



E2SHB 1517

Domestic Violence Work Groups

GENDER & JUSTICE COMMISSION MEETING
SEPTEMBER 25, 2020

House Bill 1517 – Part VIII, Section 802

DV Perpetrator Treatment Work Group

- ▶ Purpose: Address the issue of domestic violence perpetrator treatment and the role of certified perpetrator treatment providers in holding domestic violence perpetrators accountable.
 - ▶ Provide guidance and additional recommendations with respect to implementation of prior recommendations and for the purpose of promoting effective strategies to reduce DV in Washington
 - ▶ Monitor, evaluate, and provide recommendations for the implementation of the newly established DV treatment administrative codes
 - ▶ Monitor, evaluate, and provide recommendations on the implementation and supervision of domestic violence sentencing alternatives in different counties to promote consistency
 - ▶ Provide recommendations on other items deemed appropriate

DV Perpetrator Treatment Work Group Activities

- ▶ Three in-person meetings:
 - ▶ September 17, 2019
 - ▶ November 7, 2019
 - ▶ January 7, 2020
- ▶ Five conference calls (Oct 2019 – Mar 2020)
- ▶ Four Zoom meetings:
 - ▶ June 9, 2020
 - ▶ July 21, 2020
 - ▶ August 11, 2020
 - ▶ September 22, 2020
- ▶ **Report to be submitted by October 30, 2020**



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DV Perpetrator Treatment Work Group Findings

- ▶ Previous work group report centered on creating an integrated system response.
- ▶ New WAC, DV definition split are positive steps, but there are *OBSTACLES TO IMPLEMENTATION*:
 - ▶ Lack of funding
 - ▶ Unmet education needs
 - ▶ Lack of access to high-quality information

DV Perpetrator Treatment Work Group Recommendations- Funding

- ▶ Fund DV Treatment- 3 “options”
 - ▶ AOC's Behavioral Health Team
 - ▶ State funding/fee for service (e.g. City of Seattle, Whatcom County)
 - ▶ Insurance
- ▶ Fund additional DSHS positions to support DV treatment
- ▶ Need more culturally competent DV treatment options
- ▶ Need more options in many counties (remote) (e.g. Okanogan County)

DV Perpetrator Treatment Work Group Recommendations- Education

- ▶ Require ongoing mandatory education related to DV for judges, attorneys, law enforcement, probation officers, treatment providers, and others
 - ▶ Infrastructure and budget to support this training needed for some disciplines
- ▶ Urgent need: Training on WAC 388-60B and DV definition refinement for all stakeholders
 - ▶ Work groups developed proposal that Gender & Justice Commission submitted for DMCJA and SCJA conferences
 - ▶ Could be adapted to other formats

DV Perpetrator Treatment Work Group Recommendations- Information

- ▶ Increase outreach and education about what information is available and how to access
- ▶ Adopt a therapeutic court function to monitor treatment
 - ▶ AOC's Behavioral Health Team: assist with service delivery, data-collection
- ▶ Long-term: Statewide information repository
 - ▶ Appropriate entity to house information?
 - ▶ What platform should be used to share within and between jurisdictions?
 - ▶ Who should have access?
 - ▶ Victim safety: What information will be collected, how will it be shared?
 - ▶ How to address confidentiality concerns for victims and offenders in open courts environment?

House Bill 1517 – Part VIII, Section 803

DV Risk Assessment Work Group

- ▶ Purpose: To study how and when risk assessment can best be used to improve the response to DV offenders and victims, and to find effective strategies to reduce DV homicides, serious injuries, and recidivism
 - ▶ Research, review, and make recommendations on whether to amend mandatory arrest laws; whether alternative arrest statutes should incorporate risk assessment; and what training for law enforcement would be necessary to implement an alternative to mandatory arrest
 - ▶ Research, review, and make recommendations on implementation of previous work group recommendations
 - ▶ Monitor, evaluate, and provide recommendations on the development and use of the risk assessment tool by Washington State University for the Department of Corrections
 - ▶ Provide recommendations on other items deemed appropriate by the work group

DV Risk Assessment Work Group Activities

- ▶ Three in-person meetings:
 - ▶ September 17, 2019
 - ▶ November 7, 2019
 - ▶ January 7, 2020
- ▶ Four conference calls (Oct 2019 – Feb 2020)
- ▶ Three Zoom meetings:
 - ▶ June 23, 2020
 - ▶ August 18, 2020
 - ▶ September 29, 2020
- ▶ **Report to be submitted by October 30, 2020**



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DV Risk Assessment Work Group Report Findings

- ▶ Few validated DV risk tools (see handout)
- ▶ Bias concerns, particularly with regard to past criminal history as a factor (ACLU presentation)
- ▶ Information necessary to make decisions about risk and the risk one is evaluating vary based on stage in the process
- ▶ Work group identified three phases of the criminal justice process where risk assessment is critical: initial response, pretrial release, post-adjudication
- ▶ Mandatory arrest: Focus on “maximum protection” has had unintended consequences
- ▶ Assessing risk outside the criminal justice system is important given underreporting

DV Risk Assessment Work Group Report

Recommendations- Mandatory arrest

- ▶ Before changes to mandatory arrest are made, there need to be strong system supports in place for victims and offenders, data collection and analysis, expanded education, and attention to firearms forfeiture to mitigate associated risk
 - ▶ Second responders
 - ▶ Appoint attorney for victims
 - ▶ Police-initiated ERPOs, NCOs
 - ▶ Improved data collection and transparency, including police field data
 - ▶ Law enforcement assisted diversion / mandatory *intervention* (secure crisis assistance center)
 - ▶ Support domestic violence treatment
 - ▶ Require recurrent education

DV Risk Assessment Work Group Report Recommendations- Pretrial, post- adjudication

- ▶ Pretrial:
 - ▶ Amend CrR 3.2 and CrRLJ 3.2 to include DV-specific risk factors
 - ▶ Proposal based on ODARA factors
- ▶ Post-adjudication:
 - ▶ Dr. Zachary Hamilton creating a tool for use by DOC; once implemented, consider adaptation for use in non-felony cases

DV Risk Assessment Work Group Report Recommendations- Civil, Extralegal Proceedings

- ▶ DV has collateral consequences, other civil legal needs
 - ▶ E.g. Adapt risk assessment checklists for use by family law attorneys to screen for DV, potentially connect client with services
- ▶ Other settings (e.g. medical) where risk assessment screenings done are an opportunity to connect victims with services

Conclusion

- ▶ Work group reports will be submitted on or before October 30, 2020
- ▶ Anticipated presentation at Legislative Committee Days to House Public Safety Committee



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