



# GENDER AND JUSTICE COMMISSION

FRIDAY, SEPTEMBER 25, 2020 (9:30 AM – NOON)

JUSTICE SHERYL GORDON MCCLOUD, Co-CHAIR

JUDGE MARILYN PAJA, Co-CHAIR

ZOOM LINK: [HTTPS://WACOURTS.ZOOM.US/J/95474762767](https://wacourts.zoom.us/j/95474762767)

DIAL-IN: 253-215-8782 US (TACOMA)

MEETING ID: 954 7476 2767



## Agenda Page

### 9:30 AM – 9:50 AM WELCOME AND INITIAL BUSINESS

- Welcome and Introductions Justice Sheryl Gordon McCloud,  
Commission Co-Chair
- Approval of May 29<sup>th</sup> Meeting Minutes 1

### 9:50 – 10:20 AM COMMITTEE AND MEMBER REPORTS

- **Race and Criminal Justice Task Force** Erin Moody
- **Education Committee** Judge Rebecca Glasgow &  
Committee
  - ▶ New Judicial College Faculty
  - ▶ SCJA and DMCJA Session Proposals13
- **Incarceration, Gender & Justice Committee** Elizabeth Hendren & Committee
  - ▶ Legal Resource Computer
  - ▶ COVID Impacts on Visitation

### 10:20 – 10:30 AM STRETCH BREAK

### 10:30 – 11:00 AM COMMITTEE AND MEMBER REPORTS, continued

- **Court Recovery Task Force** Judge Jackie Shea-Brown
- **Gender Justice Study** Justice Gordon McCloud,  
Dr. Dana Raigrodski, and  
Sierra Rotakhina 19
  - ▶ Research Progress
  - ▶ Harassment Survey Pilot Project
  - ▶ Mass Incarceration of Women Pilot ProjectElizabeth Hendren
- **Other Project Updates** All



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## Agenda Page

### 11:00 AM – 11:45 AM E2SHB 1517 DV Workgroups

- |  |  |           |
|--|--|-----------|
| <ul style="list-style-type: none"> <li>➤ <b>Presentation: Findings and Recommendations</b></li> <li style="padding-left: 20px;">➤ DV Risk Assessment and Perpetrator Treatment Reports</li> <li style="padding-left: 20px;">➤ Presentation to Legislature</li> </ul> | <p>Judge Eric Lucas, Judge Mary Logan, Judge Marilyn Paja, and Laura Jones</p> | <b>23</b> |
|--|--|-----------|

### 11:45 AM – 12:00 PM ADJOURNMENT

- |  |  |
|--|--|
| <ul style="list-style-type: none"> <li>➤ <b>Co-Chair Reports</b></li> <li style="padding-left: 20px;">➤ Membership Updates</li> <br/> <li>➤ <b>Next Steps and Adjournment</b></li> </ul> | <p>Justice Sheryl Gordon McCloud, Judge Marilyn Paja</p> |
|--|--|

## APPENDIX

- 2020 Gender & Justice Meeting Dates

**NEXT MEETING – November 6, 2020 – Via Zoom**



**Gender and Justice Commission**  
**Friday, May 29, 2020**  
**9:30 AM – 12 PM**  
**Zoom Webconference**



**MEETING NOTES**

**Members & Liaisons Present**

Justice Sheryl Gordon McCloud (Chair)  
 Judge Marilyn Paja (Vice Chair)  
 Judge Anita Crawford-Willis  
 Ms. Josie Delvin  
 Ms. Laura Edmonston  
 Judge Rebecca Glasgow  
 Justice Steven González  
 Ms. Gail Hammer  
 Ms. Elizabeth Hendren  
 Ms. Grace Huang  
 Judge Eric Lucas  
 Judge Maureen McKee  
 Ms. Heather McKimmie  
 Ms. Erin Moody  
 Ms. Riddhi Mukhopadhyay  
 Mr. Sal Mungia  
 Ms. Renée Pilch  
 Dr. Dana Raigrodski  
 Ms. Sonia Rodriguez-True  
 Judge Jackie Shea-Brown  
 Judge Cindy K. Smith  
 Ms. Vicky Vreeland

**Guests**

Ms. Erika Evans  
 Ms. Shannon Kilpatrick  
 Ms. Ivy-Rose Kramer  
 Judge Mary Logan  
 Mr. Rob Mead  
 Ms. Claire Mocha  
 Mr. David Ward  
 Ms. Marla Zink

**Staff**

Ms. Kelley Amburgey-Richardson  
 Ms. Moriah Freed  
 Ms. Laura Jones  
 Ms. Sierra Rotakhina

**Members & Liaisons Absent**

Ms. Lillian Hawkins  
 Ms. Elaine Kissel  
 Ms. Eleanor Lyon  
 Judge Rich Melnick  
 Ms. Michelle Gonzalez  
 Ms. Stephanie Verdoia

**WELCOME AND INITIAL BUSINESS**

**Welcome and Call to Order**

The meeting was called to order at 9:35 AM.  
 Justice Gordon McCloud conducted a roll call of attendees.

**January 31, 2020 Meeting Minutes**

The meeting minutes were approved with member edits provided via email.

## Proposed Amendment to Commission Bylaws (Page 9)

- The purpose of the proposed amendment is to change officer position of Commission Vice Chair to Commission Co-Chair.
- Justice Gordon McCloud, who proposed the amendment, explained her intent to have the title accurately reflect Judge Marilyn Paja’s leadership role in the Commission.
- **VOTE**: Justice Gordon McCloud moved to adopt the amendment. Justice Steve González seconded. Amendment unanimously adopted by Commission voting membership.

