties, employment, financial resources, length of residence in the community, community ties, past conduct, history relating to drug or alcohol abuse, criminal history, and record concerning appearance at court proceedings;
  - (b) Whether, at the time of the current offense or arrest, the defendant was on community supervision, probation, parole, or on other release pending trial, sentencing, appeal, or completion of sentence for an offense under federal, state, or local law; and
  - (c) The nature and seriousness of the danger to any person or the community that would be posed by the defendant's release.

<sup>89</sup> Appearance before judicial officer – Issuance of order.

Upon the appearance before a judicial officer of a person charged with an offense, the judicial officer must issue an order that, pending trial, the person be:

- (1) Released on personal recognizance;
- (2) Released on a condition or combination of conditions ordered under RCW 10.21.030 or other provision of law;
- (3) Temporarily detained as allowed by law; or
- (4) Detained as provided under chapter 254, Laws of 2010.

release an accused.<sup>90</sup> Without a history of failure to appear or witness intimidation, unless a court finds by clear and convincing evidence that the offender has a “propensity for violence that creates a substantial likelihood of danger” to another, the accused must be released from custody.<sup>91</sup> This analysis may be undertaken at multiple points during the continuum of a case.<sup>92</sup>

Courts must undertake this analysis anew each time an offender is arrested<sup>93</sup> often for thirty or more people in one 3 or 3 ½ hour judicial calendar. Practically then, a judge may be limited to six minutes per person and during that time must:

1. Determine whether there is probable cause for a case to go forward,<sup>94</sup>
2. Review with the accused the constitutional rights that have become implicated, including potential immigration sanctions,<sup>95</sup>

---

<sup>90</sup> The following are examples of pretrial alternatives to jail that may be imposed in different jurisdictions: Release on personal recognizance; bail/bond; electronic home monitoring (may include breathalyzer, SCRAM, GPS); Day Reporting; or the court may also impose a combination of these alternatives.

<sup>91</sup> CrR 3.2 and CrRLJ 3.2-Release of Accused; RCW 10.21.060 Hearing – Appearance – Defendant's right to representation – Detention of defendant.

(1) The judicial officer must hold a hearing in cases involving offenses prescribed in Article I, section 20, to determine whether any condition or combination of conditions will reasonably assure the safety of any other person and the community upon motion of the attorney for the government.

(3).... . The rules concerning admissibility of evidence in criminal trials do not apply to the presentation and consideration of information at the hearing. The facts the judicial officer uses to support a finding that no condition or combination of conditions will reasonably assure the safety of any other person and the community must be supported by clear and convincing evidence of a propensity for violence that creates a substantial likelihood of danger to the community or any persons.

<sup>92</sup> RCW 10.21.060(4) The hearing may be reopened, before or after a determination by the judicial officer, at any time before trial if the judicial officer finds that information exists that was not known to the movant at the time of the hearing and that has a material bearing on the issue whether there are conditions of release that will reasonably assure the safety of any other person and the community.

<sup>93</sup> CrRLJ RULE 3.2.1(d) Procedure following warrantless arrest -- Preliminary hearing; CrRLJ rule 3.2.1(a) Procedure following warrantless arrest -- Preliminary hearing; RCW 10.21.060(1) Hearing – Appearance – defendant's right to representation – Detention of defendant.

<sup>94</sup> CrRLJ RULE 3.2.1(e) Procedure following warrantless arrest -- Preliminary hearing.

<sup>95</sup> RCW 10.21.050(3) Conditions of release – Judicial officer to consider available information; CrR/CrRLJ 3.2(c) Release of accused.

3. Review criminal history, history of orders and compliance therewith, as well as information about the offender's social condition,<sup>96</sup>
4. Hear from the prosecutor,<sup>97</sup>
5. Appoint defense counsel if necessary,<sup>98</sup>
6. Allow an opportunity to confer with<sup>99</sup> and hear from defense counsel,<sup>100</sup>
7. Hear from victims or victim advocates,<sup>101</sup>
8. Determine appropriate bail or release and conditions,<sup>102</sup>
9. Complete the appropriate paperwork including required findings<sup>103</sup> and forms detailing bail and release conditions, weapon surrender forms, no contact orders,<sup>104</sup> electronic home monitoring,<sup>105</sup> and
10. Address the penalties for violating the court's orders<sup>106</sup> and answer questions.

For these reasons, many courts are utilizing pretrial and probation departments to gather and reduce to writing some of the information that must be considered during the hearing.

---

<sup>96</sup> CrR/CrRLJ 3.2 Release of accused; RCW 10.21.050(2) Conditions of release – Judicial officer to consider available information.

<sup>97</sup> RCW 10.21.060(2) Hearing – Appearance – Defendant's right to representation – Detention of defendant.

<sup>98</sup> RCW 10.21.060(3) Hearing – Appearance – Defendant's right to representation – Detention of defendant.

<sup>99</sup> RCW 10.21.060(3) Hearing – Appearance – Defendant's right to representation – Detention of defendant.

<sup>100</sup> RCW 10.21.060(3) Hearing – Appearance – Defendant's right to representation – Detention of defendant.

<sup>101</sup> RCW 10.21.020 Appearance before judicial officer – Issuance of order; RCW 10.21.050(3) Conditions of release – Judicial officer to consider available information.

<sup>102</sup> CrR/CrRLJ 3.2 Release of Accused; RCW 10.21.080 Detention order – Requirements – Temporary release.

<sup>103</sup> RCW 10.21.070(1) Release order – Requirements; RCW 10.21.080 Detention order – Requirements – Temporary release.

<sup>104</sup> RCW 10.99.040(2)(a) Duties of court – No-contact order.

<sup>105</sup> RCW 10.99.040 If a no-contact order is issued or extended, the court may also include in the conditions of release a requirement that the defendant submit to electronic monitoring as defined in RCW [9.94A.030](#).

<sup>106</sup> RCW 10.21.070(2) Release order – Requirements; RCW 10.99.040(4)(b) Duties of court – No-contact order.

Risk assessment is a tool that does not substitute for exercise of discretion by a judge, however, because of the myriad of responsibilities, requirements, and the pressure of limited court time, courts may substantially benefit from utilizing pretrial services or probation departments to gather risk information and/or to supervise offenders. This may be particularly true during weekend or holiday probable cause reviews for in-custody offenders<sup>107</sup> when prosecutors may not be available to provide the court with necessary information.<sup>108</sup> While a risk assessment may not be an alternative to mandatory arrest requirements,<sup>109</sup> courts that have risk information prior to formal charging are better able to make informed decisions as to release.<sup>110</sup>

---

<sup>107</sup> Probable cause determination after a warrantless arrest and detention must be done by a judicial officer within 48 hours of arrest. CrRLJ RULE 3.2.1(a) Procedure following warrantless arrest -- preliminary hearing.

<sup>108</sup> RCW 10.99.045 (3)(b) At appearances in domestic violence matters the prosecutor is required to provide to the court the defendant's criminal history in any state or tribal land and the defendant's individual order history; *see also*, RCW 10.99.040(2)(b) When issuing the No Contact Order the court is required to consider the provisions of RCW 9.41.800.

<sup>109</sup> Officers are required to arrest persons when they have probable cause to believe the person has assaulted a family or household member in the last 4 hours or has violated an order of protection. RCW 10.31.100(2) Arrest without warrant. The legislature has allowed for the warrantless arrest and mandatory booking in domestic violence cases because of "the importance of domestic violence as a serious crime against society" as well as the need "to assure the victim of domestic violence the maximum protection from abuse which the law and those who enforce the law can provide." RCW 10.99.010 Purpose – Intent.

<sup>110</sup> Spokane County District and Superior Courts utilize a weekend jail portal to electronically 1. review charging documents and affidavits of probable cause, 2. directly access criminal history, 3. access court management applications, 4. pretrial services evaluations which include a summary of Washington, national and federal convictions, pending matters including DOC status and probation status, out of state warrants, failures to appear, social connections and relationships, financial information and indigency services, prior and current treatment needs, limited risk analysis, appropriateness for supervision by pretrial services officers in lieu of incarceration or bail, and 5. create court orders/documents addressing, release, conditions of release, set new court hearings, post release instructions/contingencies, testing requirements. All documents reviewed and actions taken by the weekend judge are available for uploading by jail staff as well as court staff, thereby enhancing court efficiency and transparency.

Other conditions may be set by the court including a protection order in the criminal case. Recognizing the “likelihood of repeated violence directed at those who have been victims of domestic violence in the past, when any person charged with or arrested for a crime involving domestic violence is released from custody before arraignment or trial on bail or personal recognizance, the court authorizing the release may prohibit that person from having any contact with the victim.”<sup>111</sup> Courts are required to determine the need for a no-contact order at first appearance.<sup>112</sup>

The **Judicial Information System (JIS)** is a critical tool used by the courts. It is an electronic court data system managed by the Administrative Office of the Courts to contain court records, including criminal history and sentencing, dockets, fines, and treatment compliance. **Judicial Access Browser (JABs)** is an add-on modernization allowing easier access to JIS from the bench.

Without a risk assessment tool, judges must often determine risk during probable cause reviews that are conducted on the weekend based solely upon the information provided by law enforcement (often a brief sworn statement in support of the charge) and the information contained in the electronic Judicial Information System (JIS).<sup>113</sup> Now that some courts are not utilizing the Judicial Information System managed by Administrator of the Courts (AOC) to house all of their electronic data, at times judges may

no longer have a complete criminal case history for the defendant.

---

<sup>111</sup> RCW 10.99.040(2)(a) Duties of court – No-contact order.

<sup>112</sup> RCW 10.99.045(3)(a) Appearances by defendant – Defendant's history – No-contact order.

<sup>113</sup> Please refer to Appendix G which includes screenshots of information available from the Judicial Access Browser (JABs), which displays JIS information.



Pretrial release programs<sup>114</sup> have been authorized by the legislature to enable local jurisdictions (counties and cities) to reasonably assure public safety in bail determination hearings.<sup>115</sup> A pretrial release program can be operated by the executive branch or by private entities. Offenders can be released to such a program pending trial. Social workers employed by the executive branch or from outside agencies may also use and add to existing risk assessment information to address offender or victim needs.<sup>116</sup> While court personnel could request access to existing jail information in the absence of a pretrial department or lack of resources in the jail to undertake the assessment, it may result in an appearance of impropriety or violation of a defendant's rights to have court personnel directly interview persons accused of crimes.

### *Mitigating Bias in Decision Making*

Research suggests that high-quality risk assessment can help to mitigate the effect of cognitive biases.<sup>117</sup> While algorithms themselves have no conscious or unconscious prejudices, there is a concern that risk assessment tools, particularly those based on criminal history, compound existing biases that have existed within the justice

---

<sup>114</sup> RCW 10.21.015 Pretrial release program.

(1) Under this chapter, "pretrial release program" is any program, either run directly by a county or city, or by a private or public entity through contract with a county or city, into whose custody an offender is released prior to trial and which agrees to supervise the offender.

<sup>115</sup> RCW 10.21.010 Intent.

<sup>116</sup> Spokane utilized McArthur grant money to fund two social workers located in the public defender offices to assist offenders with needs during the pretrial as well as post-conviction.

<sup>117</sup> Dawes, R. M., Faust, D., & Meehl, P. E. (1989). Clinical vs. actuarial judgment. *Science*, 243, 1668-1674; Gendreau, P., Little, T., & Goggin, C. (1996). A meta-analysis of the predictors of adult offender recidivism: What works! *Criminology*, 34, 575-607; Kuncel, N. R., Klieger, D. M., Connelly, B. S., & Ones, D. S. (2013). Mechanical versus clinical data combination in selection and admissions decisions: A meta-analysis. *Journal of Applied Psychology*, 98, 1060; Monahan, J., & Skeem, J. L. (2014). Risk redux: The resurgence of risk assessment in criminal sanctioning. *Federal Sentencing Reporter*, 26, 158-166.

system due to disproportionate charging and arrests of minorities. It is now well established that young black males are nine times more likely than young white males to be imprisoned.<sup>118</sup> In 2014, when calling for the U.S. Sentencing Commission to study the use of risk assessment, former U.S. Attorney General Eric Holder warned that failure to do so “may exacerbate unwarranted and unjust disparities that are already far too common in our criminal justice system and in our society.”<sup>119</sup>

During the in-person Risk Assessment Work Group meeting on December 12, 2017, on behalf of the Supreme Court’s Minority and Justice Commission, Judge Theresa Doyle reported on and discussed the topic of risk assessment and bias which is of concern of the judicial branch nationally<sup>120</sup> as well as here in Washington state. She acknowledged that little research has been conducted with respect to racial disproportionality of pretrial release decisions.<sup>121</sup> Use of a static risk assessment (including the Adult Static Risk Assessment Tool used in Washington state<sup>122</sup>) which heavily relies on prior sometimes non-related criminal history is suspect in part because of the historically disproportionate contacts by law enforcement with persons of color.

---

<sup>118</sup>Monahan, John and Skeem, Jennifer L., “Risk Assessment in Criminal Sentencing” (September 17, 2015). Annual Review of Clinical Psychology, Forthcoming; Virginia Public Law and Legal Theory Research Paper, No. 53. Available at SSRN: <https://ssrn.com/abstract=2662082>

<sup>119</sup> Angwin et. al, “Machine Bias,” Pro Publica (2016), Available at <https://www.propublica.org/article/machine-bias-risk-assessments-in-criminal-sentencing>

<sup>120</sup> See generally National Center for State Courts (NCSC) [www.ncsc.org](http://www.ncsc.org); The Risks and Reward of Risk Assessments, NCSC e-magazine, Trends in State Court (2017), available at <http://www.ncsc.org/sitecore/content/microsites/trends/home/Monthly-Trends-Articles/2017/The-Risks-and-Rewards-of-Risk-Assessments.aspx>

<sup>121</sup> Elizabeth Drake, one of the work group participants plans to write her dissertation on this issue; what is the cumulative disadvantage of risk assessment tools, and is there a way to adjust for that?

<sup>122</sup> See further discussion regarding this risk assessment tool in Footnote 123 on the following page.

The discussion also focused on the importance of validation of risk assessment tools for their intended purpose as well as whether the instrument is good at predicting across ethnic groups without bias.

**WORK GROUP RECOMMENDATION:** The work group recommends that explicit and implicit bias must be considered when determining whether to adopt a risk assessment tool, particularly at the pretrial state of criminal proceedings when decisions are being made regarding release. Risk assessment tools should not include race as a predictive factor.

#### *Post-Adjudication*

Courts can utilize and build on information gathered by other justice partners to make informed decisions throughout the court process including for pretrial sentencing investigations and post-conviction management.<sup>123</sup> Risk assessment tools can be a necessary part of effective decision making because at sentencing courts are required to consider whether there was “an ongoing pattern of psychological, physical, or sexual abuse of a victim or multiple victims manifested by multiple incidents over a prolonged

---

<sup>123</sup> For example, the Adult Static Risk Assessment (ASRA) created by Dr. Robert Barnoski for Washington courts is currently used by courts in Chelan County Superior Court, Cowlitz County Superior Court, Grays Harbor District Court, Spokane County District Court, Spokane Municipal Court, Thurston County Superior Court (at pretrial phase only), and Whatcom County District Court. This tool was developed for the general population and is not specific to domestic violence. It was last validated in 2012 and was tested for both felony and misdemeanor level offenders. Using Area Under the Curve (discussed on pp. 22-24 of report) as the statistic used to measure predictive validity of this tool, the ASRA scored a .731 for predictive validity when recidivism was defined as “any felony conviction.”

period of time” and if the act “occurred within sight or sound of the victim's or the offender's minor children....”<sup>124</sup>

Misdemeanant probation departments established within District and Municipal courts are “designed to assist the court in the management of criminal justice and thereby aid in the preservation of public order and safety.”<sup>125</sup> An executive branch agency, the Department of Corrections (DOC) is responsible for supervising felons sentenced by the Superior Courts as well as formally incarcerated individuals. DOC utilizes a full risk assessment for all incarcerated persons.<sup>126</sup> Many misdemeanor probationers are also supervised (or have been) by DOC. Expanded communication and sharing of risk and need assessment information across court or probationary jurisdictions would be beneficial.

