



**DISTRICT AND MUNICIPAL  
COURT JUDGES' ASSOCIATION**

***BOARD MEETING***

**July 13, 2018**

**AOC SEATAC OFFICE  
SEATAC, WASHINGTON**

# DISTRICT AND MUNICIPAL COURT JUDGES' ASSOCIATION SCHEDULE OF BOARD MEETINGS

## 2018-2019

<i><b>DATE</b></i>	<i><b>TIME</b></i>	<i><b>MEETING LOCATION</b></i>
<i><b>Friday, July 13, 2018</b></i>	12:30 – 3:30 p.m.	AOC SeaTac Office Center
<i><b>Friday, Aug. 10, 2018</b></i>	12:30 – 3:30 p.m.	AOC SeaTac Office Center
<i><b>Sunday, Sept. 23, 2018</b></i>	9:00 a.m. – 12:00 p.m.	2018 Annual Judicial Conference, Yakima, WA
<i><b>Friday, Oct. 12, 2018</b></i>	12:30 – 3:30 p.m.	AOC SeaTac Office Center
<i><b>Friday, Nov. 9, 2018</b></i>	12:30 – 3:30 p.m.	AOC SeaTac Office Center
<i><b>Friday, Dec. 14, 2018</b></i>	12:30 – 3:30 p.m.	AOC SeaTac Office Center
<i><b>Friday, Jan. 11, 2019</b></i>	12:30 – 3:30 p.m.	AOC SeaTac Office Center
<i><b>Friday, Feb. 8, 2019</b></i>	12:30 – 3:30 p.m.	AOC SeaTac Office Center
<i><b>Friday, March 8, 2019</b></i>	12:30 – 3:30 p.m.	AOC SeaTac Office Center
<i><b>Friday, April 12, 2019</b></i>	12:30 – 3:30 p.m.	AOC SeaTac Office Center
<i><b>Friday, May 10, 2019 &amp; Saturday, May 11, 2019</b></i>	May 10: 12:00-5:00 p.m. May 11: 9:00-1:00 p.m.	2019 DMCJA Board Retreat, Location: TBD
<i><b>June 2019</b></i>	9:00 a.m. – 12:00 p.m.	2019 DMCJA Spring Conference, Location: TBD

AOC Staff: Sharon Harvey

**Updated: May 31, 2018**

Persons with a disability, who require accommodation, should notify Susan Peterson at 360-705-5278 or [susan.peterson@courts.wa.gov](mailto:susan.peterson@courts.wa.gov) to request or discuss accommodations. While notice five days prior to the event is preferred, every effort will be made to provide accommodations, when requested.



**DMCJA BOARD MEETING**  
**FRIDAY, JULY 13, 2018**  
**12:30 PM – 3:30 PM**  
**AOC SEATAC OFFICE**  
**SEATAC, WA**

**PRESIDENT REBECCA C. ROBERTSON**

**AGENDA**

**PAGE**

**Call to Order**

**General Business**

- |   |       |
|---|-------|
| A. Minutes – June 3, 2018   | 1-6   |
| B. Treasurer's Report   |       |
| C. Special Fund Report  |       |
| D. Standing Committee Reports   |       |
| 1. Diversity Committee  | 7-11  |
| a. August 2018 Pro Tem Training   |       |
| 2. Education Committee – <i>Judge Charles Short</i>                       | 12-19 |
| a. 2018 DMCJA Spring Conference Evaluation Summary Report                 |       |
| 3. Rules Committee Minutes for May 9, 2018                                | 20-21 |
| 4. Therapeutic Courts Committee Minutes for May 9, 2018                   | 22    |
| 5. Legislative Committee – <i>Judge Samuel Meyer</i>                      |       |
| E. Trial Court Advocacy Board (TCAB)                                      |       |
| F. Judicial Information Systems (JIS) Report – <i>Ms. Vicky Cullinane</i> |       |

**Liaison Reports**

- |  |  |
|--|--|
| A. Administrative Office of the Courts ( <b>AOC</b> ) – <i>Ms. Callie Dietz</i>                          |  |
| B. Board for Judicial Administration ( <b>BJA</b> ) – <i>Judges Ringus, Jasprica, Logan, and Johnson</i> |  |
| C. District and Municipal Court Management Association ( <b>DMCMA</b> ) – <i>Ms. Margaret Yetter</i>     |  |
| D. Misdemeanant Probation Association ( <b>MPA</b> ) – <i>Ms. Stacie Scarpaci</i>                        |  |
| E. Superior Court Judges' Association ( <b>SCJA</b> ) – <i>Judge Kitty-Ann van Doorninck</i>             |  |
| F. Washington State Association for Justice ( <b>WSAJ</b> ) – <i>Loyd James Willaford, Esq.</i>          |  |
| G. Washington State Bar Association ( <b>WSBA</b> ) – <i>Kim E. Hunter, Esq.</i>                         |  |

<p><b>Discussion</b></p> <ul style="list-style-type: none"> <li>A. Governor’s Office Pardoning Defendants with Marijuana Possession Violations</li> <li>B. Brief DMCJA Board of Governors (Board) Orientation <ul style="list-style-type: none"> <li>1. Operational Rules</li> <li>2. Rules for Conduct at Board Meetings</li> <li>3. Motion Precedence and Conduct for DMCJA Board Meetings</li> </ul> </li> <li>C. Development of curriculum for judicial independence <ul style="list-style-type: none"> <li>1. For Judges to Present to their Legislative/Executive Branches</li> <li>2. For Judges at Association of Washington Cities, Washington Association of Counties, and Washington State Association of Municipal Attorneys</li> <li>3. Presentation at Judicial Conference</li> </ul> </li> <li>D. The new Domestic Violence Washington Administrative Code Procedures</li> <li>E. Pursuit of Legislation Exempting Judges from Disclosing their Addresses with the PDC (See <a href="#">RCW 4.24.680</a>, <a href="#">RCW 4.24.690</a>, and <a href="#">RCW 4.24.700</a>)</li> <li>F. Proposed Amendment to CrRLJ 3.2(o) – <i>Ms. J Benway</i></li> </ul>	<p>23-25</p> <p>26-28</p> <p>29-30</p> <p>31-34</p> <p>35-38</p>
<p><b>Information</b></p> <ul style="list-style-type: none"> <li>A. 2018-2019 DMCJA Priorities are located in the meeting packet.</li> <li>B. Board members are encouraged to apply for DMCJA representative positions. Available positions include: <ul style="list-style-type: none"> <li>1. Commission on Judicial Conduct (CJC)</li> <li>2. JIS CLJ “CLUG” User Group</li> <li>3. Misdemeanant Probation Association (MPA) Liaison</li> <li>4. Presiding Judge &amp; Administrator Education Committee</li> <li>5. Washington State Access to Justice Board (Liaison Position)</li> <li>6. WSBA Court Rules and Procedures Committee</li> </ul> </li> <li>C. Policy Analyst Project Ideas for 2018 are as follows: <ul style="list-style-type: none"> <li>1. Survey on Committees with DMCJA Representatives (July 2018)</li> <li>2. Courthouse Security Survey (September 2018)</li> <li>3. Judicial Independence Matters (Municipal Court Contracts)</li> </ul> </li> <li>D. Ignition Interlock Report by National Center for State Courts (See <a href="#">Ignition Interlock Report by the National Center for State Court</a>)</li> <li>E. Reports of Engrossed Second Substitute House Bill (E2SHB) 1163 Domestic Violence Workgroups (See attachment on July Board meeting notice; Cover Letter in agenda packet)</li> </ul>	<p>39-41</p> <p>42-46</p> <p>47</p>
<p><b>Other Business</b></p> <ul style="list-style-type: none"> <li>A. The next DMCJA Board Meeting is August 10, 2018, 12:30 p.m. to 3:30 p.m., at the AOC SeaTac Office in SeaTac, WA. The Council on Independent Courts will present its final report at this meeting.</li> </ul>	
<p><b>Adjourn</b></p>	



**DMCJA Board of Governors Meeting**  
**Sunday, June 3, 2018, 9:00 a.m. – 12:00 p.m.**  
**Campbell's Resort**  
**Chelan, WA**

**MEETING MINUTES**

**Members Present:**

Chair, Judge Scott Ahlf  
Judge Linda Coburn  
Judge Douglas Fair  
Judge Michael Finkle  
Judge Michelle Gehlsen  
Judge Drew Ann Henke  
Judge Judy Jasprica (BJA non-voting)  
Judge Dan B. Johnson (BJA non-voting)  
Commissioner Rick Leo  
Judge Samuel Meyer  
Judge Kevin Ringus (BJA non-voting)  
Judge Rebecca Robertson  
Judge Douglas Robinson  
Judge Damon Shadid  
Judge Charles Short

**AOC Staff:**

Ms. Vicky Cullinane (via phone)  
Ms. Merrie Gough (via phone)  
Ms. Sharon R. Harvey

**Members Absent:**

Judge Mary Logan (BJA non-voting)  
Judge G. Scott Marinella

**CALL TO ORDER**

Judge Ahlf, District and Municipal Court Judges' Association (DMCJA) President, noted a quorum was present and called the DMCJA Board of Governors (Board) meeting to order at 9:00 a.m. He then asked attendees to introduce themselves.

**GENERAL BUSINESS**

A. Minutes

The Board moved, seconded, and passed a vote (M/S/P) to approve the Board Minutes for May 12, 2018.

**\*\*\*Added Agenda Item\*\*\***

Draft Amendments to CrRLJ 4.2(g) Guilty Plea, Attachments, Washington State Misdemeanor DUI Sentencing Attachment and DUI Sentencing Grid

Judge Ahlf informed the Board that the Courts of Limited Jurisdiction (CLJ) Forms Subcommittee (Subcommittee) requests review and comments regarding draft changes to forms related to Engrossed Second Substitute House Bill (E2SHB) 1783, Legal Financial Obligations (LFO). On May 31, 2018, the Subcommittee prepared a memorandum regarding Draft Amendments to CrRLJ 4.2(g) Guilty Plea, Attachments, and Washington State Misdemeanor DUI Sentencing that was sent to the Board listserv on June 1, 2018. Ms. Gough attended the Board meeting via telephone and discussed the following forms changes related to the new LFO bill:

1. **CrRLJ 4.2(g), Statement of Defendant on Plea of Guilty** – Amendment to delete the sentence, “The law does not allow any reduction of this sentence” in paragraph 6(h) of the form because the new law allows such reduction.
2. **CrRLJ 4.2(g) DUI1, “DUI” Attachment** – Effective dates changed from July 23, 2017 to June 7, 2018; changed first sentence of Mandatory Monetary Penalty section on page 3 to read, “Criminal Conviction Fee, RCW 3.62.085, shall not be imposed if defendant is indigent as defined in RCW 10.101.010(3)(a)-(c).”
3. **CrRLJ 4.2(g) DUI2, Washington State Misdemeanor DUI Sentencing Attachment (sample page)** – change to delete the sample page that was developed to inform judicial and legal communities of the automated Washington State Misdemeanor DUI Sentencing Attachment because it did not fulfill its purpose; proposal to delete the sample page and make the automated version of Washington State Misdemeanor DUI Sentencing Attachment available at [www.courts.wa.gov](http://www.courts.wa.gov), Court Forms page.
4. **Washington State Misdemeanor DUI Sentencing Attachment** – change for municipal and district court version of this automated form to allow the user to delete the \$43.00 criminal conviction fee.
5. **DUI Sentencing Grid** – change to Mandatory Monetary Penalty section, first sentence, on page 3 to read, “Criminal Conviction Fee, RCW 3.62.085, shall not be imposed if defendant is indigent as defined in RCW 10.101.010(3)(a)-(c).”

Judge Coburn reported that she has worked with members of the LFO Stakeholder Consortium to develop an optional LFO calculator for judges. She expressed that she wants to incorporate the historical DUI Grid and requested Ms. Gough’s assistance with this endeavor. Ms. Gough agreed to assist Judge Coburn and requested that Board members submit any comments regarding the Subcommittee’s proposed changes by June 7, 2018.

#### B. Treasurer's Report

M/S/P to approve the Treasurer’s Report located in the meeting materials. Judge Gehlsen reported that all DMCJA members paid their dues in 2018. She then thanked AOC Staff and Ms. Christina Huwe, DMCJA Bookkeeper, for all of their assistance with recordkeeping. Judge Gehlsen informed Board members to request two copies of their lodging receipt in order to get reimbursed for Saturday night lodging, which for most Board members was necessary to attend the Sunday morning meeting.

#### C. Special Fund Report

M/S/P to approve the Special Fund Report. Judge Meyer reported the account gained \$4.16 in interest in April 2018.

#### D. Standing Committee Reports

##### 1. *Conference Planning Committee*

Judge Ahlf informed that Conference Planning Committee Minutes for May 4, 2018 are located in the agenda packet.

##### 2. *Legislative Committee*

Judge Meyer reported that Representative Roger Goodman was scheduled to attend the DMCJA Spring Conference Legislative Update session but cancelled at the last minute because of a scheduling conflict. Representative Goodman was to speak about DMCJA bills such as commissioners solemnizing marriages.

### *3. Therapeutic Courts*

Judge Ahlf informed that Therapeutic Courts Committee Minutes for March 7, 2018 are located in the agenda packet. Judge Finkle reported that the Committee is preparing a presentation related to implementing a Therapeutic Court at the Annual Fall Conference in Yakima, WA. Judge Finkle, former Committee Chair, added that Committee Co-Chairs Judge Fred Gillings and Judge Laura Van Slyck are doing a fantastic job with the Committee.

#### E. Trial Court Advocacy Board (TCAB) Update

Judge Ahlf reported that TCAB did not meet in May because DMCJA judges were in La Conner for the Board Retreat.

#### F. Judicial Information Systems (JIS) Report

Ms. Cullinane reported that the courts of limited jurisdiction case management system (CLJ-CMS) Project Steering Committee met and discussed next steps for the Project. They identified the high-level guiding principles and essential business functions that will guide the future of the project, and the project team is gathering lessons learned from the first procurement process. Ms. Cullinane also reported that the Judicial Information Systems Committee (JISC) met and prioritized ten (10) information technology projects. During this meeting, the JISC determined that the CLJ-CMS Project is the JISC's number one priority.

## **LIAISON REPORTS**

### *Board for Judicial Administration (BJA)*

Judge Jasprica, BJA Co-Chair, reported that the BJA meets regularly and is discussing the judicial budget process. Judge Ringus reported that a BJA request for association proposed legislation has been sent to the association listservs. Judge Robertson, BJA Policy and Planning Committee Chair, then reported that the BJA is currently working on the following projects:

- Court Education Funding Task Force
- Interpreter Services Task Force
- Court Funding for Trial Court Security
- Comprehensive Communication Plan (managing disagreements and coordination instead of working separately, which is also known as "working in silos")
- Reviewing BJA Bylaws and Resolutions
- Revising Vision and Purpose Statements
- Discussing what entities encompass the Judicial Branch

Judge Jasprica informed that the BJA is seeking a new Manager because Ms. Misty Butler Robison is now the Pierce County Court Administrator. Ms. Jeanne Englert is temporarily serving in the position until a manager is hired.

## **ACTION**

1. Information Technology Governance (ITG) Request 61, Pretrial Adult Risk Assessment Tool for Courts of Limited Jurisdiction

M/S/P to close ITG Request 61, Pretrial Adult Risk Assessment Tool for Courts of Limited Jurisdiction, with the understanding that risk assessment tool capabilities will be included in the new CLJ case management system.

## DISCUSSION

### A. Information Technology Governance (ITG) Request 61, Pretrial Adult Risk Assessment Tool for Courts of Limited Jurisdiction

Ms. Cullinane reported on the outstanding ITG Request 61, Pretrial Adult Risk Assessment Tool for Courts of Limited Jurisdiction. In 2010, the DMCJA requested an automated risk assessment tool in JIS for courts of limited jurisdiction. The DMCJA originally joined a Superior Court request for a risk assessment tool for all trial courts, but later determined that the superior court tool would not meet limited jurisdiction needs. The AOC provided the Board with an analysis of the cost for automating the tool, but noted that the DMCJA would need to select the statistical tool itself. The Board was to form a workgroup to determine which risk assessment tool would be best for district and municipal courts. However, this workgroup was never formed and this ITG 61 Request has lingered since 2010. Ms. Cullinane proposed on behalf of the CLJ-CMS Project that the request be closed because the new CLJ-CMS will contain a risk assessment tool function, thus, eliminating the need for a separate risk assessment tool function in JIS.

M/S/P to move this discussion topic to an action item.

Prior to reporting on ITG 61, Ms. Cullinane provided a thorough background on the ITG Process in Washington State. She informed that the process was created to promote transparency regarding the prioritization of information technology projects. For more information on ITG requests, please visit: <https://www.courts.wa.gov/jis/?fa=jis.itGovernance>.

### B. Salary Commission Report

Mr. Brady Horenstein, AOC Associate Director of Legislative Affairs, discussed the Salary Commission and its process for determining judicial salaries. The Salary Commission is a randomly selected group of Washington State citizens who review and determine state judicial salaries. The term of a Salary Commissioner is four years. He informed the Board that his office prepares a Salary Commission Report and meets with the Salary Commission in October of each year. He then informed that state judges received a 2% salary increase instead of the expected 4% raise, which is problematic for district and municipal court judges who pay a greater amount for their retirement plan. He noted that there is no mention of retirement benefits in the judicial compensation packages for courts of limited jurisdiction. Mr. Horenstein prepared documents that highlighted the following judicial compensation data:

- Salaries by Year (each court level) – Mr. Horenstein recommends each court level join together and present a uniform request for increased judicial compensation
- Salaries of Federal Judges – Mr. Horenstein's goal is to provide more information to call attention to the discrepancy between state and federal judicial salaries; He reported that federal judges salaries were flat until 2014 when their salaries increased by 15%; he informed that a federal court ruled that the stagnation of federal judges salaries is unconstitutional; federal judge salaries have increased by 1% annually since 2014.
- Salary Comparison Between State and Federal Judges (page 3 of handout documents)

Mr. Horenstein now recommends the judiciary decide what the compensation benchmark is and move toward that target. Board members suggested appointing DMCJA Representatives to speak with the Commission on behalf of courts of limited jurisdiction. Mr. Horenstein further reported that the Judicial Multiplier is 1-2% and the state employment PERS rate is 8%, thus, judges may want to request that the local government lower the rate. In response to Board questions regarding how Washington compares with other states, Mr. Horenstein informed that the AOC will provide such comparisons. There was mention that living in King County is becoming cost prohibitive on current judicial salaries. Municipal Court judges in cities with a population over 400,000 are required to live in the city in which they work, pursuant to RCW 35.20.170. It was noted, however, that an increase in state judicial salaries is not a sympathetic issue for most Washington citizens.

### C. Workgroup on Judicial Independence Report

Judge Robertson reported that the Workgroup on Judicial Independence, which is a subcommittee of the DMCJA Judicial Independence Fire Brigade, has addressed the potential court closings of Ruston Municipal Court and SeaTac Municipal Court. In response to the Mayor's pursuit to close SeaTac Municipal Court, with Board approval, the Workgroup sent a letter to the SeaTac Mayor and Councilmembers expressing DMCJA opposition to the court closing. The letter was effective and Judge Robert Hamilton, SeaTac Municipal Court, may now call off a potential lawsuit against the City of SeaTac. Judge Robertson further reported that Ruston Municipal Court may close and the City has not provided Judge Sandra Allen any staff to wind down the court. The Workgroup on Judicial Independence endeavors to assist Judge Allen by drafting a DMCJA opposition letter regarding the court closing. Judge Ahlf reported that the Workgroup will now transition from a task force to a standing committee. Thus, a bylaw change may be required.

Here, the Workgroup requests Board approval for the following:

1. Proposed Guidelines for Council on Independent Courts (CIC), which is the new name for DMCJA Judicial Independence Fire Brigade
2. General Rule (GR) 29 Amendments

The Board decided by general consensus not to move the issue to an action item because there were concerns regarding Proposed Guidelines, Section V. Actions Allowed Without Board Approval. The Board reviewed each prong of Section V. and determined the following requires the DMCJA President's approval:

#### V. Actions Allowed Without Board Approval

1. Interview anyone with relevant information (Pres. Approval? Yes)
2. Conduct factual and data research (Pres. Approval? No)
3. Conduct legal research (Pres. Approval? No)
4. Make public disclosure requests (Pres. Approval? Yes)
5. Prepare and submit position papers (Pres. Approval? Yes)
6. Communicate with public officials and members of the public (Pres. Approval? Yes)
7. Appear and speak at public meetings (Pres. Approval? Yes)
8. Organize others to appear at public meetings and/or to correspond with public officials (Pres. Approval? Yes)
9. Draft Op-Eds/Letters to Editor, but such writings may not be submitted for publication without CIC approval (Pres. Approval? Yes)
10. Recommend other actions to the CIC (Pres. Approval? Yes)

Board members also inquired about CIC membership and whether the DMCJA President should be required to serve on the Committee. Further, whether there should be term limits and how many judges should participate on the Committee. In light of these questions, Judge Robertson stated that she would work with Ms. Harvey regarding the Board changes and present them to the Workgroup on Judicial Independence. The Board did not address the GR 29 Amendments during this meeting.

M/S/P to table (1) whether to make the CIC a standing committee, which may require a DMCJA Bylaws change, (2) whether to adopt the CIC Proposed Guidelines, and (3) whether to adopt the CIC proposed GR 29 Amendments.

### INFORMATION

Judge Ahlf expressed appreciation for the following judges, whose Board terms have expired:

1. Judge G. Scott Marinella, Immediate Past President
2. Judge Karen Donohue

3. Judge Douglas Fair
4. Judge Douglas Robinson

This is also Judge Ahlf's last meeting as Board Chair. He then informed of open DMCJA Representative positions on various committees and encouraged Board members to apply or encourage other DMCJA members to apply for these vacancies. He expressed that 2018-2019 DMCJA Priorities are included in DMCJA Spring Conference Business Meeting materials.

## **OTHER BUSINESS**

Judge Ahlf informed that the next DMCJA Board meeting is Friday, July 13, 2018, from 12:30 p.m. to 3:30 p.m., at the AOC SeaTac Office.

The meeting adjourned at approximately 11:30 a.m.

# STEP UP TO THE CHALLENGE OF BEING A JUDGE



Envision your career path as a judge. Take the first step by enrolling in Judge Pro Tempore training.

Presented in partnership with the District and Municipal Court Judges Association, the WSBA Judge Pro Tempore CLE is for attorneys who'd like to learn more about becoming a judge pro tempore or simply for those interested in knowing more about being a judge and the challenges of presiding in the courtroom.

In-person attendees will earn placement on the **Judge Pro Tempore Resource List**, having demonstrated a higher proficiency to serve as judge pro tem in municipal, district, and superior courts.

*"This program demystifies the process of how to become a pro tem and the tips on how to succeed as one. It gave me more confidence in stepping into the pro tem role when I was an attorney. As a judge, I greatly appreciate attorneys who have gone through this training prior to seeking to pro tem for my court."*

**Hon. Linda W.Y. Coburn**  
Edmonds Municipal Court

## WHEN

August 24–25, 2018

## WHERE

WSBA Conference Center  
1325 Fourth Ave., Suite 600,  
Seattle

## TUITION

\$399. Limited number of scholarships available

Approved for 9 CLE credits (1.25 Law & Legal Procedure + 2.5 Ethics + 5.25 Other).

## REGISTRATION

Online at [www.mywsba.org/PersonifyEbusiness/CLEStore/CLECalendar/MeetingDetails.aspx?productid=13956410](http://www.mywsba.org/PersonifyEbusiness/CLEStore/CLECalendar/MeetingDetails.aspx?productid=13956410)

## SEEKING DIVERSITY IN ATTENDANCE

A diverse judiciary that reflects the community is paramount in a just legal system.

Through and by this training, we aim to develop a bank of accomplished and experienced pro tem judges composed of individuals increasingly reflective of the WSBA membership, as well as the state's population at large.

WSBA-CLE is offering a limited number of scholarships for underrepresented populations. Please see <https://www.wsba.org/about-wsba/equity-and-inclusion/wsba-pro-tem-scholarship-application> for more information.

## WHAT YOU'LL LEARN

- ▶ A better understanding of the perspectives of judges.
- ▶ Insight on issues like:
  - ❖ Presiding over a courtroom as an impartial judicial officer
  - ❖ Working productively with court personnel
  - ❖ Variety of individuals appearing in court
  - ❖ Challenges presented by some *pro se* litigants
  - ❖ Navigating the system to obtain a pro tem position

Not attending this year? Tell us why. Contact [diversity@wsba.org](mailto:diversity@wsba.org) to share your feedback.

Attorney Training for Service as Pro Tem Judge in District and Municipal Court  
WSBA Conference Center  
1325 Fourth Avenue, Suite 600  
Seattle, WA 98101  
Friday, August 24  
&  
Saturday, August 25, 2018  
18979SEA/WEB

This seminar has been approved for 5.25 Other, 1.25 Law and Legal Procedure, 2.50 Ethics: 9.00  
CLE Credits Total

Presented in partnership with The District and Municipal Court Judges Association

Day One

7:30 a.m.

Check-in • Walk-in Registration • Coffee & Pastry Service

8:20 a.m.

Welcome & Introduction

Judge Willie Gregory – Seattle Justice Center, Seattle, WA

8:35 a.m.

Pro Tem Basics [45 minutes] [0.75 Other]

During this session you will learn simple tips and strategies to get on and STAY on a Court's pro tem list. This presentation will include a broad overview of calendars, case management, recognition of the importance of court staff, and the identification of other strategies and procedures to improve your ability to serve as an effective Judge Pro Tem.

*As a result of this segment, you will be able to:*

- Recognize and utilize effective time management and case management skills
- Learn best practices to stay on a Pro Tem list

Judge Johanna Bender – King County Superior Court, Seattle, WA

9:20 a.m.

Transitions to the Bench [45 minutes] [0.75 Other]

Now that you're on a different side of the bench, how do you transition from being an advocate to being a neutral and detached judicial officer? In this segment, you will learn about your new role and the required changes you will need to make to be a well-qualified and honest judicial officer, to ensure people's rights are protected; to project yourself in a way that treats people with dignity and respect; to be prepared for the day; and above all, conduct yourself in a way that fosters trust in the court.

*As a result of this segment, you will be able to:*

- Recognize difference between old role vs. new role as pro tem
- Communicate your role and actions to all parties in the courtroom
- Identify specific Canons in the Code of Judicial Conduct that apply
- Familiarize yourself with court forms & instructions; statutes; case law; and other resources

- Distinguish how to be patient and professional from the bench

Judge. Mary Logan – City of Spokane Municipal Court, Spokane, WA

10:05 a.m. BREAK

10:20 a.m.

Working with Court Personnel [60 minutes] [1.00 Other]

Court staff can “make you” or “break you”. Working with court personnel is tantamount to your continued success as a pro tem. In this section you will learn the best ways to interact with court personnel and the importance of fostering these professional relationships.

*As a result of this segment, you will be able to:*

- Recognize the role and importance of court staff
- Learn when to ask for assistance
- Learn how to stay on time and on track

Hon. Linda Coburn – Edmonds Municipal Court, Edmonds, WA

Hon. Lisa O'Toole – King County District Court, Redmond, WA

Ms. Margaret Yetter – Administrator, King County Municipal Courts, Kent, WA

11:20 a.m.

Technology in the Court [45 minutes] [0.75 Law & Legal Procedure]

The Judicial Access Browser System (JABS) uses a web browser to display information stored in the Judicial Information System (JIS). JABS reduces the complexity of accessing JIS and displays information such as statewide individual case histories; statewide domestic violence information; case summary descriptions; charge or violation summary descriptions; case participants; protection order history for an individual; protection order history associated with a specific case, etc.

*As a result of this segment, you will be able to:*

- Gain an understanding of the JABS: What is it and why do I need it?
- Access JABS with updated security
- Search JABS by name or case
- Find information under JABS tabs
- Maneuver the calendar in JABS
- Decipher the DOL Abstract

Ms. Sara McNish, Court Education Professional – Administrative Office of the Courts, Olympia, WA

Judge Melanie Dane, Black Diamond Municipal Court, Black Diamond, WA

12:05 p.m. LUNCH ON YOUR OWN

1:05 p.m.

Ethics and Conflicts [75 minutes] [1.25 Ethics]

During this session and through the use of scenarios and ethics opinions, faculty will discuss the application of the Code of Judicial Conduct, Canons and rules as they pertain to pro tempore judicial officers.

*As a result of this segment, you will be able to:*

- Apply an analytical framework to solve ethical problems, particularly in cases with potential conflict
- Distinguish between mandatory and discretionary disqualification
- Locate and read Ethics Advisory Opinions

Ms. J. Reiko Callner – Washington Commission on Judicial Conduct, Olympia, WA

Judge Ketu Shah – King County District Court, Bellevue, WA

2:20 p.m.

Working with Court Interpreters [60 minutes] [1.00 Other]

Participants will learn the difference between translation and interpreting; the role of the interpreter during a court setting; how to work with court interpreters; and the uses/misuses of court interpreters.

*As a result of this segment, you will be able to:*

- Recognize the need for court interpreters when addressing access to justice issues for non-English speaking or deaf/hard of hearing individuals in the court room.
- Gain an understanding of the interpreter's role and responsibilities
- Spot and address incorrect use of court interpreters

Judge Damon Shadid – Seattle Municipal Court, Seattle, WA

Martha Cohen- King County Office of Interpreter Services, King County Superior Court, Seattle, WA

3:20 p.m. BREAK

3:35 p.m.

Role, Judicial Demeanor, and Practice Bias [60 minutes] [1.00 Ethics]

During this segment, participants will be recognize how their judicial demeanor plays an important role in protecting the dignity of the court and the judicial process while ensuring the litigants are at ease enough to tell their stories.

*As a result of this segment, you will be able to:*

- Explore how to avoid practice bias
- Recognize why perception matters
- Assess your role and demeanor
- Set and maintain courtroom decorum

Judge N. Scott Stewart –Issaquah, Snoqualmie, and North Bend Municipal Court, Issaquah, WA

4:35 p.m. Adjourn

## Day Two

7:30 a.m.

Check-in • Walk-in Registration • Coffee & Pastry Service

8:20 a.m.

Welcome Back [10 minutes]

Judge Willie Gregory – Seattle Justice Center, Seattle, WA

8:30 a.m.

Pro Se Litigants, Contempt of Court, Dealing with Difficult Litigants, Taking Guilty Pleas, and Waiver of Rights

[90 minutes] [0.75 Other; .25 Ethics, Other; 0.50 Law & Legal Procedure]

Judge Marilyn Paja – Kitsap County District Court, Port Orchard, WA

Judge Charles Short – Okanogan County District Court, Okanogan, WA

Judge Faye Chess – Seattle Municipal Court, Seattle, WA

Through the use of examples and hypotheticals, faculty will discuss best practices concerning pro se civil and criminal litigants at critical stages of the proceedings.

As a result of this segment, you will be able to:

- Recognize and honor the Right to Counsel
- Develop skills to manage difficult litigants in the civil and criminal courtroom
- Locate best practice materials and forms

10:00 a.m. BREAK

10:15 a.m.

Pro Se Litigants, Contempt of Court, Dealing with Difficult Litigants, Taking Guilty Pleas, and Waiver of Rights [Continued] 60 minutes [1.00 Other]

Judge Marilyn Paja – Kitsap County District Court, Port Orchard, WA

Judge Charles Short – Okanogan County District Court, Okanogan, WA

Judge Faye Chess – Seattle Municipal Court, Seattle, WA

11:15 a.m.

Judges' Panel with Q&A on Fulfilling the Role of Judge [75 minutes] [No Credit]

During this final segment, the faculty from the 1.5 days will reconvene and answer questions from the audience.

Moderator: Judge Willie Gregory, Seattle Justice Center, Seattle, WA

12:30 p.m. Complete Evaluations • Adjourn

This seminar has been approved for 5.25 Other, 1.25 Law and Legal Procedure, 2.50 Ethics: 9.00 CLE Credits Total



# **Evaluation Summary**

## **2018 District and Municipal Court Judges' Spring Program**

**June 3 – 6, 2018**

# DISTRICT AND MUNICIPAL COURT JUDGES' SPRING PROGRAM

**JUNE 3 – 6, 2018  
Campbell's Resort  
Chelan, Washington**

## **Summary Evaluation**

One hundred and eighty-four judicial officers attended the 2018 District and Municipal Court Judges' Spring Program. Overall, participants expressed appreciation for the variety of education offered. Participants requested continued attention to issues and education that can be applied to their daily practice, such as "nuts-and-bolts" information and their implications in the courtroom. Recommendations for future programs included: mental health issues; protection orders not covered at the 2018 program; judicial independence concerns; case management; courthouse management and security; and continued utilization of speakers with an outside perspective.

The Program was held at the Campbell's Resort in Chelan for the second time in three years, and the location presented several logistical issues. Participants less than satisfied with the meeting space, as the rooms were tight. In addition, moving between the two large meeting rooms was difficult for those needing an elevator. Lodging was at a premium as well. The hotel A/V staff were extraordinarily helpful and provided excellent service, but the main meeting coordination was often difficult leading up to the program. Despite some of the logistical issues, there were requests to return to the location in future years.

### **Program Evaluations**

The table below represents the overall ratings for the 2018 District and Municipal Court Judges' Spring Program:

<b>QUESTION</b>	<b>Rating</b>
How relevant was the program to your work?	4.74
How much did the program add to your work knowledge and insight?	4.63
How well organized/coordinated was the program overall?	4.93
<b>OVERALL RATING</b>	<b>4.77</b>

**Individual Ratings:** 5 = Excellent; 4 = Good; 3 = Average; 2 = Below Average; 1 = Poor.

**Overall Rating:** Calculated as the average of all individual ratings.

## Course Evaluations

The courses are rated via four questions. 1. I gained important information. 2. Substantive written materials (if provided) assisted my learning. 3. The course was well organized/coordinated. 4. The faculty engaged/involved me in meaningful activities.

	YES	NO	NA
1. I gained important information.			
2. Substantive written materials (if provided) assisted my learning.			
3. The course was well organized/coordinated.			
4. The faculty engaged/involved me in meaningful activities.			

## Faculty Evaluations

The faculty are rated using the program evaluation scale: 5 = Excellent; 4 = Good; 3 = Average; 2 = Below Average; 1 = Poor. Each evaluation asked the participants to rate the faculty on three factors: Overall teaching effectiveness, if they made a clear connection to the workplace (meaning) and were well prepared and organized. **Overall Rating:** Calculated as the average of all individual ratings.

### Bail, Pretrial Release, and Supervision: Are We Standing at the Threshold of Change?

Ms. Brooker (via telephone) and Judge Bartheld provided insight into how a pretrial release program was implemented in Yakima, and presented data on how the program has worked in the short time since implementation. Judge Sanderson filled in for Judge Marinella (illness) to provide a district court perspective, with Justice Yu and Judge Portnoy both discussing the statewide impact this could provide. The teleconference piece worked to some degree, with the sound working well and Mr. Zitzelman operating the powerpoint, but this should not be adopted as a standard practice at large programs.

	YES	NO	NA
1. I gained important information.	61	0	3
2. Substantive written materials (if provided) assisted my learning.	60	0	4
3. The course was well organized/coordinated.	63	0	1
4. The faculty engaged/involved me in meaningful activities.	55	5	4

	Overall Teaching Effectiveness	Made clear connection to the workplace	Well prepared and organized	Average Score
Judge Richard H. Batheld	4.44	5.55	4.60	4.86
Ms. Claire Brooker	4.32	4.46	4.56	4.45
Judge Brian Sanderson	4.68	4.77	4.82	4.76
Judge Linda S. Portnoy	4.49	4.65	4.67	4.60
Justice Mary I. Yu	4.44	5.55	4.60	4.86

## Draeger Demonstrations & Legal Challenges

Sergeant Brandon Villanti and Trooper Tom Moberg from the Washington State Patrol provided an unbiased description and demonstration of the Draeger Device. Two participants volunteered to consume alcohol prior to the session in order to offer a demonstration reading on the instrument. Judge Goodwin lead the second portion of the session with attorney's Jason Lantz and Moses Garcia offering views in both the prosecution and defense regarding the admissibility of the device. The participants found the session very informative although they would have liked to have had more time for discussion from Judge Goodwin and the attorneys.

	YES	NO	NA
1. I gained important information.	57	0	0
2. Substantive written materials (if provided) assisted my learning.	56	0	0
3. The course was well organized/coordinated.	57	0	5
4. The faculty engaged/involved me in meaningful activities.	49	3	10

	Overall Teaching Effectiveness	Made clear connection to the workplace	Well prepared and organized	Average Score
Mr. Moses Garcia	4.66	4.77	4.75	4.73
Judge Jeffrey D. Goodwin	4.82	4.88	4.78	4.83
Mr. Jason Lantz	4.59	4.65	4.58	4.61
Mr. Tom Moberg	4.84	4.94	4.85	4.88
Mr. Brandon Villanti	4.68	4.85	4.75	4.76

## Beyond *Batson*: Approaches to Addressing Bias at Jury Selection

Mr. Mungia, Ms. Roe, and Judge Paja presented on jury selection post-GR 37, and how it relates to *Batson*. Material was presented primarily through a mock jury selection process, with the two attorneys acting the parts of counsel and jurors, as needed. The process allowed for participants to interact and experience how the new benchcard and rule could be utilized, and there was lots of Q&A. Better use of time and question management, along with discussion at the opening on the impacts of GR 37, would have provided participants with more insight through the presentation.

	YES	NO	NA
1. I gained important information.	97	3	2
2. Substantive written materials (if provided) assisted my learning.	93	6	3
3. The course was well organized/coordinated.	98	2	2
4. The faculty engaged/involved me in meaningful activities.	97	3	2

	Overall Teaching Effectiveness	Made clear connection to the workplace	Well prepared and organized	Average Score
Mr. Salvador A. Mungia	4.75	4.85	4.82	4.81
Judge Marilyn G. Paja	4.59	4.76	4.69	4.68
Ms. Rebecca Roe	4.75	4.85	4.82	4.81

## Dollars and Sense of Reentry

Ms. Simmons discussed her experiences working through the reentry process, which was well received. Mr. Harms presented on the Department of Corrections procedures in assisting those incarcerated prepare for release, but spent a good amount of time with his back to the audience or talking to Ms. Simmons. Judge Coburn presented on new LFO legislation, and the updated LFO calculator that will premier shortly, with her usual aplomb and passion. Judge Coburn does need to moderate tone and volume when speaking over a PA system, which was commented on by many.

	YES	NO	NA
1. I gained important information.	81	12	9
2. Substantive written materials (if provided) assisted my learning.	69	25	14
3. The course was well organized/coordinated.	82	11	9
4. The faculty engaged/involved me in meaningful activities.	74	19	11

	Overall Teaching Effectiveness	Made clear connection to the workplace	Well prepared and organized	Average Score
Judge Linda Coburn	4.46	4.64	4.62	4.57
Mr. James Harms	3.96	4.03	4.28	4.09
Ms. Tarra Simmons	4.44	4.47	4.58	4.50

## Understanding Technology Misuse in DV Cases, Part 2

Mr. Ian Harris presented a follow up to his session last year on Technology Misuse in Domestic Violence cases. He gave a detailed presentation on the numerous ways technology can be used to gain personal information, to track, and to harass victims. Many participants enjoyed his session and asked that he return in the future as technology continues to evolve.

	YES	NO	NA
1. I gained important information.	4.46	4.64	4.62
2. Substantive written materials (if provided) assisted my learning.	3.96	4.03	4.28
3. The course was well organized/coordinated.	4.44	4.47	4.58
4. The faculty engaged/involved me in meaningful activities.	4.46	4.64	4.62

	Overall Teaching Effectiveness	Made clear connection to the workplace	Well prepared and organized	Average Score
Mr. Ian Harris	4.89	4.89	4.97	4.91

## Evidence Update

Judge Nevin gave a detailed presentation on the most significant cases of 2017. The audience appreciated his content knowledge and attention to detail as outlined in his PowerPoint and Materials.

	YES	NO	NA
1. I gained important information.	76	0	0
2. Substantive written materials (if provided) assisted my learning.	76	0	0
3. The course was well organized/coordinated.	76	0	0
4. The faculty engaged/involved me in meaningful activities.	74	2	0

	Overall Teaching Effectiveness	Made clear connection to the workplace	Well prepared and organized	Average Score
Judge Jack F. Nevin	4.87	4.97	4.97	4.94

## Search Warrants: Nuts & Bolts for the Limited Jurisdiction Judge

Judge Williams presented this as a choice session focusing on the core issues judges should consider when presented with Search Warrant applications. The session was balanced with an informative PowerPoint and interactive responder questions that kept the audience engaged and participating.

	YES	NO	NA
1. I gained important information.	57	5	4
2. Substantive written materials (if provided) assisted my learning.	57	7	4
3. The course was well organized/coordinated.	59	3	2
4. The faculty engaged/involved me in meaningful activities.	55	6	3

	Overall Teaching Effectiveness	Made clear connection to the workplace	Well prepared and organized	Average Score
Mr. Matthew Williams	4.63	4.78	4.65	4.68

### **It's Not About the Money. It's the Principle of the Thing! Performance Art: Procedural Fairness and Emotional Intelligence in Small Claims**

Judges Harper, Dacca, and Howard provided an entertaining and engaging session on working in small claims court, and how it is different from other judicial calendars. The interaction between the panel members, and with the audience, added to the quality of the session. While the attendance was small, it allowed for an intimate atmosphere and encouraged sharing of ideas.

	YES	NO	NA
1. I gained important information.	9	0	0
2. Substantive written materials (if provided) assisted my learning.	8	1	0
3. The course was well organized/coordinated.	8	1	0
4. The faculty engaged/involved me in meaningful activities.	9	0	0

	Overall Teaching Effectiveness	Made clear connection to the workplace	Well prepared and organized	Average Score
Judge Frank L. Dacca	4.56	4.88	4.75	4.73
Judge Anne C. Harper	4.67	4.75	4.50	4.64
Judge Anthony E. Howard	4.89	4.88	4.88	4.88

### **Protection and No Contact Orders**

Judge Jahns and Judge Docter gave a fast paced and information packed session on the various types of protection orders and Firearm Surrenders. The reviews were very positive with compliments to the pairing of Judges Jahns and Docter. Several commented that the materials were excellent and very helpful but that the amount of information covered in the single session was too overwhelming.

	YES	NO	NA
1. I gained important information.	56	0	0
2. Substantive written materials (if provided) assisted my learning.	56	0	0
3. The course was well organized/coordinated.	54	3	1
4. The faculty engaged/involved me in meaningful activities.	57	5	4

	Overall Teaching Effectiveness	Made clear connection to the workplace	Well prepared and organized	Average Score
Judge James N. Docter	4.64	4.75	4.75	4.72
Judge Jeffrey J. Jahns	4.42	4.72	4.45	4.57

## Legislative Update

Judge Meyer presented with the calm assurance that is typical of his Legislative Update sessions of previous years.

	YES	NO	NA
1. I gained important information.	57	0	3
2. Substantive written materials (if provided) assisted my learning.	54	1	5
3. The course was well organized/coordinated.	55	1	4
4. The faculty engaged/involved me in meaningful activities.	52	2	5

	Overall Teaching Effectiveness	Made clear connection to the workplace	Well prepared and organized	Average Score
Judge Samuel G. Meyer	4.92	4.91	4.89	4.91

## DOL Update

Ms. Carla Weaver and Judge Docter gave an information packed session on the latest updates and changes at DOL and their impact on the judiciary. Participants were able to have their questions answered and expanded discussions on how the changes will impact their decision making on the bench.

	YES	NO	NA
1. I gained important information.	42	0	0
2. Substantive written materials (if provided) assisted my learning.	42	0	0
3. The course was well organized/coordinated.	42	0	0
4. The faculty engaged/involved me in meaningful activities.	41	0	1

	Overall Teaching Effectiveness	Made clear connection to the workplace	Well prepared and organized	Average Score
Judge James N. Docter	4.81	4.87	4.80	4.83
Ms. Carla Weaver	4.95	5.00	4.95	4.97



**DMCJA Rules Committee**  
**Wednesday, May 9, 2018 (noon – 1:00 p.m.)**  
Via Teleconference

**MEETING MINUTES**

**Members:**

Chair, Judge Dacca  
Judge Buttorff  
~~Judge Fore~~  
Judge Goodwin  
Commissioner Hanlon  
Judge Rozzano  
Judge Samuelson  
~~Judge Steiner~~  
~~Ms. Linda Hagert, DMCMA Liaison~~  
Ms. Patti Kohler, DMCMA Liaison

**AOC Staff:**

Ms. J Benway

The meeting was called to order at 12:02 p.m.

The Committee discussed the following items:

**1. Welcome & Introductions**

Judge Dacca welcomed the Committee members in attendance. He stated that he will be retiring from judicial office at the end of the year. He has advised incoming DMCJA Chair Judge Robertson that he would like to stay on the Committee until the end of the year but requested that a new Committee Chair be appointed. He encouraged any interested Committee members to express to Judge Robertson their willingness to serve as Chair.

**2. Approve Minutes from the January 2018 Rules Committee meeting**

It was motioned, seconded and passed to approve the minutes from the February 28, 2018 Rules Committee meeting as presented.

**3. Discuss Proposals to Amend CrRLJ 4.2, CrRLJ 4.4, and CrRLJ 7.3**

The WSBA Court Rules Committee forwarded these proposals to Judge Dacca with a request to have the Rules Committee review and comment. Ms. Benway reported that the changes are technical, only appear in the print version of the rules, and apparently had previously been targeted for clean-up. The Committee determined that given the minor nature of the proposed amendments, that there was no need to comment on the proposals.

#### **4. Discuss Proposal to Amend CR 30**

The WSBA Court Rules Committee forwarded this proposed amendment to Judge Dacca with a request to have the Rules Committee review and comment. The Committee determined that it was not opposed to the proposed amendments. Judge Dacca will inform the Committee.

#### **5. Discuss Proposed New CR 3.1 and Proposed Amendments to CR 26**

The WSBA Court Rules Committee forwarded these proposals to Judge Dacca with a request to have the Rules Committee review and comment. The Committee had some debate regarding the extent to which the proposals would impact Courts of Limited Jurisdiction.

- The Committee determined that proposed new rule CR 3.1 would not impact CLJs, but that if it did the Committee would be opposed to it. The Committee directed Judge Dacca to respond to that proposal to that effect.
- The Committee then determined that more time was needed to consider the potential impacts from the proposed amendments to CR 26, the consensus being that the amendments would be unworkable for CLJs because many courts do not use the civil case schedules that are referenced in the rule. Because the deadline to comment was May 25, 2018, the Committee directed Judge Dacca to convey these preliminary concerns to the WSBA Committee and request more time to review the proposals.

#### **6. Discuss Proposal to Amend CR 16**

The WSBA Court Rules Committee forwarded this proposed amendment to Judge Dacca with a request to have the Rules Committee review and comment. The Committee determined that this proposal would not impact CLJs and would therefore not take a position on it.