## COVID-19 DISCUSSION

### Discussion: Impacts and Priorities

#### Introduction

- Justice Gordon McCloud did not want to do committee reports as usual for several reasons. Some activities are not happening due to pandemic, and committees may have new priorities.
- Judge Paja shared briefly about the ABA webinar she attended (report on Page 10)
  - Three Supreme Court justices from across the country spoke about what was happening in their jurisdictions.
  - Planning, challenges faced by courts. Litigation and budget concerns.
  - Fascinating webinar, discussion. Parallels in many ways the challenges faced in WA.

#### How has COVID-19 impacted the work of your committee?

- Justice Gordon McCloud requests members share:
  - For the people your work is focused on, are there increased problems? New technology? Creative solutions that might be maintained even after this is over? Or, alternatively, terrible solutions that the rest of us should avoid?
- Elizabeth Hendren, Chair, Incarceration, Gender & Justice Committee
  - Huge impact in prisons, concern with spread of virus within facilities.
  - Family connectedness issues – in-person have been visits cut off for several months now. Programming has also been cut off and people are feeling isolated.
  - It is difficult to get information about what is happening in facilities. Ms. Hendren is dependent on JPAY to get information and does not have the same access as before to facilities. JPAY has been crashing, not working properly.
  - There are gender-specific issues for incarcerated pregnant women. Small studies indicate COVID-19 is damaging for pregnant women’s health. The same family of viruses have been shown to be detrimental to pregnant women. Not enough data yet for CDC to have something more official.

- It appears jails are not holding pregnant women and DOC has released a lot of women who are pregnant and post-partum.
  - There is a question about federal prisoners held in DOC facilities
    - Is DOC giving them federal defender contact information?
    - WDA has provided to it to DOC but hasn't been able to get the names of prisoners.
    - Note: Most current federal litigation is out of Danbury, CT.
  - Concerns about a second wave and a need for additional prison releases. Victim safety needs to be taken into account.
- Grace Huang, Member, Domestic and Sexual Violence Committee
    - Immigrant and LEP survivors
      - Issues getting information about the virus in their language.
      - Having to rely on abuser as source of information.
      - Or, relying on advocacy organization for everything – as their only connection to resources and information.
    - Delays for people applying for immigration status, not able to get work authorization.
    - Many immigrants are essential workers. Even if new electronic access to various services and court processes is an improvement from in-person, they don't have breaks, have limited phone time.
    - Public charge issues – immigrants who are out of work are worried about applying for public benefits because of later repercussions.
    - Ms. Huang is monitoring federal funding developments for services and programming related to gender based violence.
  - Riddhi Mukhopadhyay, Member, Domestic and Sexual Violence Committee
    - Filing fees are no longer being waived for U-Visa applications, VAWA self-petition.
    - Has seen an increase in firearms purchases since COVID closures.
    - Increase in DV criminal reports, but not necessarily protection order petitions.
    - Perpetration the advocacy community is seeing is more violent.
    - Court access is county to county, inconsistent. How is information getting out to survivors? Some counties have been great about updating info on websites, but not every county is updating.
    - Survivors feel like they can't get a protection order. Sexual Violence Legal Services has been trying to educate the public that emergency POs are still accessible per Supreme Court orders.
    - Anticipating eviction and housing cases. Sexual coercion in exchange for unpaid rent.

- PO proceedings, public access differs from county to county – livestreaming, posting number on website so anyone can call in. Privacy concerns. Just wanting to make sure that survivors know this is happening so they can make decisions about what to file.
- Stalking – it is easier to stalk someone when they are home all the time.
- Employment
  - Has seen situations where an employee filed a complaint before COVID-19, the employer uses the pandemic as an excuse not to investigate, then fires the complainant.
  - Survivors working in much more unsafe conditions – employer not making accommodations for survivors who have been assaulted by a coworker, forced to work alongside.
- New Title IX Regulations go into effect in August.
  - They have rolled back best practices that many advocates had been pushing for on campuses and K-12.
  - Starting to get questions from students.
  - Anticipate students turning to state court system rather than school administrative process because it's not providing protections like it did before.
- Open courts discussion
  - Courts are using YouTube to livestream hearings. Courts have open phone lines where anyone can call in to listen to a proceeding.
  - Judge Paja notes that courts are balancing open courts policy with social distancing concerns.
  - There is an issue with abusers using recording of YouTube PO hearing to dox survivor, post the video online with their contact information.
  - Not sure what the right answer is. In some ways it's good – able to file electronically in counties they weren't able to before.
  - Justice Gordon McCloud requests that if SVLC develops best practices, please share them. Judges would be open to hearing other solutions.
  - Some courts are having YouTube taken down immediately after, they are aware that's not perfect because of screen shots, etc.
  - Aware that in-person may be preferable to survivors to avoid the YouTube posting. Public, but more limited than an online proceeding.
- Judge Cindy K. Smith, Co-Chair, Tribal State Court Consortium
  - Regional meeting was scheduled for May 15<sup>th</sup> at the Temple of Justice and Nisqually Tribal Court. It has been cancelled due to the pandemic and the TSCC is working on webinars instead.
  - Work groups are continuing – branding and messaging group is doing regular highlights of tribal courts. Protection order enforcement survey is in final stages

and then will disseminate. There is a plan to conduct follow-up calls depending on responses.

- Justice Gordon McCloud asked about incarcerated Native women.
  - Suquamish Tribal Court had one situation where a pregnant woman was released to treatment.
  - Kitsap County Jail isn't holding these women. Not issuing warrants for failure to appear, only holding most extreme/violent cases.
- Justice González spoke with Representative Goodman. He has been contacted by public defenders with a request that legislature mandate certain data collection during COVID-19.
  - Grace Huang – would like data collection regarding survivor access, family court proceedings.
  - Justice Gordon McCloud – maybe we should make a list of areas where we think data should be collected, so if it's addressed by legislature, things that impact women are included.
  - Dr. Raigrodski – can the study project be the clearinghouse that collects info re: COVID impacts? Tentatively collecting information. Please send via email.