The core function of a limited jurisdiction probation officer is to conduct pre/post-sentence investigations for the court by conducting interviews and extensive research in a wide variety of areas.<sup>127</sup> The probation officer is required to determine offenders’ risk to the community using a “standardized classification system” and to conduct, at a minimum, monthly interviews of offenders classified in the highest level.<sup>128</sup> While this requirement is already in place there is no requirement that probation departments use the same standardized classification system. This issue is

---

<sup>124</sup> RCW 10.99.100(1)(b)&(c) Sentencing – Factors – Defendant's criminal history.

<sup>125</sup> ARLJ 11.1.

<sup>126</sup> The risk assessment tool used by DOC is the WA-ONE (previously referred to as the STRONG-R).

<sup>127</sup> ARLJ 11.1(b)(1).

<sup>128</sup> ARLJ 11.1(b)(2).

further complicated by the fact that some limited jurisdiction courts do not have a professional probation officer or probation department and instead use other court staff to monitor defendants on probation. The importance of having the ability to quickly and accurately assess risk to the community and to narrowly tailor supervision of defendants is particularly evident in balancing the rights of the accused and the vulnerability of victims of domestic violence crimes.

Treatment providers would similarly benefit from access to risk information gathered throughout the life of the case. Domestic Violence Perpetrator Program providers are currently required to complete a full clinical intake that includes a lethality risk assessment. Even with the pending improvements envisioned in the new Chapter 388-60A WAC, DV treatment providers will be in a better position to assess and treat a defendant if they have access to all the risk information and assessments compiled by persons involved in the case prior to the treatment phase. This sharing of information is also another opportunity to ensure bias is not a factor in a case outcome and that inaccurate information is corrected or deleted, or at a minimum brought to the court's attention so as to prevent injustice.

Recognizing possible efficiencies of collation of risk assessment information amongst all of the potential users, at the same time there is valid concern about potential harm of survivor information being more widely collected and shared. As has

been stated previously in this and also in the Section 7 Work Group Report,<sup>129</sup> persons who experience abuse, particularly those in same sex relationships and survivors from marginalized ethnic and racial communities, may risk arrest and prosecution as part of the criminal justice response to DV. It is well-established that survivors may have elevated privacy concerns directly related to their safety, and that privacy concerns are a major reason that many survivors choose not to engage police or other criminal justice remedies. This concern must be reflected and addressed in proposed efficiencies within the risk assessment system. Please refer to p. 43 for a discussion regarding WSCADV's confidentiality concerns.

## **Civil Process**

### *Protection Order Hearings*

During each of the past five years, approximately 34,000 protection order cases<sup>130</sup> flagged as involving domestic violence were filed in Washington State.<sup>131</sup> There is no universal or consistent method of assessing risk in civil domestic violence protection order (DVPO) proceedings brought under RCW 26.50. The pattern form<sup>132</sup> Petition for

---

<sup>129</sup> "Domestic Violence Perpetrator Treatment: A Proposal for an Integrated System Response (ISR)" (June 2018), Report to the State Legislature (E2SHB 1163), to be made available on the Gender and Justice Commission [website](#).

<sup>130</sup> Refer to Appendix K for a chart of all civil protection orders and restraining orders available in Washington.

<sup>131</sup> According to a report prepared by the Administrative Office of the Courts that was responsive to a data request by this work group, 171,707 protection orders flagged as involving domestic violence were filed at all levels of court between 2013-2017.

<sup>132</sup> AOC manages amendments to pattern forms and is substantially informed by the Washington Pattern Forms Committee, composed of experienced judges and lawyers.

[http://www.courts.wa.gov/committee/index.cfm?fa=committee.home&committee\\_id=150](http://www.courts.wa.gov/committee/index.cfm?fa=committee.home&committee_id=150)

Protection Order requires victims to answer several risk-related questions (ex: use of firearms, threats of suicide), but these questions are contained throughout the lengthy petition and not expressly as risk factors. It is critical that every petition for domestic violence protection order include risk-related information.<sup>133</sup> This is essential because the victim requesting the protection order is often in the process of attempting to leave their abuser. Studies show that the lethality risk is at its highest at the time of separation.<sup>134</sup> Risk to children has been recognized by the Washington State Supreme Court in the context of Domestic Violence Protection Orders.<sup>135</sup>

#### Use of Risk Assessment Tool by Advocates & Victims

Victim advocates are best suited and trained to help victims use the risk assessment tool.<sup>136</sup> In some jurisdictions in Washington, victim advocates already help victims prepare petitions for domestic violence protection orders (DVPOs).<sup>137</sup> Victim

---

<sup>133</sup> While the Washington State Domestic Violence Fatality Review has never recommended the use of any specific risk assessment tool, it has instead identified abusers' access to firearms and suicidal ideation as key risk factors that should routinely be screened for at various intervention points Maryland's Lethality Assessment Program identified by the work group as a national model is a risk assessment model that closely aligns with the Domestic Violence Fatality Review findings in Washington State.

<sup>134</sup> M. Wilson and M. Daly, "Spousal homicide risk and estrangement," *Violence Vict* 1993;8:3-16; <https://www.thetrace.org/2016/08/15-facts-that-show-how-guns-make-domestic-violence-even-deadlier/>; N. Z. Hilton, G. T. Harris, & M. E. Rice, *Risk Assessment for Domestically Violent Men: Tools for Criminal Justice, Offender Intervention, and Victim Services* (Washington, DC: American Psychological Association, 2010).

<sup>135</sup> In *Rodriguez v. Zavala*, the Washington State Supreme Court unanimously recognized that exposure to domestic violence harms children and that a parent's fear of harm for a child comes within the definition of "domestic violence" for purposes of a petition for a domestic violence protection order. 188 Wn.2d 586, 398 P.3d 1071 (2017).

<sup>136</sup> To avoid advocates becoming witnesses in a case, advocates should not conduct a risk assessment themselves. Advocates should use the risk tool to focus the victim on providing risk information in their petition.

<sup>137</sup> This work group encourages all courts to provide access to victim advocates to assist with preparation and filing of protection order petitions. See also footnote 138.

advocates are trained in risk assessment and safety planning, cultural competence, and have more opportunity and time to gather risk-related information than law enforcement. Victim advocates often meet with victims soon after the traumatic incident, when the victims may be more likely to share risk-related information. Victim advocates also have the ability to build rapport with the victim, so the victim feels comfortable providing the risk-related information. Unfortunately, most court jurisdictions in Washington do not offer access to a DV advocate to persons petitioning for relief.<sup>138</sup>

Victim advocates should use a risk assessment tool to help guide petitioners as they draft their petitions for DVPOs. To assist a petitioner to include risk-related information in their petitions even when a victim advocate is not available to help, the risk assessment tool should be provided as a guide alongside domestic violence protection order petitions in every courthouse. It should also include instructions on how to use the tool to focus the petition on relevant risk information. In the alternative, the risk assessment could be built into the petition in the form of questions the petitioner must answer. However, there are potential downsides to including more risk-related questions in the petition itself. Without clarity, including more risk-related

---

<sup>138</sup> The absence of advocate support in the protection order petition process is the norm in most jurisdictions. In a survey of all of the Superior, District and Tribal Courts in Washington State that issue civil Protection Orders, 81% of responding courts (n=73) reported that Protection Order petitioners do not speak with a domestic violence advocate. "Every Life Lost Is a Call for Change" (WSCADV 2004), available at <http://wscadv.org/wp-content/uploads/2016/12/2004-dvfr-report.pdf>.



questions in the petition (vs. as a reference guide) may confuse some petitioners about what petitioners must prove to be granted an order for protection.

**WORK GROUP RECOMMENDATION:** The work group recommends that Washington consider exploration and expanded use of a risk assessment tool by victim advocates as they help victims draft petitions, or by victims themselves, by updating domestic violence forms and brochures pursuant to RCW 26.50.035. Victim advocates should be trained to use a risk assessment tool to help guide petitioners as they draft their petitions for protection orders. Focusing the petitioner on the need to provide the court with risk information will (1) increase victim safety at a time when lethality risk is greatest,<sup>139</sup> (2) increase judicial efficiency by ensuring judges will have necessary relevant information to make an informed decision, and (3) enable respondents to be fully informed as to the allegations, thereby providing due process at the first available opportunity. The tool should be a concise, easy-to-use chart including but not limited to (1) risk factors relevant to domestic violence petitions,<sup>140</sup> (2) questions to ask about risk or suggestions to petitioners on what risk information they should provide, (3) an explanation of dangerousness and lethality risks for each factor, and (4) instructions on how to use the tool.<sup>141</sup>

---

<sup>139</sup> *Id.*

<sup>140</sup> Timely access to advocacy and risk related to suicide threats and firearms are critical. See "Up to Us: Lessons Learned and Goals for Change (WSCADV, 2010) at pp. 20, 25-28, 42-43, available at <http://wscadv.org/wp-content/uploads/2016/12/2010-dvfr-report.pdf>. See also Maryland's Lethality Assessment Program, identified by the work group as a risk assessment model that closely aligns with Domestic Violence Fatality Review findings in Washington State.

<sup>141</sup> Please refer to the New York Domestic Violence Risk Factor Guide attached as Appendix I as an example: In 2012, eight counties in New York identified risk assessment as a crucial component to judicial

## Use of a Risk Assessment Tool by the Courts in Civil Proceedings

Proponents of judicial use of a risk assessment tool during protection order proceedings believe that the tool could serve to increase judicial efficiency by avoiding undue delay in issuing necessary orders, triaging court resources, and at the same time improve victim safety. Victims would be benefited by early referral to advocacy services which can offer appropriate referrals for housing, law enforcement access, health care, and child care as well as counseling for the victim. Petitions that provide risk information at the outset require less prompting from court staff to get petitioners to provide necessary information. For example, when the facts of a case are too complex or the risk unclear, courts in King County sometimes refer the case to Family Court Services for an evaluation instead of the judicial officer directly asking the parties questions related to risk. Although with the best of intentions, sending the parties to another department for an evaluation instead of an immediate hearing, as contemplated by the statute, requires a continuance and a subsequent court date. This type of delay is inconsistent with legislative intent.<sup>142</sup> This delay is also an inefficient use of court and

---

decision-making in domestic violence cases and created an advisory group. The advisory group created the Domestic Violence Risk Factor Guide for Judges, a two-page chart outlining risk factors, an explanation of lethality risk for each factor, and instructions for use. The guide helps advocates focus petitioners on risk as they write petitions and helps judges gather any additional information related to risk during the hearing and view a petition through the lens of risk. Implementation of this guide was successful; judges and advocates found that the easy-to-navigate tool enhanced their ability to assess risk and appropriately respond to domestic violence cases.

<sup>142</sup> **Intent – 2010 c 274:** “The legislature intends to improve the lives of persons who suffer from the adverse effects of domestic violence and to require reasonable, *coordinated measures* to prevent domestic violence from occurring. The legislature intends to give law enforcement and the courts better tools to identify violent perpetrators of domestic violence and hold them accountable. The legislature intends to: Increase the safety afforded to individuals who seek protection of public and private agencies involved in domestic violence prevention; improve the ability of agencies to address the needs of victims and their children and the delivery of services; upgrade the quality of treatment programs; and *enhance the ability of*

expensive use of resource time. A risk assessment tool could help courts hold hearings promptly, and only refer to limited resources such as Family Court Services or access to guardians ad litem, when actually required.

While courts have a duty and responsibility to make difficult decisions, the availability of a risk assessment tool may lessen the likelihood of the judge deferring the decision. The tool could encourage the court to check the individual order history, a list of all prior orders restraining the respondent, and any violent criminal history of one or both parties prior to ruling. Advocates and petitioners rarely have access to a respondent's criminal history or individual order history. Checking the individual order history and criminal history ensures the court is aligning the parties correctly, not issuing conflicting orders, and is issuing the appropriate type of order.<sup>143</sup>

To provide due process and enable the respondent an opportunity to provide risk information to the court in response to the petition, the tool should include instructions similar to the NY Judicial Guide (Appendix H): "Provide the responding party with an opportunity to be heard as to any risk factors identified." This promotes transparency and both procedural substantive justice.<sup>144</sup>

---

*the justice system to respond quickly and fairly to domestic violence.* In order to improve the lives of persons who have, or may suffer, the effects of domestic violence the legislature intends to achieve more uniformity in the decision-making processes at public and private agencies that address domestic violence by *reducing inconsistencies and duplications* allowing domestic violence victims to achieve safety and stability in their lives." (Emphasis added). 2010 c 274 § 101.

<sup>143</sup> Refer to Appendix K for a comparative chart of civil orders available in Washington State.

<sup>144</sup> Burke and Leben, "Procedural fairness: A Key Ingredient in Public Satisfaction", American Judges Association (2007), available at <http://aja.ncsc.dni.us/pdfs/AJAWhitePaper9-26-07.pdf>

Proponents of court use of a risk assessment tool in protection order proceedings recommend best practices such as (1) that the court clerk docket risk-related information provided in the petition and/or from follow up questions during the hearing; and (2) that the risk assessment tool, with court findings, be included in the court order as well as in the electronic court record available statewide (JIS). Filing the risk assessment tool in the electronic court file will consolidate all risk information in a concise, accessible format, which can be used in future cases to compare past risk findings to determine their continued presence or absence to current risk or even to predict future risk levels. Documenting all risk information provided during the hearing will increase court transparency, efficiency, as well as informed intervention in future cases.

Workgroup members expressed concerns with courts using risk assessment tools in the civil protection order context. Besides the privacy, confidentiality and safety concerns discussed in the criminal section of this Report at pages 43, 49, and 66, another concern is that, without adequate training of judges, a separate risk assessment tool might be used to heighten the petitioner's burden of proof or that a court might be more likely to deny a protection order if the risk factors are not clearly enunciated. The legislature did not intend for domestic violence protection orders to be used simply to prevent death; they are also intended to prevent contact between a victim and an abuser and afford privacy and protection to the victim. The intent of the legislature in

providing this expedited and extraordinary remedy to persons without the assistance of counsel cannot be forgotten.

As previously discussed in this report on pages 61-63, when developing a risk assessment tool, it is important to consider that a tool relying heavily on past criminal history may be racially, ethnically or gender (including LBGTQ) biased; that is, the factors and/or the data used in the assessment may be fundamentally biased because of past practices that resulted in inequitable numbers of arrests and convictions of minority populations.<sup>145</sup> At least one Washington court system is receiving assistance to study and eradicate the issues of racial bias in our criminal justice system.<sup>146</sup>

Finally, judicial risk assessment tools may be better suited for criminal justice proceedings because unlike civil protection order proceedings, criminal justice proceedings are bifurcated into multiple and distinct stages. In criminal proceedings, risk assessments are not involved in the determination of a guilty or not guilty finding. Instead, risk assessments are most often conducted to assist courts in determining bail or conditions of release. In every criminal case, prosecutors are required to provide the court with risk-related information in the pre-trial stage, including the defendant's complete criminal history and history of orders. In the criminal context, specific court rules dictate what the court must review in making release decisions, i.e. whether there is a likely danger that the accused will commit a violent crime or will seek to intimidate

---

<sup>145</sup> *Can an Algorithm Tell When Kids Are in Danger?*

<sup>146</sup> For example, Spokane District, Municipal, and Superior Courts are working with the MacArthur Foundation to develop and implement a Race Equity Toolkit.

witnesses if released without bail or conditions.<sup>147</sup> Courts are also required to review criminal history and risk factors in determining appropriate sentences after conviction.

In contrast, civil domestic violence protection orders are legislatively designed to be an expedited process: petitioners obtain temporary protection on the same day that the petition is filed and the final hearing is scheduled just fourteen days after the petition is filed.<sup>148</sup> Evidence is broadly admissible in protection order proceedings.<sup>149</sup> The final hearing often takes less than half an hour. Risk assessment in a domestic violence protection order proceeding practically occurs contemporaneously to a finding of domestic violence. There is little time to separate the risk assessment process from the domestic violence petition to the court's findings within the one, brief hearing. Requiring a highly detailed risk assessment to be undertaken within a civil protection order process would necessitate additional work by the court, court staff, advocates, or petitioners as part of the ex parte petition process. The impact of the increased workload on courts should be included in the analysis as to the wisdom of adding a separate or too time-consuming risk assessment to the civil protection order process.