#### **7. Discuss potential inclusion of CrR 3.2(j), pertaining to review of conditions of release, into CrRLJ 3.2**

Judge Portnoy requested that the Committee consider whether a provision should be incorporated into CrRLJ 3.2 that is similar to the current CrR 3.2(j), pertaining to Review of Conditions following preliminary appearance. The Committee tabled this item until the June meeting. Ms. Benway stated that she would have a memo for the Committee before that time.

#### **8. Information: Supreme Court adopts new GR 37, pertaining to jury selection**

The Supreme Court enacted a new General Rule pertaining to juror selection that has the potential to impact trial court operations. The Committee is concerned because the rule has an effective date of April 24, 2018 and many judicial officers are not yet aware of the rule. The Committee agreed to recommend that the DMCJA Board request an extended implementation date of September 30 to allow trial court judges sufficient time to be educated about and prepare to implement the rule.

#### **9. Other Business and Next Meeting Date**

The next meeting is scheduled for Tuesday, June 5 at 7:30 a.m. during the Spring Conference. A new meeting schedule will be presented at that time.

There being no further business, the meeting was adjourned at 12:56 p.m.



## DMCJA Therapeutic Courts Committee

May 9, 2018, 12:15PM – 1:00PM  
Conference Call

### Conference Call Minutes

#### Participating

Judge Fred Gillings  
Judge Laura Van Slyck  
Judge Susan Adams  
Judge Claire Bradley  
Judge Michael Finkle

Judge Robert Grim  
Commissioner Jenifer Howson  
Judge Nancy McAllister  
Judge Jeffrey Smith

#### AOC Staff

Susan Peterson

The Therapeutic Courts Committee (Committee) meeting was called to order at 12:18 p.m. The Committee moved, seconded, and voted unanimously (M/S/P) to approve the March 7, 2018 Meeting Minutes.

Judge Van Slyck provided an update on the Fall Conference session. The session title is: "Providing Enhanced Therapeutic Solutions to Judges, a Colloquium-Based Approach". Judges Gillings and Van Slyck have finalized the session panel members; they include: Judge Scott Ahlf, Judge Susan Adams, Commissioner Jenifer Howson, Judge Michael Finkle, Judge Amy Kaestner, and Judge Maggie Ross. Judge Van Slyck will act as Moderator for the panel.

The Committee identified possible questions/topics to prime the audience with, including: (1) How you do start a court with no money (budget issues); (2) How do you handle the politics of governing/building consensus; (3) Identifying your target population (what is the problem you are trying to solve?); (4) What issues to look at with treatment providers and how are you handling them; (5) How do you handle a lack of resources; (6) Housing and patient treatment; and (7) If you don't have a therapeutic court, what concepts can you use from therapeutic courts on the bench? In addition, it was suggested programs such as the new community calendar at Redmond Courthouse should be mentioned. There was also discussion about session materials, and it was suggested judges should describe their own court rather than inundating people with too much paper. In was also mentioned that Judge Ahlf is attending a national community courts' conference, and he may have some information to share from that.

Next steps: (1) Judge Gillings will follow up with Ms. Peterson about getting some links added onto Inside Courts. (2) Judge N. Scott Stewart and Judith Anderson expect to have one more phone call with faculty before Fall Conference. (3) The Committee should also consider doing a colloquium for the 2019 Spring Conference.

The Committee reviewed the proposed 2018-2019 meeting schedule. M/S/P to adopt the 2018-2019 meeting schedule with two amendments: (1) Change April 8, 2018 to April 1, 2018, and (2) delete September 5, 2018. The next meeting is on Monday, June 4, 2018, from 7:15 a.m. to 7:55 a.m., at the DMCJA Spring Conference in Chelan.

The meeting was adjourned at 12:53 p.m.

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## General Rules

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### GR 15 DESTRUCTION, SEALING, AND REDACTION OF COURT RECORDS

(a) Purpose and Scope of the Rule. This rule sets forth a uniform procedure for the destruction, sealing, and redaction of court records. This rule applies to all court records, regardless of the physical form of the court record, the method of recording the court record, or the method of storage of the court record.

(b) Definitions.

(1) "Court file" means the pleadings, orders, and other papers filed with the clerk of the court under a single or consolidated cause number(s).

(2) "Court record" is defined in GR 31(c) (4).

(3) Destroy. To destroy means to obliterate a court record or file in such a way as to make it permanently irretrievable. A motion or order to expunge shall be treated as a motion or order to destroy.

(4) Seal. To seal means to protect from examination by the public and unauthorized court personnel. A motion or order to delete, purge, remove, excise, erase, or redact shall be treated as a motion or order to seal.

(5) Redact. To redact means to protect from examination by the public and unauthorized court personnel a portion or portions of a specified court record.

(6) Restricted Personal Identifiers are defined in GR 22(b) (6).

(7) Strike. A motion or order to strike is not a motion or order to seal or destroy.

(8) Vacate. To vacate means to nullify or cancel.

(c) Sealing or Redacting Court Records.

(1) In a civil case, the court or any party may request a hearing to seal or redact the court records. In a criminal case or juvenile proceeding, the court, any party, or any interested person may request a hearing to seal or redact the court records. Reasonable notice of a hearing to seal must be given to all parties in the case. In a criminal case, reasonable notice of a hearing to seal or redact must also be given to the victim, if ascertainable, and the person or agency having probationary, custodial, community placement, or community supervision over the affected adult or juvenile. No such notice is required for motions to seal documents entered pursuant to CrR 3.1(f) or CrRLJ 3.1(f).

(2) After the hearing, the court may order the court files and records in the proceeding, or any part thereof, to be sealed or redacted if the court makes and enters written findings that the specific sealing or redaction is justified by identified compelling privacy or safety concerns that outweigh the public interest in access to the court record. Agreement of the parties alone does not constitute a sufficient basis for the sealing or redaction of court records. Sufficient privacy or safety concerns that may be weighed against the public interest include findings that:

(A) The sealing or redaction is permitted by statute; or

(B) The sealing or redaction furthers an order entered under CR 12(f) or a protective order entered under CR 26(c); or

(C) A conviction has been vacated; or

(D) The sealing or redaction furthers an order entered pursuant to RCW 4.24.611; or

(E) The redaction includes only restricted personal identifiers contained in the court record; or

(F) Another identified compelling circumstance exists that requires the sealing or redaction.

(3) A court record shall not be sealed under this section when redaction will adequately resolve the issues before the court pursuant to subsection (2) above.

(4) Sealing of Entire Court File. When the clerk receives a court order to seal the entire court file, the clerk shall seal the court file and secure it from public access. All court records filed thereafter shall also be sealed unless otherwise ordered. The existence of a court file sealed in its entirety, unless protected by statute, is available for viewing by the public on court indices. The information on the court indices is limited to the case number, names of the parties, the notation "case sealed," the case type and cause of action in civil cases and the cause of action or charge in criminal cases, except where the conviction in a criminal case has been vacated, section (d) shall apply. The order to seal and written findings supporting the order to seal shall also remain accessible to the public, unless protected by statute.

(5) Sealing of Specified Court Records. When the clerk receives a court order to seal specified court records the clerk shall:

(A) On the docket, preserve the docket code, document title, document or subdocument number and date of the original court records;

(B) Remove the specified court records, seal them, and return them to the file under seal or store separately. The clerk shall substitute a filler sheet for the removed sealed court record. If the court record ordered sealed exists in a microfilm, microfiche or other storage medium form other than paper, the clerk shall restrict access to the alternate storage medium so as to prevent unauthorized viewing of the sealed court record; and

(C) File the order to seal and the written findings supporting the order to seal. Both shall be accessible to the public.

(D) Before a court file is made available for examination, the clerk shall prevent access to the sealed court records.

(6) Procedures for Redacted Court Records. When a court record is redacted pursuant to a court order, the original court record shall be replaced in the public court file by the redacted copy. The redacted copy shall be provided by the moving party. The original unredacted court record shall be sealed following the procedures set forth in (c) (5).

(d) Procedures for Vacated Criminal Convictions. In cases where a criminal conviction has been vacated and an order to seal entered, the information in the public court indices shall be limited to the case number, case type with the notification "DV" if the case involved domestic violence, the adult or juvenile's name, and the notation "vacated."

(e) Grounds and Procedure for Requesting the Unsealing of Sealed Records.

(1) Sealed court records may be examined by the public only after the court records have been ordered unsealed pursuant to this section or after entry of a court order allowing access to a sealed court record.

(2) Criminal Cases. A sealed court record in a criminal case shall be ordered unsealed only upon proof of compelling circumstances, unless otherwise provided by statute, and only upon motion and written notice to the persons entitled to notice under subsection (c) (1) of this rule except:

(A) If a new criminal charge is filed and the existence of the conviction contained in a sealed record is an element of the new offense, or would constitute a statutory sentencing enhancement, or provide the basis for an exceptional sentence, upon application of the prosecuting attorney the court shall nullify the sealing order in the prior sealed case(s).

(B) If a petition is filed alleging that a person is a sexually violent predator, upon application of the prosecuting attorney the court shall nullify the sealing order as to all prior criminal records of that individual.

(3) Civil Cases. A sealed court record in a civil case shall be ordered unsealed only upon stipulation of all parties or upon motion and written notice to all parties and proof that identified compelling circumstances for continued sealing no longer exist, or pursuant to RCW 4.24 or CR 26(j). If the person seeking access cannot locate a party to provide the notice required by this rule, after making a good faith reasonable effort to provide such notice as required by the Superior Court Rules, an affidavit may be filed with the court setting forth the efforts to locate the party and requesting waiver of the notice provision of this rule. The court may waive the notice requirement of this rule if the court finds that further good faith efforts to locate the party are not likely to be successful.

(4) Juvenile Proceedings. Inspection of a sealed juvenile court record is permitted only by order of the court upon motion made by the person who is the subject of the record, except as otherwise provided in RCW 13.50.010(8) and 13.50.050(23). Any adjudication of a juvenile offense or a crime subsequent to sealing has the effect of nullifying the sealing order, pursuant to RCW 13.50.050(16).

(f) Maintenance of Sealed Court Records. Sealed court records are subject to the provisions of RCW 36.23.065 and can be maintained in mediums other than paper.

(g) Use of Sealed Records on Appeal. A court record or any portion of it, sealed in the trial court shall be made available to the appellate court in the event of an appeal. Court records sealed in the trial court shall be sealed from public access in the appellate court subject to further order of the appellate court.

(h) Destruction of Court Records.

(1) The court shall not order the destruction of any court record unless expressly permitted by statute. The court shall enter written findings that cite the statutory authority for the destruction of the court record.

(2) In a civil case, the court or any party may request a hearing to destroy court records only if there is express statutory authority permitting the destruction of the court records. In a criminal case or juvenile proceeding, the court, any party, or any interested person may request a hearing to destroy the court records only if there is express statutory authority permitting the destruction of the court records. Reasonable notice of the hearing to destroy must be given to all parties in the case. In a criminal case, reasonable notice of the hearing must also be given to the victim, if ascertainable, and the person or agency having probationary, custodial, community placement, or community supervision over the affected adult or juvenile.

(3) When the clerk receives a court order to destroy the entire court file the clerk shall:

(A) Remove all references to the court records from any applicable information systems maintained for or by the clerk except for accounting records, the order to destroy, and the written findings. The order to destroy and the supporting written findings shall be filed and available for viewing by the public.

(B) The accounting records shall be sealed.

(4) When the clerk receives a court order to destroy specified court records the clerk shall:

(A) On the automated docket, destroy any docket code information except any document or sub-document number previously assigned to the court record destroyed, and enter "Order Destroyed" for the docket entry;

(B) Destroy the appropriate court records, substituting, when applicable, a printed or other reference to the order to destroy, including the date, location, and document number of the order to destroy; and

(C) File the order to destroy and the written findings supporting the order to destroy. Both the order and the findings shall be publicly accessible.

(5) This subsection shall not prevent the routine destruction of court records pursuant to applicable preservation and retention schedules.

(i) Trial Exhibits. Notwithstanding any other provision of this rule, trial exhibits may be destroyed or

returned to the parties if all parties so stipulate in writing and the court so orders.

(j) Effect on Other Statutes. Nothing in this rule is intended to restrict or to expand the authority of clerks under existing statutes, nor is anything in this rule intended to restrict or expand the authority of any public auditor, or the Commission on Judicial Conduct, in the exercise of duties conferred by statute.

[Adopted effective September 22, 1989; amended effective September 1, 1995; June 4, 1997; June 16, 1998; September 1, 2000; October 1, 2002; July 1, 2006; April 28, 2015.]

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# DISTRICT AND MUNICIPAL COURT JUDGES' ASSOCIATION

## OPERATIONAL RULES

(Adopted December 8, 2006)

(Revised June 2015)

The District and Municipal Court Judges' Association (DMCJA) is governed by Bylaws as adopted and periodically amended by DMCJA membership. These rules are intended to supplement the Bylaws and provide guidance for members participating in DMCJA governance. The rules set forth the expectations of the DMCJA Board for its members and officers.

### **I. Board Member Duties**

Each Board member and officer shall use best efforts to:

- A. Personally attend all Board meetings. Participation by phone can be arranged through staff on a meeting-by-meeting basis if presence is not possible;
- B. Prepare for participation by reading agendas and materials before the meeting;
- C. Be prepared to lead discussion of agenda items as assigned by the President;
- D. Follow up on tasks assigned by the Board;
- E. Attend the DMCJA Board Retreat, and the DMCJA business meetings at spring and fall judicial conferences;
- F. Represent the Board at the request of the President; and
- G. Advance the work of the Board in at least one of the following ways:
  - 1. By serving as a committee chair;
  - 2. By serving as a liaison to outside organizations; or
  - 3. By serving as a committee member.

### **II. Board Meetings**

- A. Board meeting schedules shall be adopted at the DMCJA Board Retreat. Meetings will generally fall on the afternoon of the 2<sup>nd</sup> Friday of the month in SeaTac.
- B. Special meetings may be called by the President upon notice by mail, email, or phone.

#### Attendance

In-person participation is preferred; participation by phone or other means must be arranged in advance through DMCJA staff on a meeting-by-meeting basis.

#### Manner of Action

- A. Items shall be introduced on the discussion calendar and carried to the following meeting for action.
- B. The Board may act upon motion or resolution adopted at a meeting.
- C. A motion or resolution shall be adopted if approved by a majority of those Board members in attendance at the time the vote takes place.
- D. There shall be no voting by proxy, mail, or email.

### **III. Executive Legislative Committee**

#### Membership

The Executive Committee shall consist of the President, President –Elect, Legislative Committee Chair, and two or more additional members appointed by the President from the Board of Governors or the Legislative Committee. Staff shall also participate in Executive Committee meetings as an ex officio member.

#### Meetings

The Executive Committee shall meet weekly in person or by phone during legislative sessions to discuss and adopt DMCJA positions on legislation. The Executive Committee shall report at all regular Board meetings during session. The Executive Committee shall monitor and direct the activities of the DMCJA lobbyist.

#### Quorum

A quorum shall consist of the President or President-Elect, the Legislative Committee Chair or designee, and at least two other members of the Executive Committee.

#### Manner of Action

Staff shall daily review legislative digests for legislation that may impact courts of limited jurisdiction. Staff shall provide Executive Committee members with internet links to legislation of interest. Executive Committee members shall review and be prepared to discuss and recommend DMCJA positions on legislation at weekly meetings. Positions of the DMCJA shall be adopted by majority vote of participating Executive Committee members.

### **IV. Special Initiatives**

The Board may establish committees of limited life span to address specific initiatives. The Board will appoint the chairs, provide specific charges and may establish time frames and reporting requirements for completing the delegated work. In all other respects, these special initiative committees are subject to Bylaws provisions for standing committees.

## **V. Staff**

The Administrative Office of the Courts provides staff support to the DMCJA. Staff is responsible for:

- A. Preparing and publishing agendas and materials in consultation with the DMCJA president;
- B. Keeping track of Board actions;
- C. Maintaining DMCJA records in compliance with State Archivist retention schedules;
- D. Providing staff support for committees; and
- E. Acting as the registered business agent for the DMCJA.

Staff shall have a DMCJA credit card to conduct DMCJA business. Staff shall timely report any expenses incurred to the DMCJA Treasurer

## **VI. Amendments**

The Board may amend these operational rules from time to time to meet the obligations and duties of the DMCJA.

**RULES FOR CONDUCT FOR THE  
DISTRICT AND MUNICIPAL COURT JUDGES ASSOCIATION  
BOARD OF GOVERNORS MEETINGS**

**based on**

***The Modern Rules of Order, 2<sup>nd</sup> Edition* by  
Donald A. Tortorice, Esq. and published by  
ABA Publishing**

- Rule 1:**     **Role of the President.** Authority for conduct of the meeting is assigned to the President, who shall act as Chair. Decisions of the Chair are final on questions of procedure, but may be appealed to a vote of the Board. If a ruling is corrected by the Board, the Chair shall amend his or her ruling to reflect the will of the Board.
- Rule 2:**     **Governing Law.** These rules are subordinate to the DMCJA Bylaws.
- Rule 3:**     **Agenda.** The President shall establish the agenda and order of business for each meeting in consultation with Association staff.
- Rule 4:**     **Quorum.** The Chair shall be responsible for ascertaining and announcing the presence of a quorum, and shall duly convene the meeting when a quorum is present.
- Rule 5:**     **Special Officers.** The President may appoint a Special Chair to conduct all or any part of a meeting. The Special Chair shall be the President-Elect, or, if the President-Elect is not present or is unable to serve, then the Vice President.
- Rule 6:**     **Approval of Minutes.** If the minutes of the prior meeting have been circulated, the Chair should ask if there are corrections. Following notation of corrections, the Chair shall announce that the minutes are approved as circulated (or corrected). If there is a dispute on a correction, the proposed correction should be put in the form of a main motion, discussed and voted on according to these rules. If the minutes of the prior meeting have not been circulated, the Chair shall read the minutes and take corrections, and the procedures noted above for correction and approval shall apply.
- Rule 7:**     **General Discussion.** Issues that require consideration may be discussed with or without a formal motion. An issue may be resolved by recording (i) the general consensus or “sense of the Board,” or (ii) by formal motion.
- Rule 8:**     **General Principles for Discussion or Debate.** The Chair shall regulate the discussion to assure adequate consideration of relevant points of view in the best interest of the DMCJA. The following principles shall guide the Chair and the Board:

(a) The discussion should assure sufficient consideration of issues and all pertinent points of view.

(b) The discussion shall at all times maintain the dignity of the meeting, assure that the views of each recognized speaker are made known to the Board, and assure that proper respect is accorded to all members of the Board and others attending the meeting.

(c) The discussion shall assure that the issue(s) is/are presented in a manner understood by the participants.

(d) The ultimate goal of discussion is to determine the will of the Board and to articulate decisions for conduct of the business of the DMCJA.

**Rule 9: General Consensus or Sense of the Board.** When the members of the Board who are present embrace a course of action by clear consensus, the Chair may (if there is no objection) state that action on the issue is resolved by “general consensus” or “sense of the meeting.” A ruling as to general consensus or sense of the meeting shall be recorded as the decision of the Board.

**Rule 10: Motion Practice and Procedure.** When a sense of the meeting or general consensus is not determined, or where the importance of the issue makes formal action desirable, any member of the Board (other than the President and President-Elect) may state the proposal as a motion.

Motions shall be limited to those noted on the attached Description and Chart. There are 3 categories of motions: (1) Meeting Conduct Motions, (2) Disposition Motions, and (3) Main Motions (to take action or to reconsider action taken). The motions are listed in the attached Chart in order of precedence. When any motion is pending, any motion listed above it in the list is in order, but those below it are not in order.

**Rule 11: Adjournment.** Upon completion of the meeting agenda, and if no other business is indicated, the Chair shall adjourn the meeting. Adjournment may be accomplished by announcement by the Chair or by motion. A motion to adjourn before completion of the agenda is out of order.

## DESCRIPTION:

### MOTION PRECEDENCE AND CONDUCT

(If circumstances call for a departure from these procedures, the Chair has authority to determine the conduct of the meeting, subject to appeal)

### MEETING CONDUCT MOTIONS

1. **Point of Privilege** – A communication from a member to the Chair drawing urgent attention to a need for personal accommodation. Examples: inability to see or hear a speaker, overlooked right or privilege that should have been accorded.
  - May interrupt a speaker
  - Second not required
  - Not debatable
  - Not amendable
  - Resolved by the Chair; no vote required
2. **Point of Procedure** – (point of order) – A communication from a member to the Chair inquiring into the manner of conducting business or raising a question regarding the propriety of a procedure. An inquiry to be resolved by the Chair.
  - May interrupt a speaker
  - Second not required
  - Not debatable
  - Not amendable
  - Resolved by the Chair; no voting required
3. **Appeal Ruling of the Chair** – An appeal to the Board of a ruling of the Chair on a matter of procedure. **NOTE:** A ruling based on governing law such as a bylaw requirement is not appealable.
  - May not interrupt a speaker
  - Second required
  - Debatable
  - Not amendable
  - Majority vote required

### DISPOSITION MOTIONS

4. **Withdraw a Motion** – A maker of a motion—and only the maker of a motion—may make a motion to withdraw. As the maker's privilege, a motion to withdraw does not require a second or a vote.
  - May interrupt a speaker
  - Second not required

- Not debatable
  - Not amendable
  - Resolved by the Chair; no vote required
5. **Postpone Consideration** – Purpose: to enable the Board to deal with the issue more effectively at a later time. A postponed motion can be renewed at a later appropriate time unless otherwise specifically provided in the motion.
- May not interrupt a speaker
  - Second required
  - Debatable
  - Amendable
  - Majority vote required
6. **To Refer** – Typically, to submit an issue to a committee or task force for study and/or recommendation.
- May not interrupt a speaker
  - Second required
  - Debatable
  - Amendable
  - Majority vote required
7. **To Amend** – Proposes a change in the wording of a motion currently under consideration. **NOTE:** When a motion to amend is pending, and an amendment to the amendment is proposed, the Chair should focus discussion on the latest amendment, resolve that question, then proceed to the first amendment before continuing discussion on the main motion. Votes on amendments are in reverse order of the sequence in which they are proposed.
- May not interrupt a speaker
  - Second required
  - Debatable
  - Amendable
  - Majority vote required
8. **To Limit, Extend or Close Debate** – The Chair has discretion to ensure that differing points of view are heard. This motion overrides the Chair's determination. Since it affects a member's right to speak his or her views, it requires a two-thirds vote of the Board. (Includes calling the question.)
- May not interrupt a speaker
  - Second required
  - Debatable
  - Amendable
  - Two-thirds vote required

## MAIN MOTIONS

9. **Main Motion** – May be an initial call for action, to reconsider, to rescind a prior decision or to elect persons to office.
- May not interrupt a speaker
  - Second required
  - Debatable
  - Amendable
  - Majority vote required unless otherwise prescribed by governing law

**SUMMARY OF  
MOTION PRECEDENCE AND CONDUCT**  
(if circumstances call for a departure from these procedures, the Chair  
has authority to determine the conduct of the meeting, subject to appeal)

<u>Name</u>	<u>Interrupt a Speaker?</u>	<u>Second Required?</u>	<u>Debatable?</u>	<u>Amendable?</u>	<u>Vote Required?</u>
<b>MEETING CONDUCT MOTIONS</b>					
1. Point of Privilege	YES	NO	NO	NO	NO
2. Point of Procedure	YES	NO	NO	NO	NO
3. Appeal Ruling of the Chair	NO	YES	YES	NO	Majority
<b>DISPOSITION MOTIONS</b>					
4. Withdraw a Motion	YES	NO	NO	NO	NO
5. Postpone Consideration	NO	YES	YES	YES	Majority
6. To Refer	NO	YES	YES	YES	Majority
7. To Amend	NO	YES	YES	YES	Majority
8. To Limit, Extend or Close Debate	NO	YES	YES	YES	Two-Thirds
<b>MAIN MOTION</b>					
9. Main Motion	NO	YES	YES	YES	Majority*

\*Unless otherwise required by governing law.

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**TO:** Judge Robertson, Chair, DMCJA Board  
**FROM:** Judge Dacca, Chair, DMCJA Rules Committee  
**RE:** Proposed Amendment to CrRLJ 3.2(o)  
**DATE:** July 2, 2018

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The DMCJA Rules Committee recommends that the DMCJA Board propose an amendment to CrRLJ 3.2, pertaining to Conditions of Release. Recent legislative changes to RCW 10.31.100 have modified the circumstances under which a police officer is required to hold a person arrested for a DUI or Physical Control offense until released by a judicial officer on bail, personal recognizance or order. CrRLJ 3.2(o) references this statutory requirement but has not been amended to address recent changes to the statutory language.

A more detailed recommendation, and the text of the proposed amendment, are set forth in the attached draft GR 9 Cover Sheet. Please let me know if you have any questions.

Attachments:

Proposed GR 9 Cover Sheet for CrRLJ 3.2(o), including text of proposed amendment

## GR 9 COVER SHEET

### Suggested Amendment to WASHINGTON STATE COURT RULES: CRIMINAL RULES FOR COURTS OF LIMITED JURISDICTION

#### Amend CrRLJ 3.2(o): Release of Accused; Bail in Criminal Offense Cases--Mandatory Appearance

Submitted by the District & Municipal Courts Judges Association

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- A. **Name of Proponent:** District & Municipal Courts Judges Association
- B. **Spokesperson:** Judge Rebecca Robertson, DMCJA Board President
- C. **Purpose:** CrRLJ 3.2 governs issues regarding release of accused persons in courts of limited jurisdiction. Subsection (o), pertaining to bail in criminal offenses and mandatory appearance, provides:

(1) Except as provided in subsection (2) or (3) below, when required to reasonably assure appearance in court, bail for a person arrested for a misdemeanor shall be \$500 and for a gross misdemeanor shall be \$1,000. In an individual case and after hearing the court for good cause recited in a written order may set a different bail amount.

(2) A court may adopt a local rule requiring that persons subjected to custodial arrest for a certain class of offenses be held until they have appeared before a judge.

(3) Pursuant to RCW 10.31.100, a police officer shall arrest and keep in custody, until release by a judicial officer on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that the person has violated RCW 46.61.502 (Driving Under the Influence) or RCW 46.61.504 (Physical Control of a Vehicle Under the Influence) or an equivalent local ordinance and the police officer has knowledge that the person has a prior offense as defined in RCW 46.61.5055 within 10 years.

The addition of subsection (o)(3) is relatively recent. In 2014, the Legislature amended RCW 10.31.100, to add a new subsection addressing when a police officer must detain a person for a DUI offense pending judicial review. Upon review of the legislation, the DMCJA Rules Committee became concerned that it potentially conflicted with CrRLJ 3.2(o)(2) regarding the

class of offenses for which a person can be detained awaiting judicial review. The DMCJA Board therefore recommended that a subsection (3) to be added to CrRLJ 3.2(o) to reflect the statutory language. The Supreme Court did so through Order No. 25700-A-1118, dated November 4, 2015.

The Legislature has subsequently modified RCW 10.31.100, the statute upon which the rule language is based, to add another circumstance under which an officer must hold someone pending judicial review: when the officer “has knowledge, based on a review of the information available to the officer at the time of arrest, that the person is charged with or is awaiting arraignment for an offense that would qualify as a prior offense as defined in RCW 46.61.5055 if it were a conviction.” RCW 10.31.100(16)(a). The Legislature also added language that an officer is “not required to keep in custody a person under (a) of this subsection if the person requires immediate medical attention and is admitted to a hospital.” RCW 10.31.100(16)(b). Neither of these changes is reflected in the current rule.

To fulfill the intent of having the rule conform to the statute, the rule must be amended to reflect the statutory changes. The amendment would appear as follows:

(3) Pursuant to RCW 10.31.100, a police officer shall arrest and keep in custody, until release by a judicial officer on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that the person has violated RCW 46.61.502 (Driving Under the Influence) or RCW 46.61.504 (Physical Control of a Vehicle Under the Influence) or an equivalent local ordinance and the police officer: (i) has knowledge that the person has a prior offense as defined in RCW 46.61.5055 within 10 years; or (ii) has knowledge, based on a review of the information available to the officer at the time of arrest, that the person is charged with or is awaiting arraignment for an offense that would qualify as a prior offense as defined in RCW 46.61.5055 if it were a conviction.

NOTE: A police officer is not required to keep a person in custody if the person requires immediate medical attention and is admitted to a hospital.

**D. Hearing:** A hearing is not requested.

**E. Expedited Consideration:** Expedited consideration is requested as the relevant legislation has already gone into effect.

**PROPOSED AMENDMENT:**

**CrRLJ 3.2  
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) - (n) [no change]**

**(o) Bail in Criminal Offense Cases--Mandatory Appearance.**

- (1) Except as provided in subsection (2) or (3) below, when required to reasonably assure appearance in court, bail for a person arrested for a misdemeanor shall be \$500 and for a gross misdemeanor shall be \$1,000. In an individual case and after hearing the court for good cause recited in a written order may set a different bail amount.
- (2) A court may adopt a local rule requiring that persons subjected to custodial arrest for a certain class of offenses be held until they have appeared before a judge.
- (3) Pursuant to RCW 10.31.100, a police officer shall arrest and keep in custody, until release by a judicial officer on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that the person has violated RCW 46.61.502 (Driving Under the Influence) or RCW 46.61.504 (Physical Control of a Vehicle Under the Influence) or an equivalent local ordinance and the police officer: (i) has knowledge that the person has a prior offense as defined in RCW 46.61.5055 within 10 years; or (ii) has knowledge, based on a review of the information available to the officer at the time of arrest, that the person is charged with or is awaiting arraignment for an offense that would qualify as a prior offense as defined in RCW 46.61.5055 if it were a conviction.

NOTE: A police officer is not required to keep a person in custody if the person requires immediate medical attention and is admitted to a hospital.

**(p) [no change]**

**(q) [no change]**

## 2018-2019 DMCJA PRIORITIES

### 1. Adequate Court Funding

The Courts of Limited Jurisdiction (CLJ) cannot provide services or justice without appropriate funding. We need to educate the public, from the voters to the legislators, regarding the effect that funding has on our ability to serve the constitutionally protected interests of the public. We should assess the mandated services the court provides and question how we are expected to provide these services in an environment of shrinking budgets. Major projects that need adequate funding are the courts of limited jurisdiction case management system (CLJ-CMS) Project and Courthouse Security, which are listed below:

#### a. JIS/Case Management

Our current case management system is outdated. We remain vulnerable to system failure and are forced to work every day with an antiquated system. However, our CLJ-CMS Project is moving forward. Project members have gathered business requirements, requests for proposal (RFPs) for potential vendors, and other information necessary for the Project. The Board has provided thirty-thousand dollars (\$30,000) in pro tempore reimbursement for CLJ-CMS RFP evaluators and CLJ-CMS Project Steering Committee members to evaluate potential vendors for the new CLJ-CMS. The association is committed to this project.

#### b. Courthouse Security

The safety of all who visit our courthouses remains a top priority for the DMCJA. Without adequate security, the safety of all patrons is in needless jeopardy, including:

- Members of the public summonsed for jury duty, traffic infractions, civil cases, and criminal cases
- Every party involved in domestic violence cases, including alleged victims and witnesses, who appear to deal with domestic violence criminal cases, protection order cases, stalking and anti-harassment cases
- Courthouse staff who are required to work every day in a building where disputes are resolved and where some of those involved in those disputes will present a risk for violence

General Rule (GR) 36, *Trial Court Security Rule*, as well as Minimum Court Standards, became effective on September 1, 2017. Judge Rebecca Robertson, Federal Way Municipal Court, and Judge David Steiner, King County District Court, prepared a GR 36 implementation guideline for DMCJA members that was disseminated to the association on August 1, 2017. Further, the DMCJA Long Range Planning Committee supports educating our association about pursuing federal grants related to courthouse security.

### 2. Preserving the Independence, Integrity, Quality, and Consistency of the Courts of Limited Jurisdiction

The purpose of this priority is to ensure that justice is dispensed fairly throughout the state for all criminal defendants. The DMCJA thinks the court system is bifurcated and administrative court funding should be consistently applied throughout the State to allow all courts to maintain their independence from the executive and legislative branches of government. Judges should not be in jeopardy of losing their positions based upon the exercise of judicial independence. In order to reach this goal, the DMCJA Board created the Judicial Independence Fire Brigade Committee in May 2017. The Workgroup on Judicial Independence, a subgroup of the Fire Brigade Committee, is in the process of creating resources for district and municipal court judges to utilize when faced with judicial independence issues. The DMCJA needs to work to maintain the quality and consistency of justice across all courts of limited jurisdiction. We must continue to work to remove statutory disparities between district and municipal courts and monitor regional courts initiatives.

3. Access to Justice (Court Education, Interpreters, and Technology Expansion)

The DMCJA supports the following Board for Judicial Administration (BJA) initiatives:

- Court System Education Funding Task Force
- Interpreter Services Funding Task Force

These initiatives were created to advocate for state funding for court system education and interpreter services in our courts. Access to justice is critical to the citizens of Washington State. Access includes: quality interpreter services, courtroom and court staff accessibility, and technological related access. Several issues related to interpreters were highlighted, including ADA/foreign language interpreters, the quality of interpretation options and access to interpreters. In our digitized world, members of the public should also have the option of using technology to access the courts.

4. Educate Justice Partners

To accomplish the goals of our member courts and the DMCJA as a whole, we must educate the executive and legislative branches of both local and state government. Through such education, the other branches of government will learn of our accomplishments and needs. The Public Outreach Committee is tasked with developing materials that will assist both urban and rural court judges in educating governmental agencies and the public. We may likely find that topics of importance to the judiciary may be just as important to cities, counties, and the state. These topics include, but are not limited to security concerns, court funding, the separation of powers, court administration, access to justice and access to court records and court information. Committee members suggested several ways to begin educating our justice partners, including creating reference materials for judges to obtain in a centralized repository on the Inside Courts web site. Initially, this repository will contain documents for use in contacting and informing legislators, council members, and partner organizations of our accomplishments and needs. We anticipate that the public outreach committee will evolve into a resource for judges to find programs and plans for such things as state of the court addresses to the local funding sources and other community partners. Such partners may include: Association of Washington Cities (AWC), Washington Association of Prosecuting Attorneys (WAPA), Washington State Association of Municipal Attorneys (WSAMA), Washington State Association of Counties (WSAC), risk management agencies, city and county councils, local school districts, and civic and social clubs. Our members have done some amazing work in their communities and it is time for the public and governmental entities to learn about our courts and judges.

**Public Outreach Committee Accomplishments**

In November 2017, the Public Outreach Committee held a “Take Your Legislator to Work Week” campaign and sent a variety of messages to the DMCJA membership encouraging Judges to contact their local legislators and invite them to their courts. Sample letter templates and talking points for judges to utilize when speaking with legislators were provided to the association. The Committee focused on the CLJ-CMS Project, which requires legislative funding for implementation. Further, in January 2018, the Public Outreach Committee hosted a “Legislative Crawl” in which DMCJA Judges met with key legislators for fifteen minutes to discuss DMCJA priorities. The Committee will continue to meet to develop plans to educate justice partners.

*The following are additional DMCJA goals that are equal in priority:*

- Foster Development of Therapeutic/Community Courts

The purpose of this goal is to address pressing issues of mental health and drug addiction in our community. The Board is concerned with the consistent management of mentally ill offenders. Defendants who do not arise to the level of the criminally insane, RCW 10.77, but need housing and services should be able to get the attention that they need in all Washington State courts.

- Member Involvement

All DMCJA service within the Association is voluntary. For this reason, the Board should actively encourage the participation of DMCJA members in the committee work and governance of our organization. Face to face committee meetings during annual conferences, placing committee sign-up sheets in the room during the annual DMCJA Business meeting, and providing an option to skype in to committee meetings may encourage more member participation. Approximately twenty-eight percent (28%) of the membership participate on DMCJA Committees.

- Collection of Legal Financial Obligations (LFOs)

This issue was originally categorized under the heading of getting judges out of the money collection business. At the 2015 board retreat, the DMCJA Board discussed the difficulties of removing the courts from collecting LFOs and determined that a legislative change is necessary because laws require district and municipal courts to collect fines. In discussing this issue, the Committee determined that the category should be amended from *Courts out of the Collection Business* to the broader category of *Collection of Legal Financial Obligations*. The Committee recommends that the DMCJA consider *State v. Blazina*, 182 Wash.2d 827, 344 P.3d 680 (2015), legislative proposals, and court funding issues to address the courts' involvement in the collection of LFOs. The Statewide Relicensing Program also addresses this issue, thus, it is a subsection of the Collection of LFOs priority.

- Statewide Relicensing Program

The issue of driver's license suspensions is significant to district and municipal courts. For this reason, the Committee thinks the Statewide Relicensing Program should continue to be a DMCJA priority. However, the Committee voted to support this Program only if it is funded and mandatory. The Committee noted that Senate Bill 6360, *Developing a plan for the consolidation of traffic-based financial obligations*, tasked the Office of the Attorney General (OAG) to convene a workgroup of stakeholders, which included a DMCJA member. In 2017, the workgroup provided input and feedback on the development of a plan and program for the efficient statewide consolidation of an individual's traffic-based financial obligations imposed by courts of limited jurisdiction into a unified and affordable payment plan. In 2018, the OAG and Washington Collectors Association introduced legislation regarding a statewide relicensing program. Although these bills did not pass the 2018 Legislature, the DMCJA remains committed to this issue.

- Foster a Better Relationship with Superior Court

Trial courts comprise district, municipal, and superior courts. Thus, trial court judges should work together on issues that impact all trial courts, such as court rules that govern topics addressed in courts of limited jurisdiction and superior courts. This priority impacts courthouse security and access to justice issues, such as court interpreters and technology concerns.



## DMCJA Committee Satisfaction Survey

### Welcome to the DMCJA Committee Satisfaction Survey!

Thank you for taking the time to answer this survey. Your time and input are greatly appreciated. This 5-minute survey is an opportunity for you to tell us about the committees, boards, commissions, task forces, and workgroups ("committees") you have served on during the past 24 months, the time you have invested, and your opinion of the committee responsibilities. The survey is targeted ONLY to those committees that DMCJA appoints or nominates members to serve or that DMCJA is a stakeholder in the work of the committee.

All information we collect is confidential, and it will only be used by DMCJA leadership for DMCJA purposes. The findings will be presented in a way to ensure anonymity.

If you have any questions, please contact Sharon Harvey, Court Association Coordinator, at [Sharon.Harvey@courts.wa.gov](mailto:Sharon.Harvey@courts.wa.gov) or 360-705-5282.

Thank you for taking the time to participate in this important survey!



## DMCJA Committee Satisfaction Survey

### \* 1. About how long have you been a DMCJA member?

Years

Months

## DMCJA Committee Satisfaction Survey

## 2. Are you a member of any DMCJA standing committee? If so, which one?

- ☐ N/A. I have not served on any of these committees in the past 24 months.
- ☐ Bylaws Committee
- ☐ Conference Planning Committee
- ☐ Diversity Committee
- ☐ DOL Liaison Committee
- ☐ Education Committee
- ☐ Legislative Committee
- ☐ Long Range Planning Committee
- ☐ Nominating Committee
- ☐ Reserves Committee
- ☐ Rules Committee
- ☐ Technology Committee
- ☐ Therapeutic Courts Committee

Other (please specify)

## 3. Are you a DMCJA Liaison for any committee? If so, on what committee(s) are you a member?

- ☐ N/A. I have not served on any of these committees in the past 24 months.
- ☐ Annual Conference Planning Committee
- ☐ Bench-Bar-Press Committee
- ☐ Bench-Bar-Press Steering Committee
- ☐ Bench-Bar-Press Liaison Subcommittee "Fire Brigade"
- ☐ Board for Judicial Administration (BJA)

- ☐ BJA Budget and Funding Committee
- ☐ BJA Court Education Committee
- ☐ BJA Court System Education Funding Task Force
- ☐ BJA Interpreter Services Task Force
- ☐ BJA Legislative Committee
- ☐ BJA Policy and Planning Committee
- ☐ BJA Public Trust and Confidence Comm.
- ☐ Commission on Judicial Conduct (CJC)
- ☐ Council on Public Legal Education
- ☐ Domestic Violence Perpetrator Treatment (DVPT) Advisory Comm.
- ☐ E2SHB 1163 Domestic Violence Perpetrator Treatment Workgroup
- ☐ E2SHB 1163 Domestic Violence Risk Assessment Workgroup
- ☐ District and Municipal Court Management Association
- ☐ Electronic Driving Under the Influence (eDUI) Court Stakeholder Project
- ☐ Expedited Data Exchange JIS Systems Changes Governance
- ☐ Ethics Advisory Committee
- ☐ Expedited Data Exchange User Advisory Group
- ☐ Gender and Justice Commission (GJC)
- ☐ GR 37 Workgroup
- ☐ Interpreter Commission (IC)
- ☐ Judicial Assistance Services Program (JASP)
- ☐ Judicial College Planning Committee/Dean
- ☐ Judicial Information System Committee (JISC)
- ☐ JIS CLJ "CLUG" User Group
- ☐ JIS CLJ-CMS Project Steering Committee
- ☐ JIS CLJ-CMS Project Court User Workgroup (CUWG)
- ☐ JIS "MCLUG" User Group
- ☐ Judicial Needs Estimate (JNE) Workgroup
- ☐ Justice Assistance Grant Advisory Committee
- ☐ Minority & Justice Commission (MJC)
- ☐ Misdemeanant Probation Association (MPA) Liaison

- ☐ Pattern Forms Committee
- ☐ Pattern Jury Instructions Committee (WPI)
- ☐ Presiding Judge and Administrator Education Committee
- ☐ Pretrial Reform Task Force
- ☐ Senate Bill (SB) 6360 Statewide Relicensing Workgroup
- ☐ Superior Court Judges' Association (SCJA)
- ☐ SCJA Therapeutic Courts Committee
- ☐ Trial Court Advocacy Board (TCAB)
- ☐ Trial Court Security Committee
- ☐ Trial Court Sentencing and Supervision Committee
- ☐ Tribal State Court Consortium
- ☐ Uniform Infraction/Citation Committee
- ☐ Violence Against Women Act (VAWA) Workgroup
- ☐ Washington Judges' Foundation Board
- ☐ Washington State Access to Justice Board Liaison Position
- ☐ WSBA Board of Governors Liaison
- ☐ WSBA Civil Litigation Rules Drafting Task Force
- ☐ WSBA Council on Public Defense
- ☐ WSBA Court Rules and Procedures Committee DMCJA Liaison
- ☐ Washington State Center for Court Research (WSCCR) Advisory Board
- ☐ WSCCR Strategic Oversight Committee
- ☐ Washington State Patrol (WSP) Electronic Driving Under the Influence (eDUI) Project, Warrants Requirements Subgroup
- ☐ Washington Traffic Safety Commission (WTSC)
- ☐ Workgroup on Judicial Independence

Other (please specify)



**4. Please indicate whether you agree or disagree with the following statements regarding the goals of the committee.**

	Strongly agree	Somewhat agree	Neither agree nor disagree	Somewhat disagree	Strongly disagree	N/A
The Committee's goals are clear to me	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The goals are clearly stated in a charter	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The goals are incorporated into a plan	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The Committee is actively working on accomplishing its goals	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**5. How many hours per month on average did you/do you spend on each of the following when doing work for this committee?**

	None	1-2 hours	3-6 hours	7-10 hours	11-15 hours	more than 16 hours
Preparing for meetings	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Traveling to meetings	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Attending meetings	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Doing follow-up tasks	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**6. Is there anything that prohibits you from participation on a committee?**

**7. Please provide any suggestions or recommendations that would make it more beneficial for you to join a committee.**

# Washington State Supreme Court Gender and Justice Commission

## COMMISSION MEMBERS

**Honorable Sheryl Gordon McCloud, Chair**  
Washington State Supreme Court

**Honorable Marilyn G. Paja, Vice Chair**  
Kitsap County District Court

**Honorable Anita Crawford-Willis**  
Seattle Municipal Court

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Cowlitz County Superior Court

**Ms. Gail Hammer**  
Gonzaga University School of Law

**Ms. Grace Huang**  
API Institute on Gender-Based Violence

**Ms. LaTricia Kinlow**  
Tukwila Municipal Court

**Honorable Eric Z. Lucas**  
Snohomish County Superior Court

**Ms. Heather McKimmie**  
Disability Rights Washington

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Sexual Violence Legal Services

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University of Washington School of Law

**Ms. Jennifer Ritchie**  
Washington Women Lawyers

**Honorable Cindy K. Smith**  
Suquamish Tribal Court

**Ms. Gail Stone**  
King County Executive's Office

**Ms. Sonia M Rodriguez True**  
True Law Group, P.S.

**Ms. Victoria L Vreeland**  
Vreeland Law PLLC

June 28, 2018

Judge Scott K. Ahlf, President  
District & Municipal Court Judges' Association

Subject: E2SHB 1163 Domestic Violence Workgroups

Dear Judge Ahlf,

Thank you for your appointment of Judge David Steiner, Judge John Curry, and Judge Patti Connolly Walker to the E2SHB 1163 Domestic Violence Workgroups. Their commitment of time, ideas, and energy was vital to this opportunity to inform the Washington State Legislature.

The final report from each of the work groups as they were submitted to the Legislature are enclosed:

1. Domestic Violence Perpetrator Treatment: A Proposal for Integrated System Response (ISR) *[Section 7]*
2. Domestic Violence Risk Assessment *[Section 8]*

The Gender and Justice Commission is committed to addressing this and all gender equity issues in the Washington State Courts. We hope that you will continue to be involved in that work in the future.

Sincerely,



Judge Eric Z. Lucas, Work Group Co-Chair



Judge Marilyn G. Paja, Work Group Co-Chair



# DOMESTIC VIOLENCE PERPETRATOR TREATMENT

A Proposal for an Integrated System Response (ISR)

Report to the Washington State Legislature

June 2018

June 26, 2018

*To the Legislature:*


*It is the honor of the E2SHB 1163 Section 7 work group to present the requested report concerning perpetrator treatment in cases of Domestic Violence. After nearly a year of meetings, collaborative discussion, and writing, the work group chairs wish to acknowledge the fine work of every one of the active work group members.*

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

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

A handwritten signature in blue ink, appearing to read "Eric Lucas".

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

A handwritten signature in black ink, appearing to read "Marilyn Paja".

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

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# EXECUTIVE SUMMARY

## Problem Description

On May 10, 2017, the Governor signed Engrossed Second Substitute House Bill 1163, hereafter referred to as HB 1163, into law. The law is a response to the problem of domestic violence, described in the bill reports as addressing “repeat” domestic violence (DV) offenders. The Senate Bill Report poignantly summarized the public’s testimony when it said:

*The main thrust of this bill is to hold repeat DV offenders accountable.... DV offenders are the most dangerous offenders we deal with and have the highest recidivism rates among offenders. Fifty-four percent of mass shootings are related to DV and police are three times more likely to be murdered responding to a DV call than any other call with shots fired. Progression of violence is prevalent among offenders....* DV is more prevalent than people realize. Many offenders have been perpetrating violence long before they are brought into court and the victim has been living with this behavior for a significant period of time.... Washington is in the extreme minority in how it treats DV offenders when compared to other states. Forty-three states have sentencing enhancements for repeat DV offenders...Washington is not treating these assaults with the priority level that they deserve. (Emphasis added).