**What would you like to see the Commission or your committee prioritize over the next few months?**

- Dr. Raigrodski proposed a GJC ad hoc committee to collect information about what is happening, how the Commission can address.
- Justice Gordon McCloud shared info about new BJA court recovery task force. Wants to learn more to see if this is worth asking a member to take the time for this. If it is, may be a good source of information.

**GENDER JUSTICE STUDY**

**Research Updates and Discussion** (Study Update Page 13)

**Mass Incarceration Section** – Ms. Marla Zink, Lead, Mass Incarceration Sections (Page 15)

- Justice Gordon McCloud introduced Ms. Zink. She is a criminal defense attorney handling appointed and private direct appeals and other post-conviction matters in both the federal and state systems. Her professional bio includes nearly a decade with the Washington Appellate Project.
- Ms. Zink presented briefly on her research and led a discussion to obtain feedback from the Commission on questions posed in her introductory memo on Page 15.
  - Little WA data on women, on intersectional identities.

- WA trend is increased incarceration of women. Posited reasons for this as well as some possible solutions.
- Asked for feedback on overall content (anything missing, etc.), changes in tone, resources members can point to?
- Dr. Raigrodski highlighted the study pilot project that is analyzing existing WA data. She contextualized the materials – there is a lot of national data in the draft, and we are seeking feedback about whether it should be reduced.
- Heather McKimmie noted that there is a lot of important information in the draft, but should highlight WA information more, because there are differences. It gets lost a bit in the midst of the national information.
- Judge Paja highlighted Kitsap County Girls Court.
  - Ms. Zink had a visit with them. She is not sure if this will be covered in her section or one of the others, but it’s a great model and will be highlighted.
  - Judge Paja also referred Ms. Zink to the NAWJ “Girls in Trouble” video.
- Justice Gordon McCloud noted that the overall goal is to say this is where we were at in 1989, it wasn’t great, and we made recommendations for change. This is where we are in 2020.
  - In 1989, we didn’t have a baseline, this wasn’t in original report. Need to establish a baseline now.
  - Need to tie it into history, building it into what came before.
- Elizabeth Hendren thanked Ms. Zink for work to date and shared specific feedback:
  - Immigration detention is missing. Should this be included here or elsewhere? If it’s elsewhere, it should be referenced here.
  - There is a federal detention facility in WA. The focus of this section is rightly on WA State incarceration, but this should be mentioned.
  - In the draft, page seven notes an upward trend of women in jail. The Prison Policy Initiative put out a report in 2019 indicating that over half of women serving time are in jail. Office of Corrections Ombuds’ report includes some LGBTQ data.
  - Family and Offender Sentencing Alternative (FOSA) -Susie Leavell has collected gender-based data. It’s not great for women – they recidivate at higher rates, would love to know why.
- Ms. McKimmie noted that Danny Waxwing’s report on trans prisoners hasn’t come out yet but DRW is using the data in other negotiations. May be able to provide this to Ms. Zink.
- Ms. Huang – Do we not have WA data about race? WA has one of the higher state populations of Asians and Pacific Islanders (API), and this is not in the report.



- Ms. Zink has encountered data issues, the way data is collected, how people are being identified and who is identifying whom. Will continue to look into this.
  - Ms. Hendren noted two specific race data issues. Asian Americans are all lumped into one category, and there are issues with Hispanic/Latinx data (ethnicity vs. race check boxes).
- Ms. McKimmie does not think civil commitment section needs to be included, but is curious what others think. In the facility, there is one cisgender woman, and a decent amount of trans women. They are considering getting rid of women's unit because having gendered units is more like a prison than a treatment facility (Western State Hospital does not have this).
- Dr. Raigrodski – one of the key things we are doing with the study is pointing out lack of data and flagging problems with the available data (aggregation for example). Important to know that people on the ground are seeing this too.
- Ms. Zink thanked the Commissioners for their review and input and requested additional feedback via email. This is very helpful. We want to make a real difference and hopefully sooner than 20 years from now.
- Justice Gordon McCloud thanked Ms. Zink for the time she is taking away from her practice to devote to this.

**Family Law Section** – Mr. David Ward, Lead and Mr. Rob Mead, State Law Librarian (Supplemental Materials)

- Dr. Dana Raigrodski introduced Mr. David Ward and Mr. Rob Mead.
  - David Ward is a former member of the Gender & Justice Commission and served as a staff attorney for many years at Legal Voice in Seattle. He is currently living in New York, but plans to return to Washington State next year. Mr. Ward is leading the family law sections and also serves on the Gender Justice Study Advisory Committee.
  - Rob Mead is the State Law Librarian and has made huge contributions to the Study by doing the preliminary research and writing on all of the topics addressed in the 1989 report, including this section on family law.
- Mr. Ward and Mr. Mead presented on their research (Supplemental Materials) and lead a discussion to obtain feedback from the Commission.
  - Questions that have arisen in writing this section:
    - Mr. Mead – In 1989, the focus was on economic consequences. Is this still an issue? What is the role of the courts in the continued feminization of poverty that happens post-divorce or outside of marriage? Are there other topics that are not economic in nature that should be covered in this chapter?