#### Court Access to Information

Statutes and court rules do not always address what a judge must review or where the judge should obtain information. In civil proceedings, judges are often

---

<sup>147</sup> CrR 3.2 and CrRLJ 3.2- Release of Accused

<sup>148</sup> RCW 26.50.070(4).

<sup>149</sup> ER 1101(c)

(ethically) reluctant to search for or review anything other than what the parties present in court. This may result in conflicting orders, failure to consider essential information, or inapplicable orders, particularly in cases involving unrepresented litigants.

The Domestic Violence Prevention Act (DVPA) requires that the Judicial Information System be available to judges to courts issuing conflicting orders and “to give courts needed information for issuance of orders.”<sup>150</sup> The DVPA explicitly mandates the court’s use of the Judicial Information System in only one section.<sup>151</sup> RCW 26.50.135 requires that courts consult the Judicial Information System prior to addressing residential placement or custody of a child. The stalking protection order statute also allows consultation of the criminal history system by the court.<sup>152</sup> The use of different language in similar protection order statutes can cause confusion and compound reluctance by the judiciary to consult the Judicial Information System searching for data not requested by the parties. The problem is exacerbated in civil protection order matters where the parties are often *pro se* (unrepresented).

To further complicate the matter, domestic violence protection order proceedings often require judges to review multiple statutes that contain conflicting provisions, for example those pertaining to stalking and sexual assault between household or family members.<sup>153</sup> “Three in four stalking victims are stalked by someone they know, and at

---

<sup>150</sup> RCW 26.50.160

<sup>151</sup> RCW 26.50.135

<sup>152</sup> “Before granting an order under this chapter, the court may consult the Judicial Information System, if available, to determine criminal history or the pendency of other proceedings involving the parties.” RCW 7.92.070 Consultation with Judicial Information System.

<sup>153</sup> RCW 26.50.010(3) "Domestic violence" means: (a) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault, between family or household members; (b)

least thirty percent of stalking victims are stalked by a current or former intimate partner.” For this reason many stalking victims file domestic violence protection orders.<sup>154</sup> In order to assure domestic violence victims subjected to stalking obtain necessary protection, the legislature distinguished stalking behavior from that of general harassment and further found preventing the issuance of conflicting orders was in the interest of petitioners and respondents.<sup>155</sup> The result of including stalking and sexual assault acts by one household or family member against another can result in confusion by courts, parties and lawyers as to what they are permitted or required to do.<sup>156</sup> While it is necessary to encompass one statutory provision within another, the result can be cumbersome and nuances or differences in each category can be overlooked or forgotten by judicial officers.<sup>157</sup>

The Domestic Violence Prevention Act does not provide guidance as to how a court is to determine it does not run afoul of jurisdictional limitations contained but seems to indicate Judicial Information System review is frequently necessary.<sup>158</sup> In

---

sexual assault of one family or household member by another; or (c) stalking as defined in RCW 9A.46.110 of one family or household member by another family or household member.

<sup>154</sup> RCW 7.92.010 Intent – Finding.

<sup>155</sup> *Id.*

<sup>156</sup> Further penalties for violation of orders of any protection orders issued under RCW 7.92, 7.90, 9A.40, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.10, 26.26, 74.34 or valid foreign protection order pursuant to RCW 26.52.020, are set forth the Domestic Violence chapter – RCW 26.50.110 Violation of order – Penalties.

<sup>157</sup> Refer to Appendix K.

<sup>158</sup> RCW 26.50.020 Commencement of action – Jurisdiction – Venue. The jurisdiction of district and municipal courts under this chapter shall be limited to enforcement of RCW 26.50.110(1), or the equivalent municipal ordinance, and the issuance and enforcement of temporary orders for protection provided for in RCW 26.50.070 if: (a) A superior court has exercised or is exercising jurisdiction over a proceeding under this title or chapter 13.34 RCW involving the parties; (b) the petition for relief under this chapter presents issues of residential schedule of and contact with children of the parties; or (c) the petition for relief under this chapter requests the court to exclude a party from the dwelling which the parties share.



criminal cases, a judge can rely on the prosecutor to provide necessary information, but pro se litigants in civil proceedings may not recognize the importance of fully setting forth prior or current relationships as legally defined, or they may not understand the importance of a court knowing that while they are now simply roommates, the parties were once intimate partners. This failure to provide necessary information to ‘prove the case’ may be due to a desire to protect one’s privacy by not disclosing certain relationships, i.e. an intimate extramarital relationship or a same sex relationship by someone who has not disclosed to family or friends their sexual orientation. If a petitioner fails to reveal that a superior court has ever exercised jurisdiction over a proceeding involving the parties, a district court may issue a final protection order without jurisdiction to do so. The ability of a court to verify stated relationships through the Judicial Information System may be required to ensure the validity of orders and for a court to be satisfied that it is not acting outside its jurisdiction

While the Domestic Violence Protection Act makes the Judicial Information System available to all district, municipal and superior courts and provides critical information on prior orders issued by courts, the criminal history of the parties and other relevant information to assist courts in issuing protection orders, RCW 26.50.160 may not go far enough in simply making the Judicial Information System (JIS) it available. It might be beneficial to require JIS review by judges in every request for an order of protection, as is already required in certain criminal case.

**WORK GROUP RECOMMENDATION:** The work group recommends that the courts consider whether best practice should require the judge to review Judicial

Information Systems in all domestic violence protection order proceedings to fully inform the court as it assesses risk during court proceedings, and to prevent issuance of conflicting order.

### Firearms Surrender

The following statistics clearly illustrate the chilling connection between firearms and domestic violence:

- Over half of women killed with guns in the United States are killed by an intimate partner or family member.<sup>159</sup>
- 1 in 27 women have had an intimate partner threaten them with a gun.<sup>160</sup>
- Nearly 1 million women who are alive today have been shot or shot at by an intimate partner.<sup>161</sup>
- When an abusive partner has access to a firearm, the risk that the other partner will die increase more than five times.<sup>162</sup>
- In the State of Washington in 2016, firearms were used in 499 incidents of domestic violence.<sup>163</sup>
- In Washington State, perpetrators used firearms in the majority (56%) of domestic violence homicides, more than all other weapons combined.<sup>164</sup>

---

<sup>159</sup> U.S. Department of Justice, Federal Bureau of Investigation, Supplementary Homicide Report, 2011

<sup>160</sup> Sorenson SB and RA Schut. 2016. "Nonfatal Gun Use in Intimate Partner Violence: A Systematic Review of the Literature." *Trauma, Violence, Abuse*. Available at <http://www.ncbi.nlm.nih.gov/pubmed/27630138>

<sup>161</sup> Sorenson SB and RA Schut. (2016).

<sup>162</sup> Campbell JC, Webster D, Koziol-McLain J, et al. (2003). Risk factors for femicide in abusive relationships: Results from a multisite case control study. *American Journal of Public Health*, 93(7), 1089-1097.

<sup>163</sup> 2016 Crime in Washington: Annual Report (2016), available at

<http://www.waspc.org/assets/CJIS/2016%20crime%20in%20washington.small.pdf>

<sup>164</sup> See p. 8 of "Domestic Violence Fatalities in Washington State" (WSCADV, 2016), available at 5 <https://wscadv.org/wp-content/uploads/2016/12/2016-DV-FATALITIES-IN-WA-STATE-updated-links.pdf>

- A two-year study of domestic violence homicides in Washington State found that over half (54%) of perpetrators responsible for domestic violence-related fatal shootings were prohibited by law from owning firearms.<sup>165</sup>

RCW 9.41.800 requires that when the court issues a permanent DVPO, the court must order the restrained person to surrender all firearms and other dangerous weapons. The requirements for compliance with an order to surrender issued under 9.41.800(3) are as follows:

“A party ordered to surrender firearms, dangerous weapons, and his or her concealed pistol license under RCW 9.41.800 must file with the clerk of the court a proof of surrender and receipt form or a declaration of nonsurrender form within five judicial days of the entry of the order.”

To determine whether risk assessments should be used in the order to surrender weapons process, the workgroup consulted the only county in Washington that is known to have established a verifiable review process for firearm surrender: King County.

King County has created a review process to ensure compliance with the orders to surrender. When a court issues a final domestic violence protection order, the court orders a review hearing in two weeks. At this review hearing, the court reviews the court file for either proof of surrender or a declaration of non-surrender and makes a ruling on compliance and/or further action required.

---

<sup>165</sup> See “Issue Brief: Firearms Prohibitions and Domestic Violence Homicide” (WSCADV, 2015), available at <https://wscadv.org/resources/issue-brief-firearms-prohibitions-domestic-violence-homicide/>

All stakeholders emphasized that merely ordering surrender of weapons is not sufficient to ensure victim safety or uphold legislative intent. Without verifying compliance with the order to surrender, the order to surrender may be perceived as just “a piece of paper” insofar as the enforcement of the weapons prohibition is concerned. Having access to concisely documented risk information will assist the court in reviewing compliance with orders to surrender. If the respondent has either (1) not filed proof of surrender or a declaration of non-surrender within five days or (2) not appeared for the review hearing, the court should not simply strike the hearing or reset the review hearing for another two weeks.

Within the context of domestic violence, every day of non-compliance with the order to surrender firearms is a day risking harm or death to the victim and the community. The legislative intent of RCW 9A.41.800 is to expedite the surrender of weapons in domestic violence cases, particularly when the lethality risk to the victim and community is high such as the time when the Domestic violence protection order is first issued.<sup>166</sup> Law enforcement cannot immediately serve each protection order or ex parte order to surrender weapons; they often triage for the most urgent service need. Access to a concise, uniform risk assessment tool from the protection order hearing will assist law enforcement in making informed triage decisions, thereby improving both victim and public safety.

---

<sup>166</sup> The risk of violence increases with separation. See e.g. “Honoring Their Lives, Learning from Their Deaths” (WSCADV, 2000), available at <http://wscadv.org/wp-content/uploads/2016/12/2000-dvfr-report.pdf>.

**WORK GROUP RECOMMENDATION:** The work group recommends that additional funding be allocated to all Washington courts to implement a review calendar for firearms surrender in all courts statewide, and that any court that reviews compliance with an order to surrender should use a validated risk assessment tool.

*Family Law Proceedings*

Although this work group was not specifically called upon to evaluate risk assessment within the context of family law cases, many work group participants perceived a gap relating to civil cases involving domestic violence. Sometimes these cases raising concerns of power and control or intimate partner violence arise during a dissolution, request for protection order, or even a guardianship. The underlying domestic violence concern may not have been reported to law enforcement. The private family law attorney may be among the first (and only) professional in a position to identify whether a client is a victim of or at risk of domestic violence.

**WORK GROUP RECOMMENDATION:** This work group suggests that if a family law attorney is working with a domestic violence victim who expresses safety concerns, that the attorney refer the client to a community victim advocate trained in risk assessment and safety planning. The work group also encourages the Family Law Section of the Washington State Bar Association and local county bar associations to offer continuing educational opportunities discussing domestic violence risk factors. The work group recommends that the private bar membership consider adapting Appendix I for use by family law attorneys as a tool to identify risk in domestic

violence cases. In this way, members of the private bar may convey that information to the courts and make appropriate referral to victim advocacy resources.

### *Dependency Proceedings*

A dependency action is a legal proceeding initiated by the State to protect children who are alleged to be abused or neglected or whose parents are not able to adequately care for them. Dependency petitions are filed by the state Department of Social and Health Services (DSHS) to obtain court intervention to protect a child, including placing the child in temporary foster care and requiring parents to engage in various types of services and/or treatment. The goal of the State is to address the issues that create a safety problem and reunify children with their parents.<sup>167</sup>

A division of DSHS, the Children's Administration quite properly engages in routine domestic violence screening at multiple points of working with a family, for example at intake, investigation of complaint to Child Protective Services, providing services, home studies, etc. These screening interviews may include third parties as well as family members.<sup>168</sup> Where DV is screened in as a possible concern, social workers use a "Specialized DV Assessment" interview protocol.<sup>169</sup> Children can be removed from a home as the result of an emergency response (medical, police) where first responders assess that domestic violence is an issue that puts the children in danger. The court in a dependency case can order a parent to undergo a formal

---

<sup>167</sup> See Ch. 13.34.030 RCW.

<sup>168</sup> See Appendix J, Social Worker's Practice Guide to Domestic Violence, p. 25)

<sup>169</sup> Id. At p. 33

domestic violence evaluation even if there is no previous assessment identifying a domestic violence risk. Expert witnesses can be engaged by parents to conduct a risk assessment and present expert opinions to the court to rebut state allegations.

The purpose of DV risk assessment in the dependency context is to identify if domestic violence is present, and if so, who is the adult victim and who is the alleged perpetrator, in order to determine if domestic violence poses direct child safety/risk issues (e.g. children injured during domestic violence assault of adult); and, if the domestic violence poses no direct threat to children, does it compromise Children's Administration's ability to appropriately address other potential child neglect/abuse issues in the family?

Children's Administration social workers are supposed to engage in routine DV screening at the earliest point of contact with all families, and to conduct the "Specialized DV Assessment" with families *when DV issues are identified*. A DV incident or DV criminal charge is not required to trigger a DV evaluation of a parent involved in a dependency case. However, the Children's Administration social worker will too often require a parent to have a DV assessment when there is no allegation of domestic violence; in fact, not much is known about the parties at all. This superficial, almost knee-jerk escalation of DV screening to DV evaluation, a "more information is better than less" approach casts a wide net for possible perpetrators. This overly aggressive approach by Children's Administration means that many people who do not

need a year of DV treatment are required to engage anyway.<sup>170</sup> This approach by Children's Administration delays permanency for children, strains limited resources, and erodes confidence in the system.

After the shelter care stage of a dependency case, a DV evaluator or treatment provider may conduct an evaluation, if the court orders a parent to undergo an assessment/evaluation. A parent may also independently engage in a risk assessment/evaluation to secure an expert opinion to rebut state allegations. The intended recipients of risk assessment results include Children's Administration, the court, and a parent's legal team. The risk assessment tools that are currently being used in Washington in dependency proceedings are routine universal screening by Children's Administration (CA) social workers<sup>171</sup> and specialized DV Assessment protocol by CA social workers.<sup>172</sup>

Domestic violence advocacy and community organizations can be resources for social workers and families involved in dependencies. Resources for social workers can include information sharing and expertise with developing creative safety plans to meet unique needs. Services for families may include emergency shelter for victims and children; transitional housing; assistance in developing safety plans; assistance in obtaining protection orders; support groups for victims and children. Partnerships between Children's Administration and community groups/domestic violence

---

<sup>170</sup> The new Chapter 388-60A WAC will require evaluation by a certified provider before a person is assessed for a particular treatment level. WAC 388-60A-0400.

<sup>171</sup> Social Worker's Practice Guide to Domestic Violence, p. 25

<sup>172</sup> Id. at p. 33.



organizations should focus on meeting the needs of domestic violence victims and their children, not on meeting unneeded Children's Administration procedures. Community groups can also be a resource to help connect Children's Administration and dependency-involved parents with appropriate domestic violence treatment programs.

DSHS often requires domestic violence victims to obtain a protection order to prove to DSHS that the victim is serious about providing protection to themselves and their children; however, this can put these parent victims into danger as they take steps to obtain the restraining order themselves. Moreover, in personally seeking a protection order, parents have no right to counsel and often have to appear pro se. It can be better for the victim and the children if DSHS seeks the protection order directly from the court, as is recommended in the Social Worker Practice Guide to Domestic Violence.<sup>173</sup>

The Social Worker Practice Guide to Domestic Violence was last updated in 2010 and should be routinely and periodically updated, with training provided to all persons within the Department who work with families and children. This document is a wonderful tool but may lose relevance due to inattention.

**WORK GROUP RECOMMENDATION:** The work group recommends that adequate resources should be allocated for ongoing training for all social workers in dependency cases, as well as to update the important Social Worker's Practice Guide to Domestic Violence and require mandatory implementation. This would help to address

---

<sup>173</sup> See p. 16.

the impact of over-inclusive assessments, as well as ensuring that the needs of victims and their children are met.

## CONCLUSION

The topic of domestic violence risk assessments is complicated, and the research in this area is inconclusive and should be ongoing. With this informed explanation of Risk Assessment and its use within the context of cases involving domestic violence the work group provides actionable recommendations that, in partnership with the legislative, executive and judicial branches, will move Washington closer to being able to adopt validated risk assessment tools for that can routinely be reassessed for use in criminal and civil proceedings.