HB 1163 focuses on six areas. The bill:

1. Elevates Assault in the fourth degree involving domestic violence (DV) from a gross misdemeanor to a class C felony based on repeat criminal history.

2. Counts prior adult convictions for Assault of a Child or Criminal Mistreatment involving DV as two points when calculating criminal history.
3. Requires deoxyribonucleic acid (DNA) collection from offenders when convicted of DV Assault 4<sup>th</sup> degree.
4. Provides that sheriffs may waive fees on writs of habeas corpus for return of a child when poverty would prevent payment.
5. **Requires the Washington State Gender and Justice Commission to convene work groups to address the issues of DV perpetrator treatment and DV risk assessment.**
6. Provides that, with some exceptions, a vacated misdemeanor or gross misdemeanor DV conviction cannot be used in a later criminal prosecution.

The convening of the domestic violence “work groups” is therefore an essential element of how the new law endeavors to address the problem of domestic violence.

### [Our Recommended Solution: Integrated System Response \(ISR\)](#)

This report summarizes the results of the Section 7 Perpetrator Treatment Work Group (henceforth the “PTWG” or “Work Group”). The Work Group has identified a new process to be used to pursue Perpetrator Treatment. This process fulfills our assigned tasks, which were to:

- a. “Review laws, regulations, and court and agency practices pertaining to domestic violence perpetrator treatment used in civil and criminal contexts, including criminal domestic violence felony and misdemeanor offenses, family law, child welfare, and protection orders;
- b. Consider the development of a universal diagnostic evaluation tool to be used by treatment providers and the department of corrections to assess the treatment needs of domestic violence perpetrators; and
- c. Develop recommendations on changes to existing laws, regulations, and court and agency practices to improve victim safety, decrease recidivism, advance treatment outcomes, and increase the courts' confidence in domestic violence perpetrator treatment.”

After much discussion regarding the statutory charge to: “Review laws, regulations, and court and agency practices...pertaining to perpetrator treatment,” the PTWG agreed that this language required us to map the system. This was our agreed starting point. Our mapping effort had three identifiable results: 1) We identified the [Domestic Violence Bench Guide](#)<sup>1</sup> as a mapping resource; 2) We identified the [Social Workers Practice Guide to Domestic Violence](#)<sup>2</sup> as a mapping resource; and 3) We created a mapping document to structure our work and focus our critique of the current treatment regime.

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<sup>1</sup> Appendix A

<sup>2</sup> Appendix B

Accordingly, the PTWG has identified the following primary problems related to DV treatment practices:

1. Definition of DV behaviors: Individuals are ordered into DV intervention based on a definition that can lead to individuals with significantly different needs being placed into the same intervention program. Moreover, behaviors in the legal definition of domestic violence are narrowly defined.
2. The system has no uniform way of collecting treatment-related data for analysis regarding the efficacy of treatment and how to improve the system.
3. There is no comprehensive way to gather the crucial information from the myriad sources necessary to make an adequate assessment.
4. There are no treatment alternatives for DV crimes – DOSA and SSOSA do not include a DV treatment response, i.e., there is no DVOSA.
5. Adequate monitoring and enforcement of treatment is required; treatment cannot work if a perpetrator is not required to complete it.
6. Family law settings require a motion for contempt to enforce ordered DV treatment interventions, placing the burden of compliance on the victim.
7. The financial cost of DV treatment often creates situations of treatment noncompliance.
8. There is a lack of DV treatment providers in general in our state, and there is limited access to DV treatment in more rural areas of the state.

9. Access to culturally competent DV treatment is also limited and hampers compliance.
10. Training is unstructured and sporadic among law enforcement, prosecutors, judges, and other professionals in the area of domestic violence, which creates an inability to deliver best practices.

Most of the above-listed issues are not related to treatment modality, but to the system response to treatment. As such, we must view treatment in a manner that “integrates” it with the rest of the system. The PTWG calls this an “Integrated System Response,” (ISR). One group member described the problem as follows:

The work that treatment providers do has never been intended to be a stand-alone intervention or type of treatment. The idea is that consistent messages from a person’s family, program, as well as other parts of the total system such as judiciary, must send the message externally that this behavior is not ok and needs to change. There needs to be a whole system analysis.

Although our state is now undergoing a process to upgrade and adopt new regulations governing domestic violence perpetrator treatment<sup>3</sup>, we currently have a “one size fits all” treatment regime, which is largely seen as unsatisfactory and in need of correction.

As such, the Work Group has concluded that an adequate starting point for the needed new process exists in the description of the treatment protocol changes required in the new Chapter 388-60A WAC<sup>4</sup>. The consensus of the PTWG is to embrace the approach it takes toward DV Perpetrator Treatment. Primarily, the new WAC

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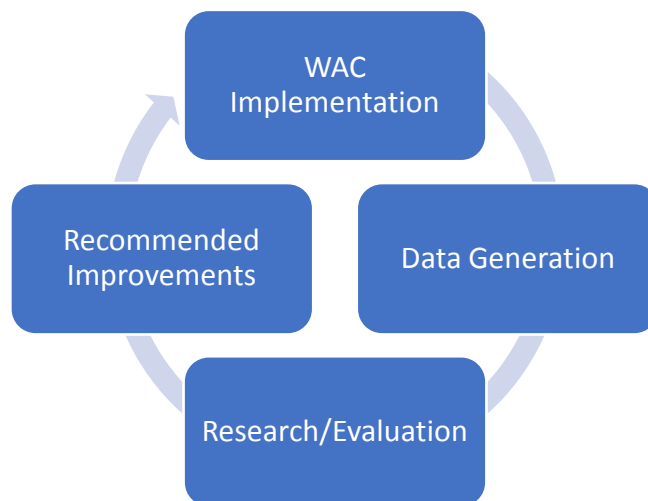
<sup>3</sup> <https://www.dshs.wa.gov/sesa/policy-and-external-relations/rules-and-policies-assistance-unit>

<sup>4</sup> The adoption date for Chapter 388-60A WAC is June 29, 2018.

eliminates the prior “one size fits all” treatment regime, replacing it with a multi-level treatment approach, the modalities of which implement evidence-based practices.

However, we must emphasize that the new WAC is just a starting point. Our consensus necessarily includes a requirement for additional research on WAC implementation, because the proposed WAC is new and not yet “evidence-based.” The process we describe herein is intended to create a complete evidence-based DV treatment system in Washington State.<sup>5</sup>

Our proposal is both a short-term and long-term solution. Short-term in the sense that the new WAC will be effective within weeks of this report, but long-term in the sense that it will take an as yet undefined amount of time (perhaps years) to reach the goal of a completely evidence-based system for DV perpetrator treatment. The feedback loop will take time to work:



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<sup>5</sup> This article advocates for more evidence-based domestic violence treatment programming; Radatz and Wright, “Integrating the Principles of Effective Intervention into Batterer Intervention Programming: The Case for Moving Toward More Evidence-Based Programming,” *Trauma, Violence & Abuse* 1-16 (2015).

Our process, if accepted, necessarily means a long-term statewide commitment to improving DV perpetrator treatment.

In accordance with the above-described problem, the Work Group has concluded after consideration, that emphasis on a universal diagnostic tool is not essential to assessment for treatment. Instead, we find that assessment and diagnosis are what we consider a multi-source informational problem and that the “universality” of the diagnostic tool is irrelevant. What is of critical import in the task of assessment and diagnosis is the quality of information on which assessment and diagnosis is based.<sup>6</sup>

In sum, to make an Integrated System Response (ISR) to treatment effective, we recommend that the following essential systemic changes be made:

- 1. Propagate evidence-based DV treatment statewide by creating a multi-level treatment environment which requires providers adhere to, and perpetrators meet, identified core competencies.**
- 2. Designate DV Treatment as a Therapeutic Court function and deliver treatment via that model. The specific structure should be selected by the local jurisdiction. At a minimum, the following structural models are available: Multi-disciplinary Team; Probation/Supervision; and Calendar Review (DOSA-like).**

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<sup>6</sup> Quality of information is an Integrated System Response (ISR) problem. Assessment and diagnosis are placed at risk if the quality of the information is suspect. If the sources of the information utilized are omitted, distorted, corrupted or biased, the resulting assessment and diagnosis, will not be reliable.

3. **Ensure high-quality systemic information by enabling Therapeutic Courts to function in the system as a “statewide” information repository.<sup>7</sup>**
4. **Monitor our system’s performance, focusing on continuous improvement, by enabling on-going data collection, rigorous research and future adaptation of our new Washington State DV treatment system, towards the goal of a completely evidence-based system.**
5. **Create a reliable funding scheme for all court-ordered treatment.<sup>8</sup>**
6. **Provide training and resources to professionals working in the area of Domestic Violence. This training must necessarily include a culturally relevant focus.**

In the following sections of this report, we discuss the details of these proposals including current laws, regulations, and agency practices related to our system of Domestic Violence Treatment. These sections also include detailed Work Group recommendations to improve the existing system infrastructure.

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<sup>7</sup> In our view, the most promising institution for such a repository is the court system, within its probation/community supervision function.

<sup>8</sup> The new ISR process contemplates a new routine or “court-calendar” wherein all DV treatment ordered would be regularly monitored (supervised) whether criminal, or civil in nature. DV treatment requirements in dependencies are already court-monitored.

# INTRODUCTION

## Background and Report Objectives

HB 1163 created a new recidivist domestic violence (DV) offender crime, DNA profiling of misdemeanor DV assault offenders, and legislative workgroups to focus on treatment and risk, and was signed into law on May 10, 2017. Lead sponsor, Representative Roger Goodman, Chair of the House Public Safety Committee, spent three years advocating for passage of HB 1163. This legislation simultaneously creates a new recidivist law that will impact repeat domestic violence offenders, while also bringing together professionals across the state to address risk and offender treatment needs, in hopes of reducing the need for this recidivist legislation.

For many years DV batterer treatment was the most common, and sometimes only, legal response in DV cases. There was growing concern by many practitioners about this “one size fits all” approach for DV misdemeanors, felonies, family law, and all manner and type of DV perpetrators placed for treatment. In 2012, an unusual coalition of the Washington Association of Prosecuting Attorneys and Washington Association of Criminal Defense Lawyers joined to support legislation to direct the Washington State Institute for Public Policy (WSIPP) to update its analysis of the scientific literature on domestic violence (DV) treatment under HB 2363 (2012). After the bill passed, WSIPP

delivered its findings to the legislature on DV batterer treatment in 2013, generating local and national impact.<sup>9</sup>

The WSIPP report came in a wave of reports from Federal, State, and local institutions highlighting concerns with the efficacy of batterer treatment.<sup>10</sup> The WSIPP report made the primary finding that “Duluth-like” treatment for batterers was ineffective.<sup>11</sup> The local and national DV treatment community pushed back, pointing

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<sup>9</sup> See Miller, M., Drake, E., & Nafziger, M. “What works to reduce recidivism by domestic violence offenders?” (Document No. 13-01-1201). Olympia: Washington State Institute for Public Policy (2013); Drake, E., Harmon, L., & Miller, M. “Recidivism Trends of Domestic Violence Offenders in Washington State.” (Document No. 13-08-1201). Olympia: Washington State Institute for Public Policy (2013). The work on domestic violence to date is the most frequently downloaded report on WSIPP’s web site.

<sup>10</sup> See Gill, Lum, “Evidence Based Assessment of the City of Seattle’s Crime Prevention Programs,” George Mason University, Center for Evidence Based Crime Policy (2012) “the programs showed no effect on victim reports of further violence.”; Office of Justice Programs, National Institute of Justice web page on Batterer Intervention, Available at <https://www.nij.gov/topics/crime/intimate-partner-violence/interventions/pages/batterer-intervention.aspx> “Most findings show that these programs do not change batterers' attitudes toward women or domestic violence, and that they have little to no impact on reoffending.”; NPR Marketplace, “Mad Men to Math Men”, July 29, 2013 on Iowa Department of Corrections; “Addressing Family Violence In Connecticut: Strategies, Tactics, and Policies” (Legislative report to the Connecticut Public Health Committee), Available at [http://www.ctcase.org/reports/family\\_violence.pdf](http://www.ctcase.org/reports/family_violence.pdf); “Why Domestic Violence Prevention Programs Don’t Work,” May 23, 2014, NBC News, Available at <https://www.nbcnews.com/storyline/nfl-controversy/why-domestic-violence-prevention-programs-dont-work-n217346>; Babcock, J.C., Green, C.E., Robie, C., “Does batterers’ treatment work? A meta-analytic review of domestic violence treatment.” *Clinical Psychology Review* 23 1023–1053 (2004); Cluss, P. & Bodea, A. “Effectiveness of Batterer Interventions: A Literature Review and Recommendations for Next Steps.” University of Pittsburg (2011); Feder, L., Wilson, D., “A meta-analytic review of court-mandated batterer intervention programs: Can courts affect abusers’ behavior?” *Journal of Experimental Criminology* 1: 239–262 (2005); Smedslund G, Dalsbø TK, Steiro A, Winsvold A, Clench-Aas J. “Cognitive behavioural therapy for men who physically abuse their female partner.” *Cochrane Database of Systematic Reviews* 2007, Issue 3. Art. No. CD006048. DOI: 10.1002/14651858.CD006048.pub2.

<sup>11</sup> WSIPP identified programs as Duluth-like if the study authors indicated the programs were based on the Duluth curriculum or the articles stated the interventions focused on male privilege, power and control, and gender stereotypes. Of the seven studies of programs categorized as Duluth-like, all but one explicitly indicated the program was based on the Duluth curriculum.

out the limitations of the meta-analysis<sup>12</sup>, and demanded a look at the whole system, not just individual parts.

The WSIPP report and conflicting arguments from the treatment community left courts confused and with seemingly few options. Courts need tools to respond to the large number of criminal domestic violence cases (over 30,000 charged cases every year since 2001),<sup>13</sup> civil protection orders, and family law matters. Moreover, the Department of Corrections caseload of domestic violence offenders expanded as they were directed by the legislature under SB 5070 and RCW 9.94A.501(4)(e)(ii) to supervise DV felons no matter their risk level.<sup>14</sup> A new approach was needed to find ways to reduce recidivism by domestic violence offenders, provide both victims and offenders with meaningful answers about what works, and close critical safety gaps.

There is no easy answer to what works to reduce DV recidivism, and HB 1163 reflects the uncertainty in how best to respond and treat DV offenders. Pursuant to HB 1163, Section 7, the Legislature established the Washington Domestic Violence Perpetrator Treatment Work Group (PTWG) “to address the issue of domestic violence

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<sup>12</sup> It is a common misconception that all programs in Washington follow “the Duluth model.” First, the Duluth *model* refers not to a treatment modality, but rather to the systemic community response to domestic violence. The Duluth *curriculum* is an approach to addressing domestic violence that attempts to identify and change the patterns of thinking that precipitate and perpetuate abusive behavior. The Northwest Association of Domestic Violence Treatment Professionals (NWADVTP) conducted a statewide survey of DSHS-certified programs in 2014. At that time, there were approximately 105 such programs and the survey received responses from 67 of them. Out of the responding programs, only four identified that they utilized the Duluth curriculum as their primary modality. Therefore, the overwhelming majority of programs do not utilize a Duluth curriculum.

<sup>13</sup> “Recidivism Trends of Domestic Violence Offenders in Washington State.” (Document No. 13- 08-1201). Olympia: Washington State Institute for Public Policy.

<sup>14</sup> In prior years the Department of Corrections provided limited supervision of DV offenders, as only those who qualified as “high violent” and eligible by crime type for monitoring were supervised.

perpetrator treatment and the role of certified perpetrator treatment programs in holding domestic violence perpetrators accountable.”<sup>15</sup> The work of this Section 7 work group complements and overlaps with the work of the work group established in HB 1163 Section 8, tasked with studying “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.”

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

HB 1163 states that “[t]he administrative office of the courts shall, through the Washington state gender and justice commission of the supreme court, convene a work group to address the issue of domestic violence perpetrator treatment and the role of certified perpetrator treatment programs in holding domestic violence perpetrators accountable.” This legislative work group was co-chaired by Judge Eric Lucas of Snohomish County Superior Court and Judge Marilyn Paja of Kitsap County District Court on behalf of the Washington State Supreme Court Gender and Justice Commission.

In 1987, the Washington State Legislature tasked the Administrative Office of the Courts with developing measures to prevent gender bias in the state court system. After two years of research, public hearings, and surveys, the Gender and Justice Task Force

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<sup>15</sup> ESSHB 1163, 2017 Leg., 65<sup>th</sup> Leg., Reg. Sess. (Wa. 2017).

concluded that gender bias existed in the Washington State court system and described the extent of that bias along with recommendations for change in its final report, *Gender and Justice in the Courts, Washington State*, 1989.

The Washington State Gender and Justice Commission was established by the Washington Supreme Court in 1994 to continue the job of monitoring and implementing the recommendations from the report. The Court has renewed the Commission every five years since, most recently in 2015. The purpose of the Commission is to identify concerns and make recommendations regarding the equal treatment of all parties, attorneys, and court employees in the State courts, and to promote gender equality through researching, recommending, and supporting the implementation of best practices; providing educational programs that enhance equal treatment of all parties; and serving as a liaison between the courts and other organizations in working toward communities free of bias.

### [Work Group Designees and Other Contributors:](#)

The following work group members were statutorily designated:

- Superior Court Judges: Judge Kristin Richardson (King County Superior Court)
- District Court Judges: Judge David Steiner (King County District Court)
- Municipal Court Judges: Judge John Curry (Orting Municipal Court)
- Court Probation Officers: Bree Breza (Airway Heights Municipal Court & Probation)

- Prosecuting Attorneys: David Martin (Washington Association of Prosecuting Attorneys/King County Prosecuting Attorney's Office)
- Defense Attorneys: Alex Frix (Washington Defender Association/Thurston County Public Defense); Sophia Byrd McSherry, Deputy Director (Washington State Office of Public Defense)
- Civil Legal Aid Attorneys: M. Abbas Rizvi (Northwest Justice Project)
- Domestic Violence Victim Advocates: Jake Fawcett and Tamaso Johnson (Washington State Coalition Against Domestic Violence)
- Domestic Violence Perpetrator Treatment Providers: Keith Waterland, LICSW (Anger Control Treatment & Therapies); Mark Adams, MA, LMHC (Wellspring Family Services)
- Department of Social and Health Services: Amie Roberts
- Department of Corrections: Dr. Karie Rainer
- Washington State Institute for Public Policy: Dr. Marna Miller
- University of Washington Evidence-Based Practice Institute: Lucy Berliner

Other contributors invited to the work group included:

- Brett Ballew (Washington State Office of Public Defense)
- Commissioner Kathleen Kler (Jefferson County)
- David Baker (King County Prosecuting Attorney's Office)
- Grace Huang (Asian Pacific Institute on Gender-Based Violence)
- Jennifer Creighton (Thurston County District Court)
- Judge Adam Eisenberg (Seattle Municipal Court)
- Koa Lee (Pierce County District Court Probation)

- LaTricia Kinlow (Tukwila Municipal Court)
- Mindy Breiner (Tukwila Municipal Court)
- Omar Gamez (Edmonds Municipal Court)
- Randy Kempf (Chehalis Tribe)
- Stephanie Condon (Department of Social and Health Services)
- Trese Todd (Domestic and Gun Violence Survivor Volunteer)

Staff from the Administrative Office of the Courts who coordinated, facilitated, and provided other administrative support to this work group included Cynthia Delostrinos, Kelley Amburgey-Richardson, Nichole Kloepper, and contract staff Laura Jones.

### Work Group Activities

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

- **October 4, 2017:** Introductions of co-collaborators, key stakeholders, and participants; discussion of questions posed by legislature; issues identified; tentative work plan established
- **December 12, 2017:** System mapping; presentations about Seattle Municipal Court's DV Intervention Program (DVIP) pilot project and revisions to Chapter 388-60A WAC; work plan further developed
- **February 27, 2018:** Presentations by DSHS and WSIPP regarding evidence-based treatment and discussion of treatment modalities

- **May 8, 2018:** Update on Seattle Municipal Court’s DVIP Pilot; discussion regarding draft report and proposed recommendations; areas requiring additional information identified

Additionally, the work group communicated via list serve, created a shared drive for articles and research, and held monthly work group conference calls in November, December, January, February, April, May, and June. Topics addressed on these calls included system mapping, treatment modalities, system response, information sharing, and financing.

## ACRONYM GLOSSARY

This section identifies acronyms contained within this report:

CBT	Cognitive Behavioral Therapy
DOSA	Drug Offender Sentencing Alternative
DSHS	Department of Social and Health Services
DV	Domestic Violence
DVIP	Domestic Violence Intervention Program
DVPT	Domestic Violence Perpetrator Treatment
DVOSA	Domestic Violence Offender Sentencing Alternative
ISR	Integrated System Response
MDT	Multi-Disciplinary Team
MRT	Moral Reconation Therapy
PTWG	Perpetrator Treatment Work Group

SOC	Stipulated Order of Continuance
SSOSA	Special Sex Offender Sentencing Alternative
WAC	Washington Administrative Code
WSIPP	Washington State Institute for Public Policy

## CONSENSUS

The efforts of this group have been divided into “work product” and “recommendations.” The work product details the actual thought and work process we pursued to reach a specific set of recommendations. In this section we seek to provide a complete record of what was considered, and whether there was complete agreement or not. The details of the discussion are important and nuanced.

Consensus has been achieved by the work group with regard to the primary six recommendations listed in the Executive Summary. With regard to the more detailed recommendations summarized at the conclusion of this report, consensus has largely been achieved, although we have experienced some professional differences regarding the details of methodology and/or implementation.

It is our view that this type of report need leave nothing out. We have embraced all views. We attempt to provide a clear picture of the vagaries of the process that produced the final set of recommendations.

## SECTION 7 GROUP WORK PRODUCT

### Existing Laws and Regulations

The present statutory and regulatory scheme governing Washington’s current perpetrator treatment system may be found at Chapter 26.50 RCW and Chapter 388-60 WAC. The current system is often described as “one size fits all.” This has been the approach for decades, and this approach has been critiqued by local advocates and system actors.<sup>16</sup> There is a systemic loss of confidence in domestic violence treatment as a meaningful intervention by many stakeholders to the system, including the courts. In large part, the reason for the loss of faith rests on the issue of “evidence-based” treatment. The current statutory and regulatory scheme does not require evidence-based treatment. As such, these governing regulations stand in need of revision.

### *Evidence-Based Treatment*

An “evidence-based program” is one where research evidence from more than one study indicates the program is likely to cause desired outcomes. A survey of the literature and studies regarding evidence-based treatment specific to treating domestic violence offenders indicates that the research is inconclusive and ongoing.<sup>17</sup> The

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<sup>16</sup> See e.g. “South King County Domestic Violence Safety and Accountability Audit” (January 2009).

<sup>17</sup> See e.g. Ferraro, Kathleen J., “Current Research on Batter Intervention Programs and Implications for Policy (2017); Zarling and Berta, “An Acceptance and Commitment Therapy Approach for Partner Aggression” (2017); Gove and Richards, “A Review of State Standards for Batterer Intervention Treatment Programs and the Colorado Model” (2017); Babock et al, “Domestic Violence Perpetrator Programs: A Proposal for Evidence-Based Standards in the United States” (2016); Radatz and Wright, “Integrating the Principles of Effective Intervention into Batterer Intervention Programming: The Case for

Washington State Institute for Public Policy's (WSIPP) 2013 report<sup>18</sup> supports this assertion through additional findings that a handful of other approaches (e.g. CBT) appear promising; more research on domestic violence-specific approaches is needed; and interventions shown to reduce recidivism for the general offender population may also be effective for DV offenders.

### *Revisions to Chapter 388-60 WAC*

When adopted on June 29, 2018, revisions to Chapter 388-60 WAC will seek to expand the impact of cognitive behavioral therapy throughout the state. This change is consistent with what works from a clinical-therapeutic approach and reported WSIPP research.

In December of 2015, the Department of Social and Health Services (DSHS) was able to provide full-time funding for the domestic violence perpetrator treatment (DVPT) program manager position. Previously, the position had only been funded part-time. The new full-time allotment allowed the department to expand the job duties of that position.

Chapter 388-60 of the Washington Administrative Code, that creates DVPT program standards, had not been revised since 2001. The new DVPT program manager received input that these standards were outdated from staff at DSHS, as well as several

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Moving Toward More Evidence-Based Programming" (2015); Gondolf, "The Weak Evidence for Batterer Program Alternatives" (2011).

<sup>18</sup> Miller, M., Drake, E., & Nafziger, M. "What works to reduce recidivism by domestic violence offenders?" (Document No. 13-01-1201). Olympia: Washington State Institute for Public Policy (2013)

stakeholders. She responded by starting regular DVPT program reviews for WAC compliance and conducting investigations. She also reconvened the long-dormant DVPT advisory committee (as outlined in WAC 388-60). They held their first meeting in June of 2016.

The DSHS DVPT program manager served as the facilitator and chair of the DVPT advisory committee, which also included:

- commissioners,
- judges,
- a representative from the Washington State Coalition Against Domestic Violence,
- a representative from Administrative Office of the Courts,
- victim services representatives,
- DVPT providers,
- probation officers,
- a DV survivor, and
- a representative from the Department of Corrections.

The advisory committee met quarterly and addressed each section of WAC 388-60 to give input for revisions. Members of the advisory committee researched standards from other states, drew on their own expertise and experience, and gathered input from their respective communities to share with the committee.

The WSIPP meta-analysis and the conclusion that the current WAC standards were outdated revealed that DVPT treatment throughout the state was on an unsustainable course. In many jurisdictions, confidence in treatment was faltering. As a result, referrals to DVPT treatment programs over the last several years were reported to be falling drastically. Accordingly, the number of certified providers had been steadily decreasing.

The DVPT program manager gathered information from the department, the advisory committee and national experts in domestic violence to draft revisions to the DVPT program standards. As program reviews and investigations were conducted, the DVPT program manager also gathered critical input from certified programs and victim services agencies throughout the state.

The proposed changes were so significant that the department advised a complete repeal of WAC 388-60 and a replacement with new standards (388-60A). The primary problems that needed to be addressed with the new DVPT standards were:

- A lack of confidence in the efficacy of DVPT treatment, due in part to a lack of outcome data;
- Inconsistent assessments and treatment throughout the state; and
- The perception of a “one size fits all” approach to treatment.

The revised Chapter 388-60A WAC addresses the issues above in the following ways:

Identified problem	Proposed WAC revisions to address the problem
1. A lack of confidence in the efficacy of DVPT treatment, due in part to a lack of outcome data	<p>The draft WAC 388-60A has a new <b>'quality management' section (388-60A-0125)</b> that outlines standards for:</p> <ul style="list-style-type: none"> <li>• Submitting confidential treatment outcome data to the department on a quarterly basis, which will be aggregated and shared with the programs to improve treatment;</li> <li>• Documentation of the program's evidence-based or promising practices they use in treatment;</li> <li>• Documentation of direct observation of groups by the program's supervisor at least every six months;</li> <li>• Documentation of a review of assessments and participant's records for compliance with the WAC and the program's policies and procedures by the supervisor at least every six months;</li> <li>• Documentation of a review of the program's cultural competency at least once a year;</li> <li>• Documentation of how the program will serve participants who require sign language or interpretation;</li> <li>• Documentation of the program's participation and attendance in a local DV task force, intervention committee or workgroup in their area; and</li> <li>• Documentation of how the program collaborates with at least one other certified DVIT program for confidential case staffing, collaboration in the delivery of DVIT services and procedures for victim safety.</li> </ul>
2. Inconsistent assessments and treatment throughout the state	<p>The draft WAC 388-60A has significantly more robust standards for <b>behavioral assessments and interviews (388-60A-0400)</b> and areas of focus for treatment called <b>'required cognitive and behavioral changes' (388-60A-0415)</b></p> <p><i>The assessment must include:</i></p> <ul style="list-style-type: none"> <li>• General assessment information;</li> <li>• Seven domains (an assessment of high risk factors, a screening for traumatic brain injury, a screening for mental health factors, an assessment of the participant's belief system, a screening for substance use, an assessment of the participant's environmental factors and an assessment of evidence-based testing for risk, lethality, needs, and psychopathy when indicated);</li> <li>• Acute or critical factors; and</li> <li>• A summary section that includes a summary of the participant's social and legal history, degree of abusive cognitive and behavioral patterns, behaviors that need to</li> </ul>

	<p>be targeted in treatment, level of accountability, motivations and readiness to change, results of all evidence-based, empirical and objective standardized tests, the program's recommended level of treatment for the participant, the rationale for that recommendation, and the recommended or required referrals for ancillary services, such as mental health or substance use treatments.</p> <p><i>The required cognitive and behavioral changes include:</i></p> <ul style="list-style-type: none"> <li>• Acknowledging the types of abuse they have perpetrated;</li> <li>• Individual and cultural belief systems that have supported or allowed domestic violence;</li> <li>• New skills for building respectful relationships including affirmative consent and respecting boundaries;</li> <li>• How children have been affected by the participant's abuse and the long-term consequences of exposure to DV;</li> <li>• Accountability: the ability to be accountable for specific abusive behaviors and the ability to demonstrate spontaneous accountability in treatment;</li> <li>• Why it is necessary to meet financial and legal obligations to family members and the actions they are taking to do so;</li> <li>• Skills to build and increase empathy;</li> <li>• Defense mechanisms and healthy coping strategies to deal with unpleasant feelings;</li> <li>• Self-care as an essential element in healthy relationships;</li> <li>• The participant's support system;</li> <li>• How the indicators the participant has used are abusive;</li> <li>• The cognitive distortions the participant has used to justify their abusive behaviors;</li> <li>• The participant's personal motivations to abuse and what has replaced those beliefs;</li> <li>• An accountable documentation of the participant's relationship history including common characteristics, motivations for abuse, cognitive distortions and indicators of domestic violence;</li> <li>• How the program and participant address the participant's criminogenic needs; and</li> <li>• Other exercises, assignments or processes that address the individual needs of the participant.</li> </ul>
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	<p>These changes along with new completion criteria and core competencies are expected to make assessments and treatment much more consistent across the entire state.</p>
<p>3. The perception of a “one size fits all” approach to treatment</p>	<p>The draft WAC 388-60A has new <b>levels of treatment and placement criteria (WAC 388-60A-0410)</b>.</p> <ul style="list-style-type: none"> <li>• Level 1 (low risk) early intervention, minimum of 6 months, no previous DV charges, and low risk for lethality and recidivism.</li> <li>• Level 2 (med risk) minimum of 9 months, an established pattern of abuse and control, little or no criminogenic needs and medium risk for lethality and recidivism.</li> <li>• Level 3 (high risk) minimum of 12 months, acute or critical assessment factors, identified antisocial traits, criminogenic needs and a high risk of lethality or recidivism.</li> <li>• Level 4 is a minimum of 18 months, participants score medium to high on a psychopathy assessment, are considered high risk and this group must be kept separate from other levels of treatment. This level requires the facilitator to be a ‘supervisor’ and complete specialized training and continuing education. This group has different focuses of treatment as well (WAC 388-60A-0415).</li> </ul> <p>Levels 1-3 have the same areas of treatment focus and required cognitive and behavioral changes. Depending on the degree of the abusive cognitive and behavioral patterns (documented at assessment and throughout treatment), participants need more or less time to make the required changes. The programs must individualize treatment for participants, and they have the ability to move participants into a different level of care and make adjustments to their treatment plans as needed.</p>



#### *Work Group Recommendations re: Evidence-Based DV Treatment*

- The Work Group recommends embracing the adoption of the revised Chapter 388-60A WAC because it implements core competencies grounded in cognitive behavioral approaches that are evidence-based and shown to reduce recidivism

in the general offender population.<sup>19</sup> This is consistent with the reported findings and recommendations of the 2013 WSIPP research. Moreover, the revised WAC shifts the emphasis in determining regulatory compliance from mere delivery of services to measuring and documenting the achievement of behavioral outcomes.

However, even though we are hopeful that this new system will work to reduce recidivism, at the current moment we have no proof that it will do so. As such, it is imperative that we evaluate this system via a structure of on-going research in order to verify that the system does work. This is discussed in the following section.

## Court and Agency Practices

### *Ongoing Evaluation to Assess Efficacy and Make Quality Improvements*

#### Definition of Domestic Violence

Systemically, there are both legal and behavioral definitions of domestic violence that delineate the behaviors which constitute acts of domestic violence and describe the relationship between the parties. However, there are significant differences between the

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<sup>19</sup> Please refer to Appendix C to this report for an example of how an outcomes requirement to demonstrate individualized cognitive and behavioral changes can be documented. These are the kind of changes that cognitive behavioral therapy (CBT) models would argue produce the ultimate reduction in recidivism.

two definitions. Washington State's legal definition of domestic violence conduct is narrower than the behavioral definition.<sup>20</sup> But, its relational context is much broader.<sup>21</sup>

For multiple reasons, Washington's definition of domestic violence as a narrow range of behavior applied across a wide range of relationships directly impacts domestic violence perpetrator treatment. Sometimes this impact is negative in nature.

First, the recommendation or order of an individual into DV treatment based upon the broad relational definition can lead to individuals with significantly different needs being placed into the same treatment program. For example, a person might be referred for an act of intimate partner violence and end up in the same group with an individual who assaulted a non-intimate roommate, or perhaps, a sibling. Those individuals would have significantly different treatment needs. Moreover, Chapter 388-60 WAC<sup>22</sup> is intended to be applied to situations involving intimate partner domestic violence.

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<sup>20</sup> In RCW 26.50.010, Washington's legal definition of domestic violence conduct is limited to the following: "(a) physical harm, bodily injury, assault, or the infliction... of fear of imminent physical harm, bodily injury or assault... (b) sexual assault ... (c) stalking" whereas the behavioral definition defines domestic violence conduct more broadly as a "pattern of assaultive and coercive behaviors" ... "including physical, sexual, and psychological attacks, as well as economic coercion." Domestic Violence Bench Guide for Judicial Officers (Rev. 2015), Chapter 2, p. 2-4. The current federal definition of domestic violence and how domestic violence is referred to in Chapter 388-60 WAC are much more similar to the behavioral definition than to Washington's legal definition.

<sup>21</sup> In RCW 26.50.010(6), Washington broadly defines "family or household member" to include "spouses, former spouses, persons who have a child in common regardless of whether they have been married or have lived together at any time, adult persons related by blood or marriage, adult persons who are presently residing together or who have resided together in the past, persons sixteen years of age or older who are presently residing together or who have resided together in the past and who have or have had a dating relationship, persons sixteen years of age or older with whom a respondent sixteen years of age or older has or has had a dating relationship, and persons who have a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren."

<sup>22</sup> See discussion in the preceding section of this report regarding the current process to significantly revise WAC 388-60.

Second, the broader behavioral definition has led to an inability to capture data specifically related to intimate partner domestic violence. This data deficit prevents study needed to promote quality control and improvement. Currently, data collected by the Administrative Office of the Courts tracks cases with a Domestic Violence “designation.” However, this designation includes all types of relationship under the broad definition, and the data for intimate partner cases and non-intimate partner cases cannot be separated. This makes it difficult for researchers to evaluate Washington data in order to assess the efficacy of treatment.

A legislative amendment that refines the definition of Domestic Violence would best address these issues. This work group does not advocate for a substantive change to the definition, but rather a bifurcation into two different categories of relationships: intimate partner and the broader family or household relationship. This technical change will not impact the relief available to parties based on the category of their relationship. This recommendation is also being made by the HB 1163 Section 8 DV Risk Assessment Work Group.

### [Additional Data Collection Fields](#)

Responsible management practices require evaluation of program performance and improvement through ongoing data collection, research, analysis, and reporting.<sup>23</sup> Further, providing adequate feedback to courts and justice system partners is critical.

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<sup>23</sup> Since 1991, the legislature has recognized that further study is needed to determine efficacy of treatment: “Much has been learned about effective interventions in domestic violence situations; however, much is not yet known and further study is required to know how to best stop this violence.” RCW 10.99.020 [ [1991 c 301 § 1.](#) ]

Such feedback will be more effective if leaders, managers, and line staff share a commitment to seeking adaptations and innovations that can gradually improve performance over the long-term.

Academic researchers on our work group agree that data must be collected about treatment to assess its efficacy following the implementation of the revised WAC and must include:

- Whether treatment was ordered;
- Level of treatment and any change during the course of treatment;
- Modality of treatment and any change during the course of treatment;
- Whether treatment was completed;
- Recidivism post-treatment including the commission of new DV crimes\*;
- The commission of other crimes with a weapon or other violent crimes\*;  
and,
- The commission of other general crimes\*.

In order to support better collection of data in criminal cases (as well as to promote compliance with court orders),<sup>24</sup> the legislature should mandate a five-year probation period for offenders convicted of intimate partner domestic violence. RCW 3.66.068(1)(a) gives the court continuing jurisdiction over domestic violence cases for up to five years. However, this is not uniformly applied across the state and levels of

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\* This recidivism data may already be available from other sources.

<sup>24</sup> For further discussion on how a five-year probation period affects compliance refer to report section: Ensuring Compliance with Court-Ordered Treatment.

courts. In addition to requiring a five-year probation period for intimate partner domestic violence offenses, this statute should be amended to require active<sup>25</sup> probation until treatment is completed, changing to inactive probation<sup>26</sup> for the duration of the five-year period to aid monitoring and data collection.

Improved supervision of DV offenders should be considered along with requiring specialized supervision from Washington Department of Corrections and training of misdemeanor probation officers. We realize that expansion of probation may raise potential cost issues. However, the legislature recently required supervision for DV felonies and certain DV misdemeanors. Work Group members raised concerns that many cities may be unable to meet the financial commitment of five years of active probation. Accordingly, the Work Group has developed a recommendation that distinguishes between “active” and “inactive” probation to help mitigate this expense, as discussed above.

We recognize that mandated supervision may also result in exposure to civil liability if there is a failure to appropriately supervise.<sup>27</sup> At minimum, this risk could be addressed with proper training. However, there may also need to be legislatively

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<sup>25</sup> Required to meet with probation officer on a regular basis.

<sup>26</sup> Does not require meeting with a probation officer. Essentially, court monitoring of the case. Many probation departments use the following scheme: 1) Supervised probation (our active); 2) Monitored Probation (one service/task, very short term) and 3) Records check. Our view is that “inactive” probation embraces descriptors 2 and 3.

<sup>27</sup> See claim for damage for failure to supervise at <https://www.seattletimes.com/seattle-news/crime/failure-to-supervise-parolee-led-to-renton-womans-slaying-her-father-alleges/>; see also recent liability of \$13 million for Seattle Municipal Court for failing to supervise repeat drunk driver <https://www.seattletimes.com/seattle-news/city-of-seattle-and-family-of-relatives-killed-by-repeat-drunken-driver-settle-lawsuit-for-13-million/>

implemented alternative forms of claim relief.<sup>28</sup> Again, our motivation for expanded probation is two-fold: 1) completion of treatment, and 2) gathering of essential information related to the efficacy of treatment during the five-year period. This is not an evidence-based recommendation and it needs to be subjected to rigorous evaluation.

Within the context of civil cases, a calendar review model such as the one discussed in the following section of this report, could also support the goals of completion of treatment and gathering of information related to efficacy of treatment.

### *Outcome Evaluation*

The new Chapter 388-60A WAC is not a stand-alone solution to the problem of domestic violence in Washington. Although the new WAC seeks to implement the current view of what constitutes best practices, the research surrounding many of these recommendations is either thin or non-existent. For example, the four-tiered approach proposed by the WAC is based on a model developed in Colorado<sup>29</sup> that has not been “rigorously” evaluated. There is currently no evidence that the tiered approach reduces recidivism more than the single program model. The programs will likely be delivered using a variety counseling approaches and will occur in a range of different community and legal contexts.

As stated, our goal is to have a system-wide implementation of evidence-based practices. After consideration, the best response, as we see the problem, is to fund and

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<sup>28</sup> Members of the group have commented that it is foreseeable that this could be relieved by tort reform.

<sup>29</sup> <http://www.bwjp.org/resource-center/resource-results/colorado-dv-offender-treatment.html>

direct our own research entities<sup>30</sup> to provide the systemic scientific evidence that is required. Implementation of the new WAC represents a unique and significant opportunity to rigorously evaluate the effects of the four-tiered treatment model. At minimum, the study should determine its effects on criminal recidivism. To the extent possible, the study should also measure the effect of the various treatment approaches identified in the data repositories and the extent to which the local systems are utilizing an Integrated System Response.

Such an evaluation may take several years to have results but there is no quick fix which will repair the loss of confidence in DV treatment. Our view is to embrace a long-term approach grounded in science, evaluation, and evidence-based practice. Based on the findings of this evaluation, it is our hope that the legislature or DSHS would consider changes to the RCW or WAC regarding DV treatment.



#### Work Group Recommendations re: Ongoing Evaluation:

- **WAC Compliance and Enforcement:** DSHS needs to be adequately staffed in order to: 1) train programs statewide regarding the new WAC standards, and 2) to effectuate and ensure continuing program compliance with the new WAC regulations.

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<sup>30</sup> Research entities at minimum means: Washington State Institute for Public Policy (WSIPP), Washington State Center for Court Research (WSCCR), University of Washington's Evidence Based Practice Institute, and Washington State University. Research assignments and protocols should be designed to remove any potential conflicts of interest and all research should be peer-reviewed.

➤ **Ongoing Evaluation:**

- Adequate, ongoing, and multi-year funding is needed for statewide monitoring, research and evaluation, to assess the efficacy of DV perpetrator treatment post-implementation of the new WAC. In particular, we recommend that the legislature fund a rigorous outcome evaluation of the effects of the new WAC on recidivism. While current research suggests that CBT approaches are effective, no studies have actually been done on programs in Washington State.
- Another suggestion to ensure the completion of treatment, compliance with sentences, and the collection of necessary data for ongoing evaluation would be to impose a mandatory five-year probation period for criminal cases involving domestic violence offenses committed against an intimate partner, with active probation until treatment is completed, then inactive probation for the duration of the five-year period. Within the context of civil cases, a calendar review model could support the goals of completion of treatment and data collection.
- The legislature should refine Washington's definition of Domestic Violence to distinguish between intimate partner violence and other categories of domestic violence. This will likely promote more effective treatment by ensuring referral into appropriate treatment programs, as well as enabling the collection of data to better evaluate the efficacy of treatment for perpetrators of intimate partner violence.

- Include the following additional data fields to be tracked by the Administrative Office of the Courts court for further evaluation of DV treatment: whether treatment was ordered; level of treatment and any change during the course of treatment; modality of treatment and any change during the course of treatment; and whether treatment was completed.

### System Response: Decrease Recidivism

Treatment programs are not intended to be a stand-alone intervention. They are dependent on other aspects of the system in order to work effectively. Domestic violence is a complex issue, with several “human factors,” which encompass more than what research data alone has been able to tell us. For example, studies conducted at treatment sites in Chicago, California, Pittsburg, and Denver, importantly find that “[a]fter controlling for other background characteristics, by far the strongest predictor of re-assault at any of the four sites was dropping out of the program.”<sup>31</sup>

The Integrated System Response (ISR) approach for which this Work Group advocates explores how the system can help to support DV treatment. In the following sections, we explore how the sharing of quality information, promoting treatment accessibility through reliable funding sources, and increased access to training and

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<sup>31</sup> Gondolf, Edward W. The Future of Batterer Programs: Reassessing Evidence-Based Practice. Northeastern University Press (2012).

resources for professionals working in the field could help to promote an effective ISR and reduce recidivism.

### *Sharing of Information*

DV perpetrator treatment cannot exist in a vacuum. There must be information-sharing between the treatment provider and the system throughout the course of treatment to maximize its efficacy. Initially a quality assessment is predicated on having good information. For example, ensuring that the assessor has access to prior reports, victim information, and criminal history. As court-ordered treatment progresses, ongoing system oversight (whether through multi-disciplinary teams, review hearings, or supervision by probation) is essential to promoting consistency, compliance, and victim safety.

### *Assessment: Analysis of the need for a Universal Diagnostic Tool*

Some systemic observers believe that inconsistencies in assessment and treatment can be eliminated by utilization of a high-quality universal diagnostic tool. Clearly, system-wide use of the same tool will create formal uniformity. However, both the contributors to the WAC Advisory Committee and many members of our Section 7 Work Group strongly asserted that this approach would not solve the problem. Indeed, the new WAC does not mandate it.

The Work Group found that emphasis on a universal diagnostic tool for DV perpetrator treatment is not essential. What is of critical import in the task of assessment

and diagnosis is the quality of information on which assessment and diagnosis is based. Quality of information is an Integrated System Response (ISR) problem; assessment and diagnosis are placed at risk if the quality of the information is suspect. If the sources of the information utilized are omitted, distorted, corrupted or biased, the resulting assessment and diagnosis, and therefore the effectiveness of treatment, will not be reliable. Quality information at the assessment phase will also help to better identify individuals for whom treatment is appropriate.<sup>32</sup>

The information necessary for reliable assessment and diagnosis comes from:

- mental health history;
- substance abuse history;
- criminal history;
- police information systems;
- judicial information systems;
- prior assessment records whether risk or diagnosis;
- prior treatment records;
- probation records;
- department of correction records; and most importantly
- victim reports.

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<sup>32</sup> This is an issue with the dependency process where casting a wide net for possible perpetrators means that many people who do not need DV treatment are required to engage anyway. This delays permanency for children, strains limited resources, and erodes confidence in the system.

These information sources must be effectively integrated **in a statewide system** in order to ensure the effectiveness of assessment, diagnosis, and the subsequent treatment. For example, information regarding treatment completion or failure must be available between jurisdictions to determine the proper level of risk and subsequent treatment.

*Our current system defaults to treatment agencies* to create this much-needed integration without providing the tools to do so. Treatment agencies do not have universal access to: mental health history; substance abuse history; criminal history; police information systems; judicial information systems; prior assessment records whether risk or diagnosis; prior treatment records; probation records; Department of Corrections records; and victim information. Also, treatment agencies cannot coordinate on a statewide basis. This lack of information hampers their ability to assess and diagnose, which is necessary for effective risk assessment and treatment.

Informational gaps are compelled to be filled by perpetrator self-report, which is not acceptable. A system that compels coercive intervention and treatment must do more to provide the information necessary to accomplish the task.

The realization that this information problem is also “dynamic” and not “static” is extremely important. This means that the information in the system needs to be current. And as information changes and/or updates, it is essential that such new information be incorporated into the intervention process as soon as possible, no matter

the jurisdictional source. Particularly with regard to the problem of lethality, current information is paramount in its importance.<sup>33</sup>

In short, the conceptuality of a universal diagnostic tool should be replaced with concepts that are conversant with the Quality of Information problem. Solutions to the Quality of Information problem will require re-conceptualizing the role of the courts.

