



GENDER AND JUSTICE COMMISSION

FRIDAY, MAY 21, 2021 (9:15 AM – NOON)

JUSTICE SHERYL GORDON MCCLOUD, CO-CHAIR

JUDGE MARILYN PAJA, CO-CHAIR

ZOOM: [HTTPS://WACOURTS.ZOOM.US/J/97968253428](https://wacourts.zoom.us/j/97968253428)

PHONE: 253-215-8782 US (TACOMA)

MEETING ID: 979 6825 3428

PASSCODE: 669292



Agenda		Page
9:15 AM – 9:20 AM WELCOME AND INITIAL BUSINESS		
➤ Welcome and Introductions	Judge Marilyn Paja, Co-Chair	
➤ Approval of March 12 th Meeting Minutes		1
9:20 AM – 10:15 AM GENDER JUSTICE STUDY		
➤ Discussion: Draft Recommendations	Justice Gordon McCloud,	
➤ Member feedback on all draft recommendations and draft technical summaries	Dr. Dana Raigrodski, Sierra Rotakhina	SUP
10:15 – 10:25 AM STRETCH BREAK		
10:25 AM – 11:20 AM PROPOSAL TO AMEND CrR 3.2		
➤ Discussion: Proposal to Amend CrR 3.2	Erin Moody, Judge Marilyn Paja,	8
➤ Proposal developed by DV Work Groups	Judge Jackie Shea-Brown	
➤ Summarize DSV Committee input		
➤ Member feedback - should GJC sponsor?		
11:20 AM – 11:50 AM BRIEF UPDATES AND NEW BUSINESS		
➤ Passage of E2SHB 1320	Laura Jones,	
➤ Brief overview of GJC provisions	Kelley Amburgey-Richardson	
➤ Timeline for implementation		
➤ Name Change Fees and Practices	Judge Marilyn Paja	
➤ Application of GR 34 fee waiver to County Auditor recording fee		
➤ Other Member Updates (time permitting)	All	
11:50 AM – 12:00 PM ADJOURNMENT		
➤ Next Steps and Adjournment	Justice Sheryl Gordon McCloud, Judge Marilyn Paja, Co-Chairs	

APPENDIX

NEXT MEETING – September 10, 2021



Gender and Justice Commission
Friday, March 12, 2021
9:30 AM – 12 PM
Zoom Webconference



MEETING NOTES

Members & Liaisons Present

Justice Sheryl Gordon McCloud (Co-Chair)
 Judge Marilyn Paja (Co-Chair)
 Dua Abudiab
 Judge Anita Crawford-Willis
 Chief Judge Michelle Demmert
 Brielle Douglas (GU)
 Laura Edmonston
 Judge Rebecca Glasgow
 Kelly Harris
 Lillian Hawkins
 Elizabeth Hendren
 Ivy Rose Kramer (L&C)
 Commissioner Jonathon Lack
 Judge Eric Lucas
 Erin Moody
 Sal Mungia
 Dr. Dana Raigrodski
 Jennifer Ritchie
 Barbara Serrano
 Chief Judge Cindy Smith
 Olivia Shangrow (SU)
 Judge Jackie Shea-Brown
 Vicky Vreeland

Members & Liaisons Absent

Lucy Bauer (UW)
 Honorable Melissa Beaton
 Professor Gail Hammer
 Ali Johnson (UW)
 Riddhi Mukhopadhyay
 Bailey Reese (GU)
 Commissioner Sonia Rodriguez True

Guests

Judge Barbara Mack
 Rob Mead
 Marla Zink

Staff

Kelley Amburgey-Richardson
 Cynthia Delostrinos
 Moriah Freed
 Sierra Rotakhina

WELCOME AND INITIAL BUSINESS

Welcome and Call to Order

The meeting was called to order at approximately 9:30 AM.

- Justice Gordon McCloud welcomed everyone and called roll.
- Justice Gordon McCloud recognized Marla Zink and Judge Barbara Mack, who will be presenting at today's meeting.

January 22, 2022 Meeting Minutes

The meeting minutes were approved with modification.

Supreme Court Symposium Planning Update – Elizabeth Hendren and Marla Zink**Symposium Overview**

- Elizabeth Hendren and Marla Zink are representing GJC on the Symposium planning committee, coordinated by the Minority and Justice Commission. They have undertaken considerable work over the past year plus to develop the program for this important event.
- The title of the symposium is *Behind Bars: The Increased Incarceration of Women and Girls of Color*. GJC was asked to co-sponsor in 2020, and the event is now scheduled virtually via Zoom for June 2, 2021.
- The focus of the event will be on Washington. The number of women being incarcerated in Washington has been static or increasing over the past 10 years, with disproportionate impact on Black and Indigenous women. Will be providing firsthand accounts, data, and recommendations.
- There will be three panels:
 1. Status and number of girls incarcerated in Washington. Dr. Tatiana Masters and Dr. Amanda Gilman will present. There will be a section on a sexual orientation survey and they are hopeful to have a speaker specifically on trans issues.
 2. Pathways to incarceration. Policing, pretrial decisions, and social conditions that lead to incarceration of women.
 3. Conditions of confinement and collateral consequences. Parenting issues both in and after prison. Being in prison during COVID, fighting dependency and termination cases while incarcerated, and reentry issues. Will have individuals with lived experience present.
- The keynote speaker will be Angela Davis.
- A bench book will be compiled for follow-up education.

Discussion

- DOC recently changed its policy on where transgender prisoners are incarcerated.
 - Elizabeth Hendren informed the Commission that Disability Rights Washington, particularly Danny Waxwing, pushed for policy change. DRW put out an FAQ this week.
 - There is misinformation and mishandling of the topic.
 - Transphobic rhetoric has been circulated by DOC staff that is damaging to women currently housed at the facility and newly transferred prisoners. This has created a hostile situation for the trans women.
 - Justice Gordon McCloud noted that Secretary Sinclair sends a delegate to the GJ Study Advisory Committee meetings. Feel free to reach out if this can be raised at the next meeting.
- Judge Paja suggested that trans issues should be considered as a potential topic when planning the next Women's Conference at Mission Creek.

Law Student Liaison Virtual Event – Ivy-Rose Kramer

Event Planning

- Ivy-Rose Kramer is GJC’s law student liaison from Lewis and Clark Law School. She has worked with the other liaisons to develop a plan for a virtual event to foster a connection with the Commission in lieu of the usual in-person networking reception.
- They have put together a proposal for a lunchtime virtual event that would have multiple breakout rooms on various gender-related topics. She is looking for GJC members to volunteer for topics.
- The general structure of the event is as follows:
 - Main discussion room for 15-20 minutes.
 - Breakout room discussions. A survey was sent to students to see what types of breakout rooms they would like. The following were the top 3 topics:
 - Intersectionality, identity in the workplace
 - Uncomfortable moments – navigating micro aggressions and unprofessional conduct
 - Negotiating a salary
- The event would take place on April 9 or April 12-17 over the lunch hour, subject to availability of Commission member volunteers.
- Seattle University has a new gender-nonconforming students group they will also reach out to.

Discussion

- Suggestion to consider doing two lunch hours in a row because judges usually only have an hour. That way people could attend more than one session. One session could be introduction, and another could be breakout rooms.
- Judge Rebecca Glasgow noted that Washington Women Lawyers did a program on salary negotiations a few years ago. They are very responsive to inquiries if contacted. Might be worth having an expert from a non-legal field.
- Commissioner Jonathon Lack volunteered to help.

ACTION: Ivy-Rose Kramer will send an event summary to Kelley Amburgey-Richardson to disseminate to Commission and Committee members to gather volunteers and decide on a date.

Legislative Update on E2SHB 1320 - Judge Marilyn Paja, Chief Judge Cindy K. Smith, Chief Judge Michelle Demmert, Kelley Amburgey-Richardson

Status of Bill

- Judge Marilyn Paja provided a status update and background on E2SHB 1320. The bill has passed the House and is now in the Senate.
 - Over the summer, there was a large workgroup that met to look at the issue of creating a single petition for all protection orders, under the guidance of Judge Anne Levinson, ret. Riddhi Mukhopadhyay, Elizabeth Hendren, and others were involved. The workgroup came up with a proposal that required going through each individual statute

to mix and match them where changes needed be made – commonalities, fees, language, etc. Produced a document of suggested changes.

- The bill was nearly 300 pages long. Made substantial changes that provide greater access to the petitioner. Looked at various technology issues to gauge how courts could communicate with each other more easily.
- Chief Justice González communicated to the judicial branch that the bill is an access to justice issue.
- GJC supports the improvements to access to justice the bill would provide. There a few specific provisions the Commission is not taking a position on due to issues that may come before the Supreme Court.
- GJC is named in the bill to convene work on several protection order issues and is supportive of leading that work.
- Chief Judge Cindy Smith and Chief Judge Michelle Demmert met with Judge Anne Levinson and others to discuss Tribal protection order issues and gaps. A proposed amendment has been added to the bill in the Senate.
- Chief Judge Cindy Smith added that currently some tribes that participate in the Tribal Access Program (TAP) have access to enter their court data to the National Crime Information Center (NCIC). However, neither NCIC nor the National Instant Criminal Background Check System (NICS) talk to the state Judicial Information System (JIS) in WA. Orders have to be entered twice.
- Chief Judge Michelle Demmert shared:
 - TAP provides direct access to tribes to enter own criminal/civil data into NCIC and NICS.
 - Has been working with DOJ to figure out data gap where judges cannot see POs. State system does not show federal data inputted by tribes.
 - There are data sovereignty issues. Tribes should not have to rely on state to input information into state system.
 - Was excited for this bill because it was an opportunity to close this gap. Federal issues don't just impact tribal POs, could also be military, etc.
 - Current bill has GJC named to make recommendations to legislature and the courts on how to close this gap. Want to ensure we make the best decision possible.
- DMCJA and SCJA are opposing immediate implementation of the bill due to funding concerns. Not speaking with one voice from judicial branch on this bill.
- The first hearing in the Senate is 3/16.
 - Judge Marilyn Paja will be testifying in general support on behalf of GJC.
 - Chief Judge Michelle Demmert will be testifying in support on behalf of Tulalip tribes.