Because many of our recommendations focus on the need for additional research and data collection, which will take time to compile and analyze, this work group recommends an interim focus on the following:

1. Education regarding risk factors at various stages of criminal and civil proceedings for justice system staff and other stakeholders; and
2. How to safely and confidentially promote access to high-quality information about victims and offenders to those criminal justice personnel and other stakeholders who are in a position to evaluate risk.

//

# APPENDICES

## Appendix A: Summary of Characteristics for Intimate Partner Violence Assessments Tested

Assessment	AUC	Prediction Strength	# of Studies	N of Individuals	Outcome/Population	Systematic Review Citation
WA-ONE (STRONG-R)	0.720	Strong	1	35,788	General	Drake, 2014
DVRAG	0.700	Moderate	1	346	DV	Hanson, Helmus & Bourgon, 2007
SRA	0.689	Moderate	1	35,788	General	Drake, 2014
VRAG	0.677	Moderate	2	736	General	Hanson, Helmus & Bourgon, 2007
PAPS	0.670	Moderate	1	67	DV	Hanson, Helmus & Bourgon, 2007
ODARA	0.666	Moderate	5	1,053	DV	Messing & Thaller, 2013
ODARA	0.664	Moderate	2	446	DV	Hanson, Helmus & Bourgon, 2007
PCL-R	0.664	Moderate	2	736	General	Hanson, Helmus & Bourgon, 2007
LSI-R	0.660	Moderate	1	22,533	General	Drake, 2014
ORAS	0.660	Moderate	1	35,788	General	Drake, 2014
SRA2	0.660	Moderate	1	35,788	General	Drake, 2014
DVSR	0.659	Moderate	2	689	DV	Hanson, Helmus & Bourgon, 2007
SARA	0.628	Small	6	2,656	DV	Messing & Thaller, 2013
SARA	0.620	Small	5	1,768	DV	Hanson, Helmus & Bourgon, 2007
LSI-R	0.620	Small	1	200	General	Hanson, Helmus & Bourgon, 2007
DA	0.618	Small	4	2,519	DV	Messing & Thaller, 2013
DA	0.614	Small	4	1,585	DV	Hanson, Helmus & Bourgon, 2007
EDAIP	0.611	Small	1	127	DV	Hanson, Helmus & Bourgon, 2007
SRA-PA	0.609	Small	1	502	DV	Hanson, Helmus & Bourgon, 2007
PRA	0.601	Small	1	502	General	Hanson, Helmus & Bourgon, 2007
SARA (judgement)	0.598	Small	2	531	DV	Hanson, Helmus & Bourgon, 2007

DVSI	0.592	Small	3	2,487	DV	Hanson, Helmus & Bourgon, 2007
DVSI	0.582	Small	3	2,896	DV	Messing & Thaller, 2013
KSID	0.542	Negligible	2	881	DV	Hanson, Helmus & Bourgon, 2007
KSID	0.537	Negligible	2	1,281	DV	Messing & Thaller, 2013
Clinical judgement	0.530	Negligible			General	
DVMOSAIC	0.475	Negligible	1	367	DV	Hanson, Helmus & Bourgon, 2007





					fills out calendar	
d	<i>DA-LE Lethality Screen</i> <i>Danger Assessment Law Enforcement</i>	Predict Lethality/Severe Injury	Initial police response	Female IPV victims	Law Enforcement (LE)	Victim Interview 11 yes/no questions
e	<i>Strangulation Supplemental</i>	Assess non-fatal strangulation	Law Enforcement; Medical; first responders	Female and male IPV victims	LE, EMT, Medical	19 questions
2	DV- MOSAIC  Method for Objectively Selecting Areas of Inquiry Consistently  Gavin DeBecker (2018)  <a href="http://www.mosaicmethod.com">www.mosaicmethod.com</a>				All Stakeholders	30 comprehensive questions
3	DVRAG	Predict Severity of Victim injury			Trained evaluators – often Health and Human Services  (Williams, 2012)	

4	DVSI	Pre-trial decisions				Case files	
a	DVSI-R <i>Domestic Violence Screening Instrument-Revised</i>	Imminent risk of violence recidivism; including - protective and restraining order violations;	Frontline response - often Health and Human Services  (Williams, 2012)  Used at arraignment of offender to inform court of recommendations	IPV victim and others who have relationships with the victim and or offender	Trained evaluators - often Health and Human Services  (Williams, 2012)	Offender interview; LE reports; prior victim interview administered by victim advocate with release of information by victim; database of protection and restraining orders	11 questions
5	EDAIP						
7	ODARA	Predicts re- assault severity and frequency; lethality; guides LE in arrest decision - making		Male IPV Offender & Dating Violence offender assessment	LE	Scored by LE utilizing offender criminal case files; victim interview; offender interview	13 yes/no questions
8	SARA <i>Spousal Assault Risk Assessment Guide</i>	Domestic violence recidivism - prevention tool		Males 18 and older	Assessor must meet MHS-b-level qualification	Victim and offender interview; case file information	20 comprehensive questions



				60 - 90 min administratio n time		
SRA-PA						

# WORKSHEET D

## DATA ANALYSIS CHECKLIST

- Crime Data* (over several years)
- Law Enforcement*
  - Location of court
    - Juvenile and adult
    - Felony and misdemeanor
    - Demographics of arrests
  - Summons or administrative violations data
  - Report rates by crime and area
  - Complaints against law enforcement
  - Staffing: Dedicated law enforcement officers or bureaus
- Prosecution*
  - Deferred prosecution/diversion
  - Convictions by charge
  - Staffing: victim advocates and specialized bureau
  - Probation/Parole
  - Number of defendants under supervision by area or district
  - Demographics
  - Services offered to defendants
  - Types of offenses charged and under supervision
  - Number of juveniles
  - Revocation data
- Court System: Criminal*
  - Charges brought to court organized by specific charge and category
  - Defendant demographics;
  - Numbers of defendants with prior charges
  - Disposition data
    - Types and rates of dispositions used by court
    - Types and rates of alternative sanctions used by court (BIP, substance abuse, mental health, parenting)
    - If monitoring compliance, data on compliance rates
    - Time to disposition
    - Protection orders issues through criminal court if applicable
- Court System: Civil*
  - Filings in court by filing type: civil protection orders, custody, visitation, support, etc.
  - Litigants with/without representation
  - Numbers of filings per family unit or per litigant
  - Disposition data
    - Types and rates of dispositions used by court
    - Number of hearings before final disposition
    - Number of modifications
    - Time to disposition
- Victim Services*
  - Number of victims: from both community-based and system-based advocates
  - Number of advocates
  - Services provided
- Other Community-Based Services*

# Appendix D: Lethality Assessment Program Risk Assessment Tool



## Domestic Violence Lethality Assessment Screen (LAP)

Officer:	Date:	Case #:
Victim:	Offender:	
Safe Phone # or Email Contact for Victim:		
<input type="checkbox"/> <b>Check here if victim did not answer any of the questions.</b>		
<b>➤ A "YES" response to any of Questions #1-3 automatically triggers the protocol referral.</b>		
1. Has he/she ever used a weapon against you/threatened you with a weapon?	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Not Ans.
2. Has he/she threatened to kill you or your children?	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Not Ans.
3. Do you think he/she might try to kill you?	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Not Ans.
<b>➤ Negative responses to Questions #1-3, but positive responses to at least four of Questions #4-11, trigger the protocol referral.</b>		
4. Does he/she have a gun or can he/she get one easily?	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Not Ans.
5. Has he/she tried to choke you?	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Not Ans.
6. Is he/she violently or constantly jealous or does he/she control most of your daily activities?	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Not Ans.
7. Have you left him/her or separated after living together or being married?	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Not Ans.
8. Is he/she unemployed?	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Not Ans.
9. Has he/she ever tried to kill himself/herself?	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Not Ans.
10. Do you have a child that he/she knows is not his/hers?	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Not Ans.
11. Does he/she follow or spy on you or leave threatening messages?	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Not Ans.
<b>➤ An officer may trigger the protocol referral, if not already triggered above, as a result of the victim's response to the below question, or whenever the officer believes the victim is in a potentially lethal situation.</b>		
Is there anything else that worries you about your safety? (If "yes") What worries you?		
Check one: <input type="checkbox"/> Victim screened in according to the protocol <input type="checkbox"/> Victim screened in based on the belief of the officer <input type="checkbox"/> Victim did not screen in		
If victim screened in: After advising her/him of a high danger assessment, did the victim speak with the helpline advocate counselor? <input type="checkbox"/> Yes <input type="checkbox"/> No		
<b>LAP Protocol Referral Helpline Number</b> <b>Domestic Violence and Sexual Assault Services (DVSAS): 360-715-1563</b>		
<b>ADDITIONAL INFORMATION (answer NOT to be used in triggering or as part of protocol referral):</b> Was he/she using drugs or alcohol at the time of the incident? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Ans. If so, what kind?		

Fax all completed LAP to: 360.647.6015

# Appendix E: Sample Pretrial Services Evaluation for Release and Appointment of Counsel

## OPTS First Appearance Evaluation

Eval Date [REDACTED]

Name [REDACTED] Race [REDACTED] Sex F DOB [REDACTED]

Counts	Charge Description	Agency	Report #	Case #	Court
1	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	SCT
Adult Fel	16 [REDACTED]				
Adult Misd	22 [REDACTED]				
Juv Fel	0 [REDACTED]				
Juv Misd	2 [REDACTED]				
Misd Admin	0 [REDACTED]				
Misd FTA	11 [REDACTED]				
Misd FTC	0 [REDACTED]				
Fel Arrest	0 [REDACTED]				
Fel FTA	1 [REDACTED]				
Fel FTC	0 [REDACTED]				
Fel LFO	3 [REDACTED]				

DOC NO [REDACTED] (INACTIVE) Misd Prob YES ([REDACTED] CO: THEFT)

Criminal history is listed above. The def was arrested in [REDACTED] County WA [REDACTED] on today's warrant and shuttled to [REDACTED]

MH Issues YES SA Issues YES

The defendant reports mental health and substance abuse treatment needs.

Mailing Address [REDACTED]	Spokane Res FOR [REDACTED] YRS UNTIL [REDACTED]
Living Address HOMELESS [REDACTED]	Marital Status [REDACTED]
Length There [REDACTED]	Children [REDACTED]
Lives With LIVING IN RV ALL OVER WA SINCE [REDACTED] IN CUSTODY [REDACTED] CO SINCE [REDACTED]	Other Fam/Local YES [REDACTED]
Phone(s) [REDACTED]	Family Verified NO
Prior Address [REDACTED]	Employer [REDACTED]
Prior Cities ALWAYS WA	Occupation LABOR/FOOD SERVICE
Renting/Buying Neither	Income [REDACTED]
Address Verified NO	Other Income FS, ODD JOBS
Mother [REDACTED]	Emp/Inc Notes LAST EMPLOYED MORE THAN YR AGO APPLYING FOR DISABILITY
Father [REDACTED]	Empl/Inc Verified NO
Reference #1 [REDACTED]	Education Level [REDACTED]
Reference #2 [REDACTED]	Armed Services NO

The above listed information was not verified. The defendant reports that if release, [REDACTED] will stay with [REDACTED]

Attorney Choice Public Defender Appointed Notes

Recommendation is based on lack of ties to the area, recent out of county arrest and overall criminal history.

OR Recommendation: NO Finding By [REDACTED] (Pretrial Services Officer)

Finding Date 05/18/2018

# Appendix F: Sample Personal Recognizance Card

HEARING HEARING	DATE DATE	TIME TIME	ROOM ROOM	DEFENSE COUNSEL		
SMC PERSONAL RECOGNIZANCE & INDIGENT SCREENING CASE#(S):						
LAST NAME	FIRST NAME	MI	DOB	SEX	RACE	
BA	CCN	<input type="checkbox"/> SMC PROBATION				
MARITAL	LIVES WITH	PHONE H: , C: , M:				
CURRENT ADDRESS					LENGTH	
ADDRESS TYPE			IN WA	LENGTH AT LAST ADDRESS		
SOURCE OF INCOME	TIME UNEMPLOYED	ALC./DRUG DEPENDANCY? CURRENTLY IN TREATMENT?		<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	MILITARY VETERAN: MILITARY BRANCH & NOTES:	
ENROLLED IN SCHOOL <input type="checkbox"/>	SPECIAL NEEDS					
CURRENT EMPLOYER			POSITION	LENGTH		
REFERENCE	RELATION		PHONE			
REFERENCE	RELATION		PHONE			
CURRENT SMC CHARGE (S)						
OTHER JURISDICTION CHARGE (S)						
DV VICTIM / DOB			PHONE H: , C: , M:			
WEAPONS <input type="checkbox"/> DEFENDANT <input type="checkbox"/> REF <input type="checkbox"/> AV CCW <input type="checkbox"/> Y <input type="checkbox"/> N						
<input type="checkbox"/> NO PRIOR KCJ BOOKINGS				KCJ BOOKED WARRANTS IN PAST 24 MOS:		
COMMENTS:						
DETERMINATION: <input type="checkbox"/> INDIGENT \$0 - \$200 <input type="checkbox"/> CAN CONTRIBUTE \$201 - \$1700 <input type="checkbox"/> NOT INDIGENT - \$1701+						<input type="checkbox"/> SCREENED LAST 365 DAYS
<input type="checkbox"/> REFUSED SCREEN <input type="checkbox"/> REFUSED TO SIGN PROMISSORY						
<input type="checkbox"/> REFERRED TO DPD <input type="checkbox"/> PROVISIONAL (UNABLE TO PARTICIPATE / NOT SEEN)						
SCRENER:	SCREEN DATE:	<input type="checkbox"/> PR GRANT <input type="checkbox"/> DENY <input type="checkbox"/> INFO ONLY <input type="checkbox"/> NOT SEEN <input type="checkbox"/> NOT @KCJ				



THE MUNICIPAL COURT OF SEATTLE



DATE: [REDACTED]	PR INVESTIGATOR: [REDACTED]
------------------	-----------------------------

DEFENDANT: [REDACTED]	DOB: [REDACTED]
-----------------------	-----------------

JAIL BA #: [REDACTED]
-----------------------

**VICTIM STATEMENT**

AV NAME:	DOB:
PHONE(S): H:, C:, M:	
INJURY:	
PAST HISTORY OF ASSAULT:	
FEAR FOR SAFETY:	
NCO DESIRED:	
DRUG/ALC/PSYCH ISSUES:	
SHARED RESIDENCE:	
PRESENCE OF CHILDREN DURING INCIDENT:	
DEFENDANT'S ACCESS TO WEAPONS:	
COMMENTS:	
AOC: When current DV order(s) exist, AOC printout is attached to bench copy of PR screen. AV provided with numbers to City Attorney DV Unit (206-684-7757) and VINE (877-425-8463).	