As our discussion and analysis focused on this problem, it became increasingly clear that there needed to be a centralized location where this information could be held and “integrated” in order to avoid defaulting this function to treatment agencies. Yet such centralization raised new concerns about the ability of a centralized “information repository” to maintain and effectively distribute information without creating a confidentiality breach for both offenders and victims. Further discussion brought forth a systemic response: Therapeutic Courts.

### DV Treatment and Therapeutic Courts

Washington State has a fairly long history of utilizing Therapeutic Courts to deliver treatment in: drug abuse, mental health, and other areas.<sup>34</sup> These courts have developed systems that routinely deal with confidential information and its dissemination among members of a multi-disciplinary group or team. Most often, the

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<sup>33</sup> For example, we know that certain factors such as: job loss, a new assault, weapons acquisition, change in marital status, change in child custody, etc., are indicators of increased lethality. This is not an exhaustive list. So, if a person is released from custody on their personal recognizance and then they lose their job or child or acquire a weapon, the case needs to be newly reviewed in order to determine if there has been a change in their level of risk.

<sup>34</sup> Therapeutic Courts in Washington: See Chapter 2.30 RCW

court in question, engages in a process referred to as “staffing.” In staffing, the therapeutic information shared by the team in order to deliver effective treatment is confidential. In *State v. Sykes*<sup>35</sup> the Washington State Supreme Court held:

Adult drug courts are philosophically, functionally, and intentionally different from ordinary criminal courts. Based on their unique characteristics, we hold that adult drug court staffings are not subject to the open courts provision of [article I, section 10](#). Whether adult drug court staffings are presumptively open or closed is left to the discretion of the individual drug courts.<sup>36</sup>

The Work Group agrees that DV Courts should receive similar treatment. Given this legal framework, it became evident that a probable solution to the Quality of Information Problem would be to centralize information collection by creating an information repository housed in the courts, within their probation/community supervision function.<sup>37</sup> This would allow the courts to have access to and broker information necessary to complete their treatment and supervision function. Other entities, for example treatment providers completing an assessment, would be able to rely on the courts as a repository/exchange for information instead of relying on voluntary and ad hoc sharing – just as in staffing referenced above.

However, the Work Group concluded that other, additional, safeguards to confidentiality should also be put in place, in order to balance access to information,

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<sup>35</sup> *State v. Sykes*, 182 Wn.2d 168, 339 P.3d 927 (2014).

<sup>36</sup> *Id.* at 171.

<sup>37</sup> Both District Court and Juvenile Court probation already perform in this manner. Juvenile Court maintains a confidential “social file” which allows for the delivery of various therapeutic services without fear of public disclosure. See RCW 13.50.010.

while protecting confidentiality of victim<sup>38</sup> and defendant information. Given Washington's strong presumption of open courts, the Work Group proposes the following options:

- Court Rule 22 could be amended to include therapeutic courts.<sup>39</sup> Please refer to Appendix D for proposed amendments. These amendments would allow the courts to emulate the long-standing "social file" model that is used in juvenile court throughout the State of Washington.
- In addition, the court should also follow what the Work Group found to be existing best practices, which include redacting assessments and reports submitted to the court by treatment providers.<sup>40</sup> The intent of the redaction is to exclude medical diagnosis and other sensitive information after making a finding pursuant to *Ishikawa/Chen* that the redacted copy satisfies the balance between the public's right to open access to the courts and the defendant's right to privacy.<sup>41</sup> Under this

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<sup>38</sup> WSCADV has concerns about victim safety as it relates to privacy and confidentiality of victim records and confidences, and anonymity of victim information is of particular concern for many group members. One way to ensure the confidentiality of this information is to again treat it similarly to offender information in juvenile court. In RCW 13.50.010(12), it states in part: "...The administrative office of the courts shall maintain the confidentiality of all confidential records and shall preserve the anonymity of all persons identified in the research copy. Data contained in the research copy may be shared with other governmental agencies as authorized by state statute, pursuant to data-sharing and research agreements, and consistent with applicable security and confidentiality requirements. The research copy may not be subject to any records retention schedule and must include records destroyed or removed from the judicial information system pursuant to RCW 13.50.270 and 13.50.100(3)." DV victim information could be handled in exactly the same manner.

<sup>39</sup> Therapeutic courts are defined in RCW 2.30.010 and include Domestic Violence Courts.

<sup>40</sup> "Best practices" are not exhaustively listed herein. However, it is generally recognized that treatment providers, and drug and other therapeutic courts utilize "contracts" and "releases" to address problems of confidentiality.

<sup>41</sup> The analysis as to what portions of a report to redact would need to be individualized pursuant to *Seattle Times v. Ishikawa*, 97 Wn.2d 30, 640 P.2d 716 (1982) and *State v. Chen*, 178 Wn.2d 350, 309 P.3d 410 (2013).

approach, the redacted copy would become a part of the public court file and the original un-redacted report is deemed “quasi-private” and would only be available for review by the judge, prosecution, and defense. Here again, we have the “public file vs. social file,” distinction.

In the DV context, unlike the Drug Court model, the Work Group has identified at least three different structures under which DV Therapeutic Courts could operate: Multi-Disciplinary Team; Probation/Supervision, and “DOSA<sup>42</sup>-like” Calendar Review. The reason for this approach is the need to deliver these therapeutic services in distinctly different jurisdictional environments. In other words, just like there cannot be a “one size fits all” treatment regime, there cannot be a “one size fits all” DV Court structure. Each jurisdiction requires the flexibility to select the best DV Court format to fit its needs. Each structure will be discussed briefly below.

**Multi-Disciplinary Teams (MDTs):** The MDT is the closest in structure to the traditional drug court. It is another solution to the Quality Information Problem. This team would ideally consist of treatment providers, probation counselors, and victim advocates, as well as defense social workers, mental health counselors, and chemical dependency counselors, when appropriate. The MDT would meet regularly in person or by phone to discuss a defendant’s progress in treatment. An excellent example of this format is found in the City of Seattle. Seattle is currently piloting a Domestic Violence Intervention Project (DVIP) whose core is the MDT component (See Appendix

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<sup>42</sup> Drug Offender Sentencing Alternative

E). The Work Group is excited about the prospects of this pilot and hopefully it will serve as a statewide model. In smaller jurisdictions, or those with more limited resources, the MDT model may be able to be adapted.<sup>43</sup>

**Probation/Supervision:** The probation model is most closely aligned with current District and Municipal Court operations. In this model the “team” is limited in most cases to the Probation Officer and the treatment agency. And in some cases, the Probation Officer delivers the treatment. However, the need to centralize, share and update information remains the same. Our Work Group membership included individuals from smaller jurisdictions who view the MDT model as too large and too expensive: both from a governmental expenditure side and from the perpetrator side.

Smaller courts have utilized DV Moral Reconciliation Therapy (MRT) programs in order to meet the needs of their defendants. These low-cost programs enable the court to deliver DV treatment where otherwise the defendants could not afford it. The DSHS DVPT program manager and the Work Group have been in continual communication with these courts to ensure our proposals meet the need of these jurisdictions. We want to ensure that proposals are workable and enable them to be in compliance with all aspects of the newly proposed WAC regulations. Like all treatment models, adequate assessment of success needs to occur over time.

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<sup>43</sup> For example, if there is only one DV treatment provider, the MDT will consist of that provider plus one outside consulting agency as required under the new Chapter 388-60A WAC; or, if there is no probation department, the court could bench monitor treatment progress.

**Calendar Review:** Superior Courts routinely supervise the alternative sentences referred to as “DOSAs” (Drug Offender Sentencing Alternative). Courts can accomplish this in many creative ways. For example, in Snohomish County, where there are fifteen Superior Court Judges, one judge oversees the “DOSAs” calendar – even though that judge did not impose the myriad of DOSAs sentences. The DOSA judge supervises all DOSAs sentences for the entire bench.

It is easily conceivable that all DV sentences and/or orders could be consolidated into one DV Treatment Review calendar, where appropriate. **This is an extremely significant idea.** The reason it has such significance is that a DV calendar of this type would enable the court to review **all cases, criminal and civil, where there has been an order for DV assessment and treatment.** This approach solves the perennial family court problem of requiring the (often pro se) victim to file a contempt motion to enforce the court-ordered DV treatment of the perpetrator. Utilizing this sort of court routine would make all DV treatment court-ordered: whether the original order was criminal, family, or the result of a civil protection order.

All of these activities should come under the auspices of the Therapeutic Court approach.

## Advance Treatment Outcomes

### *Ensuring Compliance with Court-Ordered Treatment*

The current system response to noncompliance with treatment is widely divergent. Even within a single court jurisdiction, there may be an inconsistent response. In some cases, a noncompliant offender will immediately be set for a violation hearing where an offender may be given an immediate, meaningful consequence. In other cases, there may be no violation hearing, or no consequence may be imposed. Inconsistent systemic responses to noncompliance undermine accountability. A consistent judicial approach that includes regular reviews, appropriate sanctions, and probation support through the end of treatment, is needed. Some probation departments in the state are terminating probation services before the participant finishes treatment, which essentially has them dropping out of treatment at that point.

As mentioned above, in the civil context, the system response is also problematic. If DV treatment is imposed as part of a family law case, a victim is required to bring a motion for contempt to enforce the court-ordered treatment. In protection order cases, commissioners often order mental health, drug and alcohol, sexual deviancy, and domestic violence assessments at the temporary orders phase. There is an inconsistent response from commissioners when a respondent either does not obtain an evaluation or obtains one from a less reliable provider. This inevitably results in more hearings for the petitioner.

In order to monitor and support compliance with court orders, this Work Group recommends that courts establish a regular DV review calendar for any litigant, whether part of a civil or criminal case, ordered by the court to complete DV perpetrator treatment.<sup>44</sup> The judge presiding over this calendar would be responsible for reviewing whether those individuals were complying with court-ordered treatment. An additional benefit to establishing this process is that attendance by victims would not be required – unlike a contempt motion.

### *DV Sentencing Alternatives*

There are currently no sentencing alternatives for DV crimes; the Drug Offender Sentencing Alternative (DOSA) and Special Sex Offender Sentencing Alternative (SSOSA) do not include a DV treatment response, and there is no “DVOSA.” Part of the rationale behind creating sentencing alternatives is to increase victims’ willingness to report sexual assault and participate in the criminal justice process,<sup>45</sup> while still holding offenders accountable.<sup>46</sup> These sentencing alternatives allow convicted offenders the opportunity to serve all or part of their sentence out of custody while they participate in a treatment program.<sup>47</sup> Their sentence is suspended pending completion of the treatment program.

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<sup>44</sup> It is envisioned that this review calendar would resemble the review calendar for [Drug Offender Sentencing Alternatives \(DOSAs\)](#). See discussion above.

<sup>45</sup> Victims may have concerns about the consequences to offenders and their family if the crimes are reported (e.g. economic consequences) and want an option other than prison.”

<sup>46</sup> Berliner, “Sex Offender Sentencing Options: Views of Child Victims and Their Parents” (2007).

<sup>47</sup> See RCW 9.94A.660, RCW 9.94A.670

Not all offenders convicted of a sex offense are eligible for a SSOSA, nor are all offenders convicted of a drug offense eligible for a DOSA; the governing statutes outline several eligibility requirements. For example, to qualify for a SSOSA, the following criteria must be met:

1. The offender has been convicted of a sex offense other than Rape in the Second degree or a sex offense that is defined by RCW 9.94A.030(46) as a serious violent offense.<sup>48</sup>
2. If the conviction results from a guilty plea, the offender must, as part of the plea of guilty, voluntarily and affirmatively admit that he or she committed all elements of the crime.<sup>49</sup>
3. The offender has no prior sex offense convictions as defined in RCW 9.94A.030 or prior felony sex offenses in this or any other state.<sup>50</sup>
4. The offender has no adult convictions of a violent offense within five years of the date of the current offense.<sup>51</sup>
5. The offense did not result in “substantial bodily harm” to the victim.<sup>52</sup> This means that there is no bodily injury that involves temporary but substantial disfigurement, or that causes a temporary but substantial loss or impairment of the function of any body part or organ, or that causes a fracture of any body part or organ.<sup>53</sup>
6. The offender must have an established relationship with, or connection to, the victim such that the sole connection with the victim was not the commission of the crime.<sup>54</sup>

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<sup>48</sup> RCW 9.94A.670(2)(a)

<sup>49</sup> RCW 9.94A.670(2)(a)

<sup>50</sup> RCW 9.94A.670(2)(b)

<sup>51</sup> RCW 9.94A.670(2)(c)

<sup>52</sup> RCW 9.94A.670(2)(d)

<sup>53</sup> RCW 9.94A.670(1)(b)

<sup>54</sup> RCW 9.94A.670(2)(e)

Prior to implementation of a sentencing alternative for domestic violence offenses, similar restrictions should be considered. Furthermore, treatment alternatives should only be authorized in cases where an offender is determined to be amenable to treatment after an assessment by a certified domestic violence treatment provider.

For felony cases, offenders meeting certain criteria may be sentenced to drug offender sentencing alternatives (DOSAs). However, currently, when the underlying case involves co-occurring domestic violence and substance abuse, a DOSA excludes any DV interventions and focuses only on substance abuse treatment. A new felony sentencing alternative (DVOSA) could be created to close this gap and address co-occurring domestic violence and substance abuse--for which there are promising approaches.<sup>55</sup> Also, determination of eligibility for such programs (DVOSA) should be directed to Washington Department of Corrections as is done in the case of the current DOSA assessment.

At the misdemeanor level, the primary sentencing alternative is deferred prosecution, which is again only used for substance abuse. Sentencing alternatives or expansion of deferred prosecution is needed for DV misdemeanors. Currently attempts to address the problem are done by a prosecution-led diversion process, not available in every jurisdiction, often referred to as “a stipulated order of continuance” or SOC. Often SOCs operate without effective oversight from the legislature or the court. This use of

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<sup>55</sup> See pp. 7-8 of WSIPP’s 2013 report, “What works to reduce recidivism by domestic violence offenders?” (Document No. 13-01-1201), for promising approaches with DV offenders.

SOCs creates a real “unregulated vs. regulated” system tension.<sup>56</sup> Unregulated approaches create inconsistency in process and treatment, and some believe that reliance on SOC should be reduced. Broadening clear availability of deferred prosecutions to address co-occurring domestic violence and substance abuse, or domestic violence and mental health, might help to address this problem by providing a more regulated sentencing alternative.

## Victim Safety

### Sharing Treatment Information with Victims

The revised WACs include provisions requiring treatment programs to share information with victims in order to promote their safety. Pursuant to the revised WAC, 388-60A-0325(1), “[e]ach certified treatment program must adequately consider the safety of victims, current partners and children of the participants...” Steps that must be taken, as applicable, include:

- (a) Notify the victim of each program participant before completing the assessment that the participant is being seen by the certified program for an assessment to determine:

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<sup>56</sup> A good example of a highly regulated court-supervised use of SOC exists as a tool in Seattle Municipal Court.

### Key Differences Between System and Community-Based DV Advocates

While both system and community-based DV advocates are focused on victim safety, they differ as follows:

**Confidentiality:** Victims have privileged communications with community-based advocates under RCW 5.60.060(8), whereas communications with system-based advocates are not privileged.

**Duration of Services:** There is no limitation on duration of services for community-based advocacy, whereas services are limited to the length of the justice process for system advocacy.

**Scope of Services:** Community-based advocacy provides comprehensive victim-directed advocacy (e.g. crisis intervention, education, support groups) whereas system-based advocacy is specific to moving the victim through the system.

**Services to Secondary Victims:** Community-based advocates usually offer services to secondary victims, system-based advocates provide services specific to the direct victim.

the following:

- (i) If domestic violence intervention treatment is appropriate for the participant, and if so, what level of treatment the participant will start in at the commencement of their program; and
- (ii) If applicable, what other treatments will be required or recommended as part of the participant's treatment plan.
- (b) Inform victims of specific outreach, advocacy, emergency and safety planning services offered by a domestic violence victim services program in their community; (A list of community-based Washington Domestic Violence Programs by county is provided in Appendix F)
- (c) Notify the victim of each program participant within fourteen days of the participant being accepted or denied entrance to the program that the participant has enrolled in or has been rejected for treatment services;
- (d) When the participant has been accepted into treatment, give victims a brief description of the domestic violence intervention treatment program including all of

- (i) The primary objective of the domestic violence intervention treatment program to help increase the safety of the victim and children as well as holding the participant accountable;
- (ii) The core competencies and minimum completion criteria for the participant in treatment; and
- (iii) The fact that the victim is not expected to do anything to help the participant complete any treatment program requirements;
- (iv) The limitations of domestic violence intervention treatment; and
- (v) The program's direct treatment staff's responsibility regarding mandated reporting and duty to warn.

Treatment programs have an obligation to document in writing their attempts to notify the victim.<sup>57</sup> While programs may meet the requirements of this section through an agreement or contract with a victim services program, it is the responsibility of the certified program to ensure and document that all requirements are met.

In addition to helping to better-promote victim safety, these victim notification requirements also ensure that treatment providers may gain access to additional information and insight that the victim could share that would be beneficial in treatment.

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<sup>57</sup> WAC 388-60A-0325(4).



## Work Group Recommendations re: Information, Therapeutic Courts, and Sentencing Alternatives

- To promote access to quality information to complete the assessment for DV treatment and monitor progress, this work group recommends the following approaches:
  - DV Courts should be organized as Therapeutic Courts.
  - As Therapeutic Courts, information related to domestic violence cases should be centralized in the courts, effectively creating an Information Repository. Access to information should be carefully balanced against protecting the privacy of victims and defendants.
  - Court structures should be selected to meet the needs of the local jurisdiction.

By creating either:

- A multi-disciplinary team (MDT) of professionals to meet regularly to discuss progress in treatment. This MDT model could be modified to meet the different staffing and resource considerations in different jurisdictions, or
- Create or utilize an existing probation department, or
- Create a regular review calendar for ongoing court monitoring to promote compliance with court-ordered treatment, when DV

treatment is ordered as a part of criminal or civil proceedings (family law, protection orders, dependencies<sup>58</sup>).

- We recommend implementing sentencing alternatives for DV crimes: For felonies, similar to the Drug Offender Sentencing Alternative (DOSA) and Special Sex Offender Sentencing Alternative (SSOSA) creating a “DVOSA,” and for misdemeanors, clarify use of deferred prosecutions for cases with co-occurring substance abuse or mental health issues.
- Pursuant to protocol in the revised WAC 388-60A-0325, victims should be informed about assessments and level of perpetrator treatment, both to promote their safety and increased access to information that will support effective treatment.

## Barriers to Accessibility of Domestic Violence Treatment

### *Reliable Funding*

Domestic Violence Treatment is costly.<sup>59</sup> Moreover, the services provided by a state-certified domestic violence intervention program are typically not reimbursable by insurance. The cost of domestic violence treatment can be prohibitive, and often creates situations of noncompliance. It also leads to respondents seeking treatment from more affordable but less reputable providers. In the child welfare/dependency context, indigent parents are sometimes required to pay for some or all of their domestic

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<sup>58</sup> Dependencies in our state are generally treated separately with their own “Dependency Court” routine.

<sup>59</sup> See e.g., Rain & Sanders, “It’s Just a Misdemeanor A Look at Washington’s Broken Probation Model” (NW Lawyer, Nov 2016) which lists the average one-year domestic violence treatment program at \$1,400. An informal survey of treatment programs around Washington found the fee for an assessment to range from \$100-\$250 and that weekly groups typically cost between \$30-45 per session.

violence treatment contrary to RCW 13.34.025. This unauthorized cost shifting, in the dependency realm, often creates delays in cases and in permanency for children.

In order to conduct a thorough intake, it is necessary to gather a substantial amount of information, and in many cases, the fee charged does not cover the amount of time spent by a program to gather, understand, and document the information. When programs are expected to charge a lower fee for an assessment they are faced with the decision to either: 1) cut corners on their assessment process, which can lead to missing important information relevant to victim safety, or 2) lose money in this process of providing a free service to the client and the court. This is not a sustainable model. Moreover, these pressures create a disincentive for maintaining ethical practice and may tend to push ethical treatment providers out of the system.

Additionally, many components to ethical and responsible domestic violence intervention are non-billable (e.g. victim contact, collateral contact with other providers and probation, writing monthly progress reports, etc.) Many of these essential components are part of the minimum standards for domestic violence intervention programs, and a program must do these things or risk jeopardizing state certification.

Ultimately, a reliable funding scheme for all court-ordered domestic violence treatment contemplates alternative methods to reduce or defer the cost of treatment. These methods might include: alternative financing methods of treatment cost; requiring insurance companies to cover DV treatment; and government subsidy of the cost of treatment.

Recognizing that mandating insurance coverage<sup>60</sup> for domestic violence treatment will be a longer-term process, the Work Group discussed other innovative approaches being taken throughout the state that might be adopted in the interim to reduce or remove cost as a barrier to effective treatment:

**Sliding-scale approach:** Treatment programs could adopt a sliding fee scale based on participants' ability to pay. For example, in the City of Seattle's DVIP pilot (see Appendix E), there is a \$25 per week minimum for the program. The shortfall to the two treatment providers involved in the pilot is city-subsidized. In the past, treatment providers report that they have also subsidized fee shortfalls in their sliding scale programs by private grants.<sup>61</sup> This approach is not likely sustainable for most treatment providers without government or private subsidy; however, more data is needed to support what monetary contributions would look like. Grant-funded programs piloted as best practices (such as the City of Seattle's DVIP pilot) could provide some future guidance.

**Government Subsidy/Guarantee:** Municipalities, where possible, could advance the majority of the treatment cost to the individual in exchange for a payment plan secured (in the event of nonpayment) by a note or judgment. Additionally, the Work Group recommends that the Legislature explore the cost savings involved in requiring treatment versus the cost of incarceration. In the area of substance abuse treatment,

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<sup>60</sup> However, the proponents of this idea see a clear analogy to the revolution in required DUI treatment and the coverage of substance abuse treatment by insurance.

<sup>61</sup> In King County, *United Way of King County* had a grant program that ended in 2017.

researchers have reported that treatment is less expensive than incarceration.<sup>62</sup> If the analogy can be made to DV treatment, then it would be efficient to explore re-allocation of a portion of the funds earmarked for incarceration to subsidize treatment. Such subsidies would seek to take advantage of the potential savings of treatment over incarceration.<sup>63</sup>

**DV Moral Reconciliation Therapy (DV-MRT):** This is a cognitive behavioral approach to treatment that seeks to decrease recidivism by increasing moral reasoning.<sup>64</sup> Delivery of this treatment approach is via group and individual counseling. In addition to a few domestic violence treatment programs, several probation departments around the state of Washington<sup>65</sup> have adopted this treatment approach. These courts have done so because traditional domestic violence treatment programs are not affordable or available for defendants in those jurisdictions, and the court can provide the program at a reduced rate.<sup>66</sup> In conjunction with the revisions to

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<sup>62</sup> See e.g. McVay, Schiraldi, and Ziedenberg, "Justice Policy Institute Report: Treatment or Incarceration? National and State Findings on the Efficacy and Cost Savings of Drug Treatment Versus Imprisonment," (January 2004).

<sup>63</sup> Appropriate treatment for an offender has long been reported to be cost effective. In California in 2003, the average cost of one year of substance abuse treatment of about \$4,500 was far less than the \$27,000 per inmate cost per year. See *Treatment or Incarceration? National and State Findings on the Efficacy and Cost Savings of Drug Treatment Versus Imprisonment*, Justice Policy Institute (January 2004). Since at least the early 2000's Washington State Institute for Public Policy (WSIPP) has also reported the cost effectiveness of treatment as opposed to incarceration, as well as reducing recidivism: *The Comparative Costs and Benefits of Programs to Reduce Crime* (May 2001); *Washington State's Drug Courts for Adult Defendants: Outcome Evaluation and Cost-Benefit Analysis* (March 2003); *What Works and What Does Not? Benefit-Cost Findings from WSIPP* (February 2015).

<sup>64</sup> Please see [https://www.ccimrt.com/mrt\\_programs/domestic-violence/](https://www.ccimrt.com/mrt_programs/domestic-violence/)

<sup>65</sup> Cheney Municipal Court, Edmonds Municipal Court, Everett Municipal Court, Snohomish County District Court, Bellevue Probation, SeaTac Municipal Court, Tukwila Municipal Court, Walla Walla District Court

<sup>66</sup> The cost to the courts to train personnel to deliver DV-MRT ranges between \$600-\$2,600 per person. In Tukwila Municipal Court, for example, the cost to the defendant is \$100 for the 6-month program, which covers the cost of materials.

the WACs governing DV perpetrator treatment, probation departments that have been utilizing the DV-MRT approach are in the process of negotiating WAC compliance certification with DSHS.

Another example is King County's Promoting Peace and Recovery program. This program is funded by King County, free to offenders, operational, and a next step development to DV-MRT for cases of co-occurring domestic violence and substance abuse. The program operates in a day reporting environment following clinical assessment, and uses risk, need, responsivity tools. The program is being evaluated by King County Behavioral Health and the Ballmer Foundation, and began with a limited randomized control trial.

Despite DV-MRT's basis in cognitive behavioral therapy, at least one group member is strongly opposed to DV-MRT programs because DV-MRT's "workbook" approach undermines and/or is inferior to programs which utilize group therapy. However, our proposed Integrated System Response allows us to embrace the entire gamut of views because research will apply to all equally, and programs will be required to meet the test of efficacy, which will then no longer be simply a matter of opinion.

### *The Urban/Rural Problem*

Closely related to the issue of cost is the lack of sufficient DV service providers in the state of Washington. There are currently (as of May 2, 2018) 85 certified DV service providers in the State of Washington. King County and Pierce County have the most

providers with 18 and 15, respectively. The following counties have no certified DV service providers: Adams, Asotin, Columbia, Douglas, Garfield, Jefferson, Kittitas, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, San Juan, Stevens, Walla Walla, and Whitman. While the revised WAC 388-60A-0345 does include attendance of group via videoconference as an alternative delivery method for treatment, this is not an option for all service providers.

### *Language*

Language barriers are being addressed differently throughout the State of Washington. There are some programs that require clients to pay for an interpreter, while other programs share the cost of an interpreter with their clients. These arrangements are worked out on a case-by-case basis; therefore, there is no program data available.

### *Cultural Competency, Equity and Social Justice*

Offenders in domestic violence treatment vary widely in demographics, legal history, and from civil to criminal cases. Offenders are diverse in race, ethnicity, immigration status, acculturation and other factors that often influence attitudes toward the legal system, domestic violence, treatment or therapy. The lack of cultural responsiveness in DV treatment has been identified as an issue by many sources, including the Center for Latino Health, University of Washington. An excerpt from a

research proposal from the Center for Latino Health and the King County Prosecuting Attorney states:

*The literature identifies the model's (Duluth) lack of attention to contextual and cultural factors that influence the lives of diverse ethnic minority populations as a serious limitation and contributes to higher dropout rates and poorer treatment outcomes among Latino and African American men than White men (Parra-Cardona et al., 2013).*

Cultural responsiveness is essential to ensuring equity and social justice for all offenders. The Work Group is unable to address this adequately because of time and composition; however, we recommend that in any further implementation of the process that the responsible individuals pursue a rigorous outreach to diverse communities to inquire what they feel is needed to ensure equity in the DV treatment system. This outreach should be guided by existing research in the area of implicit bias (in systemic process and participants), particularly with regard to risk assessment instruments.<sup>67</sup> Incentives should be built into the process to encourage culturally sensitive program development, hiring and training. Individuals from diverse groups and organizations such as: Tribal State Court Consortium, the National Association for the Advancement of Colored People (NAACP), Familias Unidas, Center for Latino Health, Minority Bar Associations, and others, should be permanent members of any “standing body” appointed by the governor to implement this process.

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<sup>67</sup> See Washington State Supreme Court Minority and Justice Commission work on this issue, available at <http://www.courts.wa.gov/?fa=home.sub&org=mjc&page=publications&layout=2&showPubTab&tab=pubRes>



## Work Group Recommendations re: Treatment Accessibility

- The Section 7 work group suggests the following to create a reliable funding scheme for all court-ordered DV treatment:
  - Legislation requiring insurance companies to pay for a portion of the cost of domestic violence perpetrator treatment.
  - In the interim,
    - Municipalities could accept secured payment plans<sup>68</sup> from defendants.
    - Domestic Violence treatment programs or Domestic Violence Courts could adopt sliding scale fee programs, with government or private subsidies for some portion of the treatment costs. Data should be collected to determine the requisite funding to make programs sustainable.
    - The Legislature could develop a plan of subsidies based on the potential savings of treatment versus incarceration.
    - Courts could provide alternative treatment options such as DV-MRT, which can be offered at a lower cost to defendants. More data is needed to analyze the effectiveness of such programs.

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<sup>68</sup> This is a payment plan secured by a note or judgment in the event of nonpayment.

- Reliable funding for court-ordered DV programs may incentivize maintenance of existing DV treatment programs and the creation of new ones to make DV perpetrator treatment more widely available in Washington.
- This work group encourages the collection and reporting of data from treatment providers related to the number of clients requiring the services of an interpreter, as well as the languages needed. Additionally, treatment providers should report how they handle the cost of interpreters. Once collected, this information could be used to determine how to remove or diminish access issues due to language.
- The work group encourages further work to promote cultural competency, equity, and social justice within domestic violence treatment programs.

### ISR Process Implementation: Ongoing Direction: New Entity

We realize that the “process” described that represents many of the recommendations contained in this report may need ongoing supervision.

Implementing improvements to DV treatment response, which have been ignored for so long, necessitates a standing body appointed by the governor for oversight.<sup>69</sup> We recommend this type of active, ongoing oversight, via a governor appointed standing body, be created (E.g., a “Domestic Violence Policy Review Board”).

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<sup>69</sup> A similar oversight, the Sex Offender Policy Review Board, was established for sex offense cases pursuant to RCW 9.94A.8673.

## Training DV Professionals

### *Training*

An understanding of domestic violence is critical for all professionals who work on or come into contact with these cases. There are several trainings held in the state of Washington each year on the topic of domestic violence.<sup>70</sup> Resources are also available for professionals working in the field (law enforcement, attorneys, social workers, judicial officers).<sup>71</sup> However, the training requirements are perceived as unstructured and sporadic. Unfortunately, training for mental health and substance abuse professionals regarding domestic violence is also limited.

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<sup>70</sup> The Children's Justice Conference is an annual statewide multidisciplinary training held in the spring that often features trainings on domestic violence in the child welfare context. <http://dshscj.com/>. There is a Domestic Violence Symposium held in Seattle each fall.

<https://www.regonline.com/builder/site/Default.aspx?EventID=1997182>. The Washington State Coalition Against Domestic Violence (WSCADV) hosts an annual conference.

<https://wscadv.org/projects/annual-conference/>. All new judicial officers are required to attend an in-person course on the topic of Domestic Violence, developed and sponsored by the Washington State Supreme Court Gender and Justice Commission. The course is offered annually. Additionally, there are judicial conferences in Washington State each year in the spring and the fall, at which the Gender and Justice Commission sponsors workshops, which often focus on current and emerging gender-based violence issues. When resources allow, the Gender and Justice Commission also sponsors training on domestic violence for court administrators and staff. Pursuant to RCW 10.99.030, Washington's Criminal Justice Training Commission shall include at least 20 hours of basic training on the law enforcement response to domestic violence, as well as developing and updating an annual in-service training.

<sup>71</sup> Domestic Violence Bench Guide for Judicial Officers (Rev. 2015)

<http://www.courts.wa.gov/index.cfm?fa=home.contentDisplay&location=manuals/domViol/index>, Social Workers Practice Guide to Domestic Violence (2010) [https://wscadv.org/wp-content/uploads/2015/05/social\\_workers\\_practice\\_guide\\_to\\_dv\\_feb\\_2010.pdf](https://wscadv.org/wp-content/uploads/2015/05/social_workers_practice_guide_to_dv_feb_2010.pdf), Prosecutors' Domestic Violence Handbook (2012)

<http://www.waprosecutors.org/MANUALS/DV/WAPA%20KCPAODV%20Manual%202012.11.14.pdf>,

Often, professionals from other disciplines misapply well-intended concepts such as family systems theory<sup>72</sup> or co-dependency<sup>73</sup> to the issue of domestic violence. These concepts can undermine a domestic violence perpetrator's personal accountability for their abusive behavior.



#### *Work Group Recommendations re: Training*

- All professionals working on Domestic Violence cases should be required to receive regular and ongoing training in the area of Domestic Violence. All training must be culturally sensitive.
- Require all DSHS social workers to be trained in and follow the *Social Workers Practice Guide to Domestic Violence (2010)*.
- It is further recommended that increased funding be made available for programs and state agencies to send staff to such trainings.
- Finally, make funding for Domestic Violence available to create or update existing educational resources for all professionals working on these cases.

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<sup>72</sup> Family systems therapy is a form of psychotherapy where families work together better understand their group dynamic and how their individual actions affect each other and the family unit as a whole.

<sup>73</sup> Co-dependency theory refers to one's dependence on the needs of, or control of, another.

# SUMMARY OF SECTION 7 WORK GROUP RECOMMENDATIONS

## Existing Laws and Regulations

- Embrace the adoption of the revised Chapter 388-60A WAC. The revisions support the Integrated System Response (ISR) principles and methodology the group concluded was needed.
- Pass legislation to bifurcate the definition of Domestic Violence in RCW 26.50.010 into cases involving intimate partner violence and those involving the broader relational definition. This would not substantively change the definition of Domestic Violence; it would be a technical change to refine the statute to promote the better collection of data for analysis and quality improvement, as well as supporting appropriate referral into treatment.
- Designate DV Courts as Therapeutic Courts. Information related to domestic violence cases should be centralized in the courts, effectively creating an Information Repository. Access to information should be carefully balanced against protecting the privacy of victims and defendants. Court structures should be selected to meet the needs of the local jurisdiction. By creating either:
  - A multi-disciplinary team (MDT) of professionals to meet regularly to discuss progress in treatment. This MDT model could be modified to meet the different staffing and resource considerations in different jurisdictions, or

- Create or utilize an existing probation department, or
  - Create a regular review calendar for ongoing court monitoring to promote compliance with court-ordered treatment, when DV treatment is ordered as a part of criminal or civil proceedings (family law, protection orders, dependencies).
- Mandate five years' probation for all intimate partner DV sentences. This in order to ensure the completion of treatment, monitoring of compliance with the conditions of sentences and the collection of needed information to ensure effectiveness. Active probation should be required until domestic violence treatment is completed, after which inactive probation could be imposed for the remainder of the five-year period.

### Court and Agency Practices

- Allocate sufficient funds to enable DSHS to regulate domestic violence treatment agencies and enforce compliance with the revised Chapter 388-60A WAC.
- Collect data for further evaluation of the efficacy of DV treatment, including whether treatment was ordered, and whether treatment was completed.
- Require law enforcement, lawyers, judges, and other professionals working on domestic violence cases undergo regular domestic violence-related training. How that training is implemented should be left to the discretion of the various entities.

## Victim Safety

- Adhere to the new victim notification requirements in WAC 388-60A-0325. This supports victim safety by requiring that victims be informed of assessments and level of perpetrator treatment. Moreover, where determinations of lethality are concerned, the best source of information is the victim.

## Decrease Recidivism

- Comply with the revised Chapter 388-60A WAC. It implements a system of compliance with **core competencies in treatment**<sup>74</sup> that are state of the art and a

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### <sup>74</sup> 388-60A-0430 Completion criteria and core competencies – What is required for a participant to complete treatment?

(1) The program must ensure:

(a) The participant has met the program's written criteria for satisfactory completion of treatment including:

(i) Cooperation with all program rules and requirements;

(ii) The goals or objectives of the participant's treatment plan; and

(iii) The minimum treatment period and requirements.

(b) The participant has attended and complied with all other treatment sessions required by the program, which may include ancillary treatment such as mental health, substance use or parenting treatment;

(c) The participant is in compliance with all court orders;

(i) If the participant is court ordered to pay spousal or child support and is behind on payments, the participant may show a payment plan agreement and documentation that they have been in compliance with the plan for a minimum of six months in order to be in compliance with this requirement.

(d) Coverage of all treatment topics, the completion of all assignments, and the requirements as outlined in the level of treatment in which they participated.

(2) In order to complete levels one, two or three treatment the program must also document the following in the participant's file:

(a) The participant has successfully demonstrated core competencies:

(i) Accountability and adherence to the participant's accountability plan;

(ii) Increased victim safety as evidenced by written documentation of the participant's demonstration of a change in their beliefs which have resulted in the participant's cessation of all violent acts or threats of violence for a minimum of the last six months;

(iii) Knowledge of their personal primary motivations for abusive or controlling behaviors and alternative ways to meet their needs in a non-abusive manner.

(3) In order to complete level four treatment, the program must document the following in the participant's file:

(a) The participant's plan for how they will meet their needs in non-abusive, legal and healthy ways;

(b) The problem solving and self-control skills the participant has learned and demonstrated in treatment to deal with unpleasant feelings; and

direct implementation of evidence-based practices. Core competencies are the elements of what a perpetrator must meet in order to be considered as having completed treatment. Evidence-based treatment has been shown to reduce recidivism. The core competencies are rooted in cognitive behavioral therapy approaches<sup>75</sup> and would effectively expand compliance with cognitive behavioral therapy (CBT) throughout our state. We see this as a major advance and we see it as implementation of the recommendations made in the 2013 WSIPP reports and those subsequent.

- Authorize adequate, ongoing, and multi-year funding for statewide monitoring, research and evaluation to assess the efficacy of domestic violence perpetrator treatment following implementation of the revised Chapter 388-60A WAC.

### Advance Treatment Outcomes

- Promote access to quality information to complete the assessment for DV treatment and monitor progress, by centralizing information in a “data repository” in the courts or by adopting a Therapeutic Courts approach.
- It is further recommended that increased funding be made available for programs and state agencies to be able to send staff to such trainings, and to make resources on Domestic Violence available to, or to update existing resources for, all

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(c) The program’s assessment of satisfactory changes to the participant’s environmental factors such as peer groups, employment or substance use.

<sup>75</sup> Refer to Appendix G

professionals working on these cases. Require all DSHS social workers to be trained in and follow the *Social Workers Practice Guide to Domestic Violence (2010)*.

- Create a reliable funding scheme for all court-ordered domestic violence treatment by requiring insurance companies to cover a portion of the cost of treatment. Stop gap measures in the interim include courts accepting secured payment plans, providing government subsidies to sustain programs operating on a sliding scale fee basis, or by providing additional funding to the courts to provide alternative programs such as DV Moral Reconciliation Therapy (MRT). The Legislature should explore the cost savings of DV treatment in order to re-allocate funds from incarceration to treatment based on the savings involved.
- Require domestic violence treatment providers to collect and report on data related to cultural and linguistic competency. This information collected could be used to inform how to remove treatment barriers.

### Increase the Courts' Confidence in DV Treatment

- Authorize adequate, ongoing, and multi-year funding for statewide monitoring, research and evaluation to assess the efficacy of domestic violence perpetrator treatment following implementation of the revised Chapter 388-60A WAC.
- Create a state level “standing body” appointed by the governor to provide guidance for implementing and oversight of this process.
- Ensure equity and social justice for all system participants by promoting cultural responsiveness in DV treatment via community outreach; active utilization and

guidance by research on implicit bias; use of unbiased risk assessment instruments; incentives to encourage culturally sensitive program development, hiring and training; and appointment representation in any standing body of diverse groups.

## CONCLUSION

The Work Group understands that restoring confidence in the value of treating domestic violence offenders will not happen overnight. But it can happen. The Work Group believes that success will come by the implementation of innovative methods and instituting “rigorous” research and evaluation to ensure the efficacy of that innovative methodology. The efforts of the Section 7 Work Group have been focused on addressing these issues, and we believe that our recommendations, if followed, will put a productive process in place. We believe this process will promote evidence-based treatment, the involvement and protection of victims, and will efficiently verify and improve the system via monitoring and ongoing research. We believe that an Integrated System Response (ISR) will be effective in expanding and improving DV treatment in Washington State in order to reduce recidivism.

# Appendices

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Chapter 8	<u><a href="#">Civil Protection Orders</a></u> <ul style="list-style-type: none"><li>• Attachment 1 – <u><a href="#">Model Policy to reconcile duplicate or conflicting protection orders</a></u></li><li>• Attachment 2 – <u><a href="#">Order to Surrender Firearms Flowchart</a></u></li></ul>
Chapter 9	<u><a href="#">Domestic Violence Database</a></u> <ul style="list-style-type: none"><li>• <u><a href="#">Judicial Ethics Opinion 13-07</a></u></li></ul>
Chapter 10	<u><a href="#">Parenting Plans</a></u>
Chapter 11	<u><a href="#">Child Abuse and Neglect Cases where Domestic Violence is a Factor</a></u>

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<sup>76</sup> Full document available at <http://www.courts.wa.gov/index.cfm?fa=home.contentDisplay&location=manuals/domViol/index>

- [Social Workers' Practice Guide to Domestic Violence – 2016](#)
- [DV & Child Maltreatment Coordinated Response Guide \(2015\)](#)
- Attachment #1 [Promising Judicial Practices in Dependency and Domestic Violence Cases](#)

Chapter 12 [Dissolution of Marriage](#)

Chapter 13 [Domestic Violence and Tribal Courts](#)

- [Attachment Table of Contents](#)
- Attachment 1 [Federally Recognized Indian Tribes within Washington State](#)
- Attachment 2 [Violence Against Women Act \(VAWA\), 18 U.S.C.A. §2265 Crimes and Criminal Procedure](#)
- Attachment 3 [Washington Court Rules for Superior Court, Civil Rule \(CR\) 82.5 - Tribal Court Jurisdiction](#)
- Attachment 4 [Indian Civil Rights Act of 1968 as amended by the 2010 Tribal Law and Order Act of 2013 VAWA Reauthorization](#)

Appendix A [Domestic Violence Evaluations & Assessments](#)

Appendix B [Court Mandated Treatment for Domestic Violence Perpetrators](#)

Appendix C [Federal Domestic Violence Laws](#)

Appendix D [Domestic Violence in the Lesbian, Gay, Bisexual, and Transgender \(LGBT\) Community](#)

Appendix E [Title 26 Family Law Guardian Ad Litem Guidebook](#)

Appendix F [Domestic Violence - the Overlap between State Law and Immigration Law](#)

Appendix G [The Hague Convention on International Child Abduction - A Child's Return and the Presence of Domestic Violence](#)

Appendix H [Abusive Litigation and Domestic Violence Survivors](#)

Appendix I [Domestic Violence Manual for Judges - History and Authorship](#)

Appendix J [Guidelines for Domestic Violence Protection Anti-Stalking and Anti-Harassment Orders](#)

Appendix K [Resource Materials on Domestic Violence](#)

## Appendix B: Table of Contents: Social Workers Practice Guide to Domestic Violence (2010)<sup>74</sup>

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<sup>74</sup> Full document available at [https://wscadv.org/wp-content/uploads/2015/05/social\\_workers\\_practice\\_guide\\_to\\_dv\\_feb\\_2010.pdf](https://wscadv.org/wp-content/uploads/2015/05/social_workers_practice_guide_to_dv_feb_2010.pdf)

## Appendix C: DV Treatment Documentation of Cognitive and Behavioral Change

Describe the connection between thoughts, feelings and behaviors using a CBT-based model (e.g., Cognitive Triangle; Antecedents, Behaviors, Consequences; Chain Analysis) as applied to at least two episodes where you engaged in intimate partner violence.
Answers:
List at least 3-5 beliefs, attitudes, cognitions, or attributions that facilitated your intimate partner violence. Describe your current beliefs that inhibit and/or do not support or facilitate intimate partner violence. Describe specifically.
Answers:
Describe the emotional regulation or coping skills you have learned to manage intense distressing emotions that are frequently connected to intimate partner violence (e.g., anger, frustration, jealousy, resentment, insecurity). Describe at least 3 recent incidents where you experienced the emotions and successfully used a coping skill to lower the intensity of your emotional reactions so you could respond effectively. Describe in detail.
Answers:
List the skills you have learned and use to achieve your goals in ways that do not involve intimate partner violence, threats, coercion, violence toward others, anti-social behavior. Give at least 3 examples of recent situations where you effectively used one or more of these skills. Describe in detail.
Answers:

## Appendix D: Proposal to Amend GR 22 to Include Therapeutic Courts

Therapeutic courts are defined under RCW 2.30.010. This amendment would further the goal of therapeutic courts to provide individualized treatment intervention. Limited public access to assessments and treatment reports would help encourage defendants to cooperate more honestly with risk/needs assessments, mental health and chemical dependency evaluations, and treatment.

### GR 22

#### ACCESS TO FAMILY LAW ~~AND~~, GUARDIANSHIP AND THERAPEUTIC COURT RECORDS

#### **(Comments not included)**

**(a) Purpose and Scope of this Rule.** This rule governs access to family law, ~~and~~ guardianship and therapeutic court records, whether the records are maintained in paper or electronic form. The policy of the courts is to facilitate public access to court records, provided that such access will not present an unreasonable invasion of personal privacy, will not permit access to records or information defined by law or court rule as confidential, sealed, exempted from disclosure, or otherwise restricted from public access, and will not be unduly burdensome to the ongoing business of the courts.

#### **(b) Definition and Construction of Terms.**

(1) "Court record" is defined in GR 31 (c)(4).

(2) "Family law case or guardianship case" means any case filed under Chapters 11.88, 11.92, 26.09, 26.10, 26.12, 26.18, 26.21, 26.23, 26.26, 26.27, 26.50, 26.52, 73.36 and 74.34 RCW.

(3) "Personal Health Care Record" means any record or correspondence that contains health information that: (1) relates to the past, present, or future physical or mental health condition of an individual including past, present, or future payments for health care; or (2) involves genetic parentage testing.

(4) "Personal Privacy" is unreasonably invaded only if disclosure of information about the person or the family (a) would be highly offensive to a reasonable person and (b) is not of legitimate concern to the public.

(5) "Public access" means unrestricted access to view or copy a requested court record.

(6) "Restricted personal identifiers" means a party's social security number, a party's driver's license number, a party's telephone number, financial account numbers, social security number of a minor child and date of birth of a minor child.

(7) "Retirement plan order" means a supplemental order entered for the sole purpose of implementing a property division that is already set forth in a separate order or decree in a family law case. A retirement plan order may not grant substantive relief other than what is set forth in a separate order. Examples of retirement plan orders are orders that implement a division of retirement, pension, insurance, military, or similar benefits as already defined in a decree of dissolution of marriage.

(8) "Sealed financial source documents" means income tax returns, W-2s and schedules, wage stubs, credit card statements, financial institution statements, checks or the equivalent, check registers, loan application documents, and retirement plan orders, as well as other financial information sealed by court order.