GENDER JUSTICE STUDY

Presentation and Discussion of Topics 2.8 and 2.11 – Dr. Dana Raigrodski and Judge Barbara Mack (ret.)

Presentation

- Dr. Raigrodski introduced the sections. The authors are seeking feedback on the following questions:

- Are we striking the right balance with comprehensive, data-based, evidence-based analysis?
- What are we missing?
- Dr. Raigrodski and Judge Mack provided an overview of how they approached the section.
 - Perception that most people exploited are women and girls. That is the case, but we are starting to identify and recognize how many boys and young men are involved, and the invisibility of these populations.
 - Gender-based violence is often perceived as violence against women, but that is not always the case. This section tries to convey that nuance and complexity.
 - Sections covering youth and adults have been combined because all are on a spectrum of exploitation and gender-based violence.
 - Language has been challenging they welcome input.
 - Want to highlight harm and significant disparate impact on Black, Indigenous, and people of color.
 - Washington has made great strides, such as changes to arrest policies, however application is inconsistent across the state. The legislature has also passed statutory changes.
 - Washington data shows that buyers tend to be white, educated, economically stable men. Many mandatory fines and fees are being left on the table.
 - Co-occurring crimes make individuals vulnerable to the criminal justice system.
 - Promising approaches include the Kitsap County diversion court and girls' court.
- This section makes the following recommendations:
 - Improve data collection and coordination.
 - Decriminalize people selling sex, but keep criminalization of buyers and sellers.
 - Expand diversion and other legal system responses.
 - Increase judicial education.

Discussion

- Chief Judge Smith noted WomenSpirit Coalition might have some evidence from the field to share with the study about Native communities.
- Judge Mack highlighted that the data issue is a barrier to agencies, private organizations, and law enforcement to know what we're dealing with. A state, local, and federal problem.
- Chief Judge Demmert noted that data is an issue across so many platforms, not just trafficking, but protection orders and other areas as well. When we have missing or runaway children, response is dismissive. This doesn't take into account historical trauma.
 - [Minnesota Indian Women's Sexual Assault Coalition](#) has done some studies on trafficking in Native communities and also conduct a bi-annual training.
 - [Innovations Human Trafficking Collaborative](#) (Director Jeri Moomaw) is another contact.
- Chief Judge Demmert recommends a multi-jurisdictional approach because of database issues.
- Dr. Raigrodski noted that COVID impacts need to be integrated into the report. Reporting has gone down, especially re: children but CSEC gone up due to exploitation by family members. As economic pressures have increased, this has pushed some youth into sex work.
- Judge Paja suggested including some headlines that jump out and grab you visually on the pages of the report. This affects real people.

- Dr. Raigrodski posed questions about the recommendations: What manner do we make the recommendations? Should we be making targeted recommendations to the legislature, or is that overstepping? Should we recommend decriminalization for adults? Are we setting the right tone? Are the recommendations suitable?
 - Discussion about the recommendation to enforce mandatory fines and fees, civil forfeiture, for buyers
 - Justice Gordon McCloud noted that we have tried to oppose fines and fees that disproportionately impact low income and people of color.
 - Judge Mack shared that buyer data for child sexual exploitation shows that buyers are economically advantaged. Fines and fees help pay for services to arrest perpetrators and serve the victims.
 - Diversion programs need prosecutor approval. Would another consideration for a recommendation to remove the prosecutorial approval for diversion programs?
 - Erin Moody expressed concerns with the conflation of trafficking and participation in the commercial sex industry on the “buyer” side. This is an oversimplification, and the resulting imposition of fees has ramifications for families and individuals.
 - Kelly Harris shared about the prosecution approach in King County and Seattle.
 - Has focused on the demand side. In Seattle there hasn’t been a prosecution of an exploited person in years.
 - Members discussed issues with the Law Enforcement Assisted Diversion (LEAD) model
 - Relies on law enforcement directing people towards services.
 - Go after the buyer, get the victim to help convict them as a way to manipulate them into getting services.
 - Forces people through a criminal justice process rather than empowering them to get services on their own.

ACTION: Chief Judge Demmert will provide information on trafficking in native communities to Sierra Rotakhina and Dr. Raigrodski.

ACTION: Members should provide comments and feedback on sections 2.8 and 2.11 to Dr. Raigrodski, Judge Mack, and Sierra Rotakhina.

Discussion of Draft Study Recommendations – Justice Sheryl Gordon McCloud, Dr. Dana Raigrodski, Sierra Rotakhina

- Study research has reached a point where topic leads have developed recommendations for many of the sections.
- Commissioner feedback on the recommendations is very important, as this will be a Commission report that guides our work for years to come.
- Pg. 62 of the packet contains draft recommendations. Recommendations range from practical to aspirational, to somewhere in between.
- The 1989 study recommendations were detailed and directed at certain entities. It was difficult to discern which recommendations were accomplished.

- Rob Mead noted that if the recommendations are not measurable, it is hard to know if the recommendation had any benefits. He suggested using the SMART (specific, measurable, attainable, relevant, time-bound) framework for developing the recommendations.
- Justice Gordon McCloud noted that a big overarching concern is that we lack data.
 - For the areas where we've identified problems, we can craft smart, attainable recommendations.
 - More trouble figuring out smart, measurable recommendations for issues such as childcare so women and other caregivers may attend court.
 - Judge Mack noted that consent to collecting data is a big issue. Need to protect the person whose data is being collected.
 - Judge Lucas thinks it is important to prioritize recommendations that causally solve problems.
 - Chief Judge Smith likes the idea of grouping the recommendations by priority or urgency.
- The recommendations will serve as a guiding force for the Committees of the Gender & Justice Commission.
- Justice Gordon McCloud asked Commission and Committee members to look at the recommendation chart and evaluate.
- Dr. Raigrodski added that if there are particular sections that you have time to provide feedback on, please let us know. All sections will be circulated as an FYI.
 - It is okay to forward the drafts to other stakeholders but please let them know it is a draft and keep Sierra Rotakhina in the loop.
 - There is a cover email to circulate that provides background on the study.

ACTION: Gender & Justice Commission and Committee members should provide feedback on the chart of proposed study recommendations by emailing Sierra Rotakhina.

ACTION: Please let Sierra Rotakhina know if you have interest in reviewing a particular study section. Draft sections will be circulated for review via email.

NEXT STEPS AND ADJOURNMENT

Next Steps and Adjournment – Co-Chairs

- The study team will be disseminating Gender Justice Study draft sections on a rolling basis over the next few months for review and feedback. Commission members should look for those via email and review the sections they are interested in.
- Justice Gordon McCloud and Sierra Rotakhina will be presenting to the Race and Criminal Justice Task Force after today's Commission meeting.

The meeting adjourned at approximately 12:03 p.m.

1. Should proposed rule CrR 3.2(9) include an explanatory comment, quantifying the statistical risk associated with each of the “compounding additional relevant factors?”

Arguments for such a comment:

One of the perceived benefits of the proposed rule is that it would help “standardize pretrial release decisions across the state.” Meeting materials at 15. Presumably, a comment providing at least some degree of quantitative context—i.e., telling judges what degree of statistical risk is associated with each factor—would promote uniformity of application. It would also function as a practical user’s guide to the rule, empowering judges with basic knowledge to inform their exercise of discretion, and empowering parties and advocates to make informed arguments.

Another perceived benefit of the new rule is that it is less likely to exacerbate racial and socioeconomic disparities rooted in the over-policing and criminalization of men of color. Meeting materials at 18. The thinking is that the ODARA, on which the proposed rule is based, places relatively less emphasis on criminal history and unemployment, as compared with other risk assessment tools. One version of a quantitative comment might simply highlight this aspect of the factors, by noting that each one corresponds to roughly the same degree of statistical risk. In theory, this would decrease the likelihood that judges will overemphasize the factors most associated with race and socioeconomic status. Such a comment might say something like:

Studies show that each of the factors identified in (e)(1), (7), and (9)¹ corresponds to an equivalent increase in the statistical likelihood of reoffense. Thus, the statistical likelihood of reoffense increases equally with the addition of each factor.

Arguments against such a comment:

As the following example illustrates, an explanatory comment that (almost) accurately reflects the statistics underlying the ODARA is necessarily both gendered and clunky:

Statistics show that each of the factors identified in (e)(1), (7), and (9) corresponds, approximately, to a ten percent increase in the likelihood that a male perpetrator will commit a second assault on a female intimate partner within five years.² No matter how many factors are present, however, no more than 70 percent of such men are predicted to recidivate.

¹ These twelve items correspond to the 13 items on the ODARA. In proposed CrR 3.2(e)(9), ODARA items 10 and 11 are combined in (a). (Note: this combination may result in underestimating the statistical likelihood of recidivism.)

² The ODARA Fact Sheet (see page 34) says that the tool has been validated for female perpetrators “in two studies to date.” But it says that validation shows only that it can “identify the women most at risk of reoffending.” It also says that “women reoffend at a lower rate than men do,” and that further research is needed to develop an actuarial table specific to women’s ODARA scores. Discussions with Dr. Amanda Gilman at WSCCR, who advised the workgroup on the CrR.3.2 proposal, indicate there is no reliable study validating the ODARA for female perpetrators.

Moreover, query whether the above statement about the “likelihood” of recidivism accurately reflects an actuarial risk assessment. Does it capture what the data shows? Does it overstate, or oversimplify, the factors’ predictive potential?

2. Should stalking behavior be included in proposed CrR 3.2(9) even though it is not specifically included in the ODARA?

Arguments for including stalking behavior:

This factor is included in at least two other two other risk-assessment tools consulted by the workgroup: the Danger Assessment³ and the B-SAFER (under the heading “Violent Threats or Ideation”).⁴ Anecdotally, advocates on our committee have seen the connection between this risk factor and serious violent outcomes. Stalking behavior would not appear to correspond with any racial or socioeconomic demographic.