Seattle Municipal Court Personal Recognizance Release Screeners  
500 5<sup>th</sup> Avenue, 3<sup>rd</sup> Floor ITR, Seattle, WA 98104  
Tel. 206-386-1543 Fax 206-233-3853

# Appendix G: Screenshots of Judicial Access Browser (JABs) Screens<sup>174</sup>

## Criminal History Screen and Person/Case Tabs

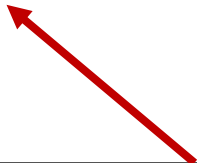
Confidential-Not for Release		Individual Case History										Confidenti			
Logon	Search	Person Search Results										Logoff	Change Role/Court	Help	
True Name: B		Alias: B										32 Cases	ICH	DCH	PDCH
AKA Party	Case Number	Crt	Date	Short Title	DV	Jg	DR	O	CD	W	F	C	BAL		
DEF		SPD	06/09/2018	NO CONTACT/PROTECTION ORDER VIOL	Y										
DEF		SPD	06/09/2018	THEFT 3	N										
DEF		SPD	07/06/2017	ASSAULT 4TH DEGREE	Y	GV	A			N		A	\$778.00		
DEF		AWM	05/29/2017	OP MOT VEH W/OUT INSURANCE	N	D	XO		CL		N				
DEF		AWM	05/29/2017	DWLS 3RD DEGREE	N	G				N	I	A	\$283.00		
			05/29/2017	FAIL TO TRANSFER TITLE W/145 DAYS	N	D	XO								
DEF		SPD	05/25/2017	DWLS 3RD DEGREE	N	D	SO		CL						
DEF		SPD	08/10/2015	NO CONTACT/PROTECTION ORDER VIOL	Y	GV		T				A	\$73.75		
DEF		PD1	04/22/2015	NO VALID OPER LICENSE WITH VALID ID	N	C					I	A	\$1,276.00		
			04/22/2015	OP MOT VEH W/OUT INSURANCE	N	C									
			04/22/2015	IMPEDING TRAFFIC	N	C									
DEF		SPM	04/15/2014	NO CONTACT ORDER VIOLATION	Y						N				
			04/15/2014	THEFT	N										
DEF		SPM	09/10/2013	NO CONTACT ORDER VIOLATION	Y	GV		E			N				
DEF		SPM	07/08/2013	ASSAULT	Y	G		T							
DEF		SPM	05/21/2013	DWLS 3RD DEGREE	N	D	XO		CL						
DEF		SPM	05/21/2013	FL RENEW EXPIRED REG <= 2 MTHS	N	C					I	A	\$602.00		
			05/21/2013	OP MOT VEH W/OUT INSURANCE	N	C									
			05/21/2013	NO DRIVER'S LICENSE ON PERSON	N	D	D								
DEF		OLM	01/01/2013	ASSAULT	Y	DO	XO	T	CL						
DEF		YKM	02/25/2010	ASSAULT 4 (DV)	Y	G		E		N		A	\$1,693.00		
			02/25/2010	ASSAULT 4 (DV)	Y	G									
DEF		YKM	08/24/2007	ASSAULT 4 (DV)	Y	G		E	CL	N					
DEF		YKM	07/03/2007	DUI	N	G			CL	N	A				
			07/03/2007	DWLS 3RD DEGREE	N	DW	MP								
DEF		YDC	08/05/2006	FLD TO DRIVE ON RIGHT SIDE OF ROAD	N	C			CL		A				
			08/05/2006	OP MOT VEH W/OUT INS	N	C									
DEF		YDC	08/05/2006	DUI	N	AM				N	A		\$1,879.94		
			08/05/2006	RECKLESS DRIVING	N	G									
			08/05/2006	DWLS 3RD DEGREE	N	DW	SO								
DEF		YKM	07/29/2006	DWLS 3RD DEGREE	N	G			CL	N	A				
DEF		YKM	07/29/2006	FLD SIGNAL STOPS/TURNS-UNSAFE LANE	N	C			CL		A				
			07/29/2006	OP MOT VEH W/OUT INS	N	C									
DEF		WAM	06/03/2006	MARIHUANA POSS LESS/EQUAL 40 GRAMS	N	G			CL						
DEF		REM	07/26/2000	DWLS 2ND DEGREE	N	G			CL	N	A				
DEF		PUM	03/31/2000	DUI	N	G				N	I	A	\$789.59		
DEF		SPM	02/20/1988	DRIVING WITH LICENSE SUSP. OR REVOK	N	G			CL						
DEF		SPM	01/15/1988	DRIVING WHILE INTOXICATED		G			CL						
			01/15/1988	DRIVING WITH LICENSE SUSP. OR REVOK	D										
A DEF		THD	12/18/1980	THIRD DEGREE THEFT		G			CL	N					
DEF		S32	08/08/2015	PROTECTION ORDER VIOL-FELONY	Y	G		A	CM	N	L		\$1,185.93		
DEF		S27	05/14/2015	SEX OFFEND/FLN FAIL TO REG	N	G			CM	N	L		\$740.01		
DEF		S32	03/26/2014	SEX OFFEND/FLN FAIL TO REG	N	G			CM	N	1		\$1,125.69		
* WIPDEF		S39	09/12/2006	SEX OFFEND/FELON-FAIL TO REGISTER	N	D			CMPL						
DEF		S32	07/26/1991	RAPE-2ND(FORCIBLE)		G			CM		L		\$2,699.89		
			07/26/1991	ROBBERY-2ND DEG		G									

<sup>174</sup> These screenshots have been redacted.

JABs Summary Tab & Electronic Citation Attachment

Current Person Information, Charge, Order & Electronic Ticket Attachment Link Screen

<b>Confidential - Not for Release</b>								
<b>Summary for Case:</b>			<b>Court:</b> SPOKANE COUNTY DIST (SPD)		<a href="#">Help</a>			
<b>Defendant 1:</b>	R [REDACTED]	<b>Law Enforcement Agency:</b>	SPOKANE COUNTY SHERIFF					
<b>Date of Birth:</b>	[REDACTED]	<b>Case Type:</b>	Criminal Non-Traffic					
<b>Address Line 1:</b>	[REDACTED]	<b>Filed In:</b>	SPOKANE COUNTY DISTRICT COURT					
<b>Address Line 2:</b>	[REDACTED]	<b>Order Type:</b>	NO CONTACT. Order status: Active					
<b>City:</b>	[REDACTED]	<b>Warrant Status:</b>	None					
<b>State:</b>	WA	<b>FTA Status:</b>	None					
<b>Country:</b>	US	<b>Case Disposition:</b>						
<b>Postal Code:</b>	[REDACTED]	<b>Process Control Number:</b>	603384822 10/22/2017					
<b>Violation Date:</b>	10/22/2017 at 09:52 PM		<b>City:</b>	Spokane Valley				
<b>Location:</b>	12120 Block of DIVISION ST RefWay: HASTINGS RD MilePost: 0.0		<b>County:</b>	SPOKANE				
<b>Original eTicket Violations:</b>								
<b>Violation 1:</b>	ASSAULT 4TH DEGREE	9A.36.041.2	<b>Original Bail:</b>	MANDATORY	<b>DV:</b>	Yes		
<b>Violation 2:</b>	POSS OF DANGEROUS WEAPON	9.41.250	<b>Original Bail:</b>	MANDATORY	<b>DV:</b>	No		
<b>Note:</b> brass knuckles								
<b>JIS Case Violations:</b>								
<b>Violation 1:</b>	<a href="#">ASSAULT 4TH DEGREE</a>	<a href="#">9A.36.041.2</a>	MANDATORY APPEARANCE		<b>DV:</b>	Yes		
Arraignment held on 10/23/2017. Plea/response of Not Guilty was entered on 10/23/2017.								
<b>Violation 2:</b>	<a href="#">POSS OF DANGEROUS WEAPON</a>	<a href="#">9.41.250</a>	MANDATORY APPEARANCE		<b>DV:</b>	No		
Either the arraignment has not been held, or the arraignment date has not been recorded in JIS.								
<b>Officer's Report:</b> see NEW WORLD								
<b>Traffic:</b>	<b>Weather:</b>	<b>Street:</b>						
<b>Attachments:</b> <a href="#">7Z1089272ViolatorCopy</a>								



When you click on the Attachment above it opens the electronic citation filed with the court – see next page



# Electronic Citation Attachment:

<b>CRIMINAL</b> <input type="checkbox"/> <b>TRAFFIC</b> <input type="checkbox"/> <b>NON-TRAFFIC</b> <input checked="" type="checkbox"/>		L.E.A. ORI #: WA0320000	COURT ORI #: WA032013J	ZZ1089272	REPORT #: 1710142343
IN THE <input checked="" type="checkbox"/> DISTRICT <input type="checkbox"/> MUNICIPAL COURT OF		<b>SPOKANE COUNTY DISTRICT COURT</b>		PLAINTIFF VS. NAMED DEFENDANT	
<input checked="" type="checkbox"/> STATE OF WASHINGTON <input type="checkbox"/> COUNTY OF		CITY/TOWN OF			
<b>THE UNDERSIGNED CERTIFIES AND SAYS THAT IN THE STATE OF WASHINGTON</b>					
DRIVER'S LICENSE NO. (SCANNED) R	STATE: WA	EXPIRES: 10-22-23	PHOTO ID MATCHED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	NAME LAST: R	FIRST: [REDACTED] MIDDLE: [REDACTED] SFX: [REDACTED]
ADDRESS: [REDACTED]		<input type="checkbox"/> IF NEW ADDRESS		CITY: [REDACTED]	STATE: WA ZIP CODE: 9[REDACTED]
EMPLOYER LOCATION					
[REDACTED]	RACE: W	SEX: M	HEIGHT: 5'1"	WEIGHT: 145	EYES: HAZ HAIR: [REDACTED]
VIOLATION DATE ON OR ABOUT: 10/22/2017 21:52	INTERPRETER NEEDED	AT LOCATION REF. TRAFFICWAY: DIVISION ST HASTINGS RD	M.P. BLOCK #: 12120	CITY/COUNTY OF: SPOKANE VALLEY/SPOKANE	
<b>DID OPERATE THE FOLLOWING VEHICLE/MOTOR VEHICLE ON A PUBLIC HIGHWAY AND</b>					
VEH LIC NO	STATE	EXPIRES	VEH YR	MAKE	MODEL
TR #1 LIC NO	STATE	EXPIRES	TR YR	TR #2 LIC NO	STATE EXPIRES TR YR
OWNER/COMPANY IF OTHER THAN DRIVER		ADDRESS			
CITY		STATE		ZIP CODE	
ACCIDENT	BAC	COMMERCIAL VEHICLE	<input type="checkbox"/> YES <input type="checkbox"/> NO	16+ PASS	<input type="checkbox"/> YES <input type="checkbox"/> NO
				HAZMAT	<input type="checkbox"/> YES <input type="checkbox"/> NO
				EXEMPT VEHICLE	<input type="checkbox"/> YES <input type="checkbox"/> NO
				FIRE LEA	<input type="checkbox"/> YES <input type="checkbox"/> NO
<b>DID THEN AND THERE COMMIT EACH OF THE FOLLOWING OFFENSES</b>					
1. VIOLATION/STATUTE CODE	9A.36.041.2	<input checked="" type="checkbox"/> DV ASSAULT 4TH DEGREE			
2. VIOLATION/STATUTE CODE	9.41.250	<input type="checkbox"/> DV POSS OF DANGEROUS WEAPON			
		<b>BRASS KNUCKLES</b>			
3. VIOLATION/STATUTE CODE		<input type="checkbox"/> DV			
4. VIOLATION/STATUTE CODE		<input type="checkbox"/> DV			
5. VIOLATION/STATUTE CODE		<input type="checkbox"/> DV			
RELATED #	DATE ISSUED: 10-22-17	One of the following options applies: <b>MANDATORY APPEARANCE</b>			
MANDATORY COURT APPEARANCE	APPEARANCE DATE: 10-31-17	TIME: 9:00 AM		1. If there is a <b>date</b> in the appearance date box you must appear in court at that date and time.	
<input checked="" type="checkbox"/> TICKET SERVED ON VIOLATOR	<input type="checkbox"/> TICKET REFERRED TO PROSECUTOR		2. If there is a <b>number</b> in the appearance date box you must appear in court within the number of days indicated.		
<input checked="" type="checkbox"/> BOOKED	3. If the appearance date box is <b>blank</b> , the court will notify you in writing when to appear. If you do not receive a notice within fifteen (15) days please contact the court immediately.				
<b>CRIMINAL CITATION</b>			When you appear, you will be advised of your constitutional rights and the possible penalties if you are convicted. You also may be asked to enter a plea of NOT GUILTY or GUILTY.		
You are charged with the crime(s) described on this form. You must respond to the court below.					
<b>SPOKANE COUNTY DISTRICT COURT</b> 1100 W. MALLON PO BOX 2352 SPOKANE WA 99210-2352		Traffic citations may go on your driving record.			
Court Contact Info: Phone 1: (509)477-4770 Email: DCCaseMgmt@spokanecounty.org Website: SpokaneCounty.org/DistrictCourt		IF YOU DO NOT APPEAR this may result in a warrant for your arrest and detention in jail. Also, if "Traffic" is checked you may lose your driver's license/privilege.			
I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT I HAVE ISSUED THIS ON THE DATE AND AT THE LOCATION ABOVE, AND I HAVE PROBABLE CAUSE TO BELIEVE THE ABOVE NAMED PERSON COMMITTED THE ABOVE OFFENSE(S), AND I AM ENTERING MY AUTHORIZED USER ID AND PASSWORD TO AUTHENTICATE IT.		RCW 46.61.502 Driving Under the Influence (DUI) drive a motor vehicle and either: have a 0.08 or higher breath or blood alcohol concentration or THC concentration of 5.00 or higher within 2 hours after driving or be under the influence of or affected by liquor, marijuana, or any drug, or a combination of liquor, marijuana, and any drug. RCW 46.20.342(1)(a) First Degree Driving While Suspended/Revoked (DWLS) be an habitual traffic offender and drive a motor vehicle while an order of revocation issued under chapter 46.65 RCW prohibiting such operation is in effect. RCW 46.20.342(1)(b) Second Degree Driving While Suspended/Revoked (DWLS) drive a motor vehicle while an order of suspension or revocation prohibiting such operation is in effect, and not be eligible to reinstate the license or driving privilege. RCW 46.20.342(1)(c) Third Degree Driving While Suspended/Revoked (DWLS) drive a motor vehicle while the license or privilege to drive is suspended or revoked for (1) failure to furnish proof of satisfactory progress in a required alcoholism or drug treatment program; or (2) failure to furnish proof of financial responsibility pursuant to chapter 46.29 RCW; or (3) failure to comply with chapter 46.29 RCW relating to uninsured accidents; or (4) failure to respond to a notice of traffic infraction, failure to appear at a requested hearing, violation of a written promise to appear in court, or failure to comply with the terms of a notice of traffic infraction or citation; or (5) suspension or revocation in another state that would not result in suspension or revocation in this state; or (6) failure to reinstate the driver's license or privilege after suspension or revocation in the second degree; or (7) the person has a suspension under RCW 46.20.267 relating to intermediate driver's licenses; or (8) not in compliance with child support order, or any combination of the above.			
OFFICER: NATALIE WOOLARD	# 591841				
OFFICER:	#				

CITATION # ZZ1089272 SPS CN

Confidential - Not for Release

Abstract Driving Record for Person: [REDACTED]

1 page document [Help](#)



Driving Record - [REDACTED]

Abstract of Driving Record - Court

This information is current as of 6/19/2018 2:54:11 PM

Driver information	
PIC	B [REDACTED]
Last	B [REDACTED]
First	[REDACTED]
Middle	[REDACTED]
Eye color	Green
Suffix	
DOB	[REDACTED]
Gender	Female
Height	5'5"
Weight	115
Residence address	
[REDACTED]	
Residence address change	
Requested	5/24/2018
Effective	5/24/2018
Reason	In person

Driver license status	
Status	Clear
Issued	[REDACTED]
Expires	[REDACTED]
Original issue date	[REDACTED]
ID status	
Issued	[REDACTED]
Expires	[REDACTED]
Original issue date	[REDACTED]

Drive record history									
Action date	Reason	Action taken	Eligibility date	Release date	Violation date	Violation #	DUI/BAC detail	THC	Licensing state
1/10/2009	Administrative action, Administrative per se .08 blood/alcohol content	No Action	4/19/2010	4/10/2009		[REDACTED]			ID
1/9/2009	Driving under the influence	No Action	4/19/2010	4/9/2009		[REDACTED]			ID

Comments	
Date	Comment
5/24/2018	Residence address change: MT 3/18/2015 3/18/2015   MT 3/16/2004 3/16/2004 - Mailing address change: MT 3/18/2015 3/18/2015   V 3/30/2006 6/12/2006
5/24/2018	Residence address verified: Match 3/18/2015   - Mailing address verified:
7/28/2011	QK336686D ID 120325422
8/10/2007	Moved out of state to ID1. Returned to WA on 5/24/2018

Note: Highlighted above you can see that the Defendant had events in the State of Idaho – this can prompt the lawyers and court to check out of state criminal history to determine if there are domestic violence cases and orders out of state.