(9) "Therapeutic court cases" means any case in which a party is receiving treatment pursuant to a therapeutic court program under Chapter 2.30.

**(c) Access to Family Law, ~~or~~ Guardianship and Therapeutic Court Records.**

(1) General Policy. Except as provided in RCW 26.26.610(2) and subsections (c)(2) and (c)(3) below, all court records shall be open to the public for inspection and copying upon request. The Clerk of the court may assess fees, as may be authorized by law, for the production of such records.

(2) Restricted Access. The Confidential Information Form, Sealed Financial Source Documents, Domestic Violence Information Form Notice of Intent to Relocate required by RCW 26.09.440, Sealed Personal Health Care Record, Retirement Plan Order, Confidential Reports as defined in (e)(2)(B), copies of any unredacted Judicial Information System (JIS) database information considered by the court for parenting plan approval as set forth in

(f) of this rule, ~~and~~ any Personal Information Sheet necessary for JIS purposes shall only be accessible as provided in sections (h) and (i) herein, Therapeutic Court risk/needs assessments, and treatment evaluation and treatment compliance forms used in Therapeutic Courts

(3) Excluded Records. This section (c) does not apply to court records that are sealed as provided in GR 15, or to which access is otherwise restricted by law.

**(d) Restricted Personal Identifiers Not Required - Except.** Parties to a family law case or the protected person in a guardianship case shall not be required to provide restricted personal identifiers in any document filed with the court or required to be provided upon filing a family law or guardianship case, except:

(1) "Sealed financial source documents" filed in accordance with (g)(1).

(2) The following forms: Confidential Information Form, Domestic Violence Information Form, Notice of Intent to Relocate required by RCW 26.09.440, Vital Statistics Form, Law Enforcement Information Form, Foreign Protection Order Information Form, ~~and~~ any Personal Information Sheet necessary for JIS purposes, Therapeutic Court risk/needs assessments, and treatment evaluation and compliance forms used in Therapeutic Courts

(3) Court requested documents that contain restricted personal identifiers, which may be submitted by a party as financial source documents under the provisions of section (g) of this rule.

**(e) Filing of Reports in Family Law, ~~and~~ Guardianship and Therapeutic Court cases--Cover Sheet.**

(1) This section applies to documents that are intended as reports to the court in Family law, and-Guardianship and Therapeutic Court cases including, but not limited to, the following:

(A) Parenting evaluations;

(B) Domestic Violence Assessment Reports created by Family Court Services or a qualified expert appointed by the court, or created for Therapeutic Court purposes;

(C) Risk Assessment Reports created by Family Court Services or a qualified expert, or risk/needs assessments created for use in a Therapeutic Court;

(D) Treatment evaluation and compliance reports required by a Therapeutic Court;

~~—(D)~~ (E) CPS Summary Reports created by Family Court Services or supplied directly by Children's Protective Services;

~~(E)~~ (F) Sexual abuse evaluations; and

~~(F)~~ (G) Reports of a guardian ad litem or Court Appointed Special Advocate.

(2) Reports shall be filed as two separate documents, one public and one sealed.

(A) Public Document. The public portion of any report shall include a simple listing of:

- (i) Materials or information reviewed;
- (ii) Individuals contacted;
- (iii) Tests conducted or reviewed; and
- (iv) Conclusions and recommendations.

(B) Sealed Document. The sealed portion of the report shall be filed with a coversheet designated: "Sealed Confidential Report." The material filed with this coversheet shall include:

- (i) Detailed descriptions of material or information gathered or reviewed;
- (ii) Detailed descriptions of all statements reviewed or taken;
- (iii) Detailed descriptions of tests conducted or reviewed; and
- (iv) Any analysis to support the conclusions and recommendations.

(3) The sealed portion may not be placed in the court file or used as an attachment or exhibit to any other document except under seal.

**(f) Information Obtained from JIS Databases with Regard to Approval of a Parenting Plan.**

When a judicial officer proposes to consider information from a JIS database relevant to the placement of a child in a parenting plan, the judicial officer shall either orally disclose on the record or disclose the relevant information in written form to each party present at the hearing, and, on timely request, provide any party an opportunity to be heard regarding that information. The judicial officer has discretion not to disclose information that he or she does not propose to consider. The judicial officer may restrict secondary dissemination of written unredacted JIS database information not available to the public.

**(g) Sealing Financial Source Documents, Personal Health Care Records, and Sealed Confidential Reports in Family Law and Guardianship cases--Cover Sheet.**

(1) Financial source documents, personal health care records, confidential reports as defined in (e)(2)(B) of this rule, and copies of unredacted JIS database records considered by the court for parenting plan approval as set forth in (f) of this rule, shall be submitted to the clerk under a cover sheet designated "SEALED FINANCIAL SOURCE DOCUMENTS," "SEALED PERSONAL HEALTH CARE RECORDS," "SEALED CONFIDENTIAL REPORT" or "JUDICIAL INFORMATION SYSTEM DATABASE RECORDS" for filing in the court record of family law or guardianship cases.

(2) All financial source documents, personal health care records, confidential reports, or JIS database records so submitted shall be automatically sealed by the clerk. The cover sheet or a copy thereof shall remain part of the public court file.

(3) The court may order that any financial source documents containing restricted personal identifiers, personal health care records, any report containing information described in (e)(2)(B), or copies of unredacted JIS database records considered by the court for parenting plan approval as described in (f) be sealed, if they have not previously automatically been sealed pursuant to this rule.

(4) These cover sheets may not be used for any documents except as provided in this rule. Sanctions may be imposed upon any party or attorney who violates this rule.

#### **(h) Access by Courts, Agencies, and Parties to Restricted Documents.**

(1) Unless otherwise provided by statute or court order, the following persons shall have access to all records in family law or guardianship cases:

(A) Judges, commissioners, other court personnel, the Commission on Judicial Conduct, and the Certified Professional Guardian Board may access and use restricted court records only for the purpose of conducting official business of the court, Commission, or Board.

(B) Any state administrative agency of any state that administers programs under Title IV-A, IV-D, IV-E, or XIX of the federal Social Security Act.

(2) Except as otherwise provided by statute or court order, the following persons shall have access to all documents filed in a family law or guardianship case, except the Personal Information Sheet, Vital Statistics Form, Confidential Information Form, Domestic Violence Information Form, Law Enforcement Information Form, and Foreign Protection Order Form.

(A) Parties of record as to their case.

(B) Attorneys as to cases where they are attorneys of record.

(C) Court appointed Title 11 guardians ad litem as to cases where they are actively involved.

(i) Access to Court Records Restricted Under This Rule.

(1) The parties may stipulate in writing to allow public access to any court records otherwise restricted under section (c)(2) above.

(2) Any person may file a motion, supported by an affidavit showing good cause, for access to any court record otherwise restricted under section (c)(2) above, or to be granted access to such court records with specified information deleted. Written notice of the motion shall be provided to all parties in the manner required by the Superior Court or Courts of Limited Jurisdiction Civil Rules. If the person seeking access cannot locate a party to provide the notice required by this rule, after making a good faith reasonable effort to provide such notice as required by the Superior Court or the Courts of Limited Jurisdiction Rules, an affidavit may be filed with the court setting forth the efforts to locate the party and requesting waiver of the notice provision of this rule. The court may waive the notice requirement of this rule if the court finds that further good faith efforts to locate the party are not likely to be successful, or if the motion requests access to redacted JIS database records.

(A) The court shall allow access to court records restricted under this rule, or relevant portions of court records restricted under this rule, if the court finds that the public interests in granting access or the personal interest of the person seeking access outweigh the privacy and safety interests of the parties or dependent children.

(B) Upon receipt of a motion requesting access, the court may provide access to JIS database records described in (f) after the court has reviewed the JIS database records and redacted pursuant to GR 15(c), any data which is confidential or restricted by statute or court rule.

(C) If the court grants access to restricted court records, the court may enter such orders necessary to balance the personal privacy and safety interests of the parties or dependent children with the public interest or the personal interest of the party seeking access, consistent with this rule.

## Appendix E: City of Seattle's DVIP Pilot

### **DVIP Pilot Program and Talking Points**

#### **History of DVBT/BIP**

- Based on the feminist model of male entitlement with a focus on accountability (this was to counter the prevailing belief that women were responsible for the abuse)
- Over time and with the criminalization of DV, programs relied on court ordered clients as a revenue stream and DVBT became a “one size fits all” solution to DV (family law, misdemeanor and felony).
- Utilized the “Duluth Model,” which emphasized a community coordinated response. However, many communities lacked that coordination.
- In the 2000s, many of the good programs started to incorporate trauma-informed care and motivational interviewing, recognizing that many batterers were victims as a child. They were also realizing that focusing purely on accountability without looking at the underlying reasons for the behavior was not effective.

#### **WSIPP Study**

- In 2013, the Washington State Institute for Public Policy published a study that showed “no effect on DV recidivism with the Duluth model.” The study was a meta-analysis (review of other studies) of quantitative research only, none of which were in Washington State.
- The court stopped ordering DV treatment as a routine matter.

#### **Changes to WAC 388-60-0015**

- In response to the WSIPP study and the recognition that a lack of oversight could contribute to a lack of effectiveness for programs, the state convened a work group to revise the WACs. SMC Probation was included in that work group, as was Wellspring Family Services.
- Major changes to the WAC include:
  - Requirement of a more intense risk and needs assessment prior to entering a program
  - Mandates on-going risk assessment, as risk factors (such as employment) can change
  - Assessment determines which level of treatment 1-4, which differ in length
  - Program is individualized according to the risk/needs assessment
  - Progress in the program is determined by specific behavior and belief changes
  - Greater program accountability; must report status and data to the state quarterly
  - Focus of the program continues to be victim safety, and program must notify victims when perpetrator enrolls and leaves treatment
- These changes will affect ALL DV treatment programs starting in June.

#### **Seattle's DV Intervention Program Pilot: DVIP**

- Based on the Colorado model which has shown to be a promising practice: <https://www.colorado.gov/pacific/dcj/domestic-violence-offender-management>
- Includes extensive risk/needs assessment to determine level of treatment needed and whether any adjunct treatment is needed (individual DV treatment, MH or CD treatment)

- Incorporating mental health and chemical dependency treatment into DV programs has shown to have significant impact on recidivism— 33% reduction in reviewed programs. (WSIPP)
- Multi-disciplinary team will include advocates, probation, treatment providers (providing the community coordinated response that the Duluth model envisioned)
- Treatment provided by 2 well regarded organizations: Wellspring Family Services and Asian Counseling and Referral Service
- Community supervision of domestic abusers after a comprehensive risk needs assessment has shown a 16% reduction in recidivism. (WSIPP)
- All facets of the program are evidence-based.

## Appendix F: Washington Domestic Violence Advocacy Programs – By County<sup>78</sup>

### Adams County

- [New Hope DV/SA Services](#), Moses Lake, WA. Office: (509) 764-8402, Crisis Line: (888) 560-6027

### Asotin County

- [YWCA of Lewiston/Clarkston](#), Lewiston, ID. Office: (208) 743-1535, Crisis Line: (800) 669-3176

### Benton County

- [DV Services of Benton & Franklin Counties](#), Kennewick, WA. Office: (509) 735-1295, Crisis Line: (509) 582-9841

### Chelan County

- [NW Immigrant Rights Project](#), Wenatchee, WA. Office: 509.570.0054, Crisis Line: 866.271.2084
- [Sage](#), Wenatchee, WA. Office: (509) 663-7446, Crisis Line: (509) 663-7446

### Clallam County

- [Forks Abuse Program](#), Forks, WA. Office: (360) 374-6411, Crisis Line: (360) 374-2273
- [Healthy Families of Clallam County](#), Port Angeles, WA. Office: (360) 452-3811, Crisis Line: (360) 452-4357
- [Lower Elwha Klallam Tribe – Family Advocacy Program](#), Port Angeles, WA. Office: (360) 565-7257

### Clark County

- [Cowlitz Indian Tribe – Pathways to Healing](#), Vancouver, WA. Office: (360) 397-8228
- [YWCA Clark County/Safe Choice](#), Vancouver, WA. Office: (360) 696-0167, Crisis Line: (800) 695-0501

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<sup>78</sup> <https://wscadv.org/washington-domestic-violence-programs/> (last viewed 5/18/18)

## Columbia County

- [YWCA – Walla Walla](#), Dayton, WA. Office: (509) 382-9922, Crisis Line: (509) 382-9922

## Cowlitz County

- [Emergency Support Shelter](#), Kelso, WA. Office: (360) 425-1176, Crisis Line: (360) 636-8471

## Douglas County

- [Sage](#), Wenatchee, WA. Office: (509) 663-7446, Crisis Line: (509) 663-7446

## Ferry County

- [Rural Resources Victim Services](#), Coleville, WA. Office: (509) 684-3796, Crisis Line: (509) 684-6139 or 844-509-SAFE (7233)

## Franklin County

- [DV Services of Benton & Franklin Counties](#), Kennewick, WA. Office: (509) 735-1295, Crisis Line: (509) 582-9841

## Garfield County

- [YWCA of Lewiston/Clarkston](#), Lewiston, ID. Office: (208) 743-1535, Crisis Line: (800) 669-3176

## Grant County

- [New Hope DV/SA Services](#), Moses Lake, WA. Office: (509) 764-8402, Crisis Line: (888) 560-6027

## Grays Harbor County

- Chehalis Confederated Tribe – Domestic Violence Program, Oakville, WA. Office: (360) 273-5911, Crisis Line: (360) 709-1874
- [Domestic Violence Center of Grays Harbor](#), Hoquiam, WA. Office: (360) 538-0733, Crisis Line: (800) 818-2194

## Island County

- [Citizens Against Domestic & Sexual Abuse \(CADA\)](#), Oak Harbor, WA. Office: (360) 675-7057, Crisis Line: (800) 215-5669

## Jefferson County

- [DOVE House Advocacy Services](#), Port Townsend, WA. Office: (360) 385-5292, Crisis Line: (360) 385-5291

## King County- Seattle Area

- [Abused Deaf Women's Advocacy Services \(ADWAS\)](#), Seattle, WA. Office: (206) 922-7088 TTY, Crisis Line: (206) 812-1001
- [API Chaya](#), Seattle, WA. Office: (206) 568-7576
- [Consejo Counseling & Referral Services](#), Seattle, WA. Office: (206) 467-9976
- [The DoVE Project](#), Vashon, WA. Office: (206) 715-0258, Crisis Line: (206) 462-0911
- [Jewish Family Services – Project DVORA](#), Seattle, WA. Office: (206) 461-3240, Crisis Line: (206) 461-3222
- [New Beginnings](#), Seattle, WA. Office: (206) 783-4520, Crisis Line: (206) 522-9472
- [NW Immigrant Rights Project](#), Seattle, WA. Office: 206-587-4009, Crisis Line: 206-957-8621
- [NW Network of Bisexual, Trans, Lesbian & Gay Survivors of Abuse](#), Seattle, WA. Office: (206) 568-7777
- [Multi-Communities](#), Seattle, WA. Office: (206) 937-7155
- [Refugee Women's Alliance](#), Seattle, WA. Office: (206) 721-0243, Crisis Line: (206) 721-0243
- [Salvation Army-Catherine Booth House](#), Seattle, WA. Crisis Line: (206) 324-4943
- [Salvation Army Domestic Violence Programs](#), Seattle, WA. Office: (206) 447-9944
- [Salvation Army-Hickman House Transitional Housing](#), Seattle, WA. Office: (206) 932-5341
- [Seattle Indian Health Board](#), Seattle, WA. Office: (206) 324-9360
- [Solid Ground – Broadview Emergency Shelter and Transitional Housing Program](#), Seattle, WA. Office: (206) 299-2500, Crisis Line: (206) 299-2500
- [YWCA of Seattle/King/Snohomish](#), Seattle, WA. Office: (206) 490-4353, Crisis Line: (206) 461-4882

## East King County

- [LifeWire](#), Bellevue, WA. Office: (425) 562-8840, Crisis Line: (425) 746-1940

## South King County

- [Domestic Abuse Women's Network \(DAWN\)](#), Kent, WA. Office: (253) 893-1600, Crisis Line: (425) 656-7867
- [Jennifer Beach Foundation](#), Covington, WA. Office: (206) 833-5366
- [YWCA of South King County](#), Renton, WA. Office: (425) 226-1266

## Kitsap County

- [YWCA of Kitsap County-ALIVE Program](#), Bremerton, WA. Office: (360) 479-0522, Crisis Line: (800) 500-5513

## Kittitas County

- [Abuse, Support & Prevention Education Now \(ASPEN\)](#), Ellensburg, WA. Office: (509) 925-9384

## Klickitat County

- [Programs for Peaceful Living](#), Bingen, WA. White Salmon Office: 509-493-1533, Goldendale Office: 509-773-6100, Crisis Line: (800) 352-5541

## Lewis County

- [Human Response Network](#), Chehalis, WA. Office: (360) 748-6601

## Lincoln County

- Family Resource Center, Davenport, WA. Office: (509) 725-4358, Crisis Line: (509) 725-4360

## Mason County

- [Turning Pointe](#), Shelton, WA. Office: (360) 426-1216, Crisis Line: (360) 432-1212

## Okanogan County

- [Room One](#), Twisp, WA. Office: (509) 997-2050, Crisis Line: (509) 997-2050
- [The Support Center](#), Omak, WA. Office: (509) 826-3221, Crisis Line: (888) 826-3221

## Pacific County

- [Crisis Support Network](#), Raymond, WA. Office: (360) 875-6702, Crisis Line: (800) 435-7276

## Pend Oreille County

- [Kalispel Tribe Victim Assistance Services](#), Usk, WA. Office: (509) 445-1664, Crisis Line: (877) 700-7175
- [Pend Oreille Crime Victim Services](#), Newport, WA. Office: (509) 447-2274, Crisis Line: (509) 447-5483

## Pierce County

- [Crystal Judson Family Justice Center](#), Tacoma, WA. Office: (253) 798-4166, Crisis Line: (253) 798-4310
- [Eatonville Family Agency](#), Eatonville, WA. Office: (360) 832-6805
- [Puyallup Tribe of Indians – Community DV Advocacy Program](#), Puyallup, WA. Office: (253) 680-5499, Crisis Line: (253) 680-5499
- [Tacoma Community House Client Advocacy Services](#), Tacoma, WA. Office: (253) 383-3951
- [Korean Women’s Association](#), Tacoma, WA. Office: (253) 535-4202, Crisis Line: (253) 535-4202
- [YWCA of Pierce County](#), Tacoma, WA. Office: (253) 272-4181, Crisis Line: (253) 383-2593

## San Juan County

- [SAFE San Juans](#), Eastsound, WA
  - Lopez Island, Office: (360) 468-3788, Crisis Line: (360) 468-4567
  - Orcas Island, Office: (360) 376-5979, Crisis Line: (360) 376-1234
  - San Juan Island, Office: (360) 378-8680, Crisis Line: (360) 378-2345

## Skagit County

- [Skagit Domestic Violence & Sexual Assault Services](#), Mount Vernon, WA. Office: (360) 336-9591, Crisis Line: (888) 336-9591

## Skamania County

- [Skamania County Council on Domestic Violence & Sexual Assault](#), Stevenson, WA. Office: (509) 427-4210, Crisis Line: (877) 427-4210

## Snohomish County

- [Domestic Violence Services of Snohomish County](#), Everett, WA. Office: (425) 259-2827, Crisis Line: (425) 252-2873
- [Tulalip Indian Tribe – Legacy of Healing Advocacy Center and Safe House](#), Tulalip, WA. Office: (360) 714-4400

## Spokane County

- [Abuse Recovery Ministry and Services](#), Spokane, WA. Office: (509) 484-0600
- [YWCA – Alternatives to Domestic Violence](#), Spokane, WA. Office: (509) 789-9297, Crisis Line: (509) 326-2255

## Stevens County

- [Rural Resources Victim Services](#), Colville, WA. Office: (509) 684-3796, Crisis Line: (509) 684-6139 or 844-509-SAFE (7233)
- Spokane Indian Tribe – Family Violence Program, Wellpinit, WA. Office: (509) 258-7502

## Thurston County

- Chehalis Confederated Tribes DV Program, Oakville, WA. Office: (360) 273-5911
- [Eatonville Family Agency](#), Eatonville, WA. Office: (360) 832-6805
- [SafePlace](#), Olympia, WA. Office: (360) 786-8754, Crisis Line: (360) 754-6300
- [Thurston County Family Justice Center – The Family Support Center](#), Olympia, WA. Office: (360) 754-9297

## Wahkiakum County

- [Charlotte House/St. James Domestic Violence Program](#), Cathlamet, WA. Office: (360) 795-8612, Crisis Line: (360) 795-6400

## Walla Walla County

- [YWCA-Walla Walla](#), Walla Walla, WA. Office: (509) 525-2570, Crisis Line: (509) 529-9922

## Whatcom County

- [Community to Community](#), Bellingham, WA. Office: (360) 738-0893
- Dorothy Place (a part of [Opportunity Council](#)), Bellingham, WA. Office: (360) 734-5121
- [Lummi Victims of Crime](#), Bellingham, WA. Office: (360) 384-2285

- [Domestic Violence & Sexual Assault Services of Whatcom County](#), Bellingham, WA. Office: (360) 671-5714, Crisis Line: (360) 715-1563

#### Whitman County

- [Alternatives to Violence of the Palouse](#), Pullman, WA. Office: (509) 332-0552, Crisis Line: (509) 332-4357

#### Yakima County

- [Lower Valley Crisis & Support Services](#), Sunnyside, WA. Office: (509) 837-6689, Crisis Line: (509) 837-6689
- [NW Immigrant Rights Project](#), Granger, WA. Office: (509) 854-2100, Crisis Line: (888) 756-3641
- [YWCA-Family Crisis Program](#), Yakima, WA. Office: (509) 248-7796, Crisis Line: (509) 248-7796

## Appendix G: WAC 388-60A: Cognitive Behavioral Therapy Features

The following sections of WAC 388-60A (highlighted) demonstrate the prevalence of the cognitive behavioral approach that is embedded in the WAC standards.

**WAC 388-60A-0405 Treatment planning**— What must the treatment plan include and when must it be updated? Each program certified for any level of domestic violence intervention treatment must adhere to the following treatment planning standards:

**(5) The treatment plan must:**

- (a) Adequately and appropriately address any criminogenic needs, as well as high risk, critical, and acute factors of the individual participant;
- (b) Identify the program's general responsivity by documenting the evidence-based or promising treatment modality the program will use to address the participant's risks and needs in order to assist them in meeting their goals or objectives;
- (c) Identify the program's specific responsivity, taking into account the participant's characteristics such as their strengths, learning style, personality, motivation, bio-social factors, and culture;

**(d) Include individualized goals or objectives which are behaviorally specific and measurable;**

- (e) Document required referrals to other treatments or classes such as mental health, substance use, or parenting, which are necessary in order for the participant to be successful in domestic violence intervention treatment;
  - (f) Document recommended referrals to other treatment programs and resources; and
  - (g) Document which treatment gets priority and the sequence of treatment for the participant if more than one treatment service is indicated on the plan; and
- (6) The treatment plan must be updated when indicated by:** (a) Significant changes in the participant's behavior or circumstances;

- (b) Factors associated with victim safety;
- (c) A change in the participant's treatment risks, needs, goals, or objectives; or
- (d) If the participant is moving to a higher or lower level of treatment.

**WAC 388-60A-0415 Required cognitive and behavioral changes**— Depending on their level of treatment, what changes must the program document that the participant has made?

- (1) For levels one, two and three treatment, the program must ensure:

(a) The groups are facilitated by a program staff member who is designated by the department at the staff or supervisor level; (b) A trainee may co-facilitate with a staff or supervisor, but must not facilitate the group alone at any time;

(c) The program uses evidence-based or promising practices (see WAC 388-60A-0310) to facilitate the areas of treatment focus listed in this section;

(d) The cognitive and behavioral changes in this section are the minimum standard for certified domestic violence intervention treatment and the program must add topics, discussions, lessons, exercises, or assignments that meet the individual treatment needs of the participant;

(e) The areas of treatment in this section include cognitive and behavioral changes, which must be shared in treatment by the participant and documented by the program in the participant's individual record as those changes are identified;

(f) Each treatment program certified for levels one, two, and three domestic violence intervention treatment must document in each participant's file that the following cognitive and behavioral changes are documented for each participant and at a minimum include:

(i) **Types of abuse:** Individual and specific examples of how the participant has acknowledged that they have engaged in any abusive behaviors including but not limited to the following types of abuse: (A) Physical;

(B) Emotional and psychological including terrorizing someone or threatening them; (C) Verbal;

(D) Spiritual;

(E) Cultural;

(F) Sexual;

(G) Economic;

(H) Physical force against property or pets;

(I) Stalking;

(J) Acts that put the safety of partners, children, pets, other family members, or friends at risk; and (K) Electronic, online, and social media;

(ii) **Belief systems:** Exploration of the participant's individual and cultural belief system, including acknowledgement of how those beliefs have allowed and supported violence against an intimate partner including privilege or oppression;

(A) Specific examples of how the participant's individual belief system has allowed or supported the use or threat of violence to establish power and control over an intimate partner; and (B) Examples of how the participant has experienced societal approval

and support for control through violence and the designation of an intimate partner or children as safe targets for this violence;

(iii) **Respectful relationships:** Documentation of new skills the participant has gained through exercises in learning and practicing respectful relationship skills including techniques to be nonabusive and non-controlling that include but are not limited to: (A) Requesting and obtaining affirmative consent as an essential aspect of interpersonal relationships; and

(B) Respecting boundaries about others' bodies, possessions, and actions;

(iv) **Children:** Documentation of the participant's understanding of how children have been impacted by the participant's abuse and the incompatibility of domestic violence and abuse with responsible parenting including but not limited to:

(A) An understanding of the emotional impacts of domestic violence on children;

(B) An understanding of the long-term consequences that exposure to incidents of domestic violence may have on children; and

(C) The behavioral changes the participant has made and shared with the group as a result of this understanding; (v) **Accountability:** Documentation of the participant's understanding of accountability for their abusive behaviors and their resulting behavioral changes including but not limited to: (A) Documentation of the participant's understanding of how they are solely responsible for their abusive and controlling behavior and how they acknowledge this fact;

(B) An understanding of the need to avoid blaming the victim and the ability to consistently take responsibility for the participant's abusive behavior, including holding themselves and others in group accountable for their behavior;

(C) Documentation of a minimum of three separate individual examples of how the participant has taken accountability since beginning domestic violence intervention treatment which must be kept in the participant's file;

(D) Documented examples of how the participant has demonstrated spontaneous accountability in treatment, taking accountability in the moment;

(E) Documentation of the participant's accountability plan: (I) The treatment program may assist the participant in developing the plan;

(II) In the plan the participant must make a commitment to giving up power and control, including abusive and controlling behaviors towards the victim and others;

(III) In the plan the participant must take accountability for specific abusive behaviors they have committed and have a plan for stopping all abusive behaviors;

(IV) In the plan the participant must identify examples of individualized and specific behavioral changes they have made which demonstrate an understanding of

accountability; and (V) In the plan the participant must identify their personal motivations, ethics, and values as they relate to maintaining healthy relationships; and (F) Documentation that the participant has demonstrated an understanding of accountability in their past and current relationships, and their progress in taking accountability

including the resulting cognitive and behavioral changes during treatment;

(vi) **Financial and legal obligations:** Documentation of the participant's understanding of why it is necessary for them to meet their financial and legal obligations to family members and the actions they are taking to meet those obligations;

(vii) **Empathy:** Documentation of the exercises or assignments on empathy building that demonstrate the participant's cognitive and behavioral changes as a result of increasing their empathy; (viii) **Defense mechanisms:** Documentation of what the participant has identified as their individual defense mechanisms such as projection, denial, and detachment as well as healthy coping strategies the participant has learned, and the cognitive and behavioral changes they have made in dealing with unpleasant feelings;

(ix) **Self-care:** Documentation of individualized self-care practices the participant has learned and incorporated into their lives, and documentation of their understanding of why self-care is crucial for healthy relationships;

(x) **Support system:** Documentation of the participant's healthy support system, including who they have identified as part of that system and how they provide healthy support;

(xi) **Indicators:** Documentation of the indicators or red flags the participant has identified that they have engaged in, their understanding of how those behaviors are abusive, and the cognitive and behavioral changes they have made as a result; (xii) **Cognitive distortions:** Documentation of the cognitive distortions or thinking errors the participant has identified, that they have used to justify their abusive behaviors, and how they have learned to reframe and change their thinking when those cognitive distortions are present;

(xiii) **Personal motivations:** Documentation of the participant's personal motivations for abusive behaviors and the cognitive and behavioral changes they have made to replace those beliefs and subsequent behaviors which include but are not limited to:

- (A) A sense of entitlement;
- (B) A belief that the participant should have power and control over their partner;
- (C) Learned experience that abuse can get the participant what they want;
- (D) The need to be right or win at all costs; and
- (E) Insecurity and fear;

(xiv) **Relationship history:** Documentation of the participant's relationship history which documents common characteristics, motivations for abuse, applicable cognitive distortions, and indicators of domestic violence throughout the participant's history of intimate relationships;

(A) The treatment program and group may assist the participant in developing the relationship history; and

(B) The relationship history must focus on the participant's behaviors in an accountable manner without blaming others; and (xv) **Criminogenic needs:** Documentation of treatment in group or individual sessions with level three participants that addresses their individual criminogenic needs as indicated through assessment and treatment planning.

**WAC 388-60A-0430 Completion criteria and core competencies – What must the program document for a participant to be eligible to successfully complete treatment?**

(1) The program must ensure:

(a) The participant has met the program's written criteria for satisfactory completion of treatment including: (i) Cooperation with all program rules and requirements; (ii)

The goals or objectives of the participant's treatment plan, which include measurable behavioral changes; and (iii) The minimum treatment period and requirements; (b)

The participant has attended and complied with all other treatment sessions required by the program, which may include ancillary treatments or classes such as mental health, substance use, or parenting;

(c) The participant is in compliance with all related court orders; (d) When a participant who is court ordered to pay spousal or child support is behind on payments, they must show a payment plan agreement and documentation that they have been in compliance with the plan for a minimum of six months, in order to be in compliance; and

(e) Documentation of all cognitive and behavioral changes as required through coverage of the treatment topics, the completion of all assignments, and the requirements as outlined in the level of treatment in which they participated.

(2) In order to complete levels one, two, or three treatment the program must also document the participant has successfully demonstrated core competencies:

(a) Accountability and adherence to the participant's accountability plan;

(b) Increased victim safety as evidenced by written documentation of the participant's demonstration of a change in their beliefs which have resulted in the

participant's cessation of all violent acts or threats of violence for a minimum of the last six months; and

(c) Knowledge of their personal primary motivations for abusive or controlling behaviors and alternative ways to meet their needs in a non-abusive manner.

# Domestic Violence Risk Assessment

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Report to the Washington State Legislature and Governor Jay Inslee

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

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

June 2018

June 26, 2018

*To the Legislature and Governor Inslee:*

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

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

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

A handwritten signature in black ink, appearing to read "Marilyn Paja".

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

A handwritten signature in blue ink, appearing to read "Eric Lucas".

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

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# EXECUTIVE SUMMARY

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

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

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

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

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

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

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

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

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

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

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

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

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

# INTRODUCTION

## Background and Report Objectives

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

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

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

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

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

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

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

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

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

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

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

<http://www.courts.wa.gov/newsinfo/?fa=newsinfo.pressdetail&newsid=12727>

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

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

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

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

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

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

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

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

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

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

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

<sup>18</sup> See footnote 5

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

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

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

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

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

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

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

## Work Group Convener and Co-Collaborators

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

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

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

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

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

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

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

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

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

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

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

## Work Group Designees and Other Contributors

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

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

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

Other contributors invited and participating in the work group included:

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

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

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

### **Work Group Activities and Consensus Building**

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

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

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

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

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

## KEY DEFINITIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## RISK ASSESSMENT RESEARCH

### Risk Assessment Overview

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

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

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

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

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

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

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

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

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

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

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

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

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

<sup>37</sup> Andrews, Donald A., Ivan Zinger, Robert D. Hoge, James Bonta, Paul Gendreau, and Francis T. Cullen (1990). "Does correctional treatment work? A clinically relevant and psychologically informed meta-analysis." *Criminology*, 28(3): 369-404. Taxman, Faye S., Meridith Thanner, and David Weisburd (2006). "Risk, need, and responsivity (RNR): It all depends." *Crime & Delinquency*, 52(1): 28-51.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **Domestic Violence Risk Assessment**

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

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

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

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

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

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

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

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

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

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

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

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

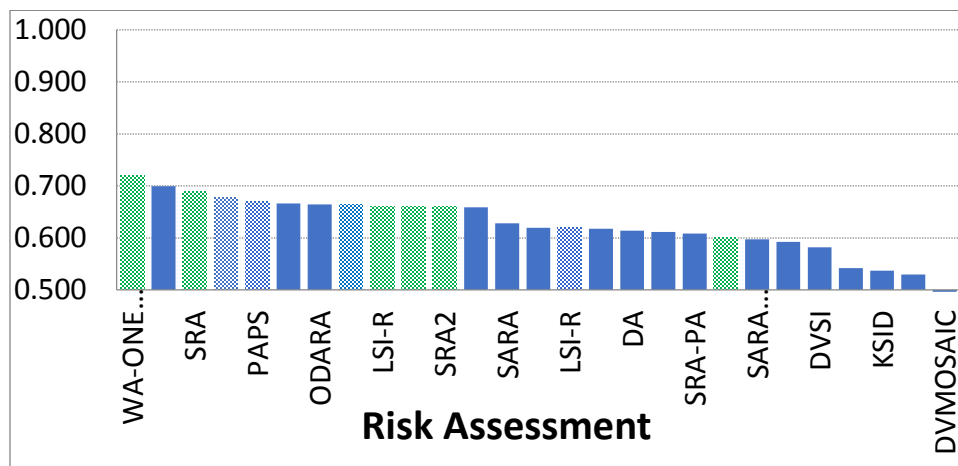
The third study located was a systematic review of research on risk assessment validation studies in Washington State. The review examined the predictive accuracy of risk assessment tools that were delivered and validated on a Washington state general offender population. Although this study includes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

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

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

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



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

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

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

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

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

## Additional Research Needed for Analysis and Quality Improvements

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

### *Definition of Domestic Violence*

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

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

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

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

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

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<sup>53</sup> 1979 ex.s. c 105 § 2.

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

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

<sup>56</sup> 1984 c 263 § 20

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

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

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

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

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

<sup>58</sup> 1995 c 246 § 21

<sup>59</sup> 1995 c 246 § 21

<sup>60</sup> RCW 26.50.010.

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

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

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

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

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

<sup>63</sup> Id.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

<sup>68</sup> For example, the following changes to RCW 26.50.010 could be made:

26.50.010(3): "Domestic violence" means: (a) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault, sexual assault, or stalking as defined in RCW 9A.46.110 of one intimate partner by another intimate partner, or (b) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault, sexual assault, or stalking as defined in RCW 9A.46.110 of one family or household member by another family or household member.

26.50.010(6): The definition of "family or household members" could be narrowed to include "adult persons related by blood or marriage, adult persons who are presently residing together or who have resided together in the past, and persons who have a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren."

A new subsection could then be added to define "intimate partner" as: "Intimate partner" means spouses, domestic partners, former spouses, former domestic partners, persons who have a child in common regardless of whether they have been married or have lived together at any time, persons sixteen years of age or older who are presently residing together or who have resided together in the past and who have or have had a dating relationship, and persons sixteen years of age or older with whom a person sixteen years of age or older has or has had a dating relationship."

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

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

### *Other Data Necessary for Analysis*

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

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

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

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

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

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

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

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

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

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

## Outcomes

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

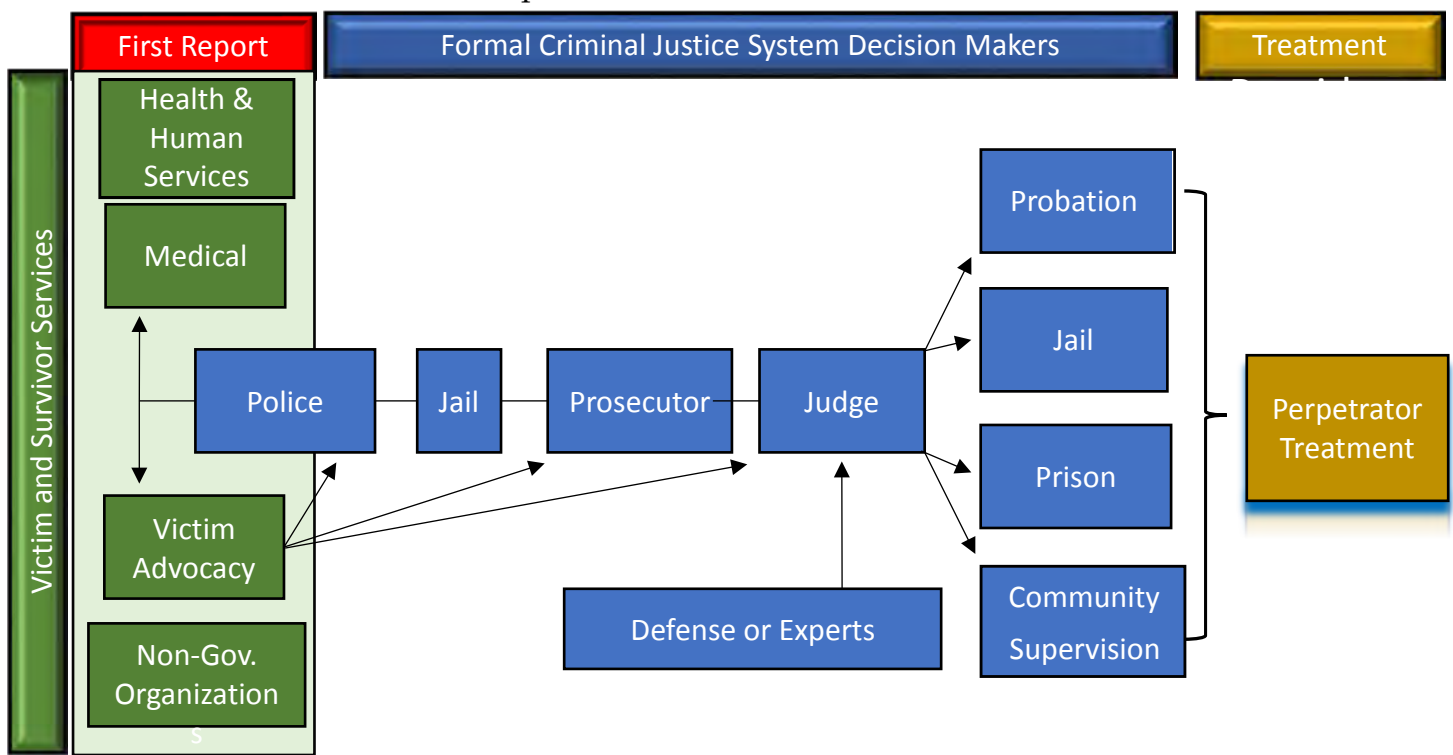
## DOMESTIC VIOLENCE RISK ASSESSMENT AT DIFFERENT PHASES WITHIN THE LEGAL SYSTEM

### Overview

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

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

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



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

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

## Criminal Process

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

### *Law Enforcement Report*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### *Pretrial Release*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### *Mitigating Bias in Decision Making*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### *Post-Adjudication*

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

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

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

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

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

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

<sup>125</sup> ARLJ 11.1.

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

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

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

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

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

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

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

## **Civil Process**

### *Protection Order Hearings*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### Court Access to Information

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

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

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

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

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

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

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

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<sup>150</sup> RCW 26.50.160

<sup>151</sup> RCW 26.50.135

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### Firearms Surrender

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

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

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

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

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

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

<sup>163</sup> 2016 Crime in Washington: Annual Report (2016), available at <http://www.waspc.org/assets/CJIS/2016%20crime%20in%20washington.small.pdf>

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

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

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

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

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

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

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

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

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

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

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

*Family Law Proceedings*

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

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

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

### *Dependency Proceedings*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## CONCLUSION

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

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

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

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# APPENDICES

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

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

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

## Appendix B: Intimate Partner Risk Assessment- Key Characteristics

This Appendix provides a summary of seven intimate partner violence risk assessments reviewed in Section IV of this report, including the Danger Assessment (and variations of the DA), DV-MOSAIC, DVRAG, DVSI, EDAIP, ODARA and SARA. Depending on the specific tool, these assessments can be used by in criminal justice settings (primarily law enforcement or the courts) or by non-criminal justice organizations such as medical/emergency, social services, health care, emergency, civil hearings.

	Assessment Tool	Outcome	Point in system	Target population	Administration	Data collection	# questions on assessment
1	DA <i>Danger Assessment</i>	Predict Lethality/Severe injury/IPV assault recidivism	Non-Profits, Medical, Social service	Female IPV Victims	Victim Advocates, Social workers	Victim Interview:  Victim is asked questions by administrator; victim fills out calendar	20 yes/no questions; calendar to assess severity and frequency of abuse over one year
	Jacquelyn C. Campbell, Ph.D., R.N. Copyright, 2003; www.dangerassessment.com						
a	DA-R <i>Danger Assessment Revised</i>	Predict IPV assault recidivism in female same sex	Non-Profits, Medical	Female IPV Victims involved in same -	Victim Advocates, Social workers	Victim Interview:	18 yes/no questions; calendar to assess severity and frequency of

	Nancy Glass, PhD, MPH, RN & Jacquelyn C. Campbell, PhD, RN, FAAN Copyright 2007 Johns Hopkins University, School of Nursing	relationships		sex relationship		Victim is asked questions by administrator; victim fills out calendar	abuse over one year
b	DA-5 <i>Danger Assessment – 5 questions</i>	Informs victim of dangerousness; victim empowerment to make choices i.e, report to LE, victim advocate, hotline	Medical – Emergency Department, Health care settings  May be used in civil hearings – child custody, protection order	Female and male IPV victims	EMT, Nurses, Social Workers in medical setting, health department workers	Victim Interview	5 yes/no questions created from the DA
	Jacquelyn C. Campbell, Ph.D., R.N. Copyright, 2015						
c	DA-I <i>Danger Assessment-Immigrant</i>	Predict Lethality/Severe injury	Non-Profit Organizations, Medical Practitioners, Emergency responders	Female Immigrant IPV victims		Victim Interview:  Victim is asked questions by administrator; victim	Under evaluation

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

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

				60 – 90 min administratio n time		
SRA-PA						

## Appendix C: Data Analysis Checklist

# WORKSHEET D

## DATA ANALYSIS CHECKLIST

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

## Appendix D: Lethality Assessment Program Risk Assessment Tool



### Domestic Violence Lethality Assessment Screen (LAP)

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

Fax all completed LAP to: 360.647.6015

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

### OPTS First Appearance Evaluation

Eval Date [REDACTED]

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

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

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

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

MH Issues YES SA Issues YES

The defendant reports mental health and substance abuse treatment needs.

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

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

Attorney Choice Public Defender Appointed Notes

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

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

Finding Date 05/18/2018

## Appendix F: Sample Personal Recognizance Card

Page 1 of 1

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

[http://smcappweb/smc/ISIS/prisdashboards/PrintScreening.aspx?type=Defense\\_Counsel&p...](http://smcappweb/smc/ISIS/prisdashboards/PrintScreening.aspx?type=Defense_Counsel&p...) 5/21/2018

THE MUNICIPAL COURT OF SEATTLE



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

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

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

**VICTIM STATEMENT**

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

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

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

### Criminal History Screen and Person/Case Tabs

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

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

JABs Summary Tab & Electronic Citation Attachment

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

<a href="#">Summary</a>	<a href="#">DOL PDF</a>	<a href="#">FTAs</a>	<a href="#">Orders</a>	<a href="#">Proceedings</a>	<a href="#">Relations</a>	<a href="#">Warrants</a>	<a href="#">Assessment</a>
<a href="#">Docket</a>	<a href="#">DVI</a>	<a href="#">FTAs</a>	<a href="#">Orders</a>	<a href="#">Proceedings</a>	<a href="#">Participants</a>	<a href="#">eTicket</a>	<a href="#">Plea/Sent</a>

**Confidential - Not for Release**

**Summary for Case:** [REDACTED] **Court:** SPOKANE COUNTY DIST (SPD) [Help](#)

<b>Defendant 1:</b> R <span style="background-color: black; color: black;">[REDACTED]</span>	<b>Law Enforcement Agency:</b> SPOKANE COUNTY SHERIFF
<b>Date of Birth:</b> <span style="background-color: black; color: black;">[REDACTED]</span>	<b>Case Type:</b> Criminal Non-Traffic
<b>Address Line 1:</b> <span style="background-color: black; color: black;">[REDACTED]</span>	<b>Filed In:</b> SPOKANE COUNTY DISTRICT COURT
<b>Address Line 2:</b> <span style="background-color: black; color: black;">[REDACTED]</span>	<b>Order Type:</b> NO CONTACT. Order status: Active
<b>City:</b> <span style="background-color: black; color: black;">[REDACTED]</span>	<b>Warrant Status:</b> None
<b>State:</b> WA	<b>FTA Status:</b> None
<b>Country:</b> US	<b>Case Disposition:</b>
<b>Postal Code:</b> <span style="background-color: black; color: black;">[REDACTED]</span>	<b>Process Control Number:</b> 603384822 10/22/2017

**Violation Date:** 10/22/2017 at 09:52 PM  
**Location:** 12120 Block of DIVISION ST RefWay: HASTINGS RD MilePost: 0.0

**City:** Spokane Valley  
**County:** SPOKANE

**Original eTicket Violations:**

<b>Violation 1:</b> ASSAULT 4TH DEGREE	9A.36.041.2	<b>Original Bail:</b> MANDATORY	<b>DV:</b> Yes
<b>Violation 2:</b> POSS OF DANGEROUS WEAPON	9.41.250	<b>Original Bail:</b> MANDATORY	<b>DV:</b> No

**Note:** brass knuckles

**JIS Case Violations:**

<b>Violation 1:</b> <a href="#">ASSAULT 4TH DEGREE</a>	<a href="#">9A.36.041.2</a>	MANDATORY APPEARANCE	<b>DV:</b> Yes
Arraignment held on 10/23/2017. Plea/response of Not Guilty was entered on 10/23/2017.			
<b>Violation 2:</b> <a href="#">POSS OF DANGEROUS WEAPON</a>	<a href="#">9.41.250</a>	MANDATORY APPEARANCE	<b>DV:</b> No
Either the arraignment has not been held, or the arraignment date has not been recorded in JIS.			