- Mr. Ward – There are fewer divorces now, fewer people getting married in WA. Family court is not necessarily where they are resolving issues. If they are marrying, they are marrying later in life. Should we be focusing on some of the issues that are not captured here?
  - Mr. Ward shared that only one of the 1989 recommendations was implemented. The 1989 study of this issue was an intensive look involving stakeholder groups but there was no hard data. Is this topic as important now as it was in 1989?
- Discussion of child support/maintenance calculation:
  - Judge Paja – Even if people are not marrying, they are still having children (dealing with custody, trying to resolve parenting plan issues) or they have real estate that needs to be divided. Maybe we have a brief statement about why fewer people are marrying, but also talk about other ways that people are resolving those issues when they are not married. And how does this disparately impact women?
  - Ms. Hendren has represented parents on both side of the child support issue. She noted that one major change since '89 has been the rise of the tech industry. The formula and presumptive child support ceiling results in high earning parents getting leniency despite capacity to pay. Low-income parents get the book thrown at them when they do not meet obligation. There is also often an issue with only the higher earning parent being represented. The section could include laws on child support and data on who is self-represented.
  - Mr. Ward noted that, while you can ask for a deviation above the presumptive amount, if a parent is not represented they are unlikely to know to ask.
  - Ms. Huang noted that spousal maintenance is also an issue.
  - Dr. Raigrodski - This is the kind of field/anecdotal information we need to collect.
  - Judge Paja shared that when child support worksheets were first established everyone did the work using one software system. That company was possibly keeping data that may still exist.
- Professor Hammer stated that people are going to court re: financial issues within a committed intimate relationship action. Those are not treated as family law.
  - There are increased numbers using this process. Not sure if there are enough to have an impact on financial effect on women.
- A major family law issue is that in more than half of the cases, neither party has a lawyer.
- In 2007, there was a big revision to WA parenting act.

- Required parties to file a document with the clerk providing a residential time summary and stating whether they were represented.
  - WSCCR publishes a report regularly on this. However, people are not complying with this law, so can't draw conclusions.
- Discussion of custody evaluators/family law facilitators
  - Ms. Huang noted that there has been a shifting of responsibility for monitoring family law matters to paid custody evaluators/GALs/family court facilitators.
  - Judge Paja wonders if family court facilitators collect data. Staff to the SCJA may know the answer.
  - Judge Maureen McKee does not think her court's family law facilitator collects data. The Family Law Information Center provides support for pro se litigants and Early Resolution Case Managers (in King County) provide mediation and general help.
- Judge Jackie Shea-Brown - Would WSBA be a resource for data on unbundled resources?
  - The SCJA has a Self-Represented Litigant (SRL) Work Group.
  - Riddhi Mukhopadhyay notes that the moderate means program may have data. Also notes, this is one of the most paper-driven types of cases.
  - Economic issues remain relevant. Self-represented litigants may give up fighting for financial support in order to get custody.
  - Mr. Mead noted that the trade off between child custody and money was found in the '89 report and that we need to flag this as a gap in the current data/research.
- Mr. Ward – Economic consequences are real, the difference is that parties are splitting thing up outside of divorce cases because people are not married.
- Ms. Hendren shared that in King County family law is the main filing. Even with divorce going down, we are still dealing with family law.
- Domestic violence and family law
  - Ms. Hendren emphasized that within a family law context, DV abusers use the court to perpetrate abuse. It doesn't matter if they are married. The factor is if they have children.
  - Ms. Mukhopadhyay appreciates the abusive litigation section of the section.
- Professor Hammer – Theorists have interesting ideas about the effect of economic realities on marriage, divorce, etc.
  - The idea of the economic unit used to be the nuclear family because one person could earn enough to support a nuclear family. That is no longer true.

- Since economic unit is now seen as individual, people tend to think of themselves separately from a family and that shows up in marriage trends and breakup trends.
- Dr. Raigrodski – it may be that the inequities still exist, but the courts are playing a different role in the process.

**Consequences of Violence Section – Judge Jackie Shea-Brown and Ms. Laura Jones, Leads (Page 66)**

- Judge Shea-Brown and Ms. Jones provided a brief update on their work and requested feedback via email from the Commission on specific questions, outlined in their memo.
- Judge Shea-Brown noted they have tried to capture the intersection of court processes, access to justice, and social science research. They appreciate Sierra Rotakhina’s support with the social science aspects.
- Ms. Jones – Are there any big gaps? Are there areas we have addressed that should be in more depth? If you have knowledge of resources, please let us know what/who they are. Please point out where we are using legalese.
- Justice Gordon McCloud asked the leads, to the extent that the pandemic has created a different situation, is there any data we can capture or can we make a note for future research?
- Ms. Huang will share additional resources via email. Also notes that the section focuses on criminal matters. Is there room to include civil remedies more?

**ACTION: Please provide feedback deadline to Judge Shea-Brown and Ms. Jones by June 5<sup>th</sup>.**

**DOMESTIC VIOLENCE WORK GROUPS**

**Mandatory Arrest Discussion**

- One task that the work groups have been assigned is:
  - Research, review, and make recommendations on whether laws mandating arrest in cases of domestic violence should be amended and whether alternative arrest statutes should incorporate domestic violence risk assessment in domestic violence response to improve the response to domestic violence, and what training for law enforcement would be needed to implement an alternative to mandatory arrest. E2SHB 1517 Sec. 803 (4)(a)(1)
- Ms. Laura Jones provided a brief overview of mandatory arrest research (Page 100), the history of and current state of WA law.
  - Studies are very mixed about the effectiveness of mandatory arrest in reducing recidivism.