Arguments against including stalking behavior:

Including any risk factor not listed in the ODARA will confound our ability to accurately describe the statistical risk associated with each factor. Put another way, one benefit of the ODARA factors is that they translate relatively easily into a simple risk formula: the factors do not overlap, and with the addition of each, the risk of future violence increases by an equal amount. With the addition of outside factors, that is no longer the case.

Perhaps the advisability of including stalking behavior as a stand-alone factor decreases to the extent proposed CrR 3.2(9) will include any quantitative, contextualizing comment.

3. Regardless of the answers to questions 1 and 2, should the proposed rule be revised as follows?

(9) Additional Relevant Factors – Showing of Substantial Danger in ~~Domestic Violence~~ Cases of Intimate Partner Violence. In addition to the factors in subsection (e)(1) through (8) above, in determining which conditions of release will reasonably assure the accused’s noninterference with the administration of justice, and reduce danger to others, including alleged victims, witnesses, or the community, the court shall, on the available information, consider the following compounding additional relevant factors in a case alleging intimate partner domestic violence, including but not limited to:⁵

³ See meeting materials, at page 32.

⁴ See meeting materials, at page 17, n.14; Kropp, P.R., Hart, S.D., *The Development of the Brief Spousal Assault Form for the Evaluation of Risk (B-Safer): A Tool for Criminal Justice Professionals*, Department of Justice Canada (2004), available at: https://www.justice.gc.ca/eng/rp-pr/fl-lf/famil/rr05_fv1-rr05_vf1/rr05_fv1.pdf.

⁵ The ODARA is a risk assessment tool specifically designed for use in cases involving violence against a “partner.” The definition of “partner” for purposes of the ODARA is substantively identical to the definition of “intimate partner” in RCW 26.50.010(7). In 2019, several other statutes were updated to incorporate that definition. See RCW 9A.36.041 (statute on assault in the fourth degree, which contains many DV-specific provisions); RCW

- (a) Whether the accused has committed prior domestic violence assault or non-domestic violence assault that resulted in a police report or charges filed;
- (b) Prior violation by the accused of restraining orders or protection orders;
- (c) Whether the accused made a threat to physically harm or kill the victim or another person⁶ as part of the current charge;
- (d) Whether the accused, as part of the current charge, tried to physically block ~~confined the victim or prevented~~ the victim from leaving the location ~~as part of the current charge;~~⁷
- (e) Whether the accused has more than one indicator of substance abuse;
- (f) Whether there is a history of assault by the accused on the victim while she was pregnant;
- (g) Whether the accused and the victim have more than one child together;
- (h) Whether the victim has a biological child with someone other than the accused;
- (i) Victim concern of future assault by the accused; and
- (j) Whether the victim is socially, geographically, or financially isolated.

9.41.010(13), .800(3) (weapons surrender statute); RCW 10.99.020(8) (definition section in chapter governing “official response” to domestic violence).

⁶ Among some stakeholder groups, violence directed at pets may be viewed as a special form of domestic violence, warranting heightened concern. See, e.g., Laws of 2009, ch. 439, § 1 (“The legislature intends that perpetrators of domestic violence not be allowed to further terrorize and manipulate their victims, or the children of their victims, by using the threat of violence toward pets.”) However, the ODARA expressly excludes threats or assaults against pets as a risk factor. See ODARA Scoring Form items 2, 10, and 11 (page x). It also expressly excludes “threats of non-bodily harm.” In keeping with the intent to propose a data-driven rule, the proposed language should clarify that this factor is limited to threats of physical harm against human targets.

⁷ Language limiting this risk factor to physical blocking makes it consistent with the ODARA, which expressly excludes verbal threats from the “confinement” factor. See ODARA Scoring Form item 1 (page 27). Verbal threats of physical harm, including those intended to prevent the victim from leaving the scene, are captured by subsection (c) of the proposed rule.

Court Rules and Comments: CrR 3.2 (e) and CrRLJ 3.2 (e)
Release of Accused

- A. Name of Proponent: -- the name of the person or group requesting the rule change;
- B. Spokesperson: -- a designation of the person who is knowledgeable about the proposed rule and who can provide additional information (include contact info);
- C. Hearing: – whether the proponent believes a public hearing is needed and, if so, why;
- D. Expedited Consideration: —whether the proponent believes that exceptional circumstances justify expedited consideration of the suggested rule, notwithstanding the schedule set forth in GR9 section (i).

Purpose:

In nearly every respect CrR 3.2 (Release of Accused) and CrRLJ 3.2 (Release of Accused) the framework and language are identical.¹ Each rule provides guidance to the court when establishing pretrial conditions of release for the accused person, the defendant. Both the Superior Courts and the Courts of Limited Jurisdiction engage in hearings considering conditions of release, and each trial court considers matters involving domestic violence.² These hearings are early-on in the case, usually at Preliminary Hearing or Arraignment. [In the press of work, these hearings are usually brief. The judge will have read the probable cause statement and been provided with the defendant's criminal history. Some courts will provide staff to produce a pretrial release recommendation. A victim or defendant family member may provide input.] Each rule provides that a defendant is presumed to be released on his or her personal recognizance pending trial, unless (1) the court finds that this personal recognizance will not reasonably assure the defendant's appearance or (2) there is a shown a likely danger that the

¹ The following provisions of CrR 3.2 and CrRLJ 3.2 differ:

1. CrR 3.2(a) states "shall at the preliminary appearance or reappearance pursuant to rule 3.2.1 or CrRLJ 3.2.1 be ordered released" whereas CrRLJ 3.2(a) states: "...shall at the preliminary appearance or reappearance pursuant to rule 3.2.1 be ordered released..."
2. CrR 3.2(a) states that the court shall consider relevant facts, "including, but not limited to, those in subsections (d) and (g) of the rule" whereas CrRLJ 3.2(a) references facts in subsections (c) and (e).
3. CrRLJ 3.2(b)(4) contains an additional condition not listed in CrR 3.2 ("Require the execution of a bond in a specific amount and the deposit in the registry of the court...")
4. CrRLJ 3.2(7) authorizes adoption of a bail schedule whereas CrR 3.2 does not contain this language in CrR 3.2(6).
5. CrR 3.2(j) authorizes review of conditions, whereas CrRLJ 3.2 does not contain a section re: review of conditions.
6. CrRLJ 3.2(m) is [reserved] whereas there is not a [reserved] section of CrR 3.2.
7. CrR 3.2(n) discusses forfeiture whereas there is not a comparable section in CrRLJ 3.2.
8. CrRLJ contains section (o) re: bail in criminal cases- mandatory appearance whereas there is not a comparable section in CrR 3.2.

² Pursuant to RCW 26.50.010(3), domestic violence is defined as "(a) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or 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 RCW28 9A.46.110 of one family or household member by another family or household member."

accused (i) will commit a violent crime or (ii) will seek to intimidate a witness or otherwise unlawfully interfere with the administration of justice.

To determine if a defendant is not likely to reappear, the rules set out relevant factors that the court must consider.³ The rules further provide that, if the court finds a defendant is likely not to reappear, the court must set only the least restrictive conditions on the defendant that ameliorate this concern.⁴

To protect from a substantial danger that the defendant will commit a violent crime or seek to intimidate witnesses or otherwise unlawfully interfere with the administration of justice, the court is permitted to consider a non-exclusive list of permissible restrictions.⁵ **Under the heading *Relevant Factors-- Showing of Substantial Danger*, Subsection (e) of both CrR 3.2 and CrRLJ 3.2 provides that in determining which of these restrictions to impose, the court shall consider a list of non-exclusive factors. It is subsection (e) that the Proponents here ask the Supreme Court, in its rule-making authority, to amend to include factors specific to release for crimes alleged to be domestic violence (DV).**

For purposes of this request, the remainder of this statement applies to both CrR 3.2 and CrRLJ 3.2, and references to “Rule 3.2” encompass both rules.

By enacting E2SHB 1517, “Concerning Domestic Violence” was signed into law on May 7, 2019, the Legislature highlighted the significance of DV prevention:

Given the pervasiveness of domestic violence and because of the link between domestic violence and many community issues including violent recidivism, victims and offenders are owed effective treatment and courts need better tools. State studies have found domestic violence crimes to be the most predictive of future violent crime.⁶

³ CR 3.2(c) and CrRLJ 3.2(c)

⁴ CrR 3.2(b) and CrRLJ 3.2(b)

⁵ CrR 3.2 (d) and CrRLJ 3.2(d)

⁶ Laws of 2019, chapter 263

Part VIII of this legislation mandated the reconvening⁷ of work groups to address the issues of DV perpetrator treatment and DV risk assessment. Both of the work groups are collaborative in nature and are coordinated by the Washington State Supreme Court Gender & Justice Commission (hereafter GJC).

The DV Risk Assessment Work Group's composition includes judges, defense attorneys, prosecuting attorneys, legal aid attorneys, DV treatment professionals, and DV victim advocates, as well as members of law enforcement and other stakeholders. The work groups also include research scientists from Washington State University, and from the Washington State Center for Court Research⁸. The mandate to the DV Risk Assessment Work Group is 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.”⁹ For its legislative report, “the work group shall:

- (i) 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 enforcement¹ would be needed to implement an alternative to mandatory arrest;
- (ii) Research, review, and make recommendations on how prior recommendations of the work group should be implemented in order to promote effective strategies to reduce domestic violence in Washington state;
- (iii) Monitor, evaluate, and provide recommendations on the development and use of the risk assessment tool under section 401 of this act; and

⁷ Pursuant to [E2SHB 1163](#), DV work groups were previously convened in 2017-2018, and issued the following reports: [Domestic Violence Perpetrator Treatment: A Proposal for Integrated System Response](#) and [Domestic Violence Risk Assessment](#).