**Officer's Report:**  
see NEW WORLD

**Traffic:** **Weather:** **Street:**

**Attachments:**  
[7Z1089272ViolatorCopy](#)

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

## Electronic Citation Attachment:

<b>CRIMINAL</b> <input type="checkbox"/> <b>TRAFFIC</b> <input type="checkbox"/> <b>NON-TRAFFIC</b> <input checked="" type="checkbox"/>		L.E.A. ORI #: WA0320000		COURT ORI #: WA032013J		7Z1089272		REPORT #: 1710142343	
IN THE <input checked="" type="checkbox"/> DISTRICT <input type="checkbox"/> MUNICIPAL COURT OF		<b>SPOKANE COUNTY DISTRICT COURT</b>				CITY/TOWN OF		PLAINTIFF VS. NAMED DEFENDANT	
<input checked="" type="checkbox"/> STATE OF WASHINGTON <input type="checkbox"/> COUNTY OF									
<b>THE UNDERSIGNED CERTIFIES AND SAYS THAT IN THE STATE OF WASHINGTON</b>									
DRIVER'S LICENSE NO. (SCANNED) R		STATE WA	EXPIRES 10-22-23	PHOTO ID MATCHED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	NAME - LAST R	FIRST [REDACTED]	MIDDLE [REDACTED]	SFX	CDL/CLP <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
ADDRESS [REDACTED]		IF NEW ADDRESS		CITY [REDACTED]	STATE WA		ZIP CODE 9 [REDACTED]		
EMPLOYER LOCATION [REDACTED]									
RACE W	SEX M	HEIGHT 5'1"	WEIGHT 145	EYES HAZ	HAIR	RESIDENTIAL PHONE NO.	CELL/PAGER PHONE NO.	WORK PHONE NO.	
VIOLATION DATE ON OR ABOUT 10/22/2017 21:52		INTERPRETER NEEDED LANG:		AT LOCATION REF. TRAFFICWAY DIVISION ST HASTINGS RD		M.P. BLOCK # 12120	CITY/COUNTY OF SPOKANE VALLEY/SPOKANE		
<b>DID OPERATE THE FOLLOWING VEHICLE/MOTOR VEHICLE ON A PUBLIC HIGHWAY AND</b>									
VEH LIC NO	STATE	EXPIRES	VEH YR	MAKE	MODEL	STYLE	COLOR		
TR #1 LIC NO	STATE	EXPIRES	TR YR	TR #2 LIC NO		STATE	EXPIRES	TR YR	
OWNER/COMPANY IF OTHER THAN DRIVER ADDRESS				CITY		STATE		ZIP CODE	
ACCIDENT	BAC	COMMERCIAL VEHICLE	<input type="checkbox"/> YES <input type="checkbox"/> NO	16+ PASS	<input type="checkbox"/> YES <input type="checkbox"/> NO	HAZMAT	<input type="checkbox"/> YES <input type="checkbox"/> NO	EXEMPT VEHICLE	<input type="checkbox"/> YES <input type="checkbox"/> NO
<b>DID THEN AND THERE COMMIT EACH OF THE FOLLOWING OFFENSES</b>									
1. VIOLATION/STATUTE CODE		9A.36.041.2		<input checked="" type="checkbox"/> DV ASSAULT 4TH DEGREE					
2. VIOLATION/STATUTE CODE		9.41.250		<input type="checkbox"/> DV POSS OF DANGEROUS WEAPON					
		BRASS KNUCKLES							
3. VIOLATION/STATUTE CODE				<input type="checkbox"/> DV					
4. VIOLATION/STATUTE CODE				<input type="checkbox"/> DV					
5. VIOLATION/STATUTE CODE				<input type="checkbox"/> DV					
RELATED #		DATE ISSUED 10-22-17							
MANDATORY COURT APPEARANCE		APPEARANCE DATE 10-31-17		TIME 9:00 AM					
<input checked="" type="checkbox"/> TICKET SERVED ON VIOLATOR		<input type="checkbox"/> TICKET REFERRED TO PROSECUTOR							
<input checked="" type="checkbox"/> BOOKED									
<b>CRIMINAL CITATION</b>									
You are charged with the crime(s) described on this form. You must respond to the court below.									
<b>SPOKANE COUNTY DISTRICT COURT</b> 1100 W. MALLON PO BOX 2352 SPOKANE WA 99210-2352 Court Contact Info: Phone 1: (509)477-4770 Email: DCCaseMgmt@spokanecounty.org Website: SpokaneCounty.org/DistrictCourt				Traffic citations may go on your driving record.  IF YOU DO NOT APPEAR this may result in a warrant for your arrest and detention in jail. Also, if "Traffic" is checked you may lose your driver's license/privilege.					
I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT I HAVE ISSUED THIS ON THE DATE AND AT THE LOCATION ABOVE, AND I HAVE PROBABLE CAUSE TO BELIEVE THE ABOVE NAMED PERSON COMMITTED THE ABOVE OFFENSE(S), AND I AM ENTERING MY AUTHORIZED USER ID AND PASSWORD TO AUTHENTICATE IT.									
OFFICER		NATALIE WOOLARD		# 591841					
OFFICER				#					
One of the following options applies: 1. If there is a <b>date</b> in the appearance date box you must appear in court at that date and time. 2. If there is a <b>number</b> in the appearance date box you must appear in court within the number of days indicated. 3. If the appearance date box is <b>blank</b> , the court will notify you in writing when to appear. If you do not receive a notice within fifteen (15) days please contact the court immediately. When you appear, you will be advised of your constitutional rights and the possible penalties if you are convicted. You also may be asked to enter a plea of NOT GUILTY or GUILTY.						<b>MANDATORY APPEARANCE</b>  IF RCW LISTED APPEARS BELOW PLEASE READ <b>RCW 46.61.502 Driving Under the Influence (DUI)</b> drive a motor vehicle and either: have a 0.08 or higher breath or blood alcohol concentration or THC concentration of 5.00 or higher within 2 hours after driving or be under the influence of or affected by liquor, marijuana, or any drug, or a combination of liquor, marijuana, and any drug. <b>RCW 46.20.342(1)(a) First Degree Driving While Suspended/Revoked (DWLS)</b> be an habitual traffic offender and drive a motor vehicle while an order of revocation issued under chapter 46.65 RCW prohibiting such operation is in effect. <b>RCW 46.20.342(1)(b) Second Degree Driving While Suspended/Revoked (DWLS)</b> drive a motor vehicle while an order of suspension or revocation prohibiting such operation is in effect, and not be eligible to reinstate the license or driving privilege. <b>RCW 46.20.342(1)(c) Third Degree Driving While Suspended/Revoked (DWLS)</b> drive a motor vehicle while the license or privilege to drive is suspended or revoked for (1) failure to furnish proof of satisfactory progress in a required alcoholism or drug treatment program; or (2) failure to furnish proof of financial responsibility pursuant to chapter 46.29 RCW; or (3) failure to comply with chapter 46.29 RCW relating to uninsured accidents; or (4) failure to respond to a notice of traffic infraction, failure to appear at a requested hearing, violation of a written promise to appear in court, or failure to comply with the terms of a notice of traffic infraction or citation; or (5) suspension or revocation in another state that would not result in suspension or revocation in this state; or (6) failure to reinstate the driver's license or privilege after suspension or revocation in the second degree; or (7) the person has a suspension under RCW 46.20.267 relating to intermediate driver's licenses; or (8) not in compliance with child support order, or any combination of the above.			

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Confidential - Not for Release

Abstract Driving Record for Person: [REDACTED]

1 page document [Help](#)

WASHINGTON STATE DEPARTMENT OF LICENSING

Driving Record - [REDACTED]

Abstract of Driving Record - Court

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

Driver information

PIC B [REDACTED]

Last B [REDACTED]

First [REDACTED]

Middle [REDACTED]

Eye color Green

Suffix

DOB [REDACTED]

Gender Female

Height 5'5"

Weight 115

Residence address

[REDACTED]

Residence address change

Requested 5/24/2018

Effective 5/24/2018

Reason In person

Driver license status

Status Clear

Issued [REDACTED]

Expires [REDACTED]

Original issue date [REDACTED]

ID status

Issued [REDACTED]

Expires [REDACTED]

Original issue date [REDACTED]

Drive record history

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

Comments

Date	Comment
5/24/2018	Residence address change: MT 3/18/2015 3/18/2015   MT 3/16/2004 3/16/2004 - Mailing address change: MT 3/18/2015 3/18/2015   V 3/30/2006 6/12/2006
5/24/2018	Residence address verified: Match 3/18/2015   - Mailing address verified:
7/28/2011	QK336686D ID 1Z0325422
8/10/2007	Moved out of state to ID1. Returned to WA on 5/24/2018

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

JABs Domestic Violence Inquiry Tab


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**Domestic Violence Inquiry for all Participants in Case** [REDACTED] [Help](#)

Domestic, Parentage, or Dependency Cases with DV or Children

NONE FOUND

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

NONE FOUND

Convictions of DV or Sex Related Crimes

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

Pending Criminal Cases of DV or Sex Related Crimes

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

## JABs Orders Tab

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Order Information for Person:

B

Help

Exp/Term/Deny Date	Order Description	Status	Decision	Party	Case Number	Court
	<a href="#">No Contact Order (Criminal)</a>	Active	RESTRAINS	Defendant (WIP)		S02
	<a href="#">ANTI-HARASSMENT</a>	Active	RESTRAINS	Respondent		POD
06/18/2018	<a href="#">TEMP PROTECTION</a>	Terminated	PROTECTS	Petitioner		SPD
05/31/2018	<a href="#">TEMP ANTI-HARASSMENT</a>	Terminated	RESTRAINS	Respondent		POD
05/10/2018	<a href="#">TEMP ANTI-HARASSMENT</a>	Denied	DENIED	Respondent		POD
05/10/2018	<a href="#">TEMP ANTI-HARASSMENT</a>	Terminated	RESTRAINS	Respondent		POD
04/26/2018	<a href="#">TEMP ANTI-HARASSMENT</a>	Expired	RESTRAINS	Respondent		POD
04/12/2018	<a href="#">Temporary Protection Order</a>	Terminated	RESTRAINS	Respondent (WIP)		S26
04/12/2018	<a href="#">Protection Order</a>	Denied	DENIED	Respondent (WIP)		S26
04/12/2018	<a href="#">Protection Order</a>	Denied	DENIED	Respondent (WIP)		S26
04/12/2018	<a href="#">Protection Order</a>	Denied	DENIED	Respondent (WIP)		S26
12/07/2017	<a href="#">Anti-Harassment Order</a>	Terminated	RESTRAINS	Respondent (WIP)		S26
10/14/2017	<a href="#">ANTI-HARASSMENT</a>	Expired	RESTRAINS	Respondent		SPD
03/31/2017	<a href="#">Temporary Anti-Harassment Order</a>	Expired	RESTRAINS	Respondent (WIP)		S26
03/24/2017	<a href="#">TEMP ANTI-HARASSMENT</a>	Terminated	RESTRAINS	Respondent		SPD
03/10/2017	<a href="#">Temporary Anti-Harassment Order</a>	Expired	RESTRAINS	Respondent (WIP)		S26
02/13/2017	<a href="#">Temporary Anti-Harassment Order</a>	Denied	DENIED	Respondent (WIP)		S26
02/13/2017	<a href="#">Temporary Anti-Harassment Order</a>	Denied	DENIED	Respondent (WIP)		S26
02/10/2017	<a href="#">NO CONTACT</a>	Expired	RESTRAINS	Defendant		SPD
10/22/2016	<a href="#">Protection Order</a>	Expired	RESTRAINS	Respondent (WIP)		S26
08/11/2016	<a href="#">PROTECTION</a>	Expired	RESTRAINS	Respondent		ASD
10/22/2015	<a href="#">Temporary Protection Order</a>	Expired	RESTRAINS	Respondent (WIP)		S26
06/03/2014	<a href="#">No Contact Order (Criminal)</a>	Terminated	RESTRAINS	Defendant (WIP)		S02
07/01/2013	<a href="#">ANTI-HARASSMENT</a>	Expired	RESTRAINS	Defendant		WTD
11/08/2012	<a href="#">NO CONTACT</a>	Terminated	RESTRAINS	Defendant		SPM
08/20/2010	<a href="#">No Contact Order (Criminal)</a>	Expired	RESTRAINS	Defendant (WIP)		S38
08/02/2010	<a href="#">PROTECTION</a>	Denied	DENIED	Respondent		S32
08/02/2010	<a href="#">TEMP PROTECTION</a>	Expired	RESTRAINS	Respondent		S32
08/02/2010	<a href="#">TEMP PROTECTION</a>	Expired	RESTRAINS	Respondent		S32

10-2-0239342

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

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

JABs Relations Tab

Summary	Docket	DVI	FTAs	Orders	Proceedings	Participants	eTicket	Plea/Sent
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Family Relationship History for:

[Help](#)

Address:

Alias:

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

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

Confidential - Not for Release

Family Relationship History for:

[Help](#)

Address:

8415 E B

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

## JABs Warrant Tab

Summary	Docket	DVI	FTAs	Orders	Proceedings	Participants	eTicket	Plea/Sent
	DOL PDF		FTAs	Orders	Proceedings	Relations	Warrants	Assessment
Confidential - Not for Release								
Warrant Information for Person:			B [REDACTED]					<a href="#">Help</a>
Status	Order Date	Issue Date	Reason(s)	Case Number	Court	Amount		
Superior Court Case - click to view warrant related docket text				[REDACTED]	PIERCE CO SUPERIOR			
Superior Court Case - click to view warrant related docket text					SPOKANE SUPERIOR			
Superior Court Case - click to view warrant related docket text					SPOKANE SUPERIOR			
<a href="#">Return Warrant</a>	06/11/2018	06/11/2018	Failure to Appear for Hearing		SPOKANE COUNTY DIST	\$10050.00		
<a href="#">Return Warrant</a>	12/04/2017	12/04/2017	Failure to Appear for Hearing		SPOKANE COUNTY DIST	\$10050.00		
<a href="#">Return Warrant</a>	07/06/2017	07/06/2017	Failure to Appear for Hearing		AIRWAY HTS MUN COURT	\$500.00		
<a href="#">Return Warrant</a>	04/15/2015	04/15/2015	Failure to Appear for Hearing		SPOKANE MUNICIPAL	\$5000.00		
<a href="#">Return Warrant</a>	10/03/2014	10/03/2014	Failure to Appear for Hearing		SPOKANE MUNICIPAL	\$5000.00		
<a href="#">Return Warrant</a>	05/08/2014	05/08/2014	Probable Cause		SPOKANE MUNICIPAL	\$2000.00		
<a href="#">Return Warrant</a>	11/19/2010	11/22/2010	Failure to Appear for Hearing		YAKIMA MUNICIPAL	\$1000.00		
<a href="#">Return Warrant</a>	06/05/2008	06/05/2008	Failure to Appear for Hearing		YAKIMA MUNICIPAL	\$1000.00		
<a href="#">Return Warrant</a>	06/05/2008	06/05/2008	Failure to Appear for Hearing		YAKIMA MUNICIPAL	\$1000.00		
<a href="#">Return Warrant</a>	10/16/2007	10/22/2007	Failure to Appear for Hearing		YAKIMA COUNTY DIST	\$2500.00		
<a href="#">Return Warrant</a>	09/28/2007	10/01/2007	Failure to Comply with Court Order		YAKIMA MUNICIPAL	\$1500.00		
<a href="#">Return Warrant</a>	09/19/2007	09/21/2007	Failure to Appear for Hearing		YAKIMA MUNICIPAL	\$7500.00		
<a href="#">Return Warrant</a>	08/01/2007	08/03/2007	Failure to Appear for Hearing		PUYALLUP MUNICIPAL	\$10000.00		
<a href="#">Return Warrant</a>	08/15/2006	08/15/2006	Failure to Appear for Hearing		YAKIMA MUNICIPAL	\$500.00		
<a href="#">Return Warrant</a>	09/09/2003	09/11/2003	Failure to Appear for Hearing		PUYALLUP MUNICIPAL	\$5000.00		
<a href="#">Return Warrant</a>	02/08/2001	02/08/2001	Failure to Comply with Court Order		RENTON MUNICIPAL	\$450.00		
			Failure to Appear for Hearing					
			Failure to Pay Fine or Appear					
<a href="#">Return Warrant</a>	08/22/2000	08/30/2000	Failure to Appear for Hearing		PUYALLUP MUNICIPAL	\$5000.00		

Details for warrant highlighted above:

Back						
Warrant Detail Information				Court: PIERCE CO SUPERIOR		
Order Date	Issue Date	Cancel/Quash Date	Return Date	Docket Text	Party	Name
01/07/2016				BENCH WARRANT ORDER DIRECTING ISSUANCE OF BENCH W		
		04/14/2016		ORDER QUASHING BENCH WARRANT		
			04/21/2016	SHERIFF'S RETURN ON BW		
<b>Note:</b> If no party information displays in the Party column, then there is insufficient data to determine the participant to which the warrant applies.						

## JABs Assessment Tab & ASRA Report

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

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### Risk Assessment Information for Person: B [REDACTED]

[Help](#)

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

### ASRA RISK ASSESSMENT REPORT FOR 8/10/2015 above

#### Risk Assessment Report for B [REDACTED]

Person Name Code: [REDACTED]

Page 1  
Printed On Date: 08/10/2015

Date of Birth: [REDACTED]

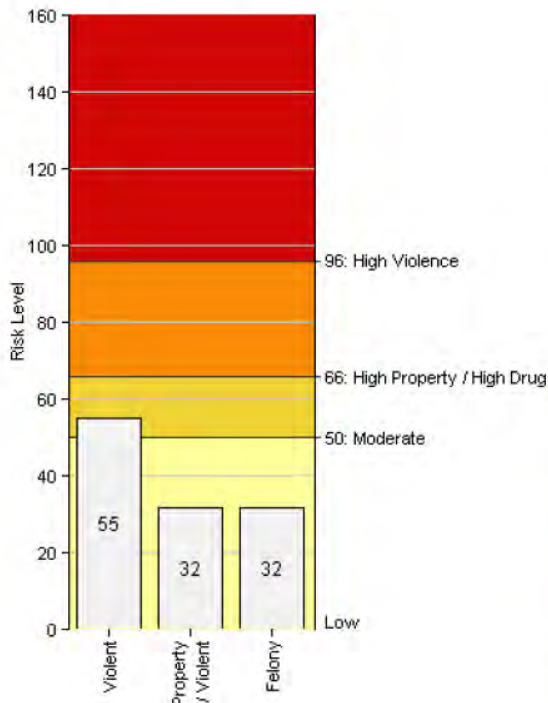
Gender: Male

Assessment Date: 08/10/2015

Assessor Name: [REDACTED]

Assessment Status: Completed

Risk Level: **Low**



#### Risk Score

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

#### Estimated Recidivism Rates

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

#### Risk Level Classification Rules

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

### Criminal Justice Cycles used in Assessment Calculations

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

End Risk Assessment Report for B

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

### JABs Plea & Sentence Tab

<a href="#">Summary</a>	<a href="#">DOL PDF</a>	<a href="#">DVI</a>	<a href="#">FTAs</a>	<a href="#">Orders</a>	<a href="#">Proceedings</a>	<a href="#">Relations</a>	<a href="#">Warrants</a>	<a href="#">Assessment</a>
<a href="#">Docket</a>	<a href="#">FTAs</a>	<a href="#">Orders</a>	<a href="#">Proceedings</a>	<a href="#">Participants</a>	<a href="#">eTicket</a>	<a href="#">Plea/Sent</a>		

Confidential - Not for Release

**Sentencing for Case:** [REDACTED] **Court:** SPOKANE COUNTY DIST (SPD) [Help](#)

**Charge1:** 9A.36.041, ASSAULT 4TH DEGREE **DV:** Yes

**Arraignment:** **Plea/Response:**

**Finding/Judgment:** GV 07/25/2017 **Finding Judge:** PCW **F/J Reason:**

**Sentence Date:** 07/25/2017 **Sentence Judge:** PCW **Waived Counsel:** **BAC:** **THC:**

**Jail Sentence:** 364 **Suspended Jail:** 345 **Credit:** 19 **Jail Complied:** Y

**Fine:** \$5,000.00 **Suspended Fine:** \$5,000.00 **Other:** \$778.00 **Total:** \$778.00

Case Conditions	Time	Fee	Imposed Date	Review Date	Complied
PR5 Proof of Surrender			07/07/2017		N
ODD See docket/special conditions			07/07/2017		N
NCR No Criminal Violations			07/07/2017		N
NCO No Contact Order			07/07/2017	07/07/2099	N
PR5 Proof of Surrender			07/25/2017		N
NCR No Criminal Violations			07/25/2017		N
REC Recoupment		\$275.00	07/25/2017		N
PRF Probation Fee Assessed		\$460.00	07/25/2017		N
NND No Use of Non-prescribed Drugs			07/25/2017		N
NCP No contact per court directive			07/25/2017		N
NAD No Alcohol or Drugs			07/25/2017		N
NAC Notify court of address change			07/25/2017		N
ICP Interstate Compact Placement			07/25/2017		N
GUN No Firearms/Possess Firearms			07/25/2017		N
DVT Domestic Violence Treatment			07/25/2017		N
DVA Domestic Violence Assessment			07/25/2017		N
DRT Drug Treatment			07/25/2017		N
DRA Drug Assessment			07/25/2017		N
ALT Alcohol treatment			07/25/2017		N
ACT Active Supervised Probation			07/25/2017		N
AAO Alcohol Assessment			07/25/2017		N
PRO Probation			07/25/2017	07/25/2019	N

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

### New York State Unified Court System

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

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

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

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

### GENERAL INSTRUCTIONS

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

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

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

### At Initial Hearing under §828:

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

### At Dispositional Hearings §833:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

June 2015

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

## Bench Guide for Recognizing Dangerousness in Domestic Violence Cases

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

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

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

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

### Pending/Prior:

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

### Lethality Factors

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

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

### NOTES:

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

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

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## APPENDIX K

### Civil Orders in Washington State

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

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

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

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

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

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

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

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

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



**DMCJA BOARD MEETING**  
**FRIDAY, JULY 13, 2018**  
**12:30 PM – 3:30 PM**  
**AOC SEATAC OFFICE**  
**SEATAC, WA**

**PRESIDENT REBECCA C. ROBERTSON**

**SUPPLEMENTAL AGENDA**

**PAGE**

**Call to Order**

**General Business**

- A. Minutes – June 3, 2018
- B. **Treasurer’s Report**
- C. **Special Fund Report**
- D. Standing Committee Reports
  - 1. Diversity Committee
    - a. August 2018 Pro Tem Training
  - 2. Education Committee – *Judge Charles Short*
    - a. 2018 DMCJA Spring Conference Evaluation Summary Report
    - b. Corrected 2018 DMCJA Spring Conference Evaluation Summary Report**
  - 3. Rules Committee Minutes for May 9, 2018
  - 4. Therapeutic Courts Committee Minutes for May 9, 2018
  - 5. Legislative Committee – *Judge Samuel Meyer*
- E. Trial Court Advocacy Board (TCAB)
- F. Judicial Information Systems (JIS) Report – *Ms. Vicky Cullinane*

**X1-X23**  
**X24**

**X25-X32**

**Liaison Reports**

- A. Administrative Office of the Courts (**AOC**) – *Ms. Callie Dietz*
- B. Board for Judicial Administration (**BJA**) – *Judges Ringus, Jasprica, Logan, and Johnson*
- C. District and Municipal Court Management Association (**DMCMA**) – *Ms. Margaret Yetter*
- D. Misdemeanant Probation Association (**MPA**) – *Ms. Stacie Scarpaci*
- E. Superior Court Judges’ Association (**SCJA**) – *Judge Kitty-Ann van Doorninck*
- F. Washington State Association for Justice (**WSAJ**) – *Loyd James Willaford, Esq.*
- G. Washington State Bar Association (**WSBA**) – *Kim E. Hunter, Esq.*

<p><b>Discussion</b></p> <ul style="list-style-type: none"> <li>A. Governor's Office Pardoning Defendants with Marijuana Possession Violations</li> <li>B. Brief DMCJA Board of Governors (Board) Orientation             <ul style="list-style-type: none"> <li>1. Operational Rules</li> <li>2. Rules for Conduct at Board Meetings</li> <li>3. Motion Precedence and Conduct for DMCJA Board Meetings</li> </ul> </li> <li>C. Development of curriculum for judicial independence             <ul style="list-style-type: none"> <li>1. For Judges to Present to their Legislative/Executive Branches</li> <li>2. For Judges at Association of Washington Cities, Washington Association of Counties, and Washington State Association of Municipal Attorneys</li> <li>3. Presentation at Judicial Conference</li> </ul> </li> <li>D. <b>The new Domestic Violence Washington Administrative Code Procedures (Chapter 388-60A WAC attached to meeting notice; separate handout)</b></li> <li>E. Pursuit of Legislation Exempting Judges from Disclosing their Addresses with the PDC (See <a href="#">RCW 4.24.680</a>, <a href="#">RCW 4.24.690</a>, and <a href="#">RCW 4.24.700</a>)</li> <li>F. Proposed Amendment to CrRLJ 3.2(o) – <i>Ms. J Benway</i></li> </ul>	<p><b>X33-X41</b></p>
<p><b>Information</b></p> <ul style="list-style-type: none"> <li>A. 2018-2019 DMCJA Priorities are located in the meeting packet.</li> <li>B. Board members are encouraged to apply for DMCJA representative positions. Available positions include:             <ul style="list-style-type: none"> <li>1. Commission on Judicial Conduct (CJC)</li> <li>2. JIS CLJ "CLUG" User Group</li> <li>3. Misdemeanant Probation Association (MPA) Liaison</li> <li>4. Presiding Judge &amp; Administrator Education Committee</li> <li>5. Washington State Access to Justice Board (Liaison Position)</li> <li>6. WSBA Court Rules and Procedures Committee</li> </ul> </li> <li>C. Policy Analyst Project Ideas for 2018 are as follows:             <ul style="list-style-type: none"> <li>1. Survey on Committees with DMCJA Representatives (July 2018)</li> <li>2. Courthouse Security Survey (September 2018)</li> <li>3. Judicial Independence Matters (Municipal Court Contracts)</li> </ul> </li> <li>D. Ignition Interlock Report by National Center for State Courts (See <a href="#">Ignition Interlock Report by the National Center for State Court</a>)</li> <li>E. Reports of Engrossed Second Substitute House Bill (E2SHB) 1163 Domestic Violence Workgroups (See attachment on July Board meeting notice; Cover Letter in agenda packet)</li> </ul>	
<p><b>Other Business</b></p> <ul style="list-style-type: none"> <li>A. The next DMCJA Board Meeting is August 10, 2018, 12:30 p.m. to 3:30 p.m., at the AOC SeaTac Office in SeaTac, WA. The Council on Independent Courts will present its final report at this meeting.</li> </ul>	
<p><b>Adjourn</b></p>	

**Christina E Huwe**  
**Pierce County Bookkeeping**  
1504 58<sup>th</sup> Way SE  
Auburn, WA 98092  
Phone (360) 710-5937  
E-Mail: piercecountybookkeeping@comcast.net

**SUMMARY OF REPORTS**

**WASHINGTON STATE  
DISTRICT AND MUNICIPAL COURT JUDGES' ASSOCIATION**

For the Period Ending June 30th, 2018

Please find attached the following reports for you to review:

- Statement of Financial Position
- Monthly Statement of Activities
- Bank Reconciliation Reports
- Transaction Detail Report (year-to-date)
- Current Budget Balance
- Special Fund Bank Statement

Please contact me if you have any questions in regards to the attached.

**PLEASE BE SURE TO KEEP FOR YOUR RECORDS**

**Washington State District And Municipal Court Judges Assoc.**  
**Statement of Financial Position**  
As of June 30, 2018

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	<u>Jun 30, 18</u>
<b>ASSETS</b>	
Current Assets	
Checking/Savings	
Bank of America - Checking	16,625
Bank of America - Savings	57,807
US Bank - Savings	70,766
Washington Federal	50,616
Total Checking/Savings	<u>195,815</u>
Total Current Assets	195,815
Fixed Assets	
Accumulated Depreciation	(693)
Computer Equipment	579
Total Fixed Assets	(115)
Other Assets	
Prepaid Expenses	46,000
Total Other Assets	<u>46,000</u>
<b>TOTAL ASSETS</b>	<b><u>241,700</u></b>
<b>LIABILITIES &amp; EQUITY</b>	
Equity	
Unrestricted Earnings	(82,655)
Unrestricted Net Assets	305,296
Net Income	19,059
Total Equity	<u>241,700</u>
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<b><u>241,700</u></b>

# Washington State District And Municipal Court Judges Assoc.

## Statement of Activities

For the Twelve Months Ending June 30th, 2018

	Jul 17	Aug 17	Sep 17	Oct 17	Nov 17	Dec 17	Jan 18
<b>Ordinary Income/Expense</b>							
Income							
2017 Special Fund	0	50	50	0	0	0	0
Interest Income	10	10	10	10	9	9	5
Membership Revenue	0	0	0	0	0	41,950	59,050
<b>Total Income</b>	<b>10</b>	<b>60</b>	<b>60</b>	<b>10</b>	<b>9</b>	<b>41,959</b>	<b>59,055</b>
<b>Gross Profit</b>	<b>10</b>	<b>60</b>	<b>60</b>	<b>10</b>	<b>9</b>	<b>41,959</b>	<b>59,055</b>
Expense							
Judicial College Program Support	0	0	1,500	0	0	0	0
Prior Year Budget Expense	2,458	3,488	661	0	0	0	0
Board Meeting Expense	0	435	2,004	954	1,216	3,481	1,443
Bookkeeping Expense	0	315	829	310	293	270	293
Conference Calls	0	0	37	54	0	154	77
Conference Planning Committee	0	0	0	0	0	0	0
Spring Conference 2018	0	0	0	0	0	0	0
Diversity Committee	0	86	0	0	0	0	0
DMCJA/SCJA Sentencing Alt.	0	0	0	0	0	0	0
Education Committee	0	0	0	290	512	0	0
Educational Grants	0	0	1,000	0	0	0	0
Judicial Assistance Committee	0	(6,200)	3,289	1,083	3,111	1,125	600
Judicial Community Outreach	0	0	0	0	1,600	0	0
Legislative Committee	0	161	159	41	0	0	147
Legislative Pro-Tem	0	0	0	0	191	0	0
Lobbyist Contract	5,417	5,417	5,417	5,417	3,417	3,417	9,417
Long-Range Planning Committee	0	0	0	0	0	0	0
MCA Liaison	0	220	0	0	0	0	0
Municipal/Dist. Ct Swearing-in	0	0	0	0	0	431	0
National Leadership Grants	0	0	0	0	4,778	0	0
President Expense	0	0	208	0	0	0	160
Treasurer Expense and Bonds	0	0	0	87	0	0	0
99 - Depreciation Expense	10	10	10	10	10	10	10
Bank Service Charges	0	0	14	(14)	14	(14)	0
Interest Expense	18	0	0	0	0	0	0
<b>Total Expense</b>	<b>7,902</b>	<b>3,931</b>	<b>15,126</b>	<b>8,231</b>	<b>15,140</b>	<b>8,873</b>	<b>12,146</b>
<b>Net Ordinary Income</b>	<b>(7,893)</b>	<b>(3,872)</b>	<b>(15,067)</b>	<b>(8,221)</b>	<b>(15,131)</b>	<b>33,086</b>	<b>46,909</b>
<b>Net Income</b>	<b>(7,893)</b>	<b>(3,872)</b>	<b>(15,067)</b>	<b>(8,221)</b>	<b>(15,131)</b>	<b>33,086</b>	<b>46,909</b>

# Washington State District And Municipal Court Judges Assoc.

## Statement of Activities

For the Twelve Months Ending June 30th, 2018

	Feb 18	Mar 18	Apr 18	May 18	Jun 18	TOTAL
<b>Ordinary Income/Expense</b>						
Income						
2017 Special Fund	0	0	0	0	0	100
Interest Income	5	7	6	7	6	93
Membership Revenue	68,175	5,000	5,775	0	0	177,950
<b>Total Income</b>	<b>66,180</b>	<b>5,007</b>	<b>5,781</b>	<b>7</b>	<b>6</b>	<b>178,143</b>
<b>Gross Profit</b>	<b>66,180</b>	<b>5,007</b>	<b>5,781</b>	<b>7</b>	<b>6</b>	<b>178,143</b>
Expense						
Judicial College Program Support	0	0	0	0	0	1,500
Prior Year Budget Expense	0	0	0	0	0	6,606
Board Meeting Expense	1,199	2,229	1,150	1,083	4,638	19,831
Bookkeeping Expense	315	216	216	264	240	3,560
Conference Calls	0	185	0	0	100	606
Conference Planning Committee	0	0	0	0	10	10
Spring Conference 2018	0	0	1,313	479	37,747	39,539
Diversity Committee	0	0	0	0	0	86
DMCJA/SCJA Sentencing Alt.	0	291	0	0	0	291
Education Committee	398	0	0	0	0	1,200
Educational Grants	0	0	0	0	0	1,000
Judicial Assistance Committee	0	300	1,643	0	1,150	6,101
Judicial Community Outreach	0	0	0	0	0	1,600
Legislative Committee	0	433	0	0	0	941
Legislative Pro-Tem	1,983	0	0	0	0	2,174
Lobbyist Contract	3,417	7,417	5,417	5,417	5,417	65,000
Long-Range Planning Committee	0	0	122	0	(223)	(101)
MCA Liaison	0	0	0	0	0	220
Municipal/Dist. Ct Swearing-in	0	0	0	0	0	431
National Leadership Grants	0	0	0	0	1,000	5,778
President Expense	0	0	0	287	1,761	2,416
Treasurer Expense and Bonds	0	75	0	0	0	162
99 - Depreciation Expense	10	10	10	19	0	115
Bank Service Charges	(1)	0	0	0	0	(1)
Interest Expense	0	0	0	0	0	18
<b>Total Expense</b>	<b>7,321</b>	<b>11,155</b>	<b>9,870</b>	<b>7,549</b>	<b>51,839</b>	<b>159,084</b>
<b>Net Ordinary Income</b>	<b>58,859</b>	<b>(6,148)</b>	<b>(4,089)</b>	<b>(7,542)</b>	<b>(51,834)</b>	<b>19,059</b>
<b>Net Income</b>	<b>58,859</b>	<b>(6,148)</b>	<b>(4,089)</b>	<b>(7,542)</b>	<b>(51,834)</b>	<b>19,059</b>

## Washington State District And Municipal Court Judges Assoc.

07/09/18

## Reconciliation Detail

Bank of America - Checking, Period Ending 06/30/2018

Type	Date	Num	Name	Clr	Amount	Balance
<b>Beginning Balance</b>						31,132.12
<b>Cleared Transactions</b>						
<b>Checks and Payments - 23 items</b>						
Check	06/05/2018		Kokopelli's Run	X	-600.00	-600.00
Check	06/08/2018		Melanie Stewart	X	-46,000.00	-46,600.00
Check	06/08/2018		Melanie Stewart	X	-2,000.00	-48,600.00
Check	06/08/2018		Diane Goddard	X	-1,000.00	-49,600.00
Check	06/08/2018		Fred L. Gillings	X	-350.00	-49,950.00
Check	06/08/2018		Pierce County Book...	X	-240.00	-50,190.00
Check	06/08/2018		Rebecca Robertson	X	-103.42	-50,293.42
Check	06/10/2018		Douglas B. Robinson	X	-139.42	-50,432.84
Check	06/15/2018		La Conner Cannel L...	X	-2,057.09	-52,489.93
Check	06/15/2018		4imprint	X	-1,118.06	-53,607.99
Check	06/15/2018		AOC	X	-794.86	-54,402.85
Check	06/15/2018		TAGS	X	-274.18	-54,677.03
Check	06/15/2018		Damon G. Shadid	X	-161.66	-54,838.69
Check	06/15/2018		Michael Finkle	X	-139.42	-54,978.11
Check	06/15/2018		TAGS	X	-20.78	-54,998.89
Check	06/21/2018		Tom Ellington	X	-1,141.24	-56,140.13
Transfer	06/21/2018			X	-680.85	-56,820.98
Check	06/21/2018		Douglas Fair	X	-161.66	-56,982.64
Check	06/21/2018		Rick Leo	X	-161.66	-57,144.30
Check	06/21/2018		Samuel G. Meyer	X	-139.42	-57,283.72
Check	06/21/2018		Michelle Gehlsen	X	-139.42	-57,423.14
Check	06/22/2018		Linda Coburn	X	-139.42	-57,562.56
Check	06/25/2018		Rebecca Robertson	X	-186.79	-57,749.35
Total Checks and Payments					-57,749.35	-57,749.35
<b>Deposits and Credits - 3 items</b>						
Deposit	06/01/2018			X	55.95	55.95
Transfer	06/08/2018			X	40,000.00	40,055.95
Transfer	06/27/2018			X	40,000.00	80,055.95
Total Deposits and Credits					80,055.95	80,055.95
Total Cleared Transactions					22,306.60	22,306.60
Cleared Balance					22,306.60	53,438.72
<b>Uncleared Transactions</b>						
<b>Checks and Payments - 11 items</b>						
Check	02/11/2014	7276	Douglas Goelz		-84.00	-84.00
Check	06/27/2018		Judicial Conf. Regist...		-34,800.00	-34,884.00
Check	06/27/2018		Susanna Neil Kanth...		-900.00	-35,784.00
Check	06/27/2018		Susanna Neil Kanth...		-300.00	-36,084.00
Check	06/27/2018		Andrea Beall		-175.00	-36,259.00
Check	06/27/2018		Dan B Johnson		-139.42	-36,398.42
Check	06/27/2018		AOC		-125.79	-36,524.21
Check	06/27/2018		City of Olympia		-103.42	-36,627.63
Check	06/27/2018		Scott Ahlf		-36.00	-36,663.63
Check	06/27/2018		Susan Peterson		-10.27	-36,673.90
Check	06/29/2018		Drew Henke		-139.42	-36,813.32
Total Checks and Payments					-36,813.32	-36,813.32
Total Uncleared Transactions					-36,813.32	-36,813.32
Register Balance as of 06/30/2018					-14,506.72	16,625.40
<b>Ending Balance</b>					<b>-14,506.72</b>	<b>16,625.40</b>

12:38 PM

07/09/18

## Washington State District And Municipal Court Judges Assoc.

## Reconciliation Detail

Bank of America - Savings, Period Ending 06/30/2018

Type	Date	Num	Name	Clr	Amount	Balance
<b>Beginning Balance</b>						137,805.79
<b>Cleared Transactions</b>						
<b>Checks and Payments - 2 items</b>						
Transfer	06/08/2018			X	-40,000.00	-40,000.00
Transfer	06/27/2018			X	-40,000.00	-80,000.00
Total Checks and Payments					-80,000.00	-80,000.00
<b>Deposits and Credits - 1 item</b>						
Deposit	06/30/2018			X	1.67	1.67
Total Deposits and Credits					1.67	1.67
Total Cleared Transactions					-79,998.33	-79,998.33
Cleared Balance					-79,998.33	57,807.46
Register Balance as of 06/30/2018					-79,998.33	57,807.46
<b>Ending Balance</b>					<b>-79,998.33</b>	<b>57,807.46</b>

7:47 PM

06/25/18

## Washington State District And Municipal Court Judges Assoc.

## Reconciliation Detail

Bank of America C. C., Period Ending 06/11/2018

Type	Date	Num	Name	Clr	Amount	Balance
<b>Beginning Balance</b>						0.00
<b>Cleared Transactions</b>						
<b>Charges and Cash Advances - 2 items</b>						
Credit Card Charge	05/11/2018		La Conner Seafood	X	-479.31	-479.31
Credit Card Charge	06/07/2018		Campbell's Resort	X	-680.85	-1,160.16
Total Charges and Cash Advances					-1,160.16	-1,160.16
<b>Payments and Credits - 1 item</b>						
Transfer	05/22/2018			X	479.31	479.31
Total Cleared Transactions					-680.85	-680.85
Cleared Balance					680.85	680.85
Register Balance as of 06/11/2018					680.85	680.85
<b>Ending Balance</b>					<b>680.85</b>	<b>680.85</b>

# Washington State District And Municipal Court Judges Assoc. Transaction Detail by Account

July 2017 through June 2018

Type	Date	Num	Name	Memo	Amount	Balance
<b>Bank of America - Checking</b>						
Check	07/10/2017	online	Melanie Stewart		(2,000.00)	(2,000.00)
Check	07/10/2017	online	Pierce County Bookkeeping	LW3BG-3CWL5 June Invoice 615	(315.00)	(2,315.00)
Check	07/10/2017	online	AOC	LW3DF-ZQCW7 Invoice MS061917-02	(1,431.66)	(3,746.66)
Check	07/10/2017	online	Rebecca Robertson	LW3D6-GRHPN	(112.98)	(3,859.64)
Check	07/10/2017	online	G. Scott Marinella	LW3CV-WGPFQ	(181.92)	(4,041.56)
Check	07/30/2017	online	AOC	LY60X-MBGW	(416.26)	(4,457.82)
Check	08/01/2017	online	Kevin Ringus	LYCY7-W0P1G	(141.98)	(4,599.80)
Check	08/01/2017				(18.23)	(4,618.03)
Check	08/02/2017	online	Douglas B. Robinson	LYCYB-ZT8C1	(220.44)	(4,838.47)
Check	08/02/2017	online	Pierce County Bookkeeping	LYCYN-PB64H	(315.00)	(5,153.47)
Deposit	08/02/2017			Superior Court Judges Association	6,500.00	1,346.53
Check	08/16/2017	online	Pierce County Bookkeeping		(50.00)	1,296.53
Check	08/18/2017	online	Ingallina's Box Lunch		(352.44)	944.09
Check	08/18/2017	online	Melanie Stewart		(2,000.00)	(1,055.91)
Check	08/18/2017	online	Linda Coburn		(86.34)	(1,142.25)
Check	08/31/2017	online	Samuel G. Meyer		(53.50)	(1,195.75)
Check	08/31/2017	online	Scott Ahlf		(53.50)	(1,249.25)
Check	08/31/2017	online	AOC		(82.42)	(1,331.67)
Check	08/31/2017	online	AOC	Prior Year Budget Expense	(3,232.92)	(4,564.59)
Check	08/31/2017	online	Melanie Stewart	M1C02-39W8Z	(53.50)	(4,618.09)
Check	08/31/2017	online	Susanna Neil Kanther-Raz	M1C05-L7XQV	(300.00)	(4,918.09)
Check	08/31/2017	online	Rebecca Robertson	board meeting	(112.98)	(5,031.07)
Deposit	08/31/2017			Deposit	50.00	(4,981.07)
Check	09/01/2017	online	Judicial Conf. Registrar	M1C0X-CXFH3	(1,500.00)	(6,481.07)
Check	09/14/2017	online	Melanie Stewart	Invoice 4462 M25F2-8JLLH	(2,000.00)	(8,481.07)
Check	09/14/2017	online	Pierce County Bookkeeping	M25DX-Q5LTD	(303.75)	(8,784.82)
Check	09/14/2017	online	Cave B	M2SBS-1YND8	(2,163.61)	(10,948.43)
Check	09/15/2017	online	Kelli E. Osler	M2GYC03W9BR	(1,000.00)	(11,948.43)
Check	09/15/2017	online	Charles Short	M2GYX-05SCF	(256.80)	(12,205.23)
Check	09/15/2017	online	David Steiner	M2GYH-CLKRF	(83.04)	(12,288.27)
Check	09/15/2017	online	Scott Ahlf	M2GYX-08FTF	(53.50)	(12,341.77)
Check	09/15/2017	online	Michelle Gehlsen	M2H11-LLTCX	(29.96)	(12,371.73)
Check	09/15/2017	online	Rick Leo	M2HOT-MDDH9	(24.98)	(12,396.71)
Check	09/15/2017	online	Melanie Dane	M2H0X-QHNT1	(22.47)	(12,419.18)
Check	09/15/2017	online	Damon G. Shadid	M2H04-XTHFN	(21.94)	(12,441.12)
Check	09/15/2017	online	Karen Donohue	M2H0K-4RLQC	(21.94)	(12,463.06)
Check	09/15/2017	online	Kevin Ringus	M2H0M-MDZ81	(21.40)	(12,484.46)
Check	09/15/2017	online	Michael Finkle	M2H0F-L19ZH	(17.66)	(12,502.12)
Check	09/15/2017	online	Douglas B. Robinson	M2GYX-07H9Q	(15.00)	(12,517.12)
Check	09/15/2017	online	AOC	MS091117-02	(958.08)	(13,475.20)
Check	09/16/2017	online	David Steiner	M2GYK-KC992	(83.04)	(13,558.24)
Genera...	09/18/2017	CEH	Rebecca Robertson	reverse for duplicate request	112.98	(13,445.26)
Check	09/20/2017	online	Superior Court Judges Association	refund on last year budget M2SC2-C2DQ0	(660.51)	(14,105.77)
Check	09/20/2017	online	Dino W Traverso, PLLC	2016 corp taxes M2SBN-TXJVP	(525.00)	(14,630.77)
Check	09/20/2017	online	Michelle Gehlsen	M2SBT-7WJFH	(87.74)	(14,718.51)
Transfer	09/25/2017			Funds Transfer	10,000.00	(4,718.51)
Check	09/27/2017	online	Dan B Johnson	M48LF-7CPQ3	(196.60)	(4,915.11)
Check	09/27/2017	online	Michael Finkle	M48LF-7GPBD	(212.60)	(5,127.71)
Check	09/27/2017	online	Michelle Gehlsen	M48LF-7GVMN	(212.60)	(5,340.31)
Check	09/28/2017	online	Ingallina's Box Lunch	M43JQ-6Z92K	(105.99)	(5,446.30)
Check	09/29/2017	online	Barbara Barnes	M48MD-G377B	(1,125.00)	(6,571.30)
Check	09/29/2017	online	Samuel G. Meyer	M3Z4G-TZMTT	(53.50)	(6,624.80)
Check	09/29/2017	online	Kimberly Walden	M48M3-PPY7D	(42.10)	(6,666.90)
Check	09/30/2017			reversed bank charge on 10-6-17	(14.00)	(6,680.90)
Check	10/03/2017	online	Judy Jasprica	M4W5M-FC2H7	(212.60)	(6,893.50)
Check	10/03/2017	online	Melanie Dane	M4W5R-FHF0T	(212.00)	(7,105.50)
Genera...	10/06/2017	CEH		service charge was charged to account in e...	14.00	(7,091.50)
Check	10/13/2017	online	Pierce County Bookkeeping	M5STZ-KRWH4	(310.00)	(7,401.50)
Check	10/13/2017	online	Melanie Stewart	M5STX-HKG3F	(2,000.00)	(9,401.50)
Check	10/13/2017	online	Christine Terry, Ph.D., LLC	M5SVD-HX53M	(750.00)	(10,151.50)
Check	10/13/2017	online	AOC	M5SWB-SLKWR	(794.79)	(10,946.29)
Check	10/17/2017	online	Michael J. Lambo		(25.68)	(10,971.97)
Check	10/17/2017	online	Kevin Ringus		(21.40)	(10,993.37)
Check	10/17/2017	online	Douglas B. Robinson		(15.00)	(11,008.37)
Check	10/17/2017	online	Michael Finkle		(16.05)	(11,024.42)
Check	10/17/2017	online	Linda Coburn		(33.17)	(11,057.59)
Check	10/17/2017	online	Douglas Fair		(32.10)	(11,089.69)
Check	10/17/2017	online	Samuel G. Meyer		(53.50)	(11,143.19)
Check	10/17/2017	online	Charles Short		(255.73)	(11,398.92)
Check	10/31/2017	1062	DMCMA	Flowers for Condolences - Shannon Hinchcl...	86.85	(11,312.07)
Transfer	11/01/2017			Funds Transfer	(86.85)	(11,398.92)
Check	11/01/2017	online	Janet Garrow	M7Q7D-Z81L6	(2,400.00)	(13,798.92)
Check	11/06/2017	online	Susanna Neil Kanther-Raz	M8FLX-Q3BD7	(1,018.19)	(14,817.11)
Check	11/06/2017	online	Susanna Neil Kanther-Raz	M8FL6-GDK23	(600.00)	(15,417.11)
Check	11/06/2017	online	Ingallina's Box Lunch	M8FLR-Z68ZC	(324.17)	(15,741.28)
Check	11/06/2017	online	Pierce County Bookkeeping	M8FKK-H4688	(292.50)	(16,033.78)
Check	11/07/2017	online	Marilyn Paja	M8G63-6HB2C	(2,377.89)	(18,411.67)