JABs Domestic Violence Inquiry Tab

Confidential - Not for Release

**Domestic Violence Inquiry for all Participants in Case** [REDACTED]

[Help](#)

Domestic, Parentage, or Dependency Cases with DV or Children

NONE FOUND

Civil Cases with DV, Anti-Harassment or Sexual Assault Petitions

NONE FOUND

Convictions of DV or Sex Related Crimes

Sel	Court	Case	Filing Date	Orders	Party	Name
<input checked="" type="radio"/>	SPOKANE COUNTY DIST	[REDACTED]	07/07/2017	Active	Defendant	[REDACTED]
<input type="radio"/>					Victim	[REDACTED]
<input type="radio"/>	SPOKANE SUPERIOR	[REDACTED]	08/10/2015	Active	Defendant	[REDACTED]
<input type="radio"/>	SPOKANE COUNTY DIST	[REDACTED]	08/10/2015	Terminated	Defendant	[REDACTED]
<input type="radio"/>	SPOKANE MUNICIPAL	[REDACTED]	09/10/2013	Expired	Defendant	[REDACTED]
<input type="radio"/>	SPOKANE MUNICIPAL	[REDACTED]	07/09/2013	Terminated	Defendant	[REDACTED]
<input type="radio"/>	YAKIMA MUNICIPAL	[REDACTED]	02/26/2010	Expired	Defendant	[REDACTED]
<input type="radio"/>	YAKIMA MUNICIPAL	[REDACTED]	08/27/2007	Expired	Defendant	[REDACTED]

Pending Criminal Cases of DV or Sex Related Crimes

Sel	Court	Case	Filing Date	Orders	Party	Name
<input type="radio"/>	SPOKANE COUNTY DIST	[REDACTED]	06/11/2018		Defendant	[REDACTED]
<input type="radio"/>	SPOKANE MUNICIPAL	[REDACTED]	05/06/2014		Defendant	[REDACTED]

JABs Orders Tab

Confidential - Not for Release						
Order Information for Person: B [REDACTED] <a href="#">Help</a>						
Exp/Term/Deny Date	Order Description	Status	Decision	Party	Case Number	Court
	<a href="#">No Contact Order (Criminal)</a>	Active	RESTRAINS	Defendant (WIP)	[REDACTED]	S02
	<a href="#">ANTI-HARASSMENT</a>	Active	RESTRAINS	Respondent	[REDACTED]	POD
06/18/2018	<a href="#">TEMP PROTECTION</a>	Terminated	PROTECTS	Petitioner	[REDACTED]	SPD
05/31/2018	<a href="#">TEMP ANTI-HARASSMENT</a>	Terminated	RESTRAINS	Respondent	[REDACTED]	POD
05/10/2018	<a href="#">TEMP ANTI-HARASSMENT</a>	Denied	DENIED	Respondent	[REDACTED]	POD
05/10/2018	<a href="#">TEMP ANTI-HARASSMENT</a>	Terminated	RESTRAINS	Respondent	[REDACTED]	POD
04/26/2018	<a href="#">TEMP ANTI-HARASSMENT</a>	Expired	RESTRAINS	Respondent	[REDACTED]	POD
04/12/2018	<a href="#">Temporary Protection Order</a>	Terminated	RESTRAINS	Respondent (WIP)	[REDACTED]	S26
04/12/2018	<a href="#">Protection Order</a>	Denied	DENIED	Respondent (WIP)	[REDACTED]	S26
04/12/2018	<a href="#">Protection Order</a>	Denied	DENIED	Respondent (WIP)	[REDACTED]	S26
04/12/2018	<a href="#">Protection Order</a>	Denied	DENIED	Respondent (WIP)	[REDACTED]	S26
12/07/2017	<a href="#">Anti-Harassment Order</a>	Terminated	RESTRAINS	Respondent (WIP)	[REDACTED]	S26
10/14/2017	<a href="#">ANTI-HARASSMENT</a>	Expired	RESTRAINS	Respondent	[REDACTED]	SPD
03/31/2017	<a href="#">Temporary Anti-Harassment Order</a>	Expired	RESTRAINS	Respondent (WIP)	[REDACTED]	S26
03/24/2017	<a href="#">TEMP ANTI-HARASSMENT</a>	Terminated	RESTRAINS	Respondent	[REDACTED]	SPD
03/10/2017	<a href="#">Temporary Anti-Harassment Order</a>	Expired	RESTRAINS	Respondent (WIP)	[REDACTED]	S26
02/13/2017	<a href="#">Temporary Anti-Harassment Order</a>	Denied	DENIED	Respondent (WIP)	[REDACTED]	S26
02/13/2017	<a href="#">Temporary Anti-Harassment Order</a>	Denied	DENIED	Respondent (WIP)	[REDACTED]	S26
02/10/2017	<a href="#">NO CONTACT</a>	Expired	RESTRAINS	Defendant	[REDACTED]	SPD
10/22/2016	<a href="#">Protection Order</a>	Expired	RESTRAINS	Respondent (WIP)	[REDACTED]	S26
08/11/2016	<a href="#">PROTECTION</a>	Expired	RESTRAINS	Respondent	[REDACTED]	ASD
10/22/2015	<a href="#">Temporary Protection Order</a>	Expired	RESTRAINS	Respondent (WIP)	[REDACTED]	S26
06/03/2014	<a href="#">No Contact Order (Criminal)</a>	Terminated	RESTRAINS	Defendant (WIP)	[REDACTED]	S02
07/01/2013	<a href="#">ANTI-HARASSMENT</a>	Expired	RESTRAINS	Defendant	[REDACTED]	WTD
11/08/2012	<a href="#">NO CONTACT</a>	Terminated	RESTRAINS	Defendant	[REDACTED]	SPM
08/20/2010	<a href="#">No Contact Order (Criminal)</a>	Expired	RESTRAINS	Defendant (WIP)	[REDACTED]	S38
08/02/2010	<a href="#">PROTECTION</a>	Denied	DENIED	Respondent	[REDACTED]	S32
08/02/2010	<a href="#">TEMP PROTECTION</a>	Expired	RESTRAINS	Respondent	[REDACTED]	S32
08/02/2010	<a href="#">TEMP PROTECTION</a>	Expired	RESTRAINS	Respondent	[REDACTED]	S32

Details for 6/18/18 Temporary Protection Order above:

Back		Court: SPOKANE COUNTY DIST	
<b>Order Detail Information</b>			
<b>Cause:</b>	Domestic Violence Petition	<b>Case Filed:</b>	06/04/2018
<b>Title:</b>	B [REDACTED] VS [REDACTED]	<b>Order Filed:</b>	06/04/2018
<b>Order Status:</b>	Terminated	<b>Order Expires:</b>	06/18/2018
<b>Judge:</b>	[REDACTED]	<b>Termination Date:</b>	06/18/2018
<b>Order Type:</b>	TEMP PROTECTION	<b>Previous Expire Date:</b>	
<b>Decision Date:</b>	06/18/2018 at 12:22 PM	<b>Previous Decision Date:</b>	
<b>Denial Reason:</b>			
<b>Name</b>	<b>Sex</b>	<b>Date of Birth</b>	<b>Party</b>
B [REDACTED]	M	[REDACTED]	Petitioner
S [REDACTED]	M	[REDACTED]	Respondent
			<b>Decision</b>
			PROTECTS
			RESTRAINS

JABs Relations Tab

Summary Docket DVI Orders Proceedings Participants eTicket Plea/Sent  
 DOL PDF FTAs Orders Proceedings Relations Warrants Assessment

Confidential - Not for Release

Family Relationship History for: [REDACTED]

[Help](#)

Address: [REDACTED]

Alias: [REDACTED]

Aliases	Name	Sex	AKA Count	Entry Date	Court	Date of Birth	RW	RP
	<b>Former Dating Relationship</b>							
	R [REDACTED]	F		02/03/2015	SPD	[REDACTED]		
	<b>Formerly Residing Together</b>							
	S [REDACTED]	M		06/04/2018	SPD	[REDACTED]		
	<b>No Family Relationship</b>							
	M [REDACTED]	M		03/13/2017	SPD	[REDACTED]		
	A [REDACTED]	F		09/30/2016	SPD	[REDACTED]		
	<b>Unknown</b>							
A	B [REDACTED]	M			S26	[REDACTED]		
	B [REDACTED]	M			S32	[REDACTED]		
	B [REDACTED]	F	2		S26	[REDACTED]		
	B [REDACTED]	F			POD	[REDACTED]		
A	B [REDACTED]	F	2		S32	[REDACTED]		
	C [REDACTED]	M			POD	[REDACTED]		
	M [REDACTED]	F			POD	[REDACTED]		
	M [REDACTED]	M			POD	[REDACTED]		
	M [REDACTED]	F			S26	[REDACTED]		
A	N [REDACTED]	M			S02	[REDACTED]		
	N [REDACTED]	F			ASD	[REDACTED]		
A	R [REDACTED]	M			S02	[REDACTED]		
	S [REDACTED]	F			SPM	[REDACTED]		
	S [REDACTED]	F			WTD	[REDACTED]		
	S [REDACTED]	F			S38	[REDACTED]		
	S [REDACTED]	M			S26	[REDACTED]		
	S [REDACTED]	M			S26	[REDACTED]		
	S [REDACTED]	M			S26	[REDACTED]		
	T [REDACTED]	F			SPM	[REDACTED]		

Summary Docket DVI Orders Proceedings Participants eTicket Plea/Sent  
 DOL PDF FTAs Orders Proceedings Relations Warrants Assessment

Confidential - Not for Release

Family Relationship History for: G [REDACTED]

[Help](#)

Address: 8415 E B [REDACTED]

Aliases	Name	Sex	AKA Count	Entry Date	Court	Date of Birth	RW	RP
	<b>Cousin</b>							
	M [REDACTED]	F		06/18/2018	SPD	[REDACTED]		
	W [REDACTED]	M		06/18/2018	SPD	[REDACTED]		
	<b>Former Dating Relationship</b>							
	D [REDACTED]	F		02/22/2007	SPD	[REDACTED]		
	<b>Unknown</b>							
	D [REDACTED]	F		02/20/2007	SPD	[REDACTED]		
	J [REDACTED]	F	1		SPM	[REDACTED]		
	M [REDACTED]	F				08/21/1968		

JABs Warrant Tab

Summary Docket DVI FTAs Orders Proceedings Participants eTicket Plea/Sent  
 DOL PDF FTAs Orders Proceedings Relations Warrants Assessment

Confidential - Not for Release

Warrant Information for Person: B [REDACTED]

[Help](#)

Status	Order Date	Issue Date	Reason(s)	Case Number	Court	Amount
<a href="#">Superior Court Case - click to view warrant related docket text</a>				[REDACTED]	PIERCE CO SUPERIOR	
<a href="#">Superior Court Case - click to view warrant related docket text</a>				[REDACTED]	SPOKANE SUPERIOR	
<a href="#">Superior Court Case - click to view warrant related docket text</a>				[REDACTED]	SPOKANE SUPERIOR	
<a href="#">Return Warrant</a>	06/11/2018	06/11/2018	Failure to Appear for Hearing	[REDACTED]	SPOKANE COUNTY DIST	\$10050.00
<a href="#">Return Warrant</a>	12/04/2017	12/04/2017	Failure to Appear for Hearing	[REDACTED]	SPOKANE COUNTY DIST	\$10050.00
<a href="#">Return Warrant</a>	07/06/2017	07/06/2017	Failure to Appear for Hearing	[REDACTED]	AIRWAY HTS MUN COURT	\$500.00
<a href="#">Return Warrant</a>	04/15/2015	04/15/2015	Failure to Appear for Hearing	[REDACTED]	SPOKANE MUNICIPAL	\$5000.00
<a href="#">Return Warrant</a>	10/03/2014	10/03/2014	Failure to Appear for Hearing	[REDACTED]	SPOKANE MUNICIPAL	\$5000.00
<a href="#">Return Warrant</a>	05/08/2014	05/08/2014	Probable Cause	[REDACTED]	SPOKANE MUNICIPAL	\$2000.00
<a href="#">Return Warrant</a>	11/19/2010	11/22/2010	Failure to Appear for Hearing	[REDACTED]	YAKIMA MUNICIPAL	\$1000.00
<a href="#">Return Warrant</a>	06/05/2008	06/05/2008	Failure to Appear for Hearing	[REDACTED]	YAKIMA MUNICIPAL	\$1000.00
<a href="#">Return Warrant</a>	06/05/2008	06/05/2008	Failure to Appear for Hearing	[REDACTED]	YAKIMA MUNICIPAL	\$1000.00
<a href="#">Return Warrant</a>	10/16/2007	10/22/2007	Failure to Appear for Hearing	[REDACTED]	YAKIMA COUNTY DIST	\$2500.00
<a href="#">Return Warrant</a>	09/28/2007	10/01/2007	Failure to Comply with Court Order	[REDACTED]	YAKIMA MUNICIPAL	\$1500.00
<a href="#">Return Warrant</a>	09/19/2007	09/21/2007	Failure to Appear for Hearing	[REDACTED]	YAKIMA MUNICIPAL	\$7500.00
<a href="#">Return Warrant</a>	08/01/2007	08/03/2007	Failure to Appear for Hearing	[REDACTED]	PUYALLUP MUNICIPAL	\$10000.00
<a href="#">Return Warrant</a>	08/15/2006	08/15/2006	Failure to Appear for Hearing	[REDACTED]	YAKIMA MUNICIPAL	\$500.00
<a href="#">Return Warrant</a>	09/09/2003	09/11/2003	Failure to Appear for Hearing	[REDACTED]	PUYALLUP MUNICIPAL	\$5000.00
<a href="#">Return Warrant</a>	02/08/2001	02/08/2001	Failure to Comply with Court Order	[REDACTED]	RENTON MUNICIPAL	\$450.00
<a href="#">Return Warrant</a>	08/22/2000	08/30/2000	Failure to Appear for Hearing Failure to Pay Fine or Appear	[REDACTED]	PUYALLUP MUNICIPAL	\$5000.00

Details for warrant highlighted above:

[Back](#)

**Warrant Detail Information** [REDACTED] **Court: PIERCE CO SUPERIOR**

Order Date	Issue Date	Cancel/Quash Date	Return Date	Docket Text	Party	Name
01/07/2016				BENCH WARRANT ORDER DIRECTING ISSUANCE OF BENCH W		
		04/14/2016		ORDER QUASHING BENCH WARRANT		
			04/21/2016	SHERIFF'S RETURN ON BW		

**Note:** If no party information displays in the Party column, then there is insufficient data to determine the participant to which the warrant applies.