- Studies also point out disparate impact on people of color, women, LGBTQ people.
  - There is no specific WA study on this issue.
- Judge Eric Lucas, Judge Mary Logan, and Judge Marilyn Paja facilitated a discussion.
- Judge Logan shared that there is strong sense that victims are being disregarded on the scene. An officer has something in mind about what they need to do, but do not understand that arrest may escalate the domestic violence.
- Judge Lucas's primary concern is, given current environment, causal factors, what constitutes progress in the area of mandatory arrest?
- Judge Paja would like to hear the perspective of the commissioners because Commission is convener of the project and has a voice on the legislative work group.
- Justice Gordon McCloud - this is unique to DV calls. Perhaps the control group is other types of calls. If data doesn't drive a conclusion, shouldn't we be choosing the least intrusive means? No arrest unless it's by officer discretion.
- Judge Lucas noted that when we get a critique of the current system, it is that it has a disproportionate impact on people of color, both survivors and alleged abusers.
  - Grace Huang noted that there are also disproportionate impacts on immigrants and LGBTQ survivors.
- Dr. Raigrodski wants to make sure this is captured in DV/SA section of report. To the extent this is not in legislative mandate, cover it in study.
- Ms. Huang shared:
  - Survivors want the abuse to stop. Law enforcement did not take concerns seriously. This was intent of mandatory arrest.
  - We should be measuring misogyny – are women believed, is abuse taken seriously?
  - WSCADV's fatality review reveals issues. Jail time is minimal.
  - After all this time, DV and accountability hasn't shifted all that much. People around the country are working on other solutions, putting time into prevention.
  - Ultimately, what is our goal? Hopefully whatever we do, it's because we want abuse to stop.
  - How should resources be used if mandatory arrest is not making significant change? It is not trauma-informed, doesn't listen to survivors, it is expensive. It might be time to allocate resources to a different solution.
  - We need to hear the voices of women, voices of people of color. Why are we relying on systems run by white men to make these decisions? Wants to start from a different place.
  - She will try to capture additional feedback in writing and distribute.

**ACTION: Commission members please share any additional feedback about this with Work Group Co-Chairs or Laura Jones.**

## NEXT STEPS AND ADJOURNMENT

### **Next Steps for Commission – COVID-19**

- The Co-Chairs encouraged Committee Chairs and members to further explore challenges and new priorities before the next meeting.

**The meeting adjourned at 12:05 p.m.**

# DMCJA Education Committee Session Proposal Form

*District & Municipal Court Judges' Spring Program*

*June 6 - 9, 2021*

**PROPOSAL DEADLINE: September 30 to [Laura.Blacklock@courts.wa.gov](mailto:Laura.Blacklock@courts.wa.gov)**

<b>PROPOSED SESSION TITLE:</b> What's New with Domestic Violence Intervention Treatment? An overview of the new DVIT regulations and other innovative work happening in Washington			
<b>PROPOSED BY:</b> Washington State Supreme Court Gender & Justice Commission  <b>CONTACT NAME:</b> Kelley Amburgey-Richardson, GJC Staff  <b>CONTACT PHONE:</b> (360) 704-4031  <b>CONTACT EMAIL:</b> <a href="mailto:Kelley.amburgey-richardson@courts.wa.gov">Kelley.amburgey-richardson@courts.wa.gov</a>		<b>TARGET AUDIENCE:</b> <input checked="" type="checkbox"/> Experienced Judges <input checked="" type="checkbox"/> New Judges <input checked="" type="checkbox"/> District Courts <input checked="" type="checkbox"/> Municipal Courts	
<b>PROPOSED DURATION (In Person):</b> <input type="checkbox"/> 60 Minutes <input checked="" type="checkbox"/> 90 Minutes <input type="checkbox"/> 3 Hours <input type="checkbox"/> Other:	<b>PROPOSED DURATION (Online):</b> <input type="checkbox"/> 60 Minutes <input checked="" type="checkbox"/> 75 Minutes <input type="checkbox"/> Other: (such as series of sessions)	<b>SESSION TYPE:</b> <input checked="" type="checkbox"/> Plenary <input type="checkbox"/> Choice <input type="checkbox"/> Colloquium <input checked="" type="checkbox"/> Webinar	<b>IS THERE A LIMIT TO THE NUMBER OF PARTICIPANTS?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>TOPIC AREA:</b> Domestic Violence Intervention			
<b>REQUIRED COMPONENTS</b> <i>The session must address the following essential areas of information:</i>			
<b>Substantive Knowledge</b>	<b>Administrative/Procedural</b>	<b>Skills, Attitudes &amp; Beliefs</b>	
<ul style="list-style-type: none"> <li>WAC 388-60B regulations governing domestic violence intervention treatment</li> <li>Differences between DVIT (Intervention/Treatment), DV-MRT (Moral Reconciliation Therapy), Anger Management</li> </ul>	<ul style="list-style-type: none"> <li>Impacts of new WAC 388-60B on ordering DVIT, compliance reviews</li> <li>New (2019) court data entry fields related to DV definition split</li> </ul>	<ul style="list-style-type: none"> <li>Innovative WA pilots related to DVIT: Okanogan County and City of Seattle</li> <li>Harborview's new CBT (Cognitive Behavioral Therapy) for Intimate Partner Violence (IPV) curriculum</li> <li>Legislative DV work groups' recommendations</li> </ul>	
<b>RECOMMENDED FACULTY:</b> Final faculty will be selected from the following list: Judge Eric Lucas (Snohomish County Superior Court); Amie Roberts (DSHS); Judge Adam Eisenberg (Seattle Municipal Court); Judge Charles Short (Okanogan County District Court); Mark Adams (Anger Control Treatment & Therapies); Dr. Amelie Pedneault (Washington State University)			

**Proposals due by September 30 to [Laura.Blacklock@courts.wa.gov](mailto:Laura.Blacklock@courts.wa.gov)**

# DMCJA Education Committee Session Proposal Form

District & Municipal Court Judges' Spring Program

June 6 - 9, 2021

**PROPOSAL DEADLINE: September 30 to [Laura.Blacklock@courts.wa.gov](mailto:Laura.Blacklock@courts.wa.gov)**

**SESSION DESCRIPTION:** Describe the purpose of the session and key issues to be presented. Explain what judicial officers will learn in the course and how the information will apply to their work in the courts (*this information will be included in the program flyer as your session description*).

Participants will learn about the new WAC 388-60B governing domestic violence treatment standards, and related impacts on sentencing and compliance review. Participants will also have the opportunity to hear about innovative work happening related to domestic violence treatment around the state, including pilot programs in the City of Seattle and Okanogan County, Harborview's new cognitive behavioral therapy curriculum for DV treatment, and the legislatively-convened E2SHB 1163 and 1517 DV Work Groups.