⁸ Dr. Zachary Hamilton (WSU) and Dr. Amanda Gilman (WSCCR)

⁹ Laws of 2019, chapter 263

- (iv) Provide recommendations on other items deemed appropriate by the work group.”¹⁰

Assessment of risk in the area of pretrial release is one essential topic of the DV Risk Assessment Work Group mandated by the legislature. The Chairs of the Work Group¹¹ determined that a change to Rule 3.2 would, with consideration of the science and validation given to certain evaluative tools, make some progress to provide better resources to judges across the state who do not have easy access to these tools. Judges are already determining risk, whether by the use of validated or unvalidated tools, or their own personal experiences in the field of prevention of domestic violence. The provision of a clear list of validated factors for judges to consider with regard to DV cases will help to standardize pretrial release decisions across the state.

All new judges in our state attend a week-long intensive Judicial College in the January after their appointment or election. A substantial subject is judicial response to civil and criminal claims of domestic violence. Judge Patti Connolly Walker of Spokane District Court has been a presenter on multiple occasions on the topic of domestic violence and is currently one of the Judicial College Faculty assigned to present at Judicial College to new judicial officers on the topic of domestic violence. According to Judge Walker: “New and newly elevated judges will benefit greatly from a vetted and validated set of considerations for pretrial release. Judges and commissioners come to this work with a variety of experience with domestic violence issues, some in the distant past or outside of their former areas of legal practice. It is clear from my interaction with these and other more experienced judicial officers in my training capacity, that

¹⁰ Id.

¹¹ Judge Mary Logan (Spokane Municipal Court) and Judge Eric Lucas (Snohomish County Superior Court)

we all would benefit by a clearer evaluative process while we all await the necessary data to evaluate risk of offenders using other risk assessment tools.”

Judge Jacqueline Shea-Brown of Benton & Franklin Counties Superior Court, who also co-chairs the Washington State Supreme Court Gender and Justice Commission’s Domestic and Sexual Violence Committee and who has served as faculty for domestic violence education for judges also highlighted the criticality of judicial officers having appropriate tools and information in domestic violence cases:

“Judges are educated on the lethality of domestic violence at Judicial College and annual judicial conferences and are aware of articles on the topic. At the 2019 Superior Court Judges Association’s Spring Judicial Conference, a session was held on “*Reducing Gun Violence by Upholding Protection Order-Related Firearm Laws*” which highlighted a December 9, 2018, article by the Washington Post entitled “*Domestic Slayings: Brutal and foreseeable.*” That article included an “analysis of 4,484 killings of women in 47 major U.S. cities during the past decade [and] found that nearly half of the women who were killed – 46 percent – died at the hands of an intimate partner. In many cases, they were among the most brutal deaths, and the most telegraphed. With that lethality in mind along with the constitutional rights of the accused, the pretrial risk assessment of defendants charged with crimes involving domestic violence merit heightened scrutiny with validated and evidenced-based factors. Every effort should be made to ensure judicial officers have the tools they need to make these critically important decisions in a fair and just manner.”

In February 2020, the DV Risk Assessment Work Group formed a subcommittee to develop proposed revisions to Rule 3.2, the explicit factors that judges consider when making decisions about pretrial release and conditions to determine if additional factors would be helpful to judges approaching a defendant charged with domestic violence. The goal was to provide judicial officers with additional validated guidance on factors which should be considered at the Preliminary Appearance or Arraignment when release conditions are established. The rule also provides guidance to prosecutors and defense attorneys as each makes their positions known to the judge.

The subcommittee reviewed four validated DV-specific risk assessment tools to identify factors known to be predictive of serious DV recidivism that could be incorporated into the court rules: the Ontario Domestic Assault Risk Assessment (ODARA)¹²; the Danger Assessment (DA)¹³, the Brief Spousal Assault Form for the Evaluation of Risk (B-SAFER)¹⁴, and the Domestic Violence Screening Instrument – Revised (DVSI-R)¹⁵. Additionally, the group consulted the Center for Court Innovation’s Domestic Violence Benchbooks Guide¹⁶ (2015) and Domestic Violence Fatality Reviews and recommendations compiled the Washington State Coalition Against Domestic Violence¹⁷ to further inform our inquiry.

There is considerable overlap among the tools with regard to the items assessed. After thoughtful consideration and discussion, as well as the recommendation of the WSCCR research scientist, the subcommittee decided to base the proposed changes to Rule 3.2 on factors included in the ODARA, though many of these factors are also included in other tools.

The ODARA was chosen for three primary reasons:

¹² Hilton, N. Z., Harris, G. T., Rice, M. E., Lang, C., Cormier, C. A., & Lines, K. J. *A brief actuarial assessment for the prediction of wife assault recidivism: The Ontario Domestic Assault Risk Assessment*. *Psychological Assessment*, 16, 267–275. (2004).

¹³ Campbell, J.C., Webster, D., Koziol-McLain, J., Block, C., Campbell, D., Curry, M.A., Gary, F., Glass, N., McFarlane, J., Sachs, C., Sharps, P., Ulrich, Y., Wilt, S.A., Manganello, J., Xu, X., Schollenberger, J., Frye, V., & Laughon, K. *Risk factors for femicide in abusive relationships: Results from a multisite case control study*. *American Journal of Public Health*, 93(7), 1089-1097 (2003).

¹⁴ Kropp, P. R., Hart, S. D., & Belfrage, H. *Brief spousal assault form for the evaluation of risk (B-SAFER): User manual*. Vancouver, BC, Canada: Proactive Resolutions (2005).

¹⁵ Williams, K. R., & Grant, S. R. Empirically examining the risk of intimate partner violence: The revised Domestic Violence Screening Instrument (DVSI-R). *Public Health Reports*, 121, 400-408 (2006).

¹⁶ Center for Court Innovation, *Domestic violence benchbooks: A Guide to Court Intervention*. New York. (2015), available at: <https://www.courtinnovation.org/publications/domestic-violence-benchbooks-guide-court-intervention>

¹⁷ *Domestic Violence Fatality Review Recommendations: Suicide & Mental Health* (2016), available at <https://wscadv.org/wp-content/uploads/2016/12/dvfr-recommendations-suicide-mental-health1.pdf>; *Issue Brief: Firearms Prohibitions & Domestic Violence Homicides* (2015), available at https://wscadv.org/wp-content/uploads/2016/12/firearms_prohibitions_dv_homicide.pdf; *Pregnancy and Domestic Violence Homicide* (2013), available at <https://wscadv.org/wp-content/uploads/2016/12/pregnancy-dvfr-issue-brief-12-2013.pdf>.

1. The tool is one of the most extensively studied pre-trial DV risk assessments and has been found to have good interrater reliability and predictive validity for DV-specific and general violent re-offending.¹⁸
2. The judicial officers in the group agreed on the potential feasibility of assessing the factors included in the ODARA. Some available risk assessments include items that would be very difficult or impossible for judicial officers to assess, given their limited time and access to information.
3. There is considerable concern about how risk assessment tools may exacerbate racial/ethnic and socioeconomic disparities in the criminal justice system by focusing on factors that are highly correlated with race/ethnicity and socioeconomic status, including prior criminal justice system involvement, housing, and unemployment. The ODARA, while not ignoring prior criminality, a factor proven to be highly predictive of future homicide and re-assault, pays substantial attention to factors assessing the nature of the current offense (e.g., confinement and threat to kill during the current assault), social factors (e.g., the presence of shared children and children unrelated to the alleged perpetrator), and victim concerns (e.g., concerns about future assaults and barriers to support). These items appear much less likely to be correlated with demographic characteristics, and thus, less likely to result in disparities.

All 13 factors found in the ODARA, many of which are also found in the other validated risk assessments noted above¹⁹, are included in this proposal to amend Rule 3.2. The ODARA factors that are already contained in Rule 3.2, section (e) are referenced by footnote. The subcommittee's proposed amendments to the rules include additional ODARA factors that are not already listed in the rule for courts' consideration, and are listed in the proposed new section (e), subsection (9).

Supplemental information included with this proposal includes the following:

¹⁸ See Graham, L.M., Sahay, K.M., Rizo, C.F., Messing, J.T., & Macy, R.J. The validity and reliability of available intimate partner homicide and reassault risk assessment tools: A systematic review. *Trauma, Violence, & Abuse* (2019). Advance online publication. Some courts may already be familiar with the ODARA; it is currently used in King County by the Superior Court, as well as by public defense and the county prosecutor's office.

¹⁹ Many of these factors are in conformity with findings made by the Washington Supreme Court in *Zavala v. Rodriguez*, 188 Wn.2d 586, 599, 398 P.3d 1071 (2017), concerning the peril of domestic violence when children are involved. In a civil request for DV protection order under RCW 26.50, where a child was not physically present, but actual threats to the child were made, the Washington Supreme Court held that the mother's "reasonable fear for her child" entitled her to relief. *Id.* at 599. The Supreme Court also concluded that exposure of a child to domestic violence constitutes harm and qualifies as domestic violence under chapter 26.50 RCW. Multiple scientific studies and learned treatises are included in the discussion. *Id.* at 596-597.

1. ODARA scoring form
2. Excel Spreadsheet of validated pretrial DV Risk Assessment

DRAFT

CrR 3.2²⁰
RELEASE OF ACCUSED

If the court does not find, or a court has not previously found, probable cause, the accused shall be released without conditions.

(a) Presumption of Release in Noncapital Cases.

Any person, other than a person charged with a capital offense, shall at the preliminary appearance or reappearance pursuant to rule 3.2.1 or CrRLJ 3.2.1 be ordered released on the accused's personal recognizance pending trial unless:

(1) the court determines that such recognizance will not reasonably assure the accused's appearance, when required, or

(2) there is shown a likely danger that the accused:

(a) will commit a violent crime, or

(b) will seek to intimidate witnesses, or otherwise unlawfully interfere with the administration of justice.