**Washington State District And Municipal Court Judges Assoc.**  
**Transaction Detail by Account**  
 July 2017 through June 2018

Type	Date	Num	Name	Memo	Amount	Balance
Check	11/07/2017	online	Washington YMCA Youth & Gove...	M8G5L-6Q383	(1,600.00)	(20,011.67)
Check	11/07/2017	online	Ingallina's Box Lunch	M8G0X-8BF7H	(363.39)	(20,375.06)
Check	11/08/2017	online	Jeffery Smith	M8G4J-429TR	(10.00)	(20,385.06)
Check	11/08/2017	online	Kevin McCann	M8G4K-VNQY0	(24.61)	(20,409.67)
Check	11/08/2017	online	James Doctor	M8G4M-4RFN2	(65.00)	(20,474.67)
Check	11/08/2017	online	Douglas Fair	M8G4P-GCY1W	(32.10)	(20,506.77)
Check	11/08/2017	online	Timothy Jenkins	M8G4W-BSVF1	(9.63)	(20,516.40)
Check	11/08/2017	online	Ingallina's Box Lunch	M8FMZ-GNXD9	(237.11)	(20,753.51)
Check	11/08/2017	online	Ingallina's Box Lunch	M8FMX-XV6XK	(165.88)	(20,919.39)
Check	11/08/2017	online	Douglas Fair	M8G1Z-L6RZG	(32.10)	(20,951.49)
Check	11/08/2017	online	James Doctor	M8G21-PZ6DD	(64.85)	(21,016.34)
Check	11/08/2017	online	Marilyn Haan	M8G26-7N56D	(52.00)	(21,068.34)
Check	11/08/2017	online	Cowlitz County Superior Court	M8G2L-CSVZN	(121.98)	(21,190.32)
Check	11/08/2017	online	Bruce Weiss	M8G2X-2F7JM	(43.87)	(21,234.19)
Check	11/08/2017	online	Marybeth Dingley	M8G2Z-BGCXY	(37.45)	(21,271.64)
Check	11/08/2017	online	Susan Woodard	M8G32-5F574	(191.36)	(21,463.00)
Check	11/08/2017	online	Chris Culp	M8G39-RD0L8	(172.00)	(21,635.00)
Check	11/08/2017	online	Mary C. Logan	M8G3F-Y3980	(18.56)	(21,653.56)
Check	11/08/2017	online	Timothy Jenkins	M8G3H-ZNN0Y	(9.63)	(21,663.19)
Transfer	11/08/2017			Funds Transfer	5,000.00	(16,663.19)
Check	11/09/2017	online	Ingallina's Box Lunch	M8G0R-70H4L	(126.01)	(16,789.20)
Check	11/09/2017	online	Ingallina's Box Lunch	M8G0T-039RR	(244.31)	(17,033.51)
Check	11/14/2017	online	Douglas Fair	M94H1-YDH89	(32.10)	(17,065.61)
Check	11/14/2017	online	Douglas B. Robinson	M94H1-YFPFY	(315.65)	(17,381.26)
Check	11/14/2017	online	Kevin Ringus	M94H1-YFYVK	(21.40)	(17,402.66)
Check	11/14/2017	online	Linda Coburn	M94H1-YG58J	(34.24)	(17,436.90)
Check	11/14/2017	online	Melanie Dane	M94H1-YGD9Z	(21.40)	(17,458.30)
Check	11/14/2017	online	Michelle Gehlsen	M94H1-YGK15	(24.61)	(17,482.91)
Check	11/14/2017	online	Rick Leo	M94H1-YGQ3Z	(25.62)	(17,508.53)
Check	11/14/2017	online	Samuel G. Meyer	M94H1-YGY00	(53.50)	(17,562.03)
Transfer	11/15/2017			Funds Transfer	5,000.00	(12,562.03)
Check	11/16/2017	online	Accounting Clerk	M9CG3-5MN1P	(190.74)	(12,752.77)
Check	11/16/2017	online	Coast Gateway	M9S0F-G9TYM	(345.70)	(13,098.47)
Check	11/30/2017			Will be Refunded	(14.00)	(13,112.47)
Deposit	12/05/2017			Deposit	14.00	(13,098.47)
Deposit	12/15/2017			Returned uncashed check M. Gehlsen - reis...	29.98	(13,068.51)
Deposit	12/15/2017			Returned uncashed check S. Ahlf - reissue...	53.50	(13,015.01)
Deposit	12/15/2017			Returned uncashed check D. Steiner - reiss...	83.04	(12,931.97)
Check	12/21/2017	online	AOC	MDWX7-7BT5D	(1,669.30)	(14,601.27)
Check	12/21/2017	online	AOC	MDWX9-DS83V	(2,230.50)	(16,831.77)
Check	12/21/2017	online	Pierce County Bookkeeping	MDWZ8-T0JLR	(270.00)	(17,101.77)
Check	12/21/2017	online	Ingallina's Box Lunch	MDWZ6-PX9XN	(409.42)	(17,511.19)
Check	12/21/2017	Online	Douglas B. Robinson	MDX1C-NRWJ6	(315.65)	(17,826.84)
Check	12/21/2017	Online	Elyse's Catering	MDWXM-RHCW1	(431.11)	(18,257.95)
Check	12/21/2017	Online	Kevin Ringus	MDX1C-NTLNC	(21.40)	(18,279.35)
Check	12/21/2017	Online	Linda Coburn	MDX1C-NTVPP	(33.17)	(18,312.52)
Check	12/21/2017	Online	Michelle Gehlsen	MDX1C-NV465	(26.75)	(18,339.27)
Check	12/21/2017	Online	Scott Ahlf	MDX1C-NV9XP	(53.50)	(18,392.77)
Deposit	12/22/2017			Deposit	4,400.00	(13,992.77)
Transfer	12/22/2017			Funds Transfer	5,000.00	(8,992.77)
Deposit	12/27/2017			Deposit	37,550.00	28,557.23
Deposit	01/03/2018			Returned Uncashed Check	212.60	28,769.83
Check	01/05/2018	online	Michelle Gehlsen		(212.60)	28,557.23
Check	01/05/2018	online	Scott Ahlf		(53.50)	28,503.73
Check	01/05/2018	online	David A. Steiner		(83.04)	28,420.69
Transfer	01/05/2018			Funds Transfer	(30,000.00)	(1,579.31)
Check	01/05/2018	online	Michelle Gehlsen		(29.96)	(1,609.27)
Check	01/12/2018	online	Douglas B. Robinson		(102.60)	(1,711.87)
Check	01/12/2018	online	Kevin Ringus		(21.80)	(1,733.67)
Check	01/12/2018	online	Linda Coburn		(33.79)	(1,767.46)
Check	01/12/2018	online	Michelle Gehlsen		(27.25)	(1,794.71)
Check	01/12/2018	online	Rick Leo		(24.68)	(1,819.39)
Check	01/12/2018	online	Samuel G. Meyer		(54.50)	(1,873.89)
Check	01/12/2018	online	Scott Ahlf		(54.50)	(1,928.39)
Check	01/12/2018	online	Pierce County Bookkeeping		(292.50)	(2,220.89)
Check	01/15/2018	online	La Conner Cannel Lodge		(720.00)	(2,940.89)
Check	01/15/2018	online	Susanna Neil Kanther-Raz	M8FL6-GDK23	(600.00)	(3,540.89)
Check	01/16/2018	online	Ingallina's Box Lunch		(361.74)	(3,902.63)
Check	01/17/2018	online	AOC		(101.23)	(4,003.86)
Deposit	01/26/2018			Deposit	21,725.00	17,721.14
Deposit	01/26/2018			Deposit	20,300.00	38,021.14
Deposit	01/26/2018			Deposit	17,025.00	55,046.14
Check	01/26/2018	online	Damon G. Shadi		(17.90)	55,028.24
Check	01/26/2018	online	Melanie Stewart		(6,000.00)	49,028.24
Check	01/31/2018	online	Scott Ahlf	MK88K-FBBMM	(160.35)	48,867.89
Check	02/05/2018	online	Accounting Clerk		(81.35)	48,786.54
Check	02/05/2018	online	Thurston County District Court		(569.42)	48,217.12
Check	02/06/2018	online	Accounting Clerk	MKNWB-VM59L	(162.69)	48,054.43

# Washington State District And Municipal Court Judges Assoc. Transaction Detail by Account

July 2017 through June 2018

Type	Date	Num	Name	Memo	Amount	Balance
Deposit	02/07/2018			Deposit	35,450.00	83,504.43
Deposit	02/07/2018			Deposit	6,975.00	90,479.43
Deposit	02/07/2018			Deposit	2,750.00	93,229.43
Transfer	02/07/2018			Funds Transfer	(40,000.00)	53,229.43
Transfer	02/07/2018			Funds Transfer	(147.00)	53,082.43
Check	02/10/2018	online	City of Bothell		(1,170.00)	51,912.43
Check	02/21/2018	online	Ingallina's Box Lunch		(373.23)	51,539.20
Check	02/21/2018	online	Pierce County Bookkeeping		(315.00)	51,224.20
Check	02/23/2018	online	Charles Short		(397.62)	50,826.58
Check	02/23/2018	online	Charles Short		(254.80)	50,571.78
Check	02/23/2018	online	Charles Short	2/9 meeting	(359.17)	50,212.61
Check	02/23/2018	online	Douglas Fair	2/9 meeting	(32.70)	50,179.91
Check	02/23/2018	online	Douglas B. Robinson	2/9 meeting	(18.00)	50,161.91
Check	02/23/2018	online	Kevin Ringus	2/9 meeting	(21.80)	50,140.11
Check	02/23/2018	online	Michelle Gehlsen	2/9 meeting	(30.52)	50,109.59
Check	02/23/2018	online	Samuel G. Meyer	2/9 meeting	(54.50)	50,055.09
Check	02/23/2018	online	Scott Ahlf	2/9 meeting	(54.50)	50,000.59
Deposit	02/23/2018			Deposit	0.50	50,001.09
Deposit	02/26/2018			Deposit	21,000.00	71,001.09
Deposit	03/05/2018			Deposit	1,750.00	72,751.09
Transfer	03/05/2018			Funds Transfer	(50,000.00)	22,751.09
Check	03/05/2018		Shane Seaman		(200.00)	22,551.09
Check	03/05/2018		Melanie Stewart		(4,000.00)	18,551.09
Check	03/07/2018	online	AOC		(1,014.75)	17,536.34
Check	03/14/2018	online	Ingallina's Box Lunch	MPPMX-VMX09	(346.94)	17,189.40
Check	03/14/2018	online	Janet Garrow	MPPMX-VQ0V3	(76.30)	17,113.10
Check	03/14/2018	online	Susanna Neil Kanther-Raz	MPPMX-VQ4ZR	(300.00)	16,813.10
Transfer	03/14/2018			Funds Transfer	(75.00)	16,738.10
Check	03/16/2018	online	Pierce County Bookkeeping		(216.00)	16,522.10
Deposit	03/20/2018			Deposit	2,000.00	18,522.10
Deposit	03/21/2018			Deposit	1,450.00	19,972.10
Check	03/21/2018	online	AOC	MS030018-05	(1,640.76)	18,331.34
Check	03/21/2018	online	Douglas Fair	MQJ5Q-3W9TX	(32.70)	18,298.64
Check	03/21/2018	online	Rick Leo	MQJ5Q-3XJFQ	(26.09)	18,272.55
Check	04/06/2018	online	Ingallina's Box Lunch	MRXY3-55MB	(122.05)	18,150.50
Check	04/06/2018	online	Melanie Stewart	MRYOS-6P68K	(2,000.00)	16,150.50
Check	04/06/2018	online	Pierce County Bookkeeping	MRYOS-6Q6J7	(216.00)	15,934.50
Deposit	04/06/2018			Deposit	1,450.00	17,384.50
Check	04/16/2018	online	Charles Short	MT452-664CW	(396.18)	16,988.32
Check	04/16/2018	online	Douglas B. Robinson	MT452-677L1	(25.00)	16,963.32
Check	04/16/2018	online	G. Scott Marinella	MT452-67JS1	(299.75)	16,663.57
Check	04/16/2018	online	Linda Coburn	MT452-67MVB	(34.88)	16,628.69
Check	04/16/2018	online	Rick Leo	MT452-67VLZ	(26.09)	16,602.60
Check	04/18/2018	online	Susanna Neil Kanther-Raz	MT44F-W05R2	(300.00)	16,302.60
Check	04/18/2018	online	Susan Woodard	MTVBZ-5RRZK	(82.30)	16,220.30
Check	04/18/2018	online	Susanna Neil Kanther-Raz	MTVBZ-5RXWK	(158.05)	16,062.25
Check	04/18/2018	online	Timothy Jenkins	MTVBZ-5S4F8	(171.13)	15,891.12
Check	04/19/2018	online	Ingallina's Box Lunch	MT44K-BJ7C4	(368.34)	15,522.78
Check	04/23/2018	online	Bruce Weiss	MTVBZ-5PXZJ	(183.12)	15,339.66
Check	04/23/2018	online	Jackie Shea-Brown	MTVBZ-5QY1Y	(99.19)	15,240.47
Check	04/23/2018	online	Lisa Worswick	MTVBZ-5R20G	(163.50)	15,076.97
Check	04/23/2018	online	Mary C. Logan	MTVBZ-5R94C	(152.60)	14,924.37
Check	04/23/2018	online	Marybeth Dingley	MTVBZ-5RFYX	(177.67)	14,746.70
Check	04/23/2018	online	Michael Finkle	MTVBZ-5RMHM	(155.87)	14,590.83
Check	04/25/2018	online	Lake Chelan Boat Company	MTYSB-YC8TS	(862.50)	13,728.33
Check	04/25/2018	online	Two Chef's Catering	MVCQF-MCPYO	(450.00)	13,278.33
Deposit	04/30/2018			Deposit	4,325.00	17,603.33
Deposit	04/30/2018			Deposit	29.96	17,633.29
Check	05/02/2018	online	Michelle Gehlsen		(29.96)	17,603.33
Check	05/03/2018	online	Melanie Stewart		(2,000.00)	15,603.33
Check	05/03/2018	online	Pierce County Bookkeeping		(264.00)	15,339.33
Check	05/05/2018		Scott Ahlf	MVXH1-HHTBB	(308.00)	15,031.33
Check	05/18/2018		Charles Short		(268.14)	14,763.19
Check	05/18/2018		Douglas Fair		(60.50)	14,702.69
Check	05/18/2018		Linda Coburn		(59.95)	14,642.74
Check	05/18/2018		Michelle Gehlsen		(68.67)	14,574.07
Check	05/18/2018		Rebecca Robertson		(67.58)	14,506.49
Check	05/18/2018		Rick Leo		(57.88)	14,448.61
Check	05/18/2018		Samuel G. Meyer		(141.70)	14,306.91
Check	05/18/2018		Scott Ahlf		(141.70)	14,165.21
Check	05/18/2018		Drew Henke		(107.91)	14,057.30
Check	05/18/2018		Scott Ahlf		(87.50)	13,969.80
Transfer	05/22/2018			Funds Transfer	(479.31)	13,490.49
Deposit	06/01/2018			Deposit	55.95	13,546.44
Check	06/05/2018		Kokopelli's Run		(600.00)	12,946.44
Check	06/08/2018		Rebecca Robertson		(103.42)	12,843.02
Check	06/08/2018		Pierce County Bookkeeping	Invoice 721	(240.00)	12,603.02
Check	06/08/2018		Melanie Stewart		(46,000.00)	(33,396.98)

# Washington State District And Municipal Court Judges Assoc. Transaction Detail by Account

July 2017 through June 2018

Type	Date	Num	Name	Memo	Amount	Balance
Check	06/08/2018		Melanie Stewart		(2,000.00)	(35,396.98)
Check	06/08/2018		Fred L. Gillings		(350.00)	(35,746.98)
Check	06/08/2018		Diane Goddard		(1,000.00)	(36,746.98)
Transfer	06/08/2018			Funds Transfer	40,000.00	3,253.02
Check	06/10/2018		Douglas B. Robinson		(139.42)	3,113.60
Check	06/15/2018		4imprint		(1,118.06)	1,995.54
Check	06/15/2018		TAGS		(274.18)	1,721.36
Check	06/15/2018		Damon G. Shadid		(161.66)	1,559.70
Check	06/15/2018		Michael Finkle		(139.42)	1,420.28
Check	06/15/2018		TAGS		(20.78)	1,399.50
Check	06/15/2018		La Conner Cannel Lodge		(2,057.09)	(657.59)
Check	06/15/2018		AOC		(794.86)	(1,452.45)
Check	06/21/2018		Douglas Fair		(161.66)	(1,614.11)
Check	06/21/2018		Michelle Gehlsen		(139.42)	(1,753.53)
Check	06/21/2018		Rick Leo		(161.66)	(1,915.19)
Check	06/21/2018		Samuel G. Meyer		(139.42)	(2,054.61)
Check	06/21/2018		Tom Ellington		(1,141.24)	(3,195.85)
Transfer	06/21/2018			Funds Transfer	(680.85)	(3,876.70)
Check	06/22/2018		Linda Coburn		(139.42)	(4,016.12)
Check	06/25/2018		Rebecca Robertson		(186.79)	(4,202.91)
Transfer	06/27/2018			Funds Transfer	40,000.00	35,797.09
Check	06/27/2018		AOC		(125.79)	35,671.30
Check	06/27/2018		Susanna Neil Kanther-Raz		(900.00)	34,771.30
Check	06/27/2018		Andrea Beall	Ruby Theatre	(175.00)	34,596.30
Check	06/27/2018		Dan B Johnson		(139.42)	34,456.88
Check	06/27/2018		Judicial Conf. Registrar		(34,800.00)	(343.12)
Check	06/27/2018		Susan Peterson	Batteries	(10.27)	(353.39)
Check	06/27/2018		Susanna Neil Kanther-Raz	January Fee	(300.00)	(653.39)
Check	06/27/2018		City of Olympia	Judge Ahlf's hotel room	(103.42)	(756.81)
Check	06/27/2018		Scott Ahlf	meal	(36.00)	(792.81)
Check	06/29/2018		Drew Henke		(139.42)	(932.23)
Total Bank of America - Checking					(932.23)	(932.23)
<b>Bank of America - Savings</b>						
Deposit	07/31/2017			Interest	0.73	0.73
Deposit	08/31/2017			Interest	0.73	1.46
Transfer	09/25/2017			Funds Transfer	(10,000.00)	(9,998.54)
Deposit	09/30/2017			Interest	0.69	(9,997.85)
Deposit	10/31/2017			Interest	0.56	(9,997.29)
Transfer	11/08/2017			Funds Transfer	(5,000.00)	(14,997.29)
Transfer	11/15/2017			Funds Transfer	(5,000.00)	(19,997.29)
Deposit	11/30/2017			Interest	0.43	(19,996.86)
Transfer	12/22/2017			Funds Transfer	(5,000.00)	(24,996.86)
Deposit	12/31/2017			Interest	0.36	(24,996.50)
Transfer	01/05/2018			Funds Transfer	30,000.00	5,003.50
Deposit	01/31/2018			Interest	0.75	5,004.25
Transfer	02/07/2018			Funds Transfer	40,000.00	45,004.25
Deposit	02/28/2018			Interest	1.32	45,005.57
Transfer	03/05/2018			Funds Transfer	50,000.00	95,005.57
Deposit	03/31/2018			Interest	2.23	95,007.80
Deposit	04/30/2018			Interest	2.27	95,010.07
Deposit	05/31/2018			Interest	2.34	95,012.41
Transfer	06/08/2018			Funds Transfer	(40,000.00)	55,012.41
Transfer	06/27/2018			Funds Transfer	(40,000.00)	15,012.41
Deposit	06/30/2018			Interest	1.67	15,014.08
Total Bank of America - Savings					15,014.08	15,014.08
<b>US Bank - Savings</b>						
Deposit	07/30/2017			Deposit	4.62	4.62
Deposit	08/31/2017			Interest	4.65	9.27
Deposit	09/30/2017			Interest	4.65	13.92
Deposit	10/31/2017			Interest	4.80	18.72
Deposit	11/30/2017			Interest	4.65	23.37
Deposit	12/31/2017			Interest	4.80	28.17
Total US Bank - Savings					28.17	28.17

**Washington State District And Municipal Court Judges Assoc.**  
**Transaction Detail by Account**  
July 2017 through June 2018

Type	Date	Num	Name	Memo	Amount	Balance
<b>Washington Federal</b>						
Deposit	07/31/2017			Interest	4.29	4.29
Deposit	08/30/2017			Deposit	50.00	54.29
Deposit	08/31/2017			Interest	4.29	58.58
Deposit	09/29/2017			Deposit	25.00	83.58
Deposit	09/29/2017			Deposit	25.00	108.58
Deposit	09/30/2017			Interest	4.16	112.74
Check	10/31/2017	1062	DMCMA		(86.85)	25.89
Deposit	10/31/2017			Interest	4.30	30.19
Deposit	11/30/2017			Interest	4.16	34.35
Deposit	12/31/2017			Interest	4.30	38.65
Deposit	01/31/2018			Interest	4.30	42.95
Deposit	02/28/2018			Interest	3.88	46.83
Deposit	03/31/2018			Interest	4.30	51.13
Deposit	04/30/2018			Interest	4.16	55.29
Deposit	05/31/2018			Interest	4.30	59.59
Deposit	06/30/2018			Interest	4.16	63.75
Total Washington Federal					63.75	63.75
<b>Accumulated Depreciation</b>						
Genera...	07/31/2017	CEH			(9.58)	(9.58)
Genera...	08/30/2017	CEH			(9.58)	(19.16)
Genera...	09/30/2017	CEH			(9.58)	(28.74)
Genera...	10/30/2017	CEH			(9.58)	(38.32)
Genera...	11/30/2017	CEH			(9.58)	(47.90)
Genera...	12/31/2017	CEH			(9.58)	(57.48)
Genera...	01/31/2018	CEH			(9.58)	(67.06)
Genera...	02/28/2018	CEH			(9.58)	(76.64)
Genera...	03/28/2018	CEH			(9.58)	(86.22)
Genera...	04/30/2018	CEH			(9.58)	(95.80)
Genera...	05/30/2018	CEH			(9.58)	(105.38)
Genera...	05/30/2018	CEH			(9.58)	(114.96)
Total Accumulated Depreciation					(114.96)	(114.96)
<b>Prepaid Expenses</b>						
Genera...	07/31/2017	CEH		1/12 of Contract	(3,416.66)	(3,416.66)
Genera...	08/30/2017	CEH		1/12 of Contract	(3,416.66)	(6,833.32)
Genera...	09/30/2017	CEH		1/12 of Contract	(3,416.66)	(10,249.98)
Genera...	10/30/2017	CEH		1/12 of Contract	(3,416.66)	(13,666.64)
Genera...	11/30/2017	CEH		1/12 of Contract	(3,416.66)	(17,083.30)
Genera...	12/31/2017	CEH		1/12 of Contract	(3,416.66)	(20,499.96)
Genera...	01/31/2018	CEH		1/12 of Contract	(3,416.66)	(23,916.62)
Genera...	02/28/2018	CEH		1/12 of Contract	(3,416.66)	(27,333.28)
Genera...	03/31/2018	CEH		1/12 of Contract	(3,416.66)	(30,749.94)
Genera...	04/30/2018	CEH		1/12 of Contract	(3,416.66)	(34,166.60)
Genera...	05/30/2018	CEH		1/12 of Contract	(3,416.66)	(37,583.26)
Check	06/08/2018		Melanie Stewart		46,000.00	8,416.74
Genera...	06/30/2018	CEH		1/12 of Contract	(3,416.66)	5,000.08
Total Prepaid Expenses					5,000.08	5,000.08
<b>Bank of America C. C.</b>						
Credit ...	07/11/2017			Service Charge	(18.23)	(18.23)
Check	08/01/2017				18.23	0.00
Credit ...	10/31/2017		Flowers by Chi		(86.85)	(86.85)
Transfer	11/01/2017			Funds Transfer	86.85	0.00
Credit ...	01/22/2018		Coast Gateway		(147.00)	(147.00)
Transfer	02/07/2018			Funds Transfer	147.00	0.00
Credit ...	03/14/2018		Secretary of State		(75.00)	(75.00)
Transfer	03/14/2018			Funds Transfer	75.00	0.00
Credit ...	05/11/2018		La Conner Seafood		(479.31)	(479.31)
Transfer	05/22/2018			Funds Transfer	479.31	0.00
Credit ...	06/07/2018		Campbell's Resort		(680.85)	(680.85)
Transfer	06/21/2018			Funds Transfer	680.85	0.00
Total Bank of America C. C.					0.00	0.00
<b>Due to Scott Ahlf</b>						
Deposit	12/15/2017			Returned uncashed check - reissued 1-5-18	(53.50)	(53.50)
Check	01/05/2018	online	Scott Ahlf		53.50	0.00
Total Due to Scott Ahlf					0.00	0.00

# Washington State District And Municipal Court Judges Assoc. Transaction Detail by Account

July 2017 through June 2018

Type	Date	Num	Name	Memo	Amount	Balance
<b>Due to Michelle Gehlsen</b>						
Deposit	12/15/2017			Returned uncashed check - reissued 1-5-18	(29.96)	(29.96)
Deposit	01/03/2018			Returned uncashed	(212.60)	(242.56)
Check	01/05/2018	online	Michelle Gehlsen	resent on 3/5/2018	212.60	(29.96)
Check	01/05/2018	online	Michelle Gehlsen		29.96	0.00
Deposit	04/30/2018			Returned - sent back out on 5-2-18	(29.96)	(29.96)
Check	05/02/2018	online	Michelle Gehlsen		29.96	0.00
Total Due to Michelle Gehlsen					0.00	0.00
<b>Due to David Steiner</b>						
Deposit	12/15/2017			Returned uncashed check - reissued 1-5-18	(83.04)	(83.04)
Check	01/05/2018	online	David A. Steiner		83.04	0.00
Total Due to David Steiner					0.00	0.00
<b>2017 Special Fund</b>						
Check	08/16/2017	online	Pierce County Bookkeeping	special dues that was put in BOA in error.	50.00	50.00
Deposit	08/30/2017	3002	Kevin P Kelly	Deposit	(25.00)	25.00
Deposit	08/30/2017	11595	Jeffrey R. Smith	Deposit	(25.00)	0.00
Deposit	08/31/2017			Deposit	(50.00)	(50.00)
Deposit	09/29/2017	3845	Heidi Heywood	Deposit	(25.00)	(75.00)
Deposit	09/29/2017	1728	Abigail Bartlett	Deposit	(25.00)	(100.00)
Total 2017 Special Fund					(100.00)	(100.00)
<b>Interest Income</b>						
Deposit	07/30/2017			Deposit	(4.62)	(4.62)
Deposit	07/31/2017			Interest	(0.73)	(5.35)
Deposit	07/31/2017			Interest	(4.29)	(9.64)
Deposit	08/31/2017			Interest	(0.73)	(10.37)
Deposit	08/31/2017			Interest	(4.29)	(14.66)
Deposit	08/31/2017			Interest	(4.65)	(19.31)
Deposit	09/30/2017			Interest	(4.16)	(23.47)
Deposit	09/30/2017			Interest	(4.65)	(28.12)
Deposit	09/30/2017			Interest	(0.69)	(28.81)
Deposit	10/31/2017			Interest	(0.56)	(29.37)
Deposit	10/31/2017			Interest	(4.30)	(33.67)
Deposit	10/31/2017			Interest	(4.80)	(38.47)
Deposit	11/30/2017			Interest	(4.16)	(42.63)
Deposit	11/30/2017			Interest	(0.43)	(43.06)
Deposit	11/30/2017			Interest	(4.65)	(47.71)
Deposit	12/31/2017			Interest	(0.36)	(48.07)
Deposit	12/31/2017			Interest	(4.80)	(52.87)
Deposit	12/31/2017			Interest	(4.30)	(57.17)
Deposit	01/31/2018			Interest	(4.30)	(61.47)
Deposit	01/31/2018			Interest	(0.75)	(62.22)
Deposit	02/28/2018			Interest	(1.32)	(63.54)
Deposit	02/28/2018			Interest	(3.88)	(67.42)
Deposit	03/31/2018			Interest	(4.30)	(71.72)
Deposit	03/31/2018			Interest	(2.23)	(73.95)
Deposit	04/30/2018			Interest	(2.27)	(76.22)
Deposit	04/30/2018			Interest	(4.16)	(80.38)
Deposit	05/31/2018			Interest	(2.34)	(82.72)
Deposit	05/31/2018			Interest	(4.30)	(87.02)
Deposit	06/30/2018			Interest	(1.67)	(88.69)
Deposit	06/30/2018			Interest	(4.16)	(92.85)
Total Interest Income					(92.85)	(92.85)
<b>Membership Revenue</b>						
Deposit	12/22/2017	3478	Thomas Warren	retired	(25.00)	(25.00)
Deposit	12/22/2017	7527	Mark A. Chmielewski	retired	(25.00)	(50.00)
Deposit	12/22/2017	7895	David M. Kenworthy	retired	(25.00)	(75.00)
Deposit	12/22/2017	1350	William J. Stewart	retired	(25.00)	(100.00)
Deposit	12/22/2017	448	Paul Treyz	retired	(25.00)	(125.00)
Deposit	12/22/2017	9254	Gregory J. Tripp	retired	(25.00)	(150.00)
Deposit	12/22/2017	17629	John Curry	Deposit	(250.00)	(400.00)
Deposit	12/22/2017		Brian D. Barlow	Deposit	(800.00)	(1,200.00)
Deposit	12/22/2017		Richard C. Fitterer	Deposit	(1,000.00)	(2,200.00)
Deposit	12/22/2017		Noah Harrison	Deposit	(200.00)	(2,400.00)
Deposit	12/22/2017		Jill Landes	Deposit	(1,000.00)	(3,400.00)
Deposit	12/22/2017		Janis Whitener-Moberg	Deposit	(1,000.00)	(4,400.00)
Deposit	12/27/2017	1515...	Anne C. Harper	King county	(1,000.00)	(5,400.00)
Deposit	12/27/2017	1515...	Gregg Hirakawa	King county	(1,000.00)	(6,400.00)
Deposit	12/27/2017	1515...	Lisa Paglisotti	King county	(1,000.00)	(7,400.00)
Deposit	12/27/2017	1515...	Charles J. Delaurenti	King county	(1,000.00)	(8,400.00)
Deposit	12/27/2017	1515...	Mark Chow	King county	(1,000.00)	(9,400.00)
Deposit	12/27/2017	1515...	Arthur Chapman	King county	(1,000.00)	(10,400.00)
Deposit	12/27/2017	1515...	Lisa O'Toole	King county	(1,000.00)	(11,400.00)

**Washington State District And Municipal Court Judges Assoc.  
Transaction Detail by Account**

July 2017 through June 2018

Type	Date	Num	Name	Memo	Amount	Balance
Deposit	12/27/2017	1515...	Peter Nault	King county	(1,000.00)	(12,400.00)
Deposit	12/27/2017	1515...	Michael Finkle	King county	(1,000.00)	(13,400.00)
Deposit	12/27/2017	1515...	Ketu Shah	King county	(1,000.00)	(14,400.00)
Deposit	12/27/2017	1515...	Janet Garrow	King county	(1,000.00)	(15,400.00)
Deposit	12/27/2017	1515...	Marcine Anderson	King county	(1,000.00)	(16,400.00)
Deposit	12/27/2017	1515...	Nathaniel Green	King county	(1,000.00)	(17,400.00)
Deposit	12/27/2017	1515...	Laurel Gibson	King county	(1,000.00)	(18,400.00)
Deposit	12/27/2017	1515...	David Meyer	King county	(1,000.00)	(19,400.00)
Deposit	12/27/2017	1515...	David A. Steiner	King county	(1,000.00)	(20,400.00)
Deposit	12/27/2017	1515...	Douglas Smith	King county	(1,000.00)	(21,400.00)
Deposit	12/27/2017	1515...	Elizabeth D. Stephenson	King county	(1,000.00)	(22,400.00)
Deposit	12/27/2017	1515...	Mark Eide	King county	(1,000.00)	(23,400.00)
Deposit	12/27/2017	1515...	Matthew York	King county	(1,000.00)	(24,400.00)
Deposit	12/27/2017	1515...	David Christie	King county	(1,000.00)	(25,400.00)
Deposit	12/27/2017	1515...	Jason Poydras	King county	(1,000.00)	(26,400.00)
Deposit	12/27/2017	1515...	Corinna Ham	King county	(1,000.00)	(27,400.00)
Deposit	12/27/2017	1515...	Susan Mahoney	King county	(1,000.00)	(28,400.00)
Deposit	12/27/2017	1515...	Donna Tucker	King county	(1,000.00)	(29,400.00)
Deposit	12/27/2017	9045	Douglas K. Garrison	Deposit	(250.00)	(29,650.00)
Deposit	12/27/2017	5302...	Pete Smiley	City of Bellingham	(800.00)	(30,450.00)
Deposit	12/27/2017	1400...	Elizabeth Penoyar	Pacific County	(500.00)	(30,950.00)
Deposit	12/27/2017	77334	Linda S. Portnoy	City of Lake Forest Park	(500.00)	(31,450.00)
Deposit	12/27/2017	7540...	Laura Vanslyck	City of Everett	(1,000.00)	(32,450.00)
Deposit	12/27/2017	7540...	Amy Kaestner	City of Everett	(1,000.00)	(33,450.00)
Deposit	12/27/2017	82366	Roger Bennett	City of Battle Ground	(500.00)	(33,950.00)
Deposit	12/27/2017	9900...	Debra Hayes	County of Spokane	(1,000.00)	(34,950.00)
Deposit	12/27/2017	3695...	Scott Ahlf	City of Olympia	(1,000.00)	(35,950.00)
Deposit	12/27/2017	9900...	Aimee N. Maurer	County of Spokane	(1,000.00)	(36,950.00)
Deposit	12/27/2017	9900...	Donna Wilson	County of Spokane	(1,000.00)	(37,950.00)
Deposit	12/27/2017	9900...	Richard M. Leland	County of Spokane	(1,000.00)	(38,950.00)
Deposit	12/27/2017	9900...	Vance Peterson	County of Spokane	(1,000.00)	(39,950.00)
Deposit	12/27/2017	9900...	Jeffery Smith	County of Spokane	(1,000.00)	(40,950.00)
Deposit	12/27/2017	9900...	Patricia Connolly Walker	County of Spokane	(1,000.00)	(41,950.00)
Deposit	01/26/2018	34413	Joseph Mano	City of Napavine	(250.00)	(42,200.00)
Deposit	01/26/2018	9201...	Tyson R. Hill	Grant County	(1,000.00)	(43,200.00)
Deposit	01/26/2018	4002...	Faye R. Chess	City of Seattle	(800.00)	(44,000.00)
Deposit	01/26/2018	4002...	Robert Chung	City of Seattle	(800.00)	(44,800.00)
Deposit	01/26/2018	4002...	Anita M. Crawford-Willis	City of Seattle	(1,000.00)	(45,800.00)
Deposit	01/26/2018	4002...	Francis Devilla	City of Seattle	(800.00)	(46,600.00)
Deposit	01/26/2018	4002...	Karen Donohue	City of Seattle	(1,000.00)	(47,600.00)
Deposit	01/26/2018	4002...	Adam C. Eisenberg	City of Seattle	(1,000.00)	(48,600.00)
Deposit	01/26/2018	4002...	Park D. Eng	City of Seattle	(800.00)	(49,400.00)
Deposit	01/26/2018	4002...	Willie Gregory	City of Seattle	(1,000.00)	(50,400.00)
Deposit	01/26/2018	4002...	Kimi Kondo	City of Seattle	(1,000.00)	(51,400.00)
Deposit	01/26/2018	4002...	Mary Lynch	City of Seattle	(800.00)	(52,200.00)
Deposit	01/26/2018	4002...	Edward McKenna	City of Seattle	(1,000.00)	(53,200.00)
Deposit	01/26/2018	4002...	Damon G. Shadid	City of Seattle	(1,000.00)	(54,200.00)
Deposit	01/26/2018	11082	Philip Van de Veer	Deposit	(500.00)	(54,700.00)
Deposit	01/26/2018	0034...	Sara L. McCulloch	City of Bainbridge Island	(500.00)	(55,200.00)
Deposit	01/26/2018	0002...	Rick L. Hansen	Klickitat County Auditor's office	(250.00)	(55,450.00)
Deposit	01/26/2018	2337	Terrance G. Lewis	Deposit	(250.00)	(55,700.00)
Deposit	01/26/2018	9821...	Rick Porter	Clallam County	(1,000.00)	(56,700.00)
Deposit	01/26/2018	9821...	Dave Neupert	Deposit	(200.00)	(56,900.00)
Deposit	01/26/2018	9821...	John H. Doherty	Clallam County	(500.00)	(57,400.00)
Deposit	01/26/2018	10383	David Ebenger	Deposit	(200.00)	(57,600.00)
Deposit	01/26/2018	2517	John E Hart	City of Colfax	(250.00)	(57,850.00)
Deposit	01/26/2018	8143...	Roy Fore	Chelan County	(1,000.00)	(58,850.00)
Deposit	01/26/2018	8143...	Nancy A. Harmon	Chelan County	(1,000.00)	(59,850.00)
Deposit	01/26/2018	8347	Stephen R. Shelton	Retired	(25.00)	(59,875.00)
Deposit	01/26/2018	0146...	Brett Buckley	Thurston County	(1,000.00)	(60,875.00)
Deposit	01/26/2018	0146...	Samuel G. Meyer	Thurston County	(1,000.00)	(61,875.00)
Deposit	01/26/2018	0146...	Kalo Wilcox	Thurston County	(1,000.00)	(62,875.00)
Deposit	01/26/2018	0146...	Paul Wohl	Thurston County	(800.00)	(63,675.00)
Deposit	01/26/2018	0104...	Matt Elich	Whatcom County	(1,000.00)	(64,675.00)
Deposit	01/26/2018	0104...	Anthony Parise	Whatcom County	(800.00)	(65,475.00)
Deposit	01/26/2018	3625...	Terry Jurado	City of Renton	(1,000.00)	(66,475.00)
Deposit	01/26/2018	99568	Timothy Jenkins	City of Sumner	(500.00)	(66,975.00)
Deposit	01/26/2018	1388...	Abigail Bartlett	Clark County	(400.00)	(67,375.00)
Deposit	01/26/2018	1388...	Todd George	Clark County	(800.00)	(68,175.00)
Deposit	01/26/2018	1388...	John P. Hagensen	Clark County	(1,000.00)	(69,175.00)
Deposit	01/26/2018	1388...	Sonya L. Langsdorf	Clark County	(1,000.00)	(70,175.00)
Deposit	01/26/2018	1388...	Kelli E. Osler	Clark County	(1,000.00)	(71,175.00)
Deposit	01/26/2018	1388...	Kristen L. Parcher	Clark County	(1,000.00)	(72,175.00)
Deposit	01/26/2018	1388...	Chad E. Slight	Clark County	(1,000.00)	(73,175.00)
Deposit	01/26/2018	1388...	Darvin Zimmerman	Clark County	(1,000.00)	(74,175.00)
Deposit	01/26/2018	7331...	Donald W. Engel	Yakima County	(1,000.00)	(75,175.00)
Deposit	01/26/2018	7331...	Kevin Roy	Yakima County	(1,000.00)	(76,175.00)
Deposit	01/26/2018	7331...	Brian Sanderson	Yakima County	(1,000.00)	(77,175.00)

# Washington State District And Municipal Court Judges Assoc. Transaction Detail by Account

July 2017 through June 2018

Type	Date	Num	Name	Memo	Amount	Balance
Deposit	01/26/2018	7331...	Alfred G. Schweeppe	Yakima County	(1,000.00)	(78,175.00)
Deposit	01/26/2018	7331...	Kevin Eilmes	Yakima County	(800.00)	(78,975.00)
Deposit	01/26/2018	1685...	Katharine Butler	County of Benton	(1,000.00)	(79,975.00)
Deposit	01/26/2018	1685...	Daniel Kathren	County of Benton	(1,000.00)	(80,975.00)
Deposit	01/26/2018	1685...	Steven T Osborn	County of Benton	(1,000.00)	(81,975.00)
Deposit	01/26/2018	1685...	Terry Tanner	County of Benton	(1,000.00)	(82,975.00)
Deposit	01/26/2018	1685...	John S Zibro	County of Benton	(1,000.00)	(83,975.00)
Deposit	01/26/2018	1371...	Dennis H. Bail	City of Tacoma	(800.00)	(84,775.00)
Deposit	01/26/2018	1371...	Randall L. Hansen	City of Tacoma	(400.00)	(85,175.00)
Deposit	01/26/2018	1371...	Drew Henke	City of Tacoma	(1,000.00)	(86,175.00)
Deposit	01/26/2018	1371...	David Ladenburg	City of Tacoma	(1,000.00)	(87,175.00)
Deposit	01/26/2018	1371...	Elizabeth E. Verhey	City of Tacoma	(1,000.00)	(88,175.00)
Deposit	01/26/2018	7836...	R. W. Buzzard	Lewis County	(1,000.00)	(89,175.00)
Deposit	01/26/2018	7836...	Wade Samuelson	Lewis County	(1,000.00)	(90,175.00)
Deposit	01/26/2018	7836...	Michael Roewe	Lewis County	(200.00)	(90,375.00)
Deposit	01/26/2018	7836...	Wendy S. Tripp	Lewis County	(200.00)	(90,575.00)
Deposit	01/26/2018	6167...	Michael J. Lambo	City of Kirkland	(1,000.00)	(91,575.00)
Deposit	01/26/2018	6167...	John Olson	City of Kirkland	(200.00)	(91,775.00)
Deposit	01/26/2018	2751...	Tina Kernan	Asotin County	(1,000.00)	(92,775.00)
Deposit	01/26/2018	2375...	Andrea Beall	City of Puyallup	(1,000.00)	(93,775.00)
Deposit	01/26/2018	0016...	Stephen E. Moore	City of Lynnwood	(1,000.00)	(94,775.00)
Deposit	01/26/2018	1529...	Lisa Leone	City of Des Moines	(1,000.00)	(95,775.00)
Deposit	01/26/2018	88013	Susan Adams	City of Lakewood	(1,000.00)	(96,775.00)
Deposit	01/26/2018	1214...	Dale A. McBeth	City of Chehalis	(500.00)	(97,275.00)
Deposit	01/26/2018	12652	G. Scott Marinella	County o Columbia	(500.00)	(97,775.00)
Deposit	01/26/2018	49348	Chancey C. Crowell	City of East Wenatchee	(500.00)	(98,275.00)
Deposit	01/26/2018	0592...	Susan L. Solan	City of Aberdeen	(500.00)	(98,775.00)
Deposit	01/26/2018	1003...	Jeffrey L. Tolman	City of Poulsbo	(500.00)	(99,275.00)
Deposit	01/26/2018	1402...	Nancy R. McAllister	Pacific County	(500.00)	(99,775.00)
Deposit	01/26/2018	82813	Kris Kaino	City of Long Beach	(250.00)	(100,025.00)
Deposit	01/26/2018	263	Melanie Dane	Retired	(25.00)	(100,050.00)
Deposit	01/26/2018	3371	Thomas M. Ellington	Deposit	(250.00)	(100,300.00)
Deposit	01/26/2018	52796	Christopher L Bates	City of Montesano	(250.00)	(100,550.00)
Deposit	01/26/2018	9910...	Dan LeBeau	Town of Colton	(250.00)	(100,800.00)
Deposit	01/26/2018	2115	Shane Seaman	Deposit	(200.00)	(101,000.00)
Deposit	02/07/2018	0014...	Tamara A. Hanlon	City of Yakima	(400.00)	(101,400.00)
Deposit	02/07/2018	0014...	Susan Woodard	City of Yakima	(1,000.00)	(102,400.00)
Deposit	02/07/2018	0014...	Kelley Olwell	City of Yakima	(1,000.00)	(103,400.00)
Deposit	02/07/2018	1724...	Charles Short	Okanogan County	(1,000.00)	(104,400.00)
Deposit	02/07/2018	1724...	Robert Grim	Okanogan County	(1,000.00)	(105,400.00)
Deposit	02/07/2018	2608...	David A. Larson	City of Federal Way	(1,000.00)	(106,400.00)
Deposit	02/07/2018	2608...	Rebecca Robertson	City of Federal Way	(1,000.00)	(107,400.00)
Deposit	02/07/2018	1420...	Judy Jasprica	Pierce County	(1,000.00)	(108,400.00)
Deposit	02/07/2018	1420...	Maggie Ross	Pierce County	(1,000.00)	(109,400.00)
Deposit	02/07/2018	1420...	James R. Heller	Pierce County	(1,000.00)	(110,400.00)
Deposit	02/07/2018	1420...	Karla Buttorff	Pierce County	(1,000.00)	(111,400.00)
Deposit	02/07/2018	1420...	Franklin L. Dacca	Pierce County	(1,000.00)	(112,400.00)
Deposit	02/07/2018	1420...	Claire Sussman	Pierce County	(1,000.00)	(113,400.00)
Deposit	02/07/2018	1420...	Kevin McCann	Pierce County	(1,000.00)	(114,400.00)
Deposit	02/07/2018	1420...	Jeanette Lineberry	Pierce County	(1,000.00)	(115,400.00)
Deposit	02/07/2018	3110...	Judith Mccauley	Douglas County	(1,000.00)	(116,400.00)
Deposit	02/07/2018	4750...	Warren Gilbert	Skagit County	(1,000.00)	(117,400.00)
Deposit	02/07/2018	4750...	Diane Goddard	Skagit County	(1,000.00)	(118,400.00)
Deposit	02/07/2018	4705...	Thomas L. Verge	Skagit County	(1,000.00)	(119,400.00)
Deposit	02/07/2018	4705...	Jenifer Howson	Skagit County	(800.00)	(120,200.00)
Deposit	02/07/2018	5450...	Gerald A. Caniglia	City of Spokane	(800.00)	(121,000.00)
Deposit	02/07/2018	5450...	Howard F Delaney	City of Spokane	(400.00)	(121,400.00)
Deposit	02/07/2018	5450...	Michael Valerien	City of Spokane	(800.00)	(122,200.00)
Deposit	02/07/2018	5450...	Michelle Szambelan	City of Spokane	(1,000.00)	(123,200.00)
Deposit	02/07/2018	5450...	Tracy A. Staab	City of Spokane	(1,000.00)	(124,200.00)
Deposit	02/07/2018	5450...	Mary C. Logan	City of Spokane	(1,000.00)	(125,200.00)
Deposit	02/07/2018	1952...	Stewart R. Andrew	San Juan County	(1,000.00)	(126,200.00)
Deposit	02/07/2018	1066...	Kevin Ringus	City of Fife	(1,000.00)	(127,200.00)
Deposit	02/07/2018	2292...	Linda Coburn	City of Edmonds	(1,000.00)	(128,200.00)
Deposit	02/07/2018	0032...	Jerry Roach	Franklin County	(1,000.00)	(129,200.00)
Deposit	02/07/2018	1221...	Lorrie Towers	City of Marysville	(1,000.00)	(130,200.00)
Deposit	02/07/2018	1221...	Fred L. Gillings	City of Marysville	(1,000.00)	(131,200.00)
Deposit	02/07/2018	3342...	Douglas B. Robinson	Whitman County	(1,000.00)	(132,200.00)
Deposit	02/07/2018	0017...	N. Scott Stewart	City of Issaquah	(1,000.00)	(133,200.00)
Deposit	02/07/2018	0054...	William H. Hawkins	Island County	(1,000.00)	(134,200.00)
Deposit	02/07/2018	8103...	James E. Hurson	Kittitas County	(1,000.00)	(135,200.00)
Deposit	02/07/2018	4194...	Kristian E. Hedine	Walla Walla County	(1,000.00)	(136,200.00)
Deposit	02/07/2018	4194...	John O. Knowlton	Walla Walla County	(250.00)	(136,450.00)
Deposit	02/07/2018	3283...	Thomas Brown	Ferry County	(500.00)	(136,950.00)
Deposit	02/07/2018	93104	Steven L. Michels	Sunnyside	(500.00)	(137,450.00)
Deposit	02/07/2018	0002...	Jeffrey J. Baker	Klickitat County	(500.00)	(137,950.00)
Deposit	02/07/2018	2645...	Heidi Heywood	Wahkiakum County	(500.00)	(138,450.00)
Deposit	02/07/2018	1135...	Adalia A. Hille	Adams County	(500.00)	(138,950.00)