**LEARNING OBJECTIVES:** Describe what participants will be able to do or say as a result of this session.

1. Understand the new four-tiered domestic violence intervention treatment structure under the new WAC 388-60B and impacts on sentencing, compliance review
2. Understand the differences between DVIT, DV-MRT, and Anger Management
3. Highlights of the Gender and Justice Commission's DV-MRT pilot related to the Gender Justice Study
4. Awareness of innovative work happening in Washington State related to DVIT:
  - a. City of Seattle's DVIT Pilot;
  - b. Okanogan County's Remote Treatment Pilot;
  - c. Harborview's CBT for IPV Manual and Training; and
  - d. E2SHB 1163 and 1517 DV Work Groups, recommendations

**FUNDAMENTALS COVERED:** Describe the case law, best practices, or "nuts and bolts" that will be addressed during the session.

- WAC 388-60B - new four-tiered domestic violence intervention treatment structure which replaced the previous "one-size-fits-all" model
- Differences between DV intervention treatment, DV-MRT, and anger management therapy
- Best practices re: DV treatment from different WA pilot projects
- DV definition refinement that separates intimate partner violence from violence committed by other family or household members
- Overview of recommendations made to the Legislature by the E2SHB 1163 and 1517 DV Perpetrator Treatment Work Groups

**Proposals due by September 30 to [Laura.Blacklock@courts.wa.gov](mailto:Laura.Blacklock@courts.wa.gov)**



# DMCJA Education Committee Session Proposal Form

District & Municipal Court Judges' Spring Program

June 6 - 9, 2021

**PROPOSAL DEADLINE: September 30 to [Laura.Blacklock@courts.wa.gov](mailto:Laura.Blacklock@courts.wa.gov)**

**PARTICIPANT RESOURCES:** Describe the resources faculty will recommend participants reference when handling the key issues described in this session (*e.g., bench books, checklists, bench cards, websites, organizations, agencies, etc.*).

<https://www.dshs.wa.gov/esa/community-services-offices/domestic-violence-intervention-treatment>

E2SHB 1517 DV Perpetrator Treatment Report (will be available on the Legislative page of the Gender & Justice Commission website once submitted in October 2020)

Harborview's CBT for IPV Manual (will be available on the Legislative page of the Gender and Justice Commission website under E2SHB 1517)

**PROPOSED TEACHING METHODS AND ACTIVITIES:** Describe how the session will be presented to actively engage the audience in the education. In the event this program is held virtually, or if this is intended as webinar, please let us know how you plan to keep the audience involved. (*e.g., small/large group discussion, hypotheticals, case study review, role play, lecturette, etc.*).

- Lecturette, presentation by a variety of faculty members
- Poll questions

**ANTICIPATED COST:**

\$1,500 (travel and lodging for panelists, if program is held in-person)

**FUNDING RESOURCES:**

Gender and Justice Commission will cover all costs.

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# DMCJA Education Committee Session Proposal Form

*District & Municipal Court Judges' Spring Program*

*June 6 - 9, 2021*

**PROPOSAL DEADLINE: September 30 to [Laura.Blacklock@courts.wa.gov](mailto:Laura.Blacklock@courts.wa.gov)**

<b>PROPOSED SESSION TITLE:</b> Meaningful Communication in Complicated Times: Effective Language Access in Virtual and Socially-Distanced Courtrooms			
<b>PROPOSED BY:</b> Interpreter Commission and Gender and Justice Commission <b>CONTACT NAME:</b> Robert Lichtenberg <b>CONTACT PHONE:</b> 360-350-5373 <b>CONTACT EMAIL:</b> <a href="mailto:Robert.Lichtenberg@courts.wa.gov">Robert.Lichtenberg@courts.wa.gov</a>			<b>TARGET AUDIENCE:</b> <input checked="" type="checkbox"/> Experienced Judges <input checked="" type="checkbox"/> New Judges <input checked="" type="checkbox"/> District Courts <input checked="" type="checkbox"/> Municipal Courts
<b>PROPOSED DURATION (In Person):</b> <input type="checkbox"/> 60 Minutes <input checked="" type="checkbox"/> 90 Minutes <input type="checkbox"/> 3 Hours <input type="checkbox"/> Other:	<b>PROPOSED DURATION (Online):</b> <input checked="" type="checkbox"/> 60 Minutes <input type="checkbox"/> 75 Minutes <input type="checkbox"/> Other: (such as series of sessions)	<b>SESSION TYPE:</b> <input checked="" type="checkbox"/> Plenary <input type="checkbox"/> Choice <input type="checkbox"/> Colloquium <input type="checkbox"/> Webinar	<b>IS THERE A LIMIT TO THE NUMBER OF PARTICIPANTS?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>TOPIC AREA: Interpretation and Translation; Access to Justice</b>			
<b>REQUIRED COMPONENTS</b> <i>The session must address the following essential areas of information:</i>			
<b>Substantive Knowledge</b>	<b>Administrative/Procedural</b>	<b>Skills, Attitudes &amp; Beliefs</b>	
<ul style="list-style-type: none"> <li>Legal requirements for the provision of interpreter services, including recent changes by Supreme Court Orders</li> <li>Available technology for safe and effective consecutive and simultaneous interpretation</li> </ul>	<ul style="list-style-type: none"> <li>Steps to ensure accurate communication with remote court users who are limited English-proficient or deaf/hard of hearing, beginning with the initial court contact and throughout the duration of a case.</li> </ul>	<ul style="list-style-type: none"> <li>Full comprehension and meaningfully active participation of all court-users, regardless of language used and technological platform employed</li> </ul>	
<b>RECOMMENDED FACULTY: (These are temporary placeholders pending confirmation)</b>  <a href="#">Judge Kim Walden, Tukwila Municipal Court?</a> <a href="#">Frankie Peters, Thurston County District Court, or Trish Kinlow, Tukwila Municipal Court?</a> <a href="#">Claudia A'Zar, Court Certified Spanish Interpreter?</a> <a href="#">ADWAS representative?</a> <a href="#">NJP Attorney &amp; former client? Or former DV victim? Or possibly a County VLP coordinator/attorney?</a> <a href="#">Representative(s) from Gender &amp; Justice Commission – Judge? DV Advocate? Former Court User?</a>			