For the purpose of this rule, "violent crimes" are not limited to crimes defined as violent offenses in RCW 9.94A.030.

In making the determination herein, the court shall, on the available information, consider the relevant facts including, but not limited to, those in subsections (d) and (g) of this rule.

(b) Showing of Likely Failure to Appear--Least Restrictive Conditions of Release. If the court determines that the accused is not likely to appear if released on personal recognizance, the court shall impose the least restrictive of the following conditions that will reasonably assure that the accused will be present for later hearings, or, if no single condition gives that assurance, any combination of the following conditions:

(1) Place the accused in the custody of a designated person or organization agreeing to supervise the accused;

(2) Place restrictions on the travel, association, or place of abode of the accused during the period of release;

(3) Require the execution of an unsecured bond in a specified amount;

(4) Require the execution of a bond with sufficient solvent sureties, or the deposit of cash in lieu thereof;

(5) Require the accused to return to custody during specified hours or to be placed on electronic monitoring, if available; or

(6) Impose any condition other than detention deemed reasonably necessary to assure appearance as required. If the court determines that the

²⁰ The proposed changes to CrR 3.2 are also applicable to section (e) of CrRLJ 3.2.

accused must post a secured or unsecured bond, the court shall consider, on the available information, the accused's financial resources for the purposes of setting a bond that will reasonably assure the accused's appearance.

(c) Relevant Factors--Future Appearance. In determining which conditions of release will reasonably assure the accused's appearance, the court shall, on the available information, consider the relevant facts including but not limited to:

(1) The accused's history of response to legal process, particularly court orders to personally appear;

(2) The accused's employment status and history, enrollment in an educational institution or training program, participation in a counseling or treatment program, performance of volunteer work in the community, participation in school or cultural activities or receipt of financial assistance from the government;

(3) The accused's family ties and relationships;

(4) The accused's reputation, character and mental condition;

(5) The length of the accused's residence in the community;

(6) The accused's criminal record;

(7) The willingness of responsible members of the community to vouch for the accused's reliability and assist the accused in complying with conditions of release;

(8) The nature of the charge, if relevant to the risk of nonappearance;

(9) Any other factors indicating the accused's ties to the community.

(d) Showing of Substantial Danger--Conditions of Release. Upon a showing that there exists a substantial danger that the accused will commit a violent crime or that the accused will seek to intimidate witnesses, or otherwise unlawfully interfere with the administration of justice, the court may impose one or more of the following nonexclusive conditions:

(1) Prohibit the accused from approaching or communicating in any manner with particular persons or classes of persons;

(2) Prohibit the accused from going to certain geographical areas or premises;

(3) Prohibit the accused from possessing any dangerous weapons or firearms, or engaging in certain described activities or possessing or consuming any intoxicating liquors or drugs not prescribed to the accused;

(4) Require the accused to report regularly to and remain under the supervision of an officer of the court or other person or agency;

(5) Prohibit the accused from committing any violations of criminal law;

(6) Require the accused to post a secured or unsecured bond or deposit cash in lieu thereof, conditioned on compliance with all conditions of

release. This condition may be imposed only if no less restrictive condition or combination of conditions would reasonably assure the safety of the community. If the court determines under this section that the accused must post a secured or unsecured bond, the court shall consider, on the available information, the accused's financial resources for the purposes of setting a bond that will reasonably assure the safety of the community and prevent the defendant from intimidating witnesses or otherwise unlawfully interfering with the administration of justice.

(7) Place the accused in the custody of a designated person or organization agreeing to supervise the accused;

(8) Place restrictions on the travel, association, or place of abode of the accused during the period of release;

(9) Require the accused to return to custody during specified hours or to be placed on electronic monitoring, if available; or

(10) Impose any condition other than detention to assure noninterference with the administration of justice and reduce danger to others or the community.

(e) Relevant Factors--Showing of Substantial Danger. In determining which conditions of release will reasonably assure the accused's noninterference with the administration of justice, and reduce danger to others, including alleged victims, witnesses, or the community, the court shall, on the available information, consider the relevant facts including but not limited to:

(1) The accused's criminal record²¹;

(2) The willingness of responsible members of the community to vouch for the accused's reliability and assist the accused in complying with conditions of release;

(3) The nature of the charge;

(4) The accused's reputation, character, and mental condition;²²

(5) The accused's past record of threats to victims or witnesses or interference with witnesses or the administration of justice;

(6) Whether or not there is evidence of present threats or intimidation directed to witnesses;²³

(7) The accused's past record of committing offenses while on pretrial release, probation or parole;²⁴ and

²¹ RCW 10.99.045(b)(i)-(iii) requires the prosecutor at arraignment to provide the court with the defendant's criminal history that occurred in Washington or any other state or tribal jurisdiction and individual order history. For charges of DV, this factor is also supported by the ODARA, B-Safer, DVSI-R, and DV Bench Guide.

²² For charges of DV as to mental condition, also supported by B-Safer, Danger Assessment, DV Bench Guide.

²³ For charges of DV as to present threats, also supported by ODARA, B-Safer, Danger Assessment, DV Bench Guide

²⁴ For charges of DV, also supported by the ODARA, B-Safer, DVSI-R

(8) The accused's past record of use of or threatened use of deadly weapons or firearms, especially to victims or witnesses.²⁵

(9) Additional Relevant Factors—Showing of Substantial Danger in Domestic Violence cases. In addition to the factors in subsection (e) (1) through (8) above, in determining which conditions of release will reasonably assure the accused's noninterference with the administration of justice, and reduce danger to others, including alleged victims, witnesses, or the community, the court shall, on the available information, consider the following compounding²⁶ additional relevant facts in a case alleging domestic violence, including but not limited to:

- (a) Whether the accused has committed prior domestic violence assault or non-domestic violence assault that resulted in a police report or charges filed;²⁷
- (b) Prior violation by the accused of restraining orders or protection orders;²⁸
- (c) Whether the accused made a threat to harm or kill the victim or others as part of the current charge;²⁹
- (d) Whether the accused confined the victim or prevented the victim from leaving the location as part of the current charge;³⁰
- (e) Whether the accused has more than one indicator of substance abuse;³¹
- (f) Whether there is a history of assault by the accused on the victim while she was pregnant;³²

²⁵ For charges of DV, also supported by B-Safer, Danger Assessment and DVSI-R; See also Bonomi, Amy E, et. al. *Intimate Partner Violence and Neighborhood Income: A Longitudinal Analysis*. Violence Against Women (2014) (The researchers, who studied domestic violence police reports of nearly 6,000 couples in Seattle during a two-year period, found that weapon use at the baseline event was a much stronger predictor of repeat abuse than neighborhood income.)

²⁶ When scoring risk pursuant to the ODARA, the accused's risk of reoffending increases with the presence of each additional factor. Hilton, N. Z., Harris, G. T., Rice, M. E., Lang, C., Cormier, C. A., & Lines, K. J. *A brief actuarial assessment for the prediction of wife assault recidivism: The Ontario Domestic Assault Risk Assessment*. Psychological Assessment, 16, 267–275. (2004).

²⁷ ODARA, B-Safer, DVSI-R

²⁸ ODARA, B-Safer, DVSI-R; See also RCW 10.99.045(b)(iii)

²⁹ ODARA, Danger Assessment, B-Safer

³⁰ ODARA

³¹ ODARA, Danger Assessment, B-Safer, DVSI-R; See also, N. Zoe Hilton, Grant T. Harris, Marnie E. Rice, Carol Lang, Catherine A Cormier, Kathryn J. Lines, *A Brief Actuarial Assessment for the Prediction of Wife Assault Recidivism: The Ontario Domestic Assault Risk Assessment*, Psychological Assessment Vol 16, No. 3, 267-275 (2004). The researchers found that for each additional indicator of substance abuse there was a significant increase in the likelihood of re-assault. To simplify scoring, they dichotomized all questions. They found that the 0/1 indicator vs. 2+ indicators of substance abuse option was more predictive than other binary options (e.g., zero vs. 1+).

³² ODARA, Danger Assessment

- (g) Whether the accused and the victim have more than one child together³³;
- (h) Whether the victim has a biological child with someone other than the accused³⁴;
- (i) Victim concern of future assault by the accused³⁵; and
- (j) Whether the victim is socially, geographically, or financially isolated.³⁶

(g) Delay of Release. The court may delay release of a person in the following circumstances:

(1) If the person is intoxicated and release will jeopardize the person's safety or that of others, the court may delay release of the person or have the person transferred to the custody and care of a treatment center.

(2) If the person's mental condition is such that the court believes the person should be interviewed by a mental health professional for possible commitment to a mental treatment facility pursuant to RCW 71.05, the court may delay release of the person.

(3) Unless other grounds exist for continued detention, a person detained pursuant to this section must be released from detention not later than 24 hours after the preliminary appearance.

(g) Release in Capital Cases. Any person charged with a capital offense shall not be released in accordance with this rule unless the court finds that release on conditions will reasonably assure that the accused will appear for later hearings, will not significantly interfere with the administration of justice and will not pose a substantial danger to another or the community. If a risk of flight, interference or danger is believed to exist, the person may be ordered detained without bail.

(h) Release After Finding or Plea of Guilty. After a person has been found or pleaded guilty, and subject to RCW 9.95.062, 9.95.064, 10.64.025, and 10.64.027, the court may revoke, modify, or suspend the terms of release and/or bail previously ordered.

(i) Order for Release. A court authorizing the release of the accused under this rule shall issue an appropriate order containing a statement of the conditions imposed, if any, shall inform the accused of the penalties

³³ ODARA; See also, N. Zoe Hilton, Grant T. Harris, Marnie E. Rice, Carol Lang, Catherine A Cormier, Kathryn J. Lines, *A Brief Actuarial Assessment for the Prediction of Wife Assault Recidivism: The Ontario Domestic Assault Risk Assessment*, Psychological Assessment Vol 16, No. 3, 267-275 (2004). The researchers found that for each additional child there was a significant increase in the likelihood of re-assault. To simplify scoring, they dichotomized all questions. They found that the 0/1 child vs. 2+ children option was more predictive than other binary options (e.g., zero vs. 1+). Similarly, the Washington Supreme Court held that a parent could petition for relief on behalf of her child in a civil case based upon her reasonable fear for her child due to previous threats. *Zavala v. Rodriguez*, 188 Wn.2d 586, 398 P.3d 1071 (2017).