JABs Assessment Tab & ASRA Report

Summary	Docket	DVI	FTAs	Orders	Proceedings	Participants	eTicket	Plea/Sent
	DOL PDF		FTAs	Orders	Proceedings	Relations	Warrants	Assessment

Confidential - Not for Release

Risk Assessment Information for Person: B [REDACTED]

[Help](#)

AKA	Assessment Date	Static Risk Level	Felony	Property / Violent	Violent	Created by
	<a href="#">08/10/2015 8:04 AM</a> PDF	Low	32	32	55	S32
	<a href="#">08/10/2015 8:03 AM</a> PDF	Low	32	32	55	SPM
	<a href="#">11/14/2014 10:49 AM</a> PDF	Low	32	32	55	S32
	<a href="#">11/14/2014 9:25 AM</a> PDF	Low	31	32	54	SPM
	<a href="#">09/11/2013 8:48 AM</a> PDF	Low	31	32	54	SPM
	<a href="#">07/09/2013 8:19 AM</a> PDF	Low	31	32	54	SPM

ASRA RISK ASSESSMENT REPORT FOR 8/10/2015 above

Risk Assessment Report for B [REDACTED]

Page 1

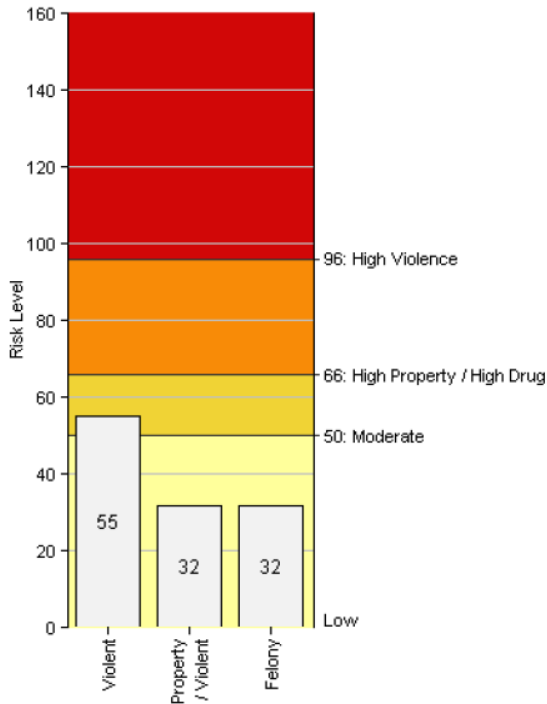
Person Name Code: [REDACTED]

Printed On Date: 08/10/2015

Date of Birth: [REDACTED]  
Gender: Male

Assessment Date: 08/10/2015  
Assessor Name: [REDACTED]  
Assessment Status: Completed

Risk Level: **Low**



**Risk Score**

Violent Score:	55
Property/Violent Score:	32
Felony Score:	32

**Estimated Recidivism Rates**

Total Recidivism:	19%
Felony Recidivism:	11%
Violent Felony Recidivism:	3%

**Risk Level Classification Rules**

- **High Violent:** Violent Score is greater than or equal to 96
- **High Property:** Not High Violent Risk and Property/Violent score is greater than or equal to 66
- **High Drug:** Not High Violent Risk and not High Property Risk and Felony score is greater than or equal to 66
- **Moderate:** Not High Risk and Property/Violent score or Felony score is greater than or equal to 50
- **Low:** Not High Violent Risk and not Moderate Risk and Property/Violent score and Felony score are less than 50

**Criminal Justice Cycles used in Assessment Calculations**

Case Number	Charge	Law Number	DV	Severity	Jurisdiction	Dispo Date
[REDACTED]	SEX OFFEND/FLN FAIL TO REG	9A.44.132(1)(A)	N	73	SPOKANE SUPERIOR	01/09/2015
	NO CONTACT ORDER VIOLATION	10.09.040	Y	63	SPOKANE MUNICIPAL	09/23/2013
	ASSAULT	10.11.010	Y	65	SPOKANE MUNICIPAL	07/24/2013
	ASSAULT 4 (DV)	YKM6.04.020D\	Y	65	YAKIMA MUNICIPAL	03/15/2010
	DUI	46.61.502	N	15	YAKIMA MUNICIPAL	12/18/2007
	ASSAULT 4 (DV)	YKM6.04.020D\	Y	65	YAKIMA MUNICIPAL	09/10/2007
	RECKLESS DRIVING	46.61.500	N	4	YAKIMA COUNTY DIST	08/24/2006
	DWLS 3RD DEGREE	46.20.342.1C	N	4	YAKIMA MUNICIPAL	08/23/2006
	MARIJUANA POSS LESS/EQUAL 40 GRAM	69.50.4014	N	21	WAPATO MUNICIPAL	07/20/2006
	DUI	46.61.502	N	15	PUYALLUP MUNICIPAL	01/24/2006
	DWLS 2ND DEGREE	46.20.342.1B	N	4	RENTON MUNICIPAL	07/27/2000
	DRIVING WITH LICENSE SUSP. OR REVOK	M16.20.416	N	4	SPOKANE MUNICIPAL	04/04/1988
	DRIVING WHILE INTOXICATED	M16.61.502		15	SPOKANE MUNICIPAL	01/15/1988

End Risk Assessment Report for B [REDACTED]

\*SW ASRA\_1.0 06/30/2011

*JABs Plea & Sentence Tab*

Summary		DOL PDF	FTAs	Orders	Proceedings	Relations	Warrants	Assessment
Docket		DVI	FTAs	Orders	Proceedings	Participants	eTicket	Plea/Sent
Confidential - Not for Release								
<b>Sentencing for Case:</b>			[REDACTED]			Court: SPOKANE COUNTY DIST (SPD) <a href="#">Help</a>		
<b>Charge1:</b>	9A.36.041, ASSAULT 4TH DEGREE					DV: Yes		
<b>Arraignment:</b>	Plea/Response:							
<b>Finding/Judgment:</b>	GV 07/25/2017	<b>Finding Judge:</b> PCW		<b>F/J Reason:</b>				
<b>Sentence Date:</b>	07/25/2017	<b>Sentence:</b> PCW	<b>Waived Counsel:</b>		<b>BAC:</b>	<b>THC:</b>		
<b>Jail Sentence:</b>	364	<b>Suspended Jail:</b> 345	<b>Credit:</b> 19		<b>Jail Complied:</b> Y			
<b>Fine:</b>	\$5,000.00	<b>Suspended:</b>	\$5,000.00	<b>Other:</b> \$778.00	<b>Total:</b> \$778.00			
<b>Fine:</b>		<b>Fine:</b>						
<b>Case Conditions</b>	<b>Time</b>	<b>Fee</b>	<b>Imposed Date</b>	<b>Review Date</b>	<b>Complied</b>			
PR5 Proof of Surrender			07/07/2017		N			
ODD See docket/special conditions			07/07/2017		N			
NCR No Criminal Violations			07/07/2017		N			
NCO No Contact Order			07/07/2017	07/07/2099	N			
PR5 Proof of Surrender			07/25/2017		N			
NCR No Criminal Violations			07/25/2017		N			
REC Recoupment		\$275.00	07/25/2017		N			
PRF Probation Fee Assessed		\$460.00	07/25/2017		N			
NND No Use of Non-prescribed Drugs			07/25/2017		N			
NCP No contact per court directive			07/25/2017		N			
NAD No Alcohol or Drugs			07/25/2017		N			
NAC Notify court of address change			07/25/2017		N			
ICP Interstate Compact Placement			07/25/2017		N			
GUN No Firearms/Possess Firearms			07/25/2017		N			
DVT Domestic Violence Treatment			07/25/2017		N			
DVA Domestic Violence Assessment			07/25/2017		N			
DRT Drug Treatment			07/25/2017		N			
DRA Drug Assessment			07/25/2017		N			
ALT Alcohol treatment			07/25/2017		N			
ACT Active Supervised Probation			07/25/2017		N			
AAO Alcohol Assessment			07/25/2017		N			
PRO Probation			07/25/2017	07/25/2019	N			



# Appendix H: New York Domestic Violence Risk Factor Guide for Judges

## New York State Unified Court System

### FAMILY COURT JUDICIAL GUIDE TO DOMESTIC VIOLENCE RISK FACTORS

RISK FACTOR	WHAT TO LOOK FOR	LEGAL CONTEXT
<b>Context of Violence</b>	<ul style="list-style-type: none"> <li>Was this the <b>first time</b> that something like this happened?</li> <li>If not, what happened before? How long ago?</li> <li>What was the <b>worst or most serious thing</b> that happened?</li> <li>Medical treatment needed?</li> <li>Has the <b>physical violence increased</b> in frequency or severity over the past year?</li> <li>Is there a recent <b>loss of employment</b>?</li> <li>Is there a history of <b>substance abuse or mental health</b> concerns?</li> </ul>	Use of some illegal drugs; increased severity/frequency of violence; unemployment increases lethality and recidivism. Medical costs can be allocated FCA §828(4) and §842(h); batterer's program can be required, and may include substance abuse programs under §842(g).
<b>Criminal and Family Court History</b>	<ul style="list-style-type: none"> <li><b>Criminal and Family Court check</b>, OP registry, sex offender registry</li> <li>Pending or prior <b>Orders of Protection</b></li> <li>Pending order of <b>Support</b></li> </ul>	Prior OPs/crim history can be a risk factor for re-offending. FCA §814 provides for communication between Crim and Fam. Ct.; §822(6) OP inquiry required; prior orders and violations are relevant FCA §821-1(6); §FCA 827.
<b>Relationship Status</b>	<ul style="list-style-type: none"> <li>When did the relationship begin? When did it end?</li> <li>Where does each party live? Did they live together, if so when?</li> <li>Are they <b>recently separated</b>?</li> </ul>	Separation within the past year increases risk of lethality and recidivism. FCA §828 authorizes temporary child support; FCA §842 and RPL §227-c authorize lease termination.
<b>Firearms/ Weapons</b>	<ul style="list-style-type: none"> <li>Does respondent have <b>access to a firearm or weapon</b>?</li> <li>Is there a firearm or weapon in the home?</li> <li>Has the respondent ever used or <b>threatened to use a weapon</b> against the petitioner?</li> </ul>	Respondent access to firearm and use or threatened use of lethal weapon increases lethality risk. FCA §842-a and 18 U.S.C. 922(g)(8,9) include firearms restrictions.
<b>Strangulation</b>	<ul style="list-style-type: none"> <li>Has respondent ever <b>attempted to strangle</b> or choke the petitioner?</li> </ul>	Strangulation increases lethality. Obstruction of breathing PL §121.11/12/13.
<b>Threats to Kill</b>	<ul style="list-style-type: none"> <li>Has respondent ever <b>threatened to or tried to kill</b> the petitioner?</li> </ul>	Disorderly Conduct, Harassment and Aggravated Harassment PL §240.20/25/26/30/31.
<b>Sexual Violence</b>	<ul style="list-style-type: none"> <li>Has respondent <b>forced the petitioner to have sex</b>?</li> </ul>	PL Art 130 Sex Offenses.
<b>Controlling Behavior</b>	<ul style="list-style-type: none"> <li>Does respondent <b>try to control</b> most or all of petitioner's daily activities?</li> <li>Is respondent <b>constantly or violently jealous</b>?</li> <li>Who has <b>access to bank accounts</b>, the car, etc.?</li> </ul>	Violent jealousy and stalking behaviors are lethality factors and may constitute Stalking PL §120.45-60.
<b>Stalking</b>	<ul style="list-style-type: none"> <li>Does the respondent <b>repeatedly call, text, or email</b> the petitioner?</li> <li><b>Send unwanted gifts</b> or other items to the petitioner?</li> <li><b>Monitor petitioner's phone calls</b>, computer use, or social media?</li> <li><b>Use technology</b>, like hidden cameras or global positioning systems (GPS), to track the petitioner?</li> <li><b>Drive by or hang out</b> at the petitioner's home, school, or work?</li> <li><b>Follow or show up</b> wherever the petitioner is?</li> </ul>	Stalking increases risk of lethality. Stalking PL §120.45-60.
<b>Petitioner's Belief</b>	<ul style="list-style-type: none"> <li>Does the petitioner <b>believe that the respondent will re-assault or attempt to kill</b> the petitioner?</li> </ul>	Petitioner's belief of harm is a lethality factor FCA §821(1).
<b>Children</b>	<ul style="list-style-type: none"> <li>Has there been <b>direct physical abuse</b>? <b>Threats to harm</b> children? Child <b>sexual abuse</b>?</li> <li>Were <b>children present</b> during the incident?</li> <li>Have the <b>children witnessed violence</b> between the parties?</li> <li>Is the respondent the <b>biological</b> parent of the child(ren)?</li> </ul>	Having a child who is not the respondent's increases lethality and recidivism. Assault during pregnancy increases risk of lethality. Children present increases risk of recidivism. FCA §842(b)(c) and following: court may limit custody or access on OP; court may include child as a protected party on OP, Annie C. v. Marcellus W., 278 AD2d 177 (1st Dept 2000).
<b>Safety Planning</b>	<ul style="list-style-type: none"> <li><b>Are there safety measures in place</b>? Petitioner service referral?</li> <li>Is the petitioner eligible for an attorney?</li> </ul>	FCA §821-a requires court to inform both parties of right to attorney; §154-c(2) and §844 covers modification.



This Guide is to assist Family Court judges in identifying domestic violence risk factors and to offer legal remedies or specific conditions that may be appropriate that respond to the correlating risk. This Guide may also be valuable in assisting courts in crafting temporary and final custody, parental access and visitation orders in cases involving domestic violence. The Guide is not exhaustive, is not meant to be a substitute for the court's discretion in determining the credibility of the allegations and weight of each factor, and is not meant to be filled out, scored in any way, or placed in any court file.

## HOW TO USE - FAMILY COURT JUDICIAL GUIDE TO DOMESTIC VIOLENCE RISK FACTORS

### GENERAL INSTRUCTIONS

- Provide both parties with notice of right to retain counsel and, if indigent, to assigned counsel under FCA 262(a)(ii) and 821-a(3)(a) and Jud L 35
- Provide the responding party with an opportunity to be heard as to any risk factors identified
- If ex parte application for a Temporary Order of Protection involves exclusion from the home, the case should be scheduled with a short return date
- **EXPLAIN THE TERMS AND CONDITIONS OF THE TEMPORARY ORDER OF PROTECTION TO ALL PARTIES, WITH THE ASSISTANCE OF AN INTERPRETER WHERE LIMITED ENGLISH PROFICIENCY OR HEARING IMPAIRMENT IS AN ISSUE**

### Limitations of eliciting safety or risk information from petitioners in open court

- **Safety concerns or trauma** can affect the petitioner's ability to provide accurate information in open court
- **Soliciting information from petitioners** in a private setting (by someone other than the judge) improves the accuracy of information and also serves as an opportunity to provide information and resources to the petitioner

### At Initial Hearing under §828:

- **This tool can assist in determining the terms and conditions** on the temporary order, whether to issue a warrant, how quickly to calendar the return hearing, and whether temporary support should be ordered

### At Dispositional Hearings §833:

- **This tool can assist in determining type and length of order**, and which conditions are appropriate, including firearms surrender, support, children on the order, and/or program mandates

### Requests for Modifications §154-c(2) and §844; Violation Hearings §846:

- **This tool can assist in modification of type and length of order**, and which conditions are appropriate, including firearms surrender, support, children on the order, and/or program mandates; or adding terms and conditions after a violation hearing

### Provide petitioners information on risk assessment factors and the option of consulting with confidential advocates

- Information and access to advocates improves petitioner safety and the quality of petitioners' risk assessments and, as a result, the court's own risk assessments

### Cultural factors may impact litigants' understanding of this tool

- Information and access to language services should be made available to litigants to ensure their understanding of the risk factors and the petition
- Some of the terms on this tool may need to be explained in more detail

### Note that this list of risk factors is not exclusive

- The listed factors are the ones **most commonly present when the risk of serious harm or death exists**
- Additional factors exist which assist in prediction of re-assault
- Petitioners may face and fear other risks such as homelessness, poverty, criminal charges, loss of children or family supports

### Remember that the level and type of risk can change over time

- **The most dangerous time is during or after the period when the petitioner:**
  - is separating or has separated from the respondent
  - has disclosed or is attempting to disclose the abuse to others

**Risk factors may be used to tailor supervision strategies and oversight.**

**This Guide is an educational tool used to contextualize certain behaviors within the NY State Penal Code. It may also be valuable in assisting courts in making custody-related determinations in cases involving domestic violence.**

### REMEMBER TO EXPLAIN THE TERMS AND CONDITIONS OF THE TEMPORARY ORDER TO THE PETITIONER.

These factors were compiled based on the work of Minnesota's Gender Fairness Implementation Committee; 2009, Identifying Risk Worksheet created by Probation Officer James E. Henderson Jr. of the 15th District Court in Ann Arbor MI. This project was supported by subgrant No. VW10562640 and subgrant no.VW12562642 awarded pursuant to a S.T.O.P. Violence Against Women Formula Grant Program administered by DCJS, the New York State administering office. The opinions, findings, conclusions, and recommendations expressed in this publication/program/exhibition are those of the author(s) and do not necessarily reflect the views of the state or the U.S. Department of Justice, Office on Violence Against Women. This guide was developed by the Unified Court System with the assistance of the Center for Court Innovation. June 2015

# Appendix I: Bench Guide for Recognizing Dangerousness in Domestic Violence Cases

## Bench Guide for Recognizing Dangerousness in Domestic Violence Cases

By Jacquelyn C. Campbell, PhD, RN, FAAN and

Hon. Sharon Chatman, Superior Court of California, County of Santa Clara

*This tool is a research-based bench guide for use by judicial officers at all stages of judicial proceedings involving allegations of domestic violence and orders of protection in civil and criminal domestic violence cases.*

Research has proven that there are several factors associated with an increased risk of homicides (murders) of women in intimate partner domestic violence relationships. This bench guide is not intended to predict what will happen in any given case; it is an informational tool for your consideration as you review a case and become aware of the extent to which the evidence reveals how many lethality factors (danger of homicide) are present. This bench guide is not a substitute for judicial experience, knowledge, skills, and intuition.<sup>1</sup>

### Pending/Prior:

- Emergency Protective Order    Criminal Protective Order    Civil Protective Order  
 Criminal History Check    Registered Firearms Check

### Lethality Factors

*Factors in this column are given more weight in descending order.*

Does the alleged perpetrator own a gun?	Yes	No	Does the alleged perpetrator use any of these illegal drugs: "uppers" or amphetamines, Meth, speed, angel dust, cocaine, "crack," street drugs, or mixers?	Yes	No
Has the physical violence increased in severity or frequency over the past year?	Yes	No	Is the alleged perpetrator an alcoholic or problem drinker?	Yes	No
Has the alleged victim left the alleged perpetrator after they lived together during the past year?	Yes	No	Does the alleged perpetrator try to control most or all of the alleged victim's daily activities? (i.e., tells victim when to see friends or family members or how much money to spend)	Yes	No
Is the alleged perpetrator unemployed?	Yes	No	Is the alleged perpetrator violently and constantly jealous of the alleged victim? (i.e., "If I can't have you, no one can.")	Yes	No
Has the alleged perpetrator ever used or threatened the victim with a lethal weapon?	Yes	No	Has the alleged victim been beaten by the alleged perpetrator while pregnant?	Yes	No
Has the alleged perpetrator ever threatened to kill the victim?	Yes	No	Has the alleged perpetrator ever threatened or tried to commit suicide?	Yes	No
Has the alleged perpetrator avoided being arrested for domestic violence?	Yes	No	Has the alleged perpetrator ever threatened to harm the alleged victim's children?	Yes	No
Does the alleged victim have a child that is not the alleged perpetrator's child?	Yes	No	Does the alleged victim believe that the alleged perpetrator is capable of killing her/him?	Yes	No
Has the alleged perpetrator forced the alleged victim to have sex when the victim did not want to?	Yes	No	Does the alleged perpetrator follow or spy on the alleged victim, leave threatening notes or messages, destroy personal property or make unwanted calls?	Yes	No
Has the alleged perpetrator ever tried to choke/strangle the alleged victim?	Yes	No	Has the alleged victim ever threatened or tried to commit suicide?	Yes	No

### NOTES:

<sup>1</sup> Please note that this checklist of lethality factors is not exhaustive. The listed factors are the ones most commonly present when the risk of serious harm or death exists. The presence of these factors can indicate elevated risk of serious injury or lethality. The absence of these factors is not, however, evidence of the absence of risk of lethality or evidence that any particular judicial action (for example, granting an Order of Protection) should not be taken.