**Proposals due by September 30 to [Laura.Blacklock@courts.wa.gov](mailto:Laura.Blacklock@courts.wa.gov)**

# DMCJA Education Committee Session Proposal Form

District & Municipal Court Judges' Spring Program

June 6 - 9, 2021

**PROPOSAL DEADLINE: September 30 to [Laura.Blacklock@courts.wa.gov](mailto:Laura.Blacklock@courts.wa.gov)**

**SESSION DESCRIPTION:** Describe the purpose of the session and key issues to be presented. Explain what judicial officers will learn in the course and how the information will apply to their work in the courts (*this information will be included in the program flyer as your session description*).

This session will provide best-practice examples, tips, live action demonstrations, and resources to assist courts in providing meaningful language access in socially-distanced and video remote hearings. Through the lens of the Deaf or Limited English Proficient (LEP) court customer, participants will recognize what approaches limit their ability to comprehend and participate, and what can be done to overcome those barriers.

**LEARNING OBJECTIVES:** Describe what participants will be able to do or say as a result of this session.

- Recognize language barriers faced by LEP or Deaf individuals, and identify solutions to remove them.
- Distinguish the particular language access challenges encountered by pro se litigants – particularly in protection order cases, and revise local practices to guarantee their meaningful participation.
- Integrate interpreting technology into remote hearings, and safe, in-person, socially-distanced hearings.
- Plan for socially-distanced jury trials that include court interpreters.

**FUNDAMENTALS COVERED:** Describe the case law, best practices, or “nuts and bolts” that will be addressed during the session.

- Legal requirements in RCW 2.42, RCW 2.43, GR 11, and interpreter-related case law.
- Best practices to plan for interpretation at web-based and in-person hearings in advance – for represented parties and pro se parties who require ASL or spoken language interpreter services.
- Best practices for managing web-based and in-person hearings with interpreters.
- Utilizing online interpreters for accommodating unscheduled events and providing more flexibility to language access.

**Proposals due by September 30 to [Laura.Blacklock@courts.wa.gov](mailto:Laura.Blacklock@courts.wa.gov)**

# DMCJA Education Committee Session Proposal Form

District & Municipal Court Judges' Spring Program

June 6 - 9, 2021

**PROPOSAL DEADLINE: September 30 to [Laura.Blacklock@courts.wa.gov](mailto:Laura.Blacklock@courts.wa.gov)**

**PARTICIPANT RESOURCES:** Describe the resources faculty will recommend participants reference when handling the key issues described in this session (*e.g., bench books, checklists, bench cards, websites, organizations, agencies, etc.*).

- Interpreter Commission resources, such as the [COVID-19 Guide to Courtroom Interpreting](#)
- Electronic interpreting equipment – transmitters and receivers
- Online resources from the National Center for State Courts, and other state court systems

**PROPOSED TEACHING METHODS AND ACTIVITIES:** Describe how the session will be presented to actively engage the audience in the education. In the event this program is held virtually, or if this is intended as webinar, please let us know how you plan to keep the audience involved. (*e.g., small/large group discussion, hypotheticals, case study review, role play, lecturette, etc.*).

This session can be delivered in either an in-person or webinar format. It will include an interactive exercise where audience members will experience the perspective of a person who relies on language interpretation in a web-based hearing. A panel discussion of language access strategies will include the perspectives of court-users, interpreters, attorneys, and judges. Technology intended for interpreting in remote and socially-distanced settings will be demonstrated either live or through video.

**ANTICIPATED COST:**  
Less than \$500

**FUNDING RESOURCES:**  
Supreme Court Interpreter Commission

**Proposals due by September 30 to [Laura.Blacklock@courts.wa.gov](mailto:Laura.Blacklock@courts.wa.gov)**

# Gender Justice Study Task Force Update

## September 2020

Since the May written update to the Commission, the Gender Justice Study Task Force has continued to advance the writing on the 27 priority areas and taken significant strides toward completing the four pilot projects. Several of the draft sections are nearly ready to be distributed for broad stakeholder feedback. More specific updates on the pilot projects are included below. Since our last update:

1. Dr. Peter Collins and Dr. Brooke Gialopsos with Seattle University have completed the analysis of jury summons demographic survey data collected by the Minority and Justice Commission in 2016-2017. The goal of the project was to determine if disparities exist in jury service pools for specific subpopulations in Washington State. They found that people of color, especially Black, Native, and Asian Americans, as well as Hispanic/Latinx Americans, are underrepresented in nearly all Washington jury pools. In addition, when conducting the analysis by race and gender, women of color were underrepresented in all courts included in this analysis. County level data from King County also allowed the researchers to analyze representation for LGBTQ+ populations. They found that LGBTQ+ populations were underrepresented in King County's jury pools. Data analysis regarding these disparities will be incorporated into the final Study Report.
2. We have developed a template for each section of the report (included below). This template is not meant to be prescriptive. Rather, we intend the template to serve as a guide for Leads to ensure each of the topics in the template is covered, not necessarily in this exact order.

### **Pilot Projects:**

#### ***Evaluation of Domestic Violence Moral Reconciliation Therapy (DV-MRT)***

We contracted with Dr. Amelie Pedneault with Washington State University to conduct the evaluation. Dr. Amanda Gilman with the Washington State Center for Court Research is also providing significant support for this pilot project. We have reached out to all of the DV-MRT programs in Washington (of which we are aware) to learn more about their programs and to invite them to participate in the evaluation. In addition, we have developed a brief survey for the Courts of Limited Jurisdiction to identify any DV-MRT programs that we may have missed. We started collecting data from the programs that have committed to participate in the evaluation.