³⁴ ODARA, Danger Assessment; See also, *Zavala v. Rodriguez*, 188 Wn.2d 586, 398 P.3d 1071 (2017).

³⁵ ODARA

³⁶ ODARA

applicable to violations of the conditions imposed, if any, shall inform the accused of the penalties applicable to violations of the conditions of the accused's release and shall advise the accused that a warrant for the accused's arrest may be issued upon any such violation.

(j) Review of Conditions.

(1) At any time after the preliminary appearance, an accused who is being detained due to failure to post bail may move for reconsideration of bail. In connection with this motion, both parties may present information by proffer or otherwise. If deemed necessary for a fair determination of the issue, the court may direct the taking of additional testimony.

(2) A hearing on the motion shall be held within a reasonable time. An electronic or stenographic record of the hearing shall be made. Following the hearing, the court shall promptly enter an order setting out the conditions of release in accordance with section (i). If a bail requirement is imposed or maintained, the court shall set out its reasons on the record or in writing.

(k) Amendment or Revocation of Order.

(1) The court ordering the release of an accused on any condition specified in this rule may at any time on change of circumstances, new information or showing of good cause amend its order to impose additional or different conditions for release.

(2) Upon a showing that the accused has willfully violated a condition of release, the court may revoke release and may order forfeiture of any bond. Before entering an order revoking release or forfeiting bail, the court shall hold a hearing in accordance with section (j). Release may be revoked only if the violation is proved by clear and convincing evidence.

(l) Arrest for Violation of Conditions.

(1) Arrest With Warrant. Upon the court's own motion or a verified application by the prosecuting attorney alleging with specificity that an accused has willfully violated a condition of the accused's release, a court shall order the accused to appear for immediate hearing or issue a warrant directing the arrest of the accused for immediate hearing for reconsideration of conditions of release pursuant to section (k).

(2) Arrest Without Warrant. A law enforcement officer having probable cause to believe that an accused released pending trial for a felony is about to leave the state or has violated a condition of such release under circumstances rendering the securing of a warrant impracticable may arrest the accused and take him forthwith before the court for reconsideration of conditions of release pursuant to section (k).

(m) Evidence. Information stated in, or offered in connection with, any order entered pursuant to this rule need not conform to the rules pertaining to the admissibility of evidence in a court of law.

(n) Forfeiture. Nothing contained in this rule shall be construed to prevent the disposition of any case or class of cases by forfeiture of collateral security where such disposition is authorized by the court.

(o) Accused Released on Recognizance or Bail--Absence--Forfeiture. If the accused has been released on the accused's own recognizance, on bail, or has deposited money instead thereof, and does not appear when the accused's personal appearance is necessary or violated conditions of release, the court, in addition to the forfeiture of the recognizance, or of the money deposited, may direct the clerk to issue a bench warrant for the accused's arrest.

Comment

Supersedes RCW 10.16.190; RCW 10.19.010, .020, .025, .050, .070, .080; RCW 10.40.130; RCW 10.46.170; RCW 10.64.035.

[Adopted effective July 1, 1973; amended effective July 1, 1976; September 1, 1983; September 1, 1986; September 1, 1991; September 1, 1995; April 3, 2001; September 1, 2002; September 1, 2015; February 28, 2017.]

DRAFT

ODARA Scoring Form

A summary of ODARA scoring instructions is provided below for reference. The ODARA manual is found in Hilton, N.Z., Harris, G.T., & Rice, M.E. (2010). Risk assessment for domestically violent men: Tools for criminal justice, offender intervention, and victim services. Washington, DC: American Psychological Association.

Defendant Name: _____

SBI #: _____ **Live Scan Verified?** Yes No

Agency Name: _____ **ORI #:** _____ **County:** _____

Agency Case #: _____ **Officer Completing ODARA:** _____

Index Assault Date: _____ **ODARA Completion Date:** _____

Defendant identifies as: Male Female **Victim identifies as:** Male Female

Crime(s) Charged: _____

Administer ODARA when the following offenses are charged and the Victim is a Partner (as terms are defined below):

- Homicide, 2C:11-1
- Aggravated Assault, 2C:12-1b
- Kidnapping, 2C:13-1
- Sexual Assault, 2C:14-2
- Robbery, 2C:15-1
- Simple Assault, 2C:12-1a (w/contact or w/weapon)
- Terroristic Threats, 2C:12-3 (w/contact or w/weapon)
- False Imprisonment, 2C:13-3 (w/contact or w/weapon)
- Criminal Sexual Contact, 2C:14-3
- 2nd degree Burglary, 2C:18-2 (w/contact or w/weapon)
- Any other crime involving risk of death or SBI, 2C:25-19a(18)

DEFINITIONS

Index Assault: The most recent incident in which the person being assessed (Defendant, as defined below) assaulted his/her current or former Partner (as defined below). Assault is any act of violence that involved physical contact with the Victim (as defined below) or a credible threat of death made with a weapon displayed in the presence of the Victim.

Defendant: For the purposes of scoring ODARA, the Defendant is the person being assessed.

Victim: For the purposes of scoring ODARA, the Victim is the person upon whom the Index Assault was committed.

Partner: For the purposes of scoring ODARA, a Partner is a person who currently is, or previously was, involved with the Defendant in an intimate relationship. This includes current or former spouses, current or former intimate cohabitants, co-parents, and those currently or formerly in a dating relationship.

INSTRUCTIONS

- Score each Item as "1" if the evidence indicates that the Item is present and "0" if the evidence indicates that it is not present. The ODARA total score is the sum of the Item scores.
- If available documentation indicates that an Item might be present but the information is unclear or incomplete, then the Item may be treated as unknown or missing and scored as "?" In such cases, the Prorating Table should be used.
- The ODARA can be scored with up to 5 missing or unknown Items (scored as "?"). The ODARA cannot be interpreted if 6 or more items are scored as "?"

1. Confinement of the Victim at the Index Assault

SAMPLE QUESTION: *This time, did he/she do anything to prevent you from leaving the location?*

Confinement: Any act by the Defendant that physically prevents, or attempts to prevent, the Victim from leaving the scene of the assault.

✓ Count a charge of kidnapping, criminal restraint, or false imprisonment at the Index Assault.

✓ Examples: confining the Victim in a locked room, barring an exit.

✓ In locations without walls or doors, count actions taken to impede the Victim's active attempts to escape from the location.

✗ Do not include: any threats to harm the Victim if he/she leaves, pinning the Victim down in the course of an assault, cutting off the telephone, or confining persons other than the Victim.

✗ Do not include any confinement occurring before or after the Index Assault (i.e., during a separate incident).

ODARA Scoring Form

2. Threat to harm or kill anyone at the Index Assault

SAMPLE QUESTION: *This time, did he/she threaten to harm or kill you or anyone else?*

-
- ✓ Count any threat to harm or kill uttered at the Index Assault by the Defendant to cause bodily harm to any person other than the Defendant (i.e., do not count threats of self-harm or suicide).
 - ✓ Count bodily gestures commonly recognized as threats of physical harm, e.g., mimic shooting a gun or slashing a throat.
 - ✗ Threats involving only pets or property, or threats of non-bodily harm, do not count for this Item.
 - ✗ Do not include any threats occurring before or after the Index Assault.
-
-
-

3. Victim concern about future assaults

SAMPLE QUESTION: *Are you concerned that he/she will assault you or the children again?*

Victim concern: Includes any statement made by the Victim that he/she is concerned, afraid, worried, or certain that the Defendant will assault him/her or the Victim's child(ren) in the future.

-
- ✓ This statement must be made by the Victim in the first report at or after the Index Assault. If no statement about Victim concern is present in a police report, a statement made by the Victim in the first report to victim support services can be counted.
 - ✗ Do not count the Victim's concern for safety, or the child(ren)'s safety, in the course of the Index Assault.
 - ✗ Do not include statements made by the Victim on a separate occasion before the Index Assault.
-
-
-

4. Victim and/or Defendant have more than 1 child altogether

SAMPLE QUESTIONS: *How many children do you have? How many does your current Partner (Defendant) have?*

-
- ✓ Count the biological or adopted children of the Defendant.
 - ✓ Count the biological or adopted children of the Victim.
 - ✓ Count only living children, whether they are minors or adults, and whether they are living with the Victim, Defendant, or elsewhere. There must be a total of at least 2 children to score 1 for this Item.
-
-
-

5. Victim has a biological child with someone other than the Defendant

SAMPLE QUESTION: *Do you have a child from any previous relationships (other than with the Defendant)?*

To determine whether the Victim has a biological child from a previous partner:

-
- ✓ Count the children of the Victim, but count only the Victim's biological children whose other parent is not the Defendant.
 - ✓ Count only living children, whether they are minors or adults, and whether they are living with the Victim, Defendant, or elsewhere.
 - ✗ Do not count adopted children for this Item.

The Victim need only have 1 child with a previous partner to score 1 for this Item.

6. Assault on Victim while she was pregnant (at Index Assault or prior assault)

SAMPLE QUESTION: *Did he/she ever assault you when you were pregnant?*

-
- ✓ Include only assaults against the Victim. Do not count assaults against anyone other than the Victim.
 - ✓ Count the Index Assault or any prior assault on the Victim, committed by the Defendant, if the Victim was pregnant at the time.
 - ✓ The incident must include physical contact, the use or attempted use of a weapon to contact the Victim's body, or a threat of harm made while displaying a weapon. If you do not have a detailed description of the incident, count a charge of assault or other violent offense if it is known that the Victim was the Index Assault Victim and was pregnant at the time.
 - ✗ It is not required that the Defendant knew that the Victim was pregnant.
-
-
-

ODARA Scoring Form

7. Two or more indicators of substance abuse

SAMPLE QUESTIONS: Did he/she drink alcohol just before or during this assault? Did he/she use drugs just before or during the assault?