# Appendix J: Table of Contents: Social Worker’s Practice Guide to Domestic Violence

## Table of Contents

<b>Message from the Assistant Secretary</b> .....	<b>2</b>
<b>Introduction and Definition of Terms</b> .....	<b>3</b>
<b>Part 1</b> Overview of Domestic Violence and Child Welfare .....	<b>5</b>
Recognizing Domestic Violence .....	6
Impact of Domestic Violence on Children, DV Victims, and DV Perpetrators .....	7
Increasing Children’s Safety by Supporting Adult DV Victims and Holding DV Perpetrators Accountable .....	9
Working with the Community to Increase Safety for DV Victims and Children .....	11
<b>Part 2</b> Legal Considerations and CA Domestic Violence Policies .....	<b>15</b>
Protection Orders .....	16
Reasonable Efforts Regarding Domestic Violence .....	17
Access to Records and Information .....	18
Access to Children .....	19
Foundation for CA’s DV Specific Policies .....	20
<b>Practice Recommendations: Responding to Domestic Violence</b> .....	<b>21</b>
<i>Safety First: Interviewing Strategies for Screening, Assessing, and Responding to Domestic Violence</i> .....	22
<b>Part 3</b> Routine Screening for Domestic Violence .....	<b>25</b>
Domestic Violence Screening Procedures at Intake .....	26
Screening for DV throughout the Life of a Case .....	28
DV Screening Procedures at Investigation/Assessment .....	29
<b>Part 4</b> Specialized Assessment of the Risk DV Poses to Children .....	<b>33</b>
Key Elements of the Specialized DV Assessment of Risk to Children .....	34
Specialized DV Assessment Procedures .....	34
Specialized DV Assessment Procedures at Intake .....	35
Specialized DV Assessment Procedures during Investigation/Assessment .....	36
Specialized DV Assessment during Service Planning, Monitoring, and Review .....	51
Documentation of the Specialized DV Assessment .....	51
Integrating the Specialized DV Assessment into the CA Risk Assessment Process .....	51
Talking with Children about Domestic Violence .....	52
<b>Part 5</b> Applications of the Specialized DV Assessment to Case Decision Making .....	<b>55</b>
When the Threat to Child Safety Is Specifically from the DV .....	56
When the Threat to Child Safety Is Not Specifically from the DV .....	60
<b>Part 6</b> DV Safety Planning, Service Planning in DV Cases, and Practice Applications with DV Perpetrators .....	<b>61</b>
DV Safety Planning .....	62
Service Planning in DV Cases .....	67
Practice Applications with Adult DV Victims .....	69
Practice Applications with DV Perpetrators .....	72
Visitation Protocols for DV Cases .....	79
<b>References</b> .....	<b>81</b>
<b>Appendix A</b>	
Power and Control Wheel .....	84
Comparison of Court Orders: Legal Protection from Domestic Violence, Harassment, or Abuse .....	85
<b>Appendix B</b>	
Domestic Violence Services and Information .....	87
Resources on Domestic Violence .....	88

## APPENDIX K Civil Orders in Washington State

Order Type	Sexual Assault Protection Order	Domestic Violence Protection Order	Antiharassment Protection Order	Vulnerable Adult Protection Order	Stalking Protection Order	Restraining Order	Extreme Risk Protection Order
<b>Statute</b>	RCW 7.90	RCW 26.50	RCW 10.14	RCW 74.34.110	RCW 7.92	RCW 26.09, 26.10, 26.26	RCW 7.94
<b>Petitioner</b>	<p>A victim of nonconsensual sexual conduct or penetration, including a single incident, committed by someone outside the family or household</p> <p>At least 16 years of age, or with parent/guardian</p>	<p>A person who fears, or has been the victim of, sexual violence or stalking by a family or household member</p> <p>At least 16 years of age, or with parent/guardian</p>	<p>A person who has been harassed by the respondent's unlawful course of conduct including stalking, threats to commit a sexual assault, communications of a sexual nature, voyeurism, or indecent exposure</p> <p>At least 18 years of age, or with parent/guardian</p>	<p>A vulnerable adult who has been sexually abused</p> <p>Guardian on behalf of vulnerable adult</p> <p>DSHS may also obtain an order on behalf of a vulnerable adult</p>	<p>A victim of stalking conduct or cyberstalking committed by someone outside the family or household</p> <p>At least 16 years of age, or with parent/guardian</p> <p>Vulnerable adult where the petitioner is an "interested person"</p>	<p>A person who is married to the respondent or has children in common with the respondent</p>	<p>A family or household member of the respondent or a law enforcement officer or agency</p>
<b>Jurisdiction</b>	<p>Municipal, District, or Superior Court for application and enforcement</p> <p>Cases involving minors under 18 are forwarded to Superior Court after filing</p>	<p>Municipal, District, or Superior Court for application and enforcement in most cases</p> <p>Only Superior Court if case involves children or order to vacate home or pending family law action</p>	<p>District Court for application unless the respondent is a minor, then Superior Court only</p> <p>Municipal, District, and Superior Court for enforcement</p>	<p>Superior Court for application and enforcement</p>	<p>Municipal, District, or Superior Court for application and enforcement</p> <p>Cases involving minors under 18 are forwarded to Superior Court after filing</p>	<p>Superior Court only</p>	<p>Municipal, District, and Superior Court for ex parte proceedings</p> <p>Superior Court only for full hearings. proceedings</p>

*Washington State Supreme Court Gender & Justice Commission (Updated December 2017)*

Order Type	Sexual Assault Protection Order	Domestic Violence Protection Order	Antiharassment Protection Order	Vulnerable Adult Protection Order	Stalking Protection Order	Restraining Order	Extreme Risk Protection Order
<b>Fees</b>	No filing or service fees, and appointment of GAL at no cost to either party	No filing or service fees	Basic Superior Court filing fee unless victim of stalking, sexual assault, or domestic violence, or proceeding in forma pauperis	Basic Superior Court filing fee unless proceeding in forma pauperis	No filing or service fees	Same filing fees as for dissolution or other family law action Filing fee waived if indigent	No fees for filing or service
<b>Service Required</b>	Personal service, notice by certified mail or publication authorized in limited circumstances	Personal service, notice by certified mail or publication authorized in limited circumstances	Personal service, notice by publication authorized in limited circumstances	Personal service, notice by certified mail or publication authorized in limited circumstances	Personal service, notice by certified mail or publication authorized in limited circumstances	Personal service, service by mail, facsimile, or electronic means	Personal service, notice by certified mail or publication authorized in limited circumstances
<b>Remedies Available</b>	Restrain respondent from having any contact with petitioner.  Exclude respondent from knowingly coming or remaining within a specified distance from a	Electronic monitoring of respondent  Respondent to surrender weapons  Restrain respondent from committing acts of domestic violence  Restrain respondent from having any contact with petitioner	Respondent to surrender weapons  Respondent to transfer schools  Restrain respondent from having any contact with petitioner  Restrain respondent from	Exclude respondent from knowingly coming or remaining within a specified distance from a specified location  Restrain respondent from committing or threatening to commit physical harm, bodily	Restrain respondent from having any contact with petitioner.  Exclude respondent from knowingly coming or remaining within a specified distance from a specified location  Prohibit respondent from keeping petitioner and/or the	Exclude respondent from knowingly coming, or remaining within, a specified distance from a specified location  Restrain respondent from transferring, removing,	Require respondent to surrender all firearms in their custody, control, or possession, as well as any concealed pistol license

Order Type	Sexual Assault Protection Order	Domestic Violence Protection Order	Antiharassment Protection Order	Vulnerable Adult Protection Order	Stalking Protection Order	Restraining Order	Extreme Risk Protection Order
<b>Remedies Available (cont.)</b>	<p>specified location</p> <p>Respondent to transfer schools</p> <p>Respondent to surrender weapons</p> <p>Other injunctive relief as necessary</p> <p>Costs incurred, including attorney fees, for responding to respondent's motion to modify or terminate</p>	<p>or petitioner's children</p> <p>Exclude respondent from knowingly coming or remaining within a specified distance from a specified location</p> <p>Prohibit contact with respondent's children or require supervised contact</p> <p>Domestic violence treatment for respondent</p> <p>Require respondent to pay petitioner's court costs, service fees, attorney fees</p> <p>Allow petitioner to use vehicle</p> <p>Allow petitioner's possession and use of personal effects</p> <p>Civil stand-by assistance to allow petitioner to recover home, personal effects, or children</p>	<p>making attempts to keep petitioner under surveillance</p> <p>Exclude respondent from knowingly coming or remaining within a specified distance from a specified location</p> <p>Require respondent to pay petitioner's court costs and service fees</p>	<p>injury, or assault against the vulnerable adult and from molesting, harassing, or stalking the vulnerable adult</p> <p>Respondent to surrender firearms if vulnerable adult's current or former spouse or intimate partner</p> <p>Restrain respondent from transferring property</p> <p>Restrain respondent from committing or threatening to commit acts of abandonment, abuse, neglect, or financial exploitation against the vulnerable adult</p> <p>Require respondent to provide accounting of disposition of</p>	<p>petitioner's minor children under surveillance</p> <p>Mental health and/or chemical dependency evaluation</p> <p>Respondent to transfer schools</p> <p>Other injunctive relief as necessary</p> <p>Require respondent to surrender weapons</p> <p>Require respondent to pay court costs, service fees, and attorney fees</p>	<p>encumbering, concealing, or in any way disposing of any property except in the usual course of business or for the necessities of life, and, if so restrained or enjoined, requiring him or her to notify the moving party of any proposed extraordinary expenditures made after the order is issued</p> <p>Restrain respondent from disturbing the peace of the other party or of any child</p> <p>Restrain respondent from going onto the grounds of or entering the home, workplace, or school of other party or the day care or school of any child</p>	

Order Type	Sexual Assault Protection Order	Domestic Violence Protection Order	Antiharassment Protection Order	Vulnerable Adult Protection Order	Stalking Protection Order	Restraining Order	Extreme Risk Protection Order
<b>Remedies Available (cont.)</b>				vulnerable adult's income  Judgment against respondent  Exoneration of the bond posted Petitioner may apply ex parte for an order to disburse other security		upon a showing of the necessity therefore  Restrain respondent from removing a child from jurisdiction of the court  Restrain respondent from molesting, assaulting, harassing, or stalking protected person. If this remedy is granted and the parties are intimate partners, the restrained person may not possess a firearm or ammunition	
<b>Evidentiary standard</b>	Preponderance of the evidence	Unspecified	Preponderance of the evidence	Unspecified	Preponderance of the evidence	Unspecified	Preponderance of the evidence
<b>Does protection extend to others (e.g. children)?</b>	No	Yes	Yes	No	Yes	Yes	No



<b>Order Type</b>	<b>Sexual Assault Protection Order</b>	<b>Domestic Violence Protection Order</b>	<b>Antiharassment Protection Order</b>	<b>Vulnerable Adult Protection Order</b>	<b>Stalking Protection Order</b>	<b>Restraining Order</b>	<b>Extreme Risk Protection Order</b>
<b>Penalty for Violation</b>	Mandatory arrest for violating. Possible criminal charges or contempt. Class C felony if assault or reckless endangerment, otherwise gross misdemeanor	Mandatory arrest for violating. Possible criminal charges or contempt. Class C felony if assault or reckless endangerment, otherwise gross misdemeanor	Possible criminal charges or contempt. Gross misdemeanor	Mandatory arrest for violating. Possible criminal charges or contempt. Class C felony if assault or reckless endangerment, otherwise gross misdemeanor	Mandatory arrest for violating. Possible criminal charges or contempt. Class C felony if assault or reckless endangerment, otherwise gross misdemeanor	Mandatory arrest for violating. Possible criminal charges or contempt. Gross misdemeanor	Possible criminal charges Gross misdemeanor for first violation, Class C felony for subsequent violations. Prohibited from possessing firearm for a period of five years after the order expires.
<b>Maximum Duration of Ex Parte Order</b>	14 days with personal service, 24 days with service by certified mail or publication	14 days with personal service, 24 days with service by certified mail or publication	14 days with personal service, 24 days with service by publication	14 days with personal service, 24 days with service by certified mail or publication	14 days with personal service, 24 days with service by certified mail or publication	14 days	14 days with personal service, 24 days with service by certified mail or publication
<b>Maximum Duration of Final Order</b>	A fixed period of time up to permanent	1 year if respondent's children are protected. Court can extend expiration date, up to permanent, if the respondent's children not involved	1 year unless court finds respondent likely to resume harassment. Then court can extend expiration date, up to permanent	1 year unless court finds respondent likely to resume abuse. Then court can extend expiration date, up to permanent	A fixed period of time up to permanent	Permanent, unless modified	1 year
<b>Burden of Proof on Reissuance</b>	The court shall grant the petition for renewal unless the respondent proves by a preponderance that there has been a material	The court shall grant the petition for renewal unless the respondent proves by a preponderance of the evidence that he/she will not resume acts of domestic violence	The court shall grant the petition for renewal unless the respondent proves by a preponderance of the evidence that the respondent	Unspecified	The court shall grant the petition for renewal unless the respondent proves by a preponderance of the evidence that the respondent will not resume acts of stalking conduct	N/A	If the court finds by a preponderance of the evidence that the requirements for issuance of an extreme risk protection order continue to be met, the court shall renew the order.

Order Type	Sexual Assault Protection Order	Domestic Violence Protection Order	Antiharassment Protection Order	Vulnerable Adult Protection Order	Stalking Protection Order	Restraining Order	Extreme Risk Protection Order
<b>Burden of proof on reissuance (cont.)</b>	change in circumstances such that the respondent is not likely to engage in or attempt to engage in physical or nonphysical contact with the petitioner when the order expires.	against the petitioner or the petitioner’s children or family or household members when the order expires.	will not resume harassment of the petitioner when the order expires.		against the petitioner or the petitioner's children or family or household members when the order expires.		However, if, after notice, the motion for renewal is uncontested and the petitioner seeks no modification of the order, the order may be renewed on the basis of the petitioner's motion or affidavit stating that there has been no material change in relevant circumstances since entry of the order and stating the reason for the requested renewal.