#### ***Evaluation of courthouse childcare centers in Washington State***

This pilot project was completed in March of 2020. Following completion, the University of Washington graduate students who conducted the evaluation solicited feedback on the report from the legal experts and court staff interviewed for the evaluation. The students received minor

editorial comments through this feedback and have incorporated those comments. The report, a two-page executive summary, and a one-page handout the students developed for parents/guardians using the childcare center, were distributed to the Commission via email. Earlier this year, due to complications from the COVID-19 pandemic, the Jon and Bobbe Bridge Childcare Center in Kent closed until a new non-profit childcare provider could be secured. We have shared the evaluation report with the Maleng Regional Justice Center staff so they have this as a resource while they work to reopen the center.

***Study of existing data to better understand mass incarceration of women in Washington State***

Elizabeth Hendren is leading this work in partnership with the University of Washington. Dr. Tatiana Masters is conducting the data analysis and has completed preliminary analyses of Caseload Forecast Council data. Elizabeth and Dr. Masters presented the research questions and a subset of the preliminary findings to the Advisory Committee at its August meeting.

***Washington State courts workplace harassment survey***

Dr. Arina Gertseva with the Washington State Center for Court Research is leading the development and administration of this survey. We have circulated a draft of the survey to legal and research experts for review. Dr. Arina Gertseva has incorporated this feedback and is preparing to pre-test the survey. Moriah Freed is leading the work to identify a small group of individuals representative of the survey population who can pre-test the survey. Pre-testing will allow us to identify weaknesses in the survey tool and make modifications as needed before it is administered broadly. Following pre-testing, the survey will be administered to court and Administrative Office of the Courts employees. We believe that the careful development, expert review, and testing of this survey will:

- Yield meaningful baseline data for Washington State;
- Serve as a validated tool that can be administered in future years to measure progress toward eliminating workplace harassment of all kinds; and
- Serve as a model tool that can be adapted and used by other states.

## Gender Justice Study Section Template

Section Title (e.g., “Mass Incarceration” or “Jury Service”)

- I. Executive Summary of the Impact of the Law on this Topic in Washington  
One or two paragraph summary of all major points, from background to present day situation, including whether there are any models in place or recommendations for future work
- II. Historical Background of this Topic, Usually Last 30 Years
  - A. For topics covered in the 1989 report, summarize the status of the law and its effects on gender in 1989
  - B. For topics covered in the 1989 report, explain whether the law and its effects on gender varied by subpopulations (e.g., Black, Indigenous, women in poverty). This might not be possible for many 1989 topics where this was not researched.
  - C. For topics not covered in the 1989 report, provide historical background sufficient to set the stage for the present day situation. The relevant time frame depends on the topic. (E.g., for mass incarceration, one might focus on the vast increase in incarceration over the last 30+ years, while mentioning slavery and Jim Crow as background; for jury service, one might focus on current facially neutral laws but mention past laws explicitly excluding Black people, women, etc.)
- III. Current Status of this Topic in Washington
  - A. Relevant legal framework in Washington today, which might include applicable federal statutes and national trends. Pay attention to whether the law’s effects differ by gender, and by subpopulations.
  - B. Relevant demographic/economic/social data on this topic in Washington today, plus national trends, to get at the effects of the legal framework on gender. Again, pay attention to whether these legal or social effects differ for subpopulations.
- IV. Findings About the Existence or Non-Existence of Gender Disparities in Washington
  - A. Separate out subtopics if that will make the description more clear. (E.g., for mass incarceration, subtopics might be arrest, detention, charging, bargaining, final decision making, sentencing, if the findings or recommendations warrant such separation)
  - B. Describe your findings based on the data and legal analysis you’ve described in Sections II and III above, focusing on Washington, but including the national context as applicable. This is the hard part.
  - C. Do you conclude that the data and legal analysis show gender disparities in Washington? If so, do those disparities differ by race, ethnicity, socioeconomic status, sexual orientation, immigration status, or any other subpopulation characteristic that you were able to identify?
  - D. Do you conclude that the data shows no gender disparities in Washington? If this is your conclusion, did you note other disparities based on a different demographic, for example, race, ethnicity, socioeconomic status, sexual orientation, or immigration status?

- E. Do you have insufficient data to draw a conclusion about gender disparities in general, or gender disparities for subpopulations of women, in Washington? This is not a personal problem. This could be a data collection problem that needs to be addressed. Don't be afraid to call this out and specify what is missing. Also note whether national data suggests a trend that might be playing out in Washington.
  - F. Even if there is insufficient Washington or national data to draw a conclusion, is there anecdotal evidence that suggests a conclusion? If so, identify it (but be careful to identify it as anecdotal, if that's what it is). That could help guide future research.
- V. If You Found Disparities, Why Do These Disparities Exist in Washington?
- A. Does your data allow you to determine why gender disparities (if any) or disparities by subpopulation (if any) exist? If possible, connect any such disparities to current legal or demographic/economic/social structures.
  - B. If your data is insufficient to allow you to determine why any observed disparities exist, what additional research might answer this question?
- VI. If You Found Disparities, What Are the Current Efforts in Washington to Address Them and Do Those Efforts Provide Models to Emulate
- A. For topics covered in the 1989 report, highlight steps taken since that study (perhaps described already in Sections II or III and perhaps prompted by that study (which we should note) such as judicial education). Do those steps provide a good model?
  - B. For topics not covered in the 1989 report, describe steps taken to address the disparity in the recent past. Do those steps provide a good model?
- VII. Recommendations
- A. Are there models in Washington that we should emulate?
  - B. Are there models from other jurisdictions that we should try?
  - C. Are there other recommendations that the research suggests?
  - D. Are there areas of further research or data collection that we need to highlight?



# 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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