Did he/she abuse alcohol or drugs in the past few days or weeks before this assault?

Did he/she abuse alcohol or drugs more than usual in the few days or weeks before the assault?

Before this assault, was he/she more angry or violent when he/she used drugs or alcohol?

Before this assault, had he/she ever been charged for something he/she did when drinking?

Before this assault, had he/she had an alcohol or drug problem any time since he/she was 18?

Substance abuse indicators: More than 1 indicator of substance abuse is needed to score 1 for this Item. Count any 2 of these specific indicators pertaining to the Defendant.

- ✓ The Defendant consumed alcohol or used drugs immediately before or during the Index Assault.
 - ✓ The Defendant abused drugs and/or alcohol in the days or weeks before the Index Assault (e.g., alcohol intoxication, frequent alcohol use, use of street drugs, misuse of medication).
 - ✓ The Defendant noticeably increased his/her abuse of drugs and/or alcohol in the days or weeks before the Index Assault (without a return to normal consumption prior to the Index Assault).
 - ✓ The Defendant had been more angry or violent when using drugs and/or alcohol before the Index Assault.
 - ✓ The Defendant consumed alcohol before or during an offense (including driving while intoxicated) pre-dating the Index Assault.
 - ✓ From age 18 to the time of the Index Assault, the Defendant's alcohol use resulted in problems or interference in his/her life; this can include alcohol use related to violations of the law resulting in a charge or revocation of conditional release, withdrawal symptoms, inability to decrease use, or problems attributable to alcohol use (such as financial, job, relationship, legal, or health problems).
 - ✓ From age 18 to the time of the Index Assault, the Defendant's illicit or street drug use or misuse of prescription drugs resulted in some problems or interference in his/her life; this can include drug use related to violations of the law resulting in a charge or revocation of conditional release, withdrawal symptoms, inability to decrease use, or problems attributable to drug use (such as financial, job, relationship, legal, or health problems).
 - ✗ Do not include medications taken as prescribed.
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8. Victim faces at least 1 barrier to support

SAMPLE QUESTIONS: Do you have any children at home for whom you provide care?

Do you live in a home with no phone?

Do you live where there is no access to transportation?

Barriers to support: Count any of these specific circumstances faced by the Victim. Circumstances not included in this list do not count.

- ✓ The Victim has 1 or more children age 18 or under who live with the Victim and for whom the Victim provides care.
- ✓ The Victim has no telephone, e.g., no mobile, cell, or landline in the home.
- ✓ The Victim has no access to a vehicle, no access to public transportation near his/her home, and no money for a taxi.
- ✓ The Victim lives in a rural area with nobody living close by.
- ✓ The Victim consumed alcohol or drugs just before or during the Index Assault, or the Victim has a history of alcohol or drug abuse (e.g., alcohol intoxication, frequent alcohol use, use of street drugs, misuse of prescription medication).
- ✗ Do not include medications taken as prescribed.

The Victim need only experience 1 of these barriers to score 1 for this Item.

9. Prior violent incident against a non-domestic victim

SAMPLE QUESTIONS: Is he/she violent toward people other than you and the children? Does he/she fight with or hit others?

Prior violence against a non-domestic victim: Defendant assaulted any person who is not a Partner or Partner's child.

- ✓ A specific incident is required, but unlike Item 11, presence in a police report or criminal record is not required.
 - ✓ The incident must include physical contact, the use or attempted use of a weapon to contact the person's body, or a threat of harm made while displaying a weapon.
 - ✓ The violent incident must have occurred on a separate occasion, before the Index Assault. Information can come from sources other than criminal justice documentation, and the incident does not need to be known to the police.
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ODARA Scoring Form

10. Prior domestic incident of assault in a police report or criminal record (against current or former Partner or Partner's child)

Prior domestic: The Defendant previously assaulted a Partner or a Partner's child, and it is recorded in a police report or criminal record.

- ✓ The incident must include physical contact, the use or attempted use of a weapon to contact the victim's body, or a threat of harm made while displaying a weapon. If you do not have a detailed description of the incident, count a charge of assault or other violent offense against a Partner or Partner's child as a domestic incident. (Note: a charge is not required.)
 - ✓ The prior incident must have been reported to the police.
 - ✓ The prior incident must have occurred on a separate occasion, before the Index Assault. If the Index Assault is part of a cluster of assaults documented in 1 police report, count any domestic assault against a Partner or Partner's child that occurred at least 24 hours before the Index Assault as a prior domestic incident.
 - ✗ Incidents involving only pets or property do not count for this Item.
-
-
-

11. Prior non-domestic incident of assault in a police report or criminal record (against any person other than a Partner or a Partner's child)

Prior non-domestic: The Defendant previously assaulted any person who is not a Partner or a Partner's child, and it is recorded in a police report or criminal record. This Item differs from Item 10 only in who the assaulted person is.

- ✓ The incident must include physical contact, the use or attempted use of a weapon to contact the victim's body, or a threat of harm made while displaying a weapon. If you do not have a detailed description of the incident, count a charge of assault or other violent offense against someone other than a Partner or a Partner's child as a non-domestic incident. (Note: a charge is not required.)
 - ✓ The incident must have been reported to the police.
 - ✓ The incident must have occurred on a separate occasion, before the Index Assault. If the Index Assault is part of a cluster of assaults documented in 1 police report, count any non-domestic assault that occurred at least 24 hours before the Index Assault as a prior non-domestic incident.
 - ✗ Incidents involving only pets or property do not count for this Item.
-
-
-

12. Prior custodial sentence of 30 days or more

Prior custodial sentence: The final disposition for an offense committed by the Defendant, handed down before the Index Assault.

- ✓ The sentence itself must be for at least 30 days.
 - ✓ The Defendant must have been admitted to an adult or juvenile correctional facility, prison, or jail, but the Defendant need not have been in custody for the entire 30 days. Count the sentence, not the time spent in custody.
 - ✗ Do not include a sentence given for the Index Assault.
-
-
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13. Failure on current or prior conditional release (including bail, parole, probation, or pretrial release order) or conditions of a restraining order (TRO, FRO, DORO, SORO, SASPA, stalking)

Conditional release failure: The conditional release must have been ordered before the Index Assault.

- ✓ If Defendant was on a conditional release at the time of the Index Assault, and no information is available about release conditions, count the Index Assault as a conditional release failure, because such releases typically require offenders to remain offense free.
 - ✓ The Defendant must have been at liberty in the community under supervision, monitoring, or other requirement ordered by a criminal court, or a no-contact order imposed by any court.
 - ✓ Any known violations of the conditional release or violations of release conditions count for this Item.
 - ✓ Any charges incurred while on conditional release count for this Item. Count any known failure, even if it did not result in a charge.
 - ✓ Examples: committing a new criminal offense; failing to appear for court; failing to attend a probation appointment; drinking when prohibited by court or probation; going to a person's home or work when prohibited; contacting a person when prohibited.
 - ✗ Do not include violations occurring after the Index Assault.
-
-
-

ODARA Scoring Form

Raw Score (sum of Items scored 1) _____
 Number of Missing or Unknown ("?") Items _____
ODARA Final Score (use Prorating Table if indicated) _____

PRORATING TABLE

Only use if 1 or more Items are scored as missing or unknown ("?"), indicating the Item might be present but the available documentation or information is unclear or incomplete. *Note:* The ODARA can be scored with up to 5 missing Items. The ODARA cannot be interpreted if 6 or more items are scored as "?"

Raw Score	Number of Missing Items				
	1	2	3	4	5
0	0	0	0	0	0
1	1	1	1	1	2
2	2	2	3	3	3
3	3	4	4	4	5
4	4	5	5	6	7+
5	5	6	7+	7+	7+
6	7+	7+	7+	7+	7+

Note: If Raw Score is 7 or above, do not use the Prorating Table, and count the Raw Score as the Final Score.

ACTUARIAL TABLE

Final Score	Percent who score in this range	Percent scoring lower	Percent scoring higher	Percent who Recidivate
0	9	0	91	7
1	17	9	74	17
2	21	26	53	22
3	20	47	33	34
4	13	67	20	39
5-6	14	80	6	53
7-13	6	94	0	74

EXAMPLE FOR REPORTING ODARA SCORES: Defendant scored a **5** on the ODARA. As indicated in the ODARA norms, only **6%** of men with a police report of domestic assault obtained higher scores. Over **53%** of men in this group committed a new assault against a female Partner within an average of 5 years.

Category	Danger				DV Bench Guide	Court Rule 3.2
	Assessment	ODARA	B-SAFER	DVSI-R		
Barriers to support		✓				
Children	✓	✓				
Choke/strangle	✓				✓	
Confinement of victim		✓				
Controlling behavior	✓				✓	
Employment issues	✓		✓	✓		
Escalation	✓		✓	✓	✓	
Firearm	✓				✓	✓
Forced sex	✓		✓		✓	
Harm during pregnancy	✓	✓				
Jealousy	✓				✓	
Mental health			✓			✓
Negative attitudes			✓			
Perpetrator suicidality	✓		✓		✓	
Prior criminality/violence		✓	✓	✓	✓	✓
Prior incarceration		✓				
Relationship problems	✓		✓			
Stalking behavior	✓					
Substance use	✓	✓	✓	✓		
Threat to children	✓					
Threaten/intend serious violence	✓	✓	✓		✓	
Verbal/emotional abuse				✓		
Victim concern about future assaults		✓			✓	
Victim has other partners	✓					
Victim suicidality	✓					
Violation of court orders		✓	✓	✓		✓
Violence in front of children				✓		
Weapon	✓		✓	✓		✓
Community support						✓
Nature of the charge						✓
Perpetrator's reputation/character						✓
Victim interference						✓
Victim intimidation						✓

The Ontario Domestic Assault Risk Assessment (ODARA)

The Ontario Domestic Assault Risk Assessment (ODARA), a procedure to identify the risk of future assaults against intimate partners, was developed by the Ontario Provincial Police and the Ontario Ministry of Health and Long Term Care in response to the May/Illes and Hadley inquest recommendations. It was also a result of recommendations by The Joint Committee on Domestic Violence to the Attorney General of Ontario in 1999. It was the first empirically developed and validated domestic violence risk assessment tool to assess risk of future intimate partner violence as well as the frequency and severity of these assaults

The ODARA is a single assessment that is available for use in policing, victim support services, health care, and corrections. It is an actuarial risk assessment, and the information it provides about how an offender's risk compares with others enables policy-level decisions about how to assign available resources to offenders according to their level of risk. .

There are no professional restrictions and no fees required for scoring the ODARA. Our evaluation shows that scoring accuracy is improved following training, which is available online at <http://odara.waypointcentre.ca/>. We strongly recommend use of the full scoring criteria, available in the ODARA and DVRAG manual published in the appendices of this book:

Hilton, N. Z., Harris, G. T., & Rice, M. E. (2010). *Risk assessment for domestically violent men: Tools for criminal justice, offender intervention, and victim services*. Washington, DC: American Psychological Association.

History

The ODARA is the result of collaboration between the Ontario Provincial Police and researchers at Waypoint. The OPP's Behavioural Sciences and Analysis Section is mandated to provide criminal investigation support services and training of a behavioural nature to OPP and other criminal justice agencies within the Province of Ontario. In 2001, this research team was awarded a quarter-million-dollar grant by the federal government to develop risk assessments for wife assault recidivism. The funds also supported research on the mental health issues of women assaulted by their partners. In 2003, the team was recognized through an award for Team Endeavours from the Ontario Women in Law Enforcement. In 2004, the first article on the

ODARA Fact Sheet

ODARA, its development, and its first cross validation, was published in the journal *Psychological Assessment*. Subsequent research has demonstrated the ODARA's predictive accuracy among men with a correctional record, incarcerated men, male sex offenders, and female offenders. Published meta-analyses indicate that the ODARA performs as well as or better than other published IPV risk assessment tools

Development

The ODARA was created from research on nearly 600 cases from OPP and municipal police forces. Using multiple regression techniques, the researchers found that 13 questions were the most highly predictive of future violence. The risk of assault can be predicted with large accuracy using these questions alone, reducing the need for a comprehensive assessment in order to evaluate risk of re-offence. The 13 yes/no questions cover the accused man's history of violence and antisocial behaviour (police record for domestic assault, police record for nondomestic assault, prior correctional sentence, prior failure on conditional release, violence outside the home, domestic assault during pregnancy, substance abuse), details of the most recent assault (physical confinement, threats of harm, victim reported fearing future assaults at time of the assault), and the victim's personal circumstances (number of children, children from a prior relationship, barriers to support).

Interpretation

The ODARA is an actuarial risk assessment such that its scores rank domestic offenders on risk for repeated domestic violence. Thus, a male domestic offender can be placed into one of seven categories of risk. For example, a score of 0 places a man in the lowest risk category; 9% of men in the ODARA research studies fell into this category, and 7% of these men met the criteria for domestic recidivism within a follow up of about 5 years. A score of 7 or more places a man in the highest risk category; 6% of men fell into this category, and 74% of these men met the criteria for domestic recidivism.

Higher scores on the ODARA also indicate that an accused assaulter will commit more assaults, commit them sooner, and cause more injury (in a range of injury from none to lethality) than an accused with a lower score.

Validation Studies

The ODARA's predictive accuracy has now been demonstrated in validations by the original researchers and by other researchers. This work includes samples in Canada, the USA, and Europe, as well as female perpetrators and cases of dating violence.

These studies are available in our bibliography, [click here to view](#).

ODARA Fact Sheet

Frequently Asked Questions

1. Can the ODARA be used for cases of dating violence?

Yes. Some of the validation studies have scored the ODARA using dating violence as the index assault and/or in the definition of reoffending. The literature on violence risks indicates that the major factors are criminal history and antisocial behaviour, and there is no evidence that risk is lower among men who are not currently in a dating relationship. For these reasons, it is acceptable to use the ODARA in cases of dating violence. The item scoring criteria remain unchanged, however, as there is no research yet that uses dating violence in the definition of prior domestic assaults.

2. Has the ODARA been validated for female offenders?

Yes. The ODARA predicted intimate partner violence recidivism in two studies to date. The ODARA can be used to identify the women most at risk of reoffending. However, women reoffend at a lower rate than men do. Further research is required to develop an actuarial table to identify absolute risk associated with ODARA scores among women.

3. Can the ODARA be used when there is a risk of lethality?

Yes. Higher ODARA scores indicate more severe future assaults, and our current research has found that men who subsequently committed domestic murder ranked in the highest risk category. So, although the ODARA does not specifically predict the occurrence of lethal domestic violence, it can be used in cases where severe and potentially lethal assault is a concern.

4. Does the ODARA predict assaults that are not known to the police?

Yes and no. The ODARA calculates the likelihood of assaults known to police, so the likelihood of any assault, with or without police involvement, could be different from the stated recidivism rate. On the other hand, higher ODARA scores indicate that a man is more likely than other domestically violent men to commit future assaults. This “rank order” is expected to be stable over time and regardless of whether there are assaults that the police don’t find about.

5. Can I draw a conclusion about risk using only the ODARA score?

Yes, the ODARA can be used validly as the only assessment to measure risk of domestic violence. More information is not required in order to score the ODARA. Adjusting the score by adding other information could result in lower accuracy.

ODARA Fact Sheet

ODARA Training

ODARA 101: The Electronic Training Program: An interactive e-learning program for assessors to learn to use the ODARA any day of the year and at any time that fits their schedule. This project has been made possible by a grant from the Ontario Ministry of Community Safety and Correctional Services.

[Click here](http://odara.waypointcentre.ca/Account/Request) to register: <http://odara.waypointcentre.ca/Account/Request> or [click here](http://odara.waypointcentre.ca/Account/Login) to sign in: <http://odara.waypointcentre.ca/Account/Login>

There is no professional restriction on the use of the ODARA, but training has been shown to improve scoring accuracy.

Hilton, N. Z., Harris, G. T., Rice, M. E., Eke, A. W., & Lowe-Wetmore, T. (2007). Training front-line users in the Ontario Domestic Assault Risk Assessment (ODARA), a tool for police domestic investigations. *Canadian Journal of Police and Security Services*, 5, 95-98.

Hilton, N. Z., & Ham, E. (in press). Cost-effectiveness of electronic training in domestic violence risk assessment: ODARA 101. *Journal of Interpersonal Violence*.

For More Information

For more information, see **ODARA 101:** The Electronic Training Program, or the [book](#): Hilton, N.Z., Harris, G.T., & Rice, M.E. (2010). *Risk assessment for domestically violent men: Tools for criminal justice, offender intervention, and victim services*. Washington, DC: American Psychological Association.

This book contains all the information needed to score and interpret the ODARA and DVRAG in any setting. Practice materials and more extensive Frequently Asked Questions are included.

Please contact us at ODARA@waypointcentre.ca



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April 5, 2021

Dear Judge Paja,

On behalf of the District and Municipal Court Judges' Association's Diversity Committee, thank you for providing your time and expertise to this year's Virtual Pro Tem Training. This was our 6th year of organizing the program, and it was the largest group we have had participate in the history of the Pro Tem training, with over 200 attorneys in attendance!

We appreciate your willingness to join us in this effort and could not have pulled off the program without your support. The goal of the Pro Tem training has always been to increase the diversity of the District and Municipal Court bench. We believe that we can create a more diverse pipeline to the bench by empowering attorneys, specifically those from historically underrepresented groups, with information on how to serve as a Pro Tem judge.

As we continue with our goal, we hope that we can count on your support of these efforts in the future. Please feel free to contact me or DMCJA Diversity Committee staff lead, Cynthia.Delostrinos@courts.wa.gov, if you have any questions about the pro tem training or ways to stay involved. Again, thank you for your support and participation!

Sincerely,

Willie J. Gregory

Willie J. Gregory
Chair, DMCJA Diversity Committee
Presiding Judge, Seattle Municipal Court

Gender and Justice Commission Committees

Domestic & Sexual Violence	Incarceration, Gender & Justice	Education
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Judge Shea-Brown, Co-Chair	Judge Anita Crawford-Willis	Dua Abudiab
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	Judge Mark Pouley*	Judge Maureen McKee*
		Rob Mead*
		Jennifer Ritchie
		Vicky Vreeland

Judicial Officer/Law Student Event	Nominations Committee	TBD
NAWJ District 13 Representatives*	Justice Gordon McCloud, Co-Chair	
Law Student Liaisons*	Judge Paja, Co-Chair	
Dua Abudiab (WWL)	Committee Chairs	
Vicky Vreeland (WSAJ)		

Gender and Justice Commission

2021 Meeting Dates

Virtual Meetings held via Zoom Videoconference

Contact Moriah Freed (Moriah.Freed@courts.wa.gov) for Zoom access information.

Date	Time	Location
January 22 nd	9:30 AM – 12:00 PM	Zoom Videoconference
March 12 th	9:30 AM – 12:00 PM	Zoom Videoconference
May 21 st	9:15 AM – 12:00 PM	Zoom Videoconference
June 2 nd Supreme Court Symposium	8:45 AM – 1:00 PM	Zoom/TVW
September 10 th	TBD	Zoom Videoconference
November 19 th	TBD	Zoom Videoconference

Please contact Kelley Amburgey-Richardson with any questions at (360) 704-4031 or Kelley.Amburgey-Richardson@courts.wa.gov.