# Washington State District And Municipal Court Judges Assoc. Transaction Detail by Account

July 2017 through June 2018

Type	Date	Num	Name	Memo	Amount	Balance
Deposit	02/07/2018	22007	Craig Stilwill	City of Pasco	(500.00)	(139,450.00)
Deposit	02/07/2018	0019...	Wayne Stewart	City of Mercer Island	(500.00)	(139,950.00)
Deposit	02/07/2018	1135...	Carolyn J. Benzell	Adams County	(500.00)	(140,450.00)
Deposit	02/07/2018	73580	Timothy A. Dury	City of Port Orchard	(500.00)	(140,950.00)
Deposit	02/07/2018	0394...	Darrel R. Ellis	City of Cle Elum	(250.00)	(141,200.00)
Deposit	02/07/2018	49065	Therese Murphy	City of Zillah	(250.00)	(141,450.00)
Deposit	02/07/2018	0271...	Stephen R. Buzzard	City of Winlock	(250.00)	(141,700.00)
Deposit	02/07/2018	2106...	John A. Miller	City of Fircrest	(250.00)	(141,950.00)
Deposit	02/07/2018	0707...	Bronson Faul	City of Selah	(250.00)	(142,200.00)
Deposit	02/07/2018	1877...	Brock D. Stiles	Cit of Sedro-Woolley	(250.00)	(142,450.00)
Deposit	02/07/2018	1839	Jennifer L. Fassbender	personal check (Spokane)	(250.00)	(142,700.00)
Deposit	02/07/2018	0528...	Arthur Blauvelt III	City of Elma	(250.00)	(142,950.00)
Deposit	02/07/2018	57896	Robert Freeby	City of Buckley	(250.00)	(143,200.00)
Deposit	02/07/2018	4344	Thomas L. Meyer	Personal check 4344 (Olympia)	(200.00)	(143,400.00)
Deposit	02/07/2018	31532	Michael L. Everett	Associate Member	(25.00)	(143,425.00)
Deposit	02/07/2018	1643...	Ronald Reynier	Skamania County	(500.00)	(143,925.00)
Deposit	02/07/2018	5882...	Kyle Imier	Grays Harbor County	(1,000.00)	(144,925.00)
Deposit	02/07/2018	5882...	Thomas Copland	Grays Harbor County	(1,000.00)	(145,925.00)
Deposit	02/07/2018	45774	Krista White Swain	City of Black Diamond	(250.00)	(146,175.00)
Deposit	02/26/2018	3773...	Shane Seaman	City of Bremerton	(200.00)	(146,375.00)
Deposit	02/26/2018	3773...	James Doctor	City of Bremerton	(1,000.00)	(147,375.00)
Deposit	02/26/2018	2002...	Michelle Gehlsen	City of Bothell	(1,000.00)	(148,375.00)
Deposit	02/26/2018	0134...	Dan B Johnson	Lincoln county	(500.00)	(148,875.00)
Deposit	02/26/2018	8103...	Darrel R. Ellis	Kittitas County	(500.00)	(149,375.00)
Deposit	02/26/2018	1983...	Tam Thi-Dang Bui	Snohomish County	(1,000.00)	(150,375.00)
Deposit	02/26/2018	1983...	Steven Clough	Snohomish County	(1,000.00)	(151,375.00)
Deposit	02/26/2018	1983...	Douglas Fair	Snohomish County	(1,000.00)	(152,375.00)
Deposit	02/26/2018	1983...	Elizabeth A. Fraiser	Snohomish County	(1,000.00)	(153,375.00)
Deposit	02/26/2018	1983...	Jeffery Goodwin	Snohomish County	(1,000.00)	(154,375.00)
Deposit	02/26/2018	1983...	Anthony E Howard	Snohomish County	(1,000.00)	(155,375.00)
Deposit	02/26/2018	1983...	Rick Leo	Snohomish County	(800.00)	(156,175.00)
Deposit	02/26/2018	1983...	Patricia L. Lyon	Snohomish County	(1,000.00)	(157,175.00)
Deposit	02/26/2018	1983...	Kristen Olbrechts	Snohomish County	(1,000.00)	(158,175.00)
Deposit	02/26/2018	45891	Sandra L. Allen	City of Ruston	(250.00)	(158,425.00)
Deposit	02/26/2018	7221...	Glenn Philips	City of Kent	(1,000.00)	(159,425.00)
Deposit	02/26/2018	7221...	Karli Jorgensen	City of Kent	(1,000.00)	(160,425.00)
Deposit	02/26/2018	23265	David Hatch	City of Cosmopolis	(250.00)	(160,675.00)
Deposit	02/26/2018	33298	Susan Arb	City of Moxee	(250.00)	(160,925.00)
Deposit	02/26/2018	0005...	Debra Lev	City of Bellingham	(1,000.00)	(161,925.00)
Deposit	02/26/2018	78593	Ronald Heslop	City of Bonney Lake	(1,000.00)	(162,925.00)
Deposit	02/26/2018	2076	Gina Tveit	personal check	(1,000.00)	(163,925.00)
Deposit	02/26/2018	86407	Zenon P. Olbertz	City of Gig Harbor	(500.00)	(164,425.00)
Deposit	02/26/2018	0001...	Scott C. Sage	City of Ocean Shores	(250.00)	(164,675.00)
Deposit	02/26/2018	89006	David M. Grant	Whatcom County	(1,000.00)	(165,675.00)
Deposit	02/26/2018	2399	L. Stephen Rochon	personal check	(250.00)	(165,925.00)
Deposit	02/26/2018	2150...	James M.B. Buzzard	City of Centralia	(500.00)	(166,425.00)
Deposit	02/26/2018	0406...	Robert R. Northcott	City of Granger	(250.00)	(166,675.00)
Deposit	02/26/2018	2965	Michael Bobbink	Personal check	(500.00)	(167,175.00)
Deposit	03/05/2018	0154...	Darrel R. Ellis	City of Roslyn	(250.00)	(167,425.00)
Deposit	03/05/2018	0886...	Andrea Vingo	City of Hoquiam	(500.00)	(167,925.00)
Deposit	03/05/2018	18705	George Steele	City of Shelton	(500.00)	(168,425.00)
Deposit	03/05/2018	1204...	Robert Hamilton	City of Seatac	(500.00)	(168,925.00)
Check	03/05/2018		Shane Seaman	Refund on Dues that was paid twice	200.00	(168,725.00)
Deposit	03/20/2018	0000...	David R Koss	Cowlitz County	(1,000.00)	(169,725.00)
Deposit	03/20/2018	0000...	Edward Putka	Cowlitz County	(1,000.00)	(170,725.00)
Deposit	03/21/2018	0805...	Victoria Meadows	Mason County	(1,000.00)	(171,725.00)
Deposit	03/21/2018	1427...	Terri K. Cooper	City of Cheney	(200.00)	(171,925.00)
Deposit	03/21/2018	7091	Michael S. Turner	Deposit	(250.00)	(172,175.00)
Deposit	04/06/2018	0054...	Ronald Andrew M Costeck	Island County	(800.00)	(172,975.00)
Deposit	04/06/2018	11218	David Hatch	City of Westport	(250.00)	(173,225.00)
Deposit	04/06/2018	3774...	Kimberly Walden	City of Tukwila	(400.00)	(173,625.00)
Deposit	04/30/2018	88847	Mara J. Rozzano	city of Monroe	(250.00)	(173,875.00)
Deposit	04/30/2018	1226	Richard White	retired	(25.00)	(173,900.00)
Deposit	04/30/2018	10479	David Ebenger	correction for previous amount paid	(50.00)	(173,950.00)
Deposit	04/30/2018	3750...	Kevin P Kelly	Kitsap County	(1,000.00)	(174,950.00)
Deposit	04/30/2018	3750...	Claire Bradley	Kitsap County	(1,000.00)	(175,950.00)
Deposit	04/30/2018	3750...	Marilyn Paja	Kitsap County	(1,000.00)	(176,950.00)
Deposit	04/30/2018	3750...	Jeffrey J. Jahns	Kitsap County	(1,000.00)	(177,950.00)

Total Membership Revenue					(177,950.00)	(177,950.00)
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<b>Judicial College Program Support</b>						
Check	09/01/2017	online	Judicial Conf. Registrar	M1C0X-CXFH3	1,500.00	1,500.00

Total Judicial College Program Support					1,500.00	1,500.00
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# Washington State District And Municipal Court Judges Assoc. Transaction Detail by Account

July 2017 through June 2018

Type	Date	Num	Name	Memo	Amount	Balance
<b>Prior Year Budget Expense</b>						
Check	07/10/2017	online	Pierce County Bookkeeping	June Invoice 615	315.00	315.00
Check	07/10/2017	online	AOC	Invoice MS061917-02 Board	461.89	776.89
Check	07/10/2017	online	Rebecca Robertson	Board meeting	112.98	889.87
Check	07/10/2017	online	G. Scott Marinella	LW3CV-WGPFPQ	181.92	1,071.79
Check	07/10/2017	online	AOC	Conference Calls	394.29	1,466.08
Check	07/10/2017	online	AOC	Trial Court Sentencing committee	281.80	1,747.88
Check	07/10/2017	online	AOC	Jasp	293.68	2,041.56
Check	07/30/2017	online	AOC	board	(201.48)	1,840.08
Check	07/30/2017	online	AOC	conference Calls	68.10	1,908.18
Check	07/30/2017	online	AOC	Diversity Committee	334.26	2,242.44
Check	07/30/2017	online	AOC	JASP	215.38	2,457.82
Check	08/01/2017	online	Kevin Ringus	Board meeting in Spokane	141.98	2,599.80
Check	08/31/2017	online	AOC	board	2,394.45	4,994.25
Check	08/31/2017	online	AOC	conference planning committee	293.77	5,288.02
Check	08/31/2017	online	AOC	Diversity Committee	84.84	5,372.86
Check	08/31/2017	online	AOC	JASP	348.88	5,721.74
Check	08/31/2017	online	AOC	Legislative Committee	110.98	5,832.72
Check	08/31/2017	online	Rebecca Robertson	board meeting	112.98	5,945.70
Check	09/20/2017	online	Superior Court Judges Association	Refund	660.51	6,606.21
Total Prior Year Budget Expense					6,606.21	6,606.21
<b>Board Meeting Expense</b>						
Check	08/18/2017	online	Ingallina's Box Lunch		352.44	352.44
Check	08/31/2017	online	AOC	Printing, postage and supplies	82.42	434.86
Check	09/15/2017	online	Charles Short	M2GYX-05SCF	256.80	691.66
Check	09/15/2017	online	Scott Ahlf	M2GYX-08FTF	53.50	745.16
Check	09/15/2017	online	Michelle Gehlsen	M2H11-LTTCX	29.96	775.12
Check	09/15/2017	online	Rick Leo	M2HOT-MDDH9	24.98	800.10
Check	09/15/2017	online	Melanie Dane	M2H0X-QHNT1	22.47	822.57
Check	09/15/2017	online	Damon G. Shadid	M2H04-XTHFN	21.94	844.51
Check	09/15/2017	online	Karen Donohue	M2H0K-4RLQC	21.94	866.45
Check	09/15/2017	online	Kevin Ringus	M2H0M-MDZ81	21.40	887.85
Check	09/15/2017	online	Michael Finkle	M2H0F-L19ZH	17.66	905.51
Check	09/15/2017	online	Douglas B. Robinson	M2GYX-07H9Q	15.00	920.51
Check	09/15/2017	online	AOC	MS091117-02	921.52	1,842.03
General	09/18/2017	CEH	Rebecca Robertson	reverse for duplicate request	(112.98)	1,729.05
Check	09/20/2017	online	Michelle Gehlsen	M2SBT-7WJFH	87.74	1,816.79
Check	09/27/2017	online	Dan B Johnson	M48LF-7CPQ3	196.60	2,013.39
Check	09/27/2017	online	Michael Finkle	M48LF-7GPBD	212.60	2,225.99
Check	09/27/2017	online	Michelle Gehlsen	M48LF-7GVMN	212.60	2,438.59
Check	10/03/2017	online	Judy Jasprica	M4W5M-FC2H7	212.60	2,651.19
Check	10/03/2017	online	Melanie Dane	M4W5R-FHF0T	212.00	2,863.19
Check	10/13/2017	online	AOC	Invoice MS101017-03	76.50	2,939.69
Check	10/17/2017	online	Michael J. Lambo		25.68	2,965.37
Check	10/17/2017	online	Kevin Ringus		21.40	2,986.77
Check	10/17/2017	online	Douglas B. Robinson		15.00	3,001.77
Check	10/17/2017	online	Michael Finkle		16.05	3,017.82
Check	10/17/2017	online	Linda Coburn		33.17	3,050.99
Check	10/17/2017	online	Douglas Fair		32.10	3,083.09
Check	10/17/2017	online	Samuel G. Meyer		53.50	3,136.59
Check	10/17/2017	online	Charles Short		255.73	3,392.32
Check	11/06/2017	online	Ingallina's Box Lunch	M8FLR-Z68ZC	324.17	3,716.49
Check	11/07/2017	online	Ingallina's Box Lunch	M8G0X-8BF7H	363.39	4,079.88
Check	11/14/2017	online	Douglas Fair	M94H1-YDH89	32.10	4,111.98
Check	11/14/2017	online	Douglas B. Robinson	M94H1-YFPFY	315.65	4,427.63
Check	11/14/2017	online	Kevin Ringus	M94H1-YFYVK	21.40	4,449.03
Check	11/14/2017	online	Linda Coburn	M94H1-YG58J	34.24	4,483.27
Check	11/14/2017	online	Melanie Dane	M94H1-YGD9Z	21.40	4,504.67
Check	11/14/2017	online	Michelle Gehlsen	M94H1-YGK15	24.61	4,529.28
Check	11/14/2017	online	Rick Leo	M94H1-YGQ3Z	25.62	4,554.90
Check	11/14/2017	online	Samuel G. Meyer	M94H1-YGY00	53.50	4,608.40
Check	12/21/2017	online	AOC	MDWX7-7BT5D	441.27	5,049.67
Check	12/21/2017	online	AOC	MDWX9-DS83V	2,179.43	7,229.10
Check	12/21/2017	online	Ingallina's Box Lunch	MDWZ6-PX9XN	409.42	7,638.52
Check	12/21/2017	Online	Douglas B. Robinson	MDX1C-NRWJ6	315.65	7,954.17
Check	12/21/2017	Online	Kevin Ringus	MDX1C-NTLNC	21.40	7,975.57
Check	12/21/2017	Online	Linda Coburn	MDX1C-NTVPP	33.17	8,008.74
Check	12/21/2017	Online	Michelle Gehlsen	MDX1C-NV465	26.75	8,035.49
Check	12/21/2017	Online	Scott Ahlf	MDX1C-NV9XP	53.50	8,088.99
Check	01/12/2018	online	Douglas B. Robinson		102.60	8,191.59
Check	01/12/2018	online	Kevin Ringus		21.80	8,213.39
Check	01/12/2018	online	Linda Coburn		33.79	8,247.18
Check	01/12/2018	online	Michelle Gehlsen		27.25	8,274.43
Check	01/12/2018	online	Rick Leo		24.68	8,299.11
Check	01/12/2018	online	Samuel G. Meyer		54.50	8,353.61
Check	01/12/2018	online	Scott Ahlf		54.50	8,408.11
Check	01/15/2018	online	La Conner Cannel Lodge	Retreat	720.00	9,128.11

# Washington State District And Municipal Court Judges Assoc. Transaction Detail by Account

July 2017 through June 2018

Type	Date	Num	Name	Memo	Amount	Balance
Check	01/16/2018	online	Ingallina's Box Lunch		361.74	9,489.85
Check	01/17/2018	online	AOC		24.54	9,514.39
Check	01/26/2018	online	Damon G. Shadid		17.90	9,532.29
Check	02/21/2018	online	Ingallina's Box Lunch	01-417765	373.23	9,905.52
Check	02/23/2018	online	Charles Short	from the 11/3/2017 Board meeting	254.80	10,160.32
Check	02/23/2018	online	Charles Short	2/9 meeting	359.17	10,519.49
Check	02/23/2018	online	Douglas Fair	2/9 meeting	32.70	10,552.19
Check	02/23/2018	online	Douglas B. Robinson	2/9 meeting	18.00	10,570.19
Check	02/23/2018	online	Kevin Ringus	2/9 meeting	21.80	10,591.99
Check	02/23/2018	online	Michelle Gehlsen	2/9 meeting	30.52	10,622.51
Check	02/23/2018	online	Samuel G. Meyer	2/9 meeting	54.50	10,677.01
Check	02/23/2018	online	Scott Ahlf	2/9 meeting	54.50	10,731.51
Check	03/07/2018	online	AOC		984.25	11,715.76
Check	03/14/2018	online	Ingallina's Box Lunch	Order No: 01-422874	346.94	12,062.70
Check	03/21/2018	online	AOC	MS030018-05	838.77	12,901.47
Check	03/21/2018	online	Douglas Fair	MQJ5Q-3W9TX	32.70	12,934.17
Check	03/21/2018	online	Rick Leo	MQJ5Q-3XJFQ	26.09	12,960.26
Check	04/16/2018	online	Charles Short	MT452-664CW	396.18	13,356.44
Check	04/16/2018	online	Douglas B. Robinson	MT452-677L1	25.00	13,381.44
Check	04/16/2018	online	G. Scott Marinella	MT452-67JS1	299.75	13,681.19
Check	04/16/2018	online	Linda Coburn	MT452-67MVB	34.88	13,716.07
Check	04/16/2018	online	Rick Leo	MT452-67VLZ	26.09	13,742.16
Check	04/19/2018	online	Ingallina's Box Lunch	MT44K-BJ7C4	368.34	14,110.50
Check	05/05/2018		Scott Ahlf	4/13/18	54.50	14,165.00
Check	05/05/2018		Scott Ahlf	3/9/18	54.50	14,219.50
Check	05/18/2018		Charles Short		268.14	14,487.64
Check	05/18/2018		Douglas Fair		60.50	14,548.14
Check	05/18/2018		Linda Coburn		59.95	14,608.09
Check	05/18/2018		Michelle Gehlsen		68.67	14,676.76
Check	05/18/2018		Rebecca Robertson		67.58	14,744.34
Check	05/18/2018		Rick Leo		57.88	14,802.22
Check	05/18/2018		Samuel G. Meyer		141.70	14,943.92
Check	05/18/2018		Scott Ahlf		141.70	15,085.62
Check	05/18/2018		Drew Henke		107.91	15,193.53
Check	06/08/2018		Rebecca Robertson		103.42	15,296.95
Check	06/10/2018		Douglas B. Robinson		139.42	15,436.37
Check	06/15/2018		Damon G. Shadid		161.66	15,598.03
Check	06/15/2018		Michael Finkle		139.42	15,737.45
Check	06/15/2018		La Conner Cannel Lodge		2,057.09	17,794.54
Check	06/15/2018		AOC		876.76	18,671.30
Check	06/21/2018		Douglas Fair		161.66	18,832.96
Check	06/21/2018		Michelle Gehlsen		139.42	18,972.38
Check	06/21/2018		Rick Leo		161.66	19,134.04
Check	06/21/2018		Samuel G. Meyer		139.42	19,273.46
Check	06/22/2018		Linda Coburn		139.42	19,412.88
Check	06/27/2018		Dan B Johnson		139.42	19,552.30
Check	06/27/2018		City of Olympia	Judge Ahlf's hotel room	103.42	19,655.72
Check	06/27/2018		Scott Ahlf	meal	36.00	19,691.72
Check	06/29/2018		Drew Henke		139.42	19,831.14
Total Board Meeting Expense					19,831.14	19,831.14
<b>Bookkeeping Expense</b>						
Check	08/02/2017	online	Pierce County Bookkeeping	July Invoice	315.00	315.00
Check	09/14/2017	online	Pierce County Bookkeeping	M25DX-Q5LTD	303.75	618.75
Check	09/20/2017	online	Dino W Traverso, PLLC	2016 corp taxes M2SBN-TXJVP	525.00	1,143.75
Check	10/13/2017	online	Pierce County Bookkeeping	September Invoice 642	310.00	1,453.75
Check	11/06/2017	online	Pierce County Bookkeeping	M8FFK-H4688	292.50	1,746.25
Check	12/21/2017	online	Pierce County Bookkeeping	MDWZ8-T0JLR	270.00	2,016.25
Check	01/12/2018	online	Pierce County Bookkeeping	December Billing	292.50	2,308.75
Check	02/21/2018	online	Pierce County Bookkeeping	January invoice 680	315.00	2,623.75
Check	03/16/2018	online	Pierce County Bookkeeping	February bookkeeping	216.00	2,839.75
Check	04/06/2018	online	Pierce County Bookkeeping	Invoice 698 March bookkeeping	216.00	3,055.75
Check	05/03/2018	online	Pierce County Bookkeeping	April Bookkeeping	264.00	3,319.75
Check	06/08/2018		Pierce County Bookkeeping	Invoice 721	240.00	3,559.75
Total Bookkeeping Expense					3,559.75	3,559.75

**Washington State District And Municipal Court Judges Assoc.**  
**Transaction Detail by Account**  
 July 2017 through June 2018

Type	Date	Num	Name	Memo	Amount	Balance
<b>Conference Calls</b>						
Check	09/15/2017	online	AOC	MS091117-02	36.56	36.56
Check	10/13/2017	online	AOC	M5SWB-SLKWR	53.59	90.15
Check	12/21/2017	online	AOC	MDWX7-7BT5D	102.79	192.94
Check	12/21/2017	online	AOC	MDWX9-DS83V	51.07	244.01
Check	01/17/2018	online	AOC		76.69	320.70
Check	03/07/2018	online	AOC		30.50	351.20
Check	03/21/2018	online	AOC	MS030018-05	154.79	505.99
Check	06/27/2018		AOC		99.79	605.78
Total Conference Calls					605.78	605.78
<b>Conference Planning Committee</b>						
Check	06/27/2018		Susan Peterson	Batteries	10.27	10.27
Total Conference Planning Committee					10.27	10.27
<b>Spring Conference 2018</b>						
Check	04/25/2018	online	Lake Chelan Boat Company	MTYSB-YC6TS	862.50	862.50
Check	04/25/2018	online	Two Chef's Catering	MVCQF-MCPYO	450.00	1,312.50
Credit ...	05/11/2018		La Conner Seafood		479.31	1,791.81
Check	06/05/2018		Kokopelli's Run		600.00	2,391.81
Credit ...	06/07/2018		Campbell's Resort		680.85	3,072.66
Check	06/08/2018		Fred L. Gillings		350.00	3,422.66
Check	06/21/2018		Tom Ellington		1,141.24	4,563.90
Check	06/27/2018		Andrea Beall	Ruby Theatre	175.00	4,738.90
Check	06/27/2018		Judicial Conf. Registrar		34,800.00	39,538.90
Total Spring Conference 2018					39,538.90	39,538.90
<b>Diversity Committee</b>						
Check	08/18/2017	online	Linda Coburn		86.34	86.34
Total Diversity Committee					86.34	86.34
<b>DMCJA/SCJA Sentencing Alt.</b>						
Check	03/21/2018	online	AOC	MS030018-05	290.60	290.60
Total DMCJA/SCJA Sentencing Alt.					290.60	290.60
<b>Education Committee</b>						
Check	10/13/2017	online	AOC	M5SWB-SLKWR	290.40	290.40
Check	11/08/2017	online	Jeffery Smith	M8G4J-429TR	10.00	300.40
Check	11/08/2017	online	Kevin McCann	M8G4K-VNQY0	24.61	325.01
Check	11/08/2017	online	James Doctor	M8G4M-4RFN2	65.00	390.01
Check	11/08/2017	online	Douglas Fair	M8G4P-GCY1W	32.10	422.11
Check	11/08/2017	online	Timothy Jenkins	M8G4W-BSVF1	9.63	431.74
Check	11/09/2017	online	Ingallina's Box Lunch	M8G0R-70H4L	126.01	557.75
Check	11/09/2017	online	Ingallina's Box Lunch	M8G0T-039RR	244.31	802.06
Check	02/23/2018	online	Charles Short	From 10/19/2017	397.62	1,199.68
Total Education Committee					1,199.68	1,199.68
<b>Educational Grants</b>						
Check	09/15/2017	online	Kelli E. Osler	M2GYC03W9BR	1,000.00	1,000.00
Total Educational Grants					1,000.00	1,000.00
<b>Judicial Assistance Committee</b>						
Deposit	08/02/2017		Superior Court Judges Association	Superior Court Judges Association	(6,500.00)	(6,500.00)
Check	08/31/2017	online	Susanna Neil Kanther-Raz	M1C05-L7XQV	300.00	(6,200.00)
Check	09/14/2017	online	Cave B	50% downpayment	2,163.61	(4,036.39)
Check	09/29/2017	online	Barbara Barnes	M48MD-G377B	1,125.00	(2,911.39)
Check	10/13/2017	online	Christeine Terry, Ph.D., LLC	October 6th presentation on Addiction at Se...	750.00	(2,161.39)
Check	10/13/2017	online	AOC	M5SWB-SLKWR	333.30	(1,828.09)
Check	11/08/2017	online	Susanna Neil Kanther-Raz	M8FLX-Q3BD7	1,018.19	(809.90)
Check	11/06/2017	online	Susanna Neil Kanther-Raz	M8FL6-GDK23	600.00	(209.90)
Check	11/08/2017	online	Ingallina's Box Lunch	M8FMZ-GNXD9	237.11	27.21
Check	11/08/2017	online	Ingallina's Box Lunch	M8FMX-XV6XK	165.88	193.09
Check	11/08/2017	online	Douglas Fair	M8G1Z-L6RZG	32.10	225.19
Check	11/08/2017	online	James Doctor	M8G21-PZ6DD	64.85	290.04
Check	11/08/2017	online	Marilyn Haan	M8G26-7N55D	52.00	342.04
Check	11/08/2017	online	Cowlitz County Superior Court	M8G2L-CSVZN	121.98	464.02
Check	11/08/2017	online	Bruce Weiss	M8G2X-2F7JM	43.87	507.89
Check	11/08/2017	online	Marybeth Dingley	M8G2Z-BGCXY	37.45	545.34
Check	11/08/2017	online	Susan Woodard	M8G32-5F574	191.36	736.70
Check	11/08/2017	online	Chris Culp	M8G39-RD0L8	172.00	908.70
Check	11/08/2017	online	Mary C. Logan	M8G3F-Y3980	18.56	927.26
Check	11/08/2017	online	Timothy Jenkins	M8G3H-ZNN0Y	9.63	936.89
Check	11/16/2017	online	Coast Gateway	M9S0F-G9TYM	345.70	1,282.59
Check	12/21/2017	online	AOC	MDWX7-7BT5D	1,125.24	2,407.83

# Washington State District And Municipal Court Judges Assoc. Transaction Detail by Account

July 2017 through June 2018

Type	Date	Num	Name	Memo	Amount	Balance
Check	01/15/2018	online	Susanna Neil Kanther-Raz	Nov & December	600.00	3,007.83
Check	03/14/2018	online	Susanna Neil Kanther-Raz	MPPMX-VQ4ZR	300.00	3,307.83
Check	04/18/2018	online	Susanna Neil Kanther-Raz	MT44F-W05R2	300.00	3,607.83
Check	04/18/2018	online	Susan Woodard	MTVBZ-5RRZK	82.30	3,690.13
Check	04/18/2018	online	Susanna Neil Kanther-Raz	MTVBZ-5RXWK	158.05	3,848.18
Check	04/18/2018	online	Timothy Jenkins	MTVBZ-5S4F8	171.13	4,019.31
Check	04/23/2018	online	Bruce Weiss	MTVBZ-5PXZJ	183.12	4,202.43
Check	04/23/2018	online	Jackie Shea-Brown	MTVBZ-5QY1Y	99.19	4,301.62
Check	04/23/2018	online	Lisa Worswick	MTVBZ-5R20G	163.50	4,465.12
Check	04/23/2018	online	Mary C. Logan	MTVBZ-5R94C	152.60	4,617.72
Check	04/23/2018	online	Marybeth Dingley	MTVBZ-5RFYX	177.67	4,795.39
Check	04/23/2018	online	Michael Finkle	MTVBZ-5RMHM	155.87	4,951.26
Deposit	06/01/2018			Refund	(55.95)	4,895.31
Check	06/15/2018		AOC		5.72	4,901.03
Check	06/27/2018		Susanna Neil Kanther-Raz	2nd quarter	900.00	5,801.03
Check	06/27/2018		Susanna Neil Kanther-Raz	January Fee	300.00	6,101.03
Total Judicial Assistance Committee					6,101.03	6,101.03
<b>Judicial Community Outreach</b>						
Check	11/07/2017	online	Washington YMCA Youth & Gove...	M8G5L-6Q383	1,600.00	1,600.00
Total Judicial Community Outreach					1,600.00	1,600.00
<b>Legislative Committee</b>						
Check	08/31/2017	online	Samuel G. Meyer		53.50	53.50
Check	08/31/2017	online	Scott Ahlf		53.50	107.00
Check	08/31/2017	online	Melanie Stewart	M1C02-39W8Z	53.50	160.50
Check	09/28/2017	online	Ingallina's Box Lunch	M43JQ-6Z92K	105.99	266.49
Check	09/29/2017	online	Samuel G. Meyer	M3Z4G-TZMTT	53.50	319.99
Check	10/13/2017	online	AOC	M5SWB-SLKWR	41.00	360.99
Credit ...	01/22/2018		Coast Gateway		147.00	507.99
Check	03/14/2018	online	Janet Garrow	MPPMX-VQ0V3	76.30	584.29
Check	03/21/2018	online	AOC	MS030018-05	356.60	940.89
Total Legislative Committee					940.89	940.89
<b>Legislative Pro-Tem</b>						
Check	11/16/2017	online	Accounting Clerk	M9CG3-5MN1P	190.74	190.74
Check	02/05/2018	online	Accounting Clerk		81.35	272.09
Check	02/05/2018	online	Thurston County District Court	Jan 22-24	569.42	841.51
Check	02/06/2018	online	Accounting Clerk	MKNWB-VM59L Judge Buckley 1/30/18	162.69	1,004.20
Check	02/10/2018	online	City of Bothell		1,170.00	2,174.20
Total Legislative Pro-Tem					2,174.20	2,174.20
<b>Lobbyist Contract</b>						
Check	07/10/2017	online	Melanie Stewart	July Invoice 4445	2,000.00	2,000.00
Genera...	07/31/2017	CEH		1/12 of Contract	3,416.66	5,416.66
Check	08/18/2017	online	Melanie Stewart		2,000.00	7,416.66
Genera...	08/30/2017	CEH		1/12 of Contract	3,416.66	10,833.32
Check	09/14/2017	online	Melanie Stewart	Invoice 4462 M25F2-8JLLH	2,000.00	12,833.32
Genera...	09/30/2017	CEH		1/12 of Contract	3,416.66	16,249.98
Check	10/13/2017	online	Melanie Stewart	Invoice 4469 October, 2017	2,000.00	18,249.98
Genera...	10/30/2017	CEH		1/12 of Contract	3,416.66	21,666.64
Genera...	11/30/2017	CEH		1/12 of Contract	3,416.66	25,083.30
Genera...	12/31/2017	CEH		1/12 of Contract	3,416.66	28,499.96
Check	01/26/2018	online	Melanie Stewart	November, December & January	6,000.00	34,499.96
Genera...	01/31/2018	CEH		1/12 of Contract	3,416.66	37,916.62
Genera...	02/28/2018	CEH		1/12 of Contract	3,416.66	41,333.28
Check	03/05/2018		Melanie Stewart	February and March	4,000.00	45,333.28
Genera...	03/31/2018	CEH		1/12 of Contract	3,416.66	48,749.94
Check	04/06/2018	online	Melanie Stewart	April payment	2,000.00	50,749.94
Genera...	04/30/2018	CEH		1/12 of Contract	3,416.66	54,166.60
Check	05/03/2018	online	Melanie Stewart	May	2,000.00	56,166.60
Genera...	05/30/2018	CEH		1/12 of Contract	3,416.66	59,583.26
Check	06/08/2018		Melanie Stewart		2,000.00	61,583.26
Genera...	06/30/2018	CEH		1/12 of Contract	3,416.66	64,999.92
Total Lobbyist Contract					64,999.92	64,999.92
<b>Long-Range Planning Committee</b>						
Check	04/06/2018	online	Ingallina's Box Lunch	Order No: 01-425341	122.05	122.05
Check	06/15/2018		AOC	credit	(248.60)	(126.55)
Check	06/27/2018		AOC		26.00	(100.55)
Total Long-Range Planning Committee					(100.55)	(100.55)

# Washington State District And Municipal Court Judges Assoc. Transaction Detail by Account

July 2017 through June 2018

Type	Date	Num	Name	Memo	Amount	Balance
<b>MCA Liaison</b>						
Check	08/02/2017	online	Douglas B. Robinson	Meeting in Yakima	220.44	220.44
Total MCA Liaison					220.44	220.44
<b>Municipal/Dist. Ct Swearing-in</b>						
Check	12/21/2017	Online	Elyse's Catering	MDWXM-RHCW1	431.11	431.11
Total Municipal/Dist. Ct Swearing-in					431.11	431.11
<b>National Leadership Grants</b>						
Check	11/01/2017	online	Janet Garrow	National Association of Women Judges An...	2,400.00	2,400.00
Check	11/07/2017	online	Marilyn Paja	M8G53-6HB2C	2,377.89	4,777.89
Check	06/08/2018		Diane Goddard		1,000.00	5,777.89
Total National Leadership Grants					5,777.89	5,777.89
<b>President Expense</b>						
Check	09/15/2017	online	David Steiner	M2GYH-CLKRF	83.04	83.04
Check	09/16/2017	online	David Steiner	M2GYK-KC992	83.04	166.08
Check	09/29/2017	online	Kimberly Walden	M48M3-PPY7D	42.10	208.18
Check	01/31/2018	online	Scott Ahlf	MK88K-FBBMM Judicial College	160.35	368.53
Check	05/05/2018		Scott Ahlf	3/8/18	199.00	567.53
Check	05/18/2018		Scott Ahlf		87.50	655.03
Check	06/15/2018		4imprint		1,118.06	1,773.09
Check	06/15/2018		TAGS		274.18	2,047.27
Check	06/15/2018		TAGS		20.78	2,068.05
Check	06/15/2018		AOC		160.98	2,229.03
Check	06/25/2018		Rebecca Robertson	Gift for Melanie Stewart	186.79	2,415.82
Total President Expense					2,415.82	2,415.82
<b>Treasurer Expense and Bonds</b>						
Credit ...	10/31/2017		Flowers by Chi	Condolences - Shannon Hinchcliffe Taken f...	86.85	86.85
Credit ...	03/14/2018		Secretary of State	Corp renewal	75.00	161.85
Total Treasurer Expense and Bonds					161.85	161.85
<b>99 - Depreciation Expense</b>						
Genera...	07/31/2017	CEH			9.58	9.58
Genera...	08/30/2017	CEH			9.58	19.16
Genera...	09/30/2017	CEH			9.58	28.74
Genera...	10/30/2017	CEH			9.58	38.32
Genera...	11/30/2017	CEH			9.58	47.90
Genera...	12/31/2017	CEH			9.58	57.48
Genera...	01/31/2018	CEH			9.58	67.06
Genera...	02/28/2018	CEH			9.58	76.64
Genera...	03/28/2018	CEH			9.58	86.22
Genera...	04/30/2018	CEH			9.58	95.80
Genera...	05/30/2018	CEH			9.58	105.38
Genera...	05/30/2018	CEH			9.58	114.96
Total 99 - Depreciation Expense					114.96	114.96
<b>Bank Service Charges</b>						
Check	09/30/2017			Service Charge	14.00	14.00
Genera...	10/06/2017	CEH		service charge was charged to account in e...	(14.00)	0.00
Check	11/30/2017			Will be refunded	14.00	14.00
Deposit	12/05/2017			refund	(14.00)	0.00
Deposit	02/23/2018			Bank made error in the deposit resulting in ...	(0.50)	(0.50)
Total Bank Service Charges					(0.50)	(0.50)
<b>Interest Expense</b>						
Credit ...	07/11/2017			Service Charge	18.23	18.23
Total Interest Expense					18.23	18.23
<b>TOTAL</b>					<b>0.00</b>	<b>0.00</b>

**Other current information not included in reports**

DMCJA 2017-2018 Adopted Budget			
ITEM COMMITTEE	Beginning Balance	Total Costs	Ending Balance
Access to Justice Liaison	\$100.00		\$100.00
Audit	\$2,000.00		\$2,000.00
Bar Association Liaison	\$1,500.00		\$1,500.00
Board Meeting Expense	\$30,000.00	\$19,831.00	\$10,169.00
Bookkeeping Expense	\$3,500.00	\$3,560.00	-\$60.00
Bylaws Committee	\$250.00		\$250.00
Conference Calls	\$250.00	\$606.00	-\$356.00
Conference Planning Committee	\$4,000.00	\$10.00	\$3,990.00
Conference Incidental Fees For Members Spring Conference 2018	\$40,000.00	\$39,539.00	\$461.00
Diversity Committee	\$2,000.00	\$86.00	\$1,914.00
DMCJA/SCJA Sentencing Alternatives aka "Trial Ct Sentencing & Supervision Comm"	\$1,000.00	\$291.00	\$709.00
DMCMA Liaison	\$500.00		\$500.00
DOL Liaison Committee	\$200.00		\$200.00
Education Committee	\$14,500.00	\$1,200.00	\$13,300.00
Educational Security			\$0.00
Education-Grants	\$5,000.00	\$1,000.00	\$4,000.00
Judicial Assistance Committee*	\$13,000.00	\$12,801.00	\$199.00
Judicial College Social Support	\$1,500.00	\$1,500.00	\$0.00
Judicial Community Outreach	\$4,000.00	\$1,600.00	\$2,400.00
Judicial Independence Fire Brigade	\$1,000.00		\$1,000.00
Legislative Committee	\$4,000.00	\$941.00	\$3,059.00
Legislative Pro-Tem	\$2,500.00	\$2,174.00	\$326.00
Lobbyist Contract	\$65,000.00	\$65,000.00	\$0.00
Lobbyist Expenses	\$1,500.00		\$1,500.00
Long-Range Planning Committee	\$750.00	-\$101.00	\$851.00
MCA Liaison	\$1,000.00	\$220.00	\$780.00
Municipal/Dist. Ct Swearing-in 4 yrs. (12/2017)	\$500.00	\$431.00	\$69.00
National Leadership Grants	\$5,000.00	\$5,778.00	-\$778.00
Nominating Committee	\$400.00		\$400.00
President Expense	\$5,000.00	\$369.00	\$4,631.00
Pro Tempore (committee chair approval)	\$10,000.00		\$10,000.00
Professional Services	\$5,000.00		\$5,000.00
Public Outreach (ad hoc workgroup)	\$2,500.00		\$2,500.00
Rules Committee	\$500.00		\$500.00
SCJA Board Liaison	\$1,000.00		\$1,000.00
Treasurer Expense and Bonds	\$250.00	\$162.00	\$88.00
Therapeutic Courts Committee	\$1,000.00		\$1,000.00
Trial Court Advocacy Board	\$500.00		\$500.00
Uniform Infraction Committee	\$1,000.00		\$1,000.00
<b>TOTAL</b>	<b>\$231,700.00</b>	<b>\$156,998.00</b>	<b>\$74,702.00</b>
<b>TOTAL DEPOSITS MADE</b>	<b>\$178,143.00</b>		
<b>CREDIT CARD (balance owing)</b>	<b>\$0.00</b>		

\*includes \$6,500 from the SCJA

Balance as of 6-30-2018

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WA STATE DIST & MUNICIPAL COURT JUDGES'  
JUDGE SCOTT AHLF  
PO BOX 1967  
OLYMPIA, WA 98507-1967

15769

## Statement of Account

PAGE 1 OF 1

Statement Ending Date June 30, 2018

Last Statement Date June 1, 2018

Account Number [REDACTED]

To report a lost or stolen card,  
call 800-472-3272.

For 24-hour telephone banking,  
call 877-431-1876.

For questions or assistance with your account(s),  
please call us at 800-324-9375 or stop by your local branch.

### Business Money Market Summary - # [REDACTED]

Annual Percentage Yield Earned for this Statement Period	0.100%
Interest Rate	0.100%
Year-to-Date Interest Paid	\$25.10

Beginning Balance	\$50,611.52
Interest Earned This Period	+4.16
Deposits and Credits	+0.00
Checks Paid	-0.00
ATM, Electronic and Debit Card Withdrawals	-0.00
Other Transactions	-0.00
Ending Balance	\$50,615.68

	Total for This Period	Total Year-to-Date
Total Overdraft Fees	\$0.00	\$0.00
Total Returned Item Fees	\$0.00	\$0.00

### Interest Earned This Period

Date	Description	Amount
06-30	Credit Interest	4.16
Total Interest Earned This Period		4.16

19 Month CD Special

**Earn**  
**2.05% APY**  
even out here...

Open a NEW CD.  
Visit your branch to get started!

\*With a Green Checking, Stellar Plus Checking or Business Checking Account - 2.03% Interest Rate / 2.05% APY. Without Checking Account - 1.50% Interest Rate / 2.00% APY. Rate and annual percentage yield effective 5/1/18 and subject to change. Penalty may be imposed for early withdrawal.

 Equal Housing Lender  
MEMBER FDIC

Visa may provide updated debit card information, including your expiration date and card number, with merchants that have an agreement for reoccurring payments. You may opt out of this service by calling 1-800-324-9375.

WF-0010-1A

# **Evaluation Summary**

## **2018 District and Municipal Court Judges' Spring Program**

**June 3 – 6, 2018**

# DISTRICT AND MUNICIPAL COURT JUDGES' SPRING PROGRAM

**JUNE 3 – 6, 2018  
Campbell's Resort  
Chelan, Washington**

## **Summary Evaluation**

One hundred and eighty-four judicial officers attended the 2018 District and Municipal Court Judges' Spring Program. Overall, participants expressed appreciation for the variety of education offered. Participants requested continued attention to issues and education that can be applied to their daily practice, such as "nuts-and-bolts" information and their implications in the courtroom. Recommendations for future programs included: mental health issues; protection orders not covered at the 2018 program; judicial independence concerns; case management; courthouse management and security; and continued utilization of speakers with an outside perspective.

The Program was held at the Campbell's Resort in Chelan for the second time in three years, and the location presented several logistical issues. Participants less than satisfied with the meeting space, as the rooms were tight. In addition, moving between the two large meeting rooms was difficult for those needing an elevator. Lodging was at a premium as well. The hotel A/V staff were extraordinarily helpful and provided excellent service, but the main meeting coordination was often difficult leading up to the program. Despite some of the logistical issues, there were requests to return to the location in future years.

### **Program Evaluations**

The table below represents the overall ratings for the 2018 District and Municipal Court Judges' Spring Program:

<b>QUESTION</b>	<b>Rating</b>
How relevant was the program to your work?	4.74
How much did the program add to your work knowledge and insight?	4.63
How well organized/coordinated was the program overall?	4.93
<b>OVERALL RATING</b>	<b>4.77</b>

**Individual Ratings:** 5 = Excellent; 4 = Good; 3 = Average; 2 = Below Average; 1 = Poor.

**Overall Rating:** Calculated as the average of all individual ratings.

## Course Evaluations

The courses are rated via four questions. 1. I gained important information. 2. Substantive written materials (if provided) assisted my learning. 3. The course was well organized/coordinated. 4. The faculty engaged/involved me in meaningful activities.

	YES	NO	NA
1. I gained important information.			
2. Substantive written materials (if provided) assisted my learning.			
3. The course was well organized/coordinated.			
4. The faculty engaged/involved me in meaningful activities.			

## Faculty Evaluations

The faculty are rated using the program evaluation scale: 5 = Excellent; 4 = Good; 3 = Average; 2 = Below Average; 1 = Poor. Each evaluation asked the participants to rate the faculty on three factors: Overall teaching effectiveness, if they made a clear connection to the workplace (meaning) and were well prepared and organized. **Overall Rating:** Calculated as the average of all individual ratings.

### Bail, Pretrial Release, and Supervision: Are We Standing at the Threshold of Change?

Ms. Brooker (via telephone) and Judge Bartheld provided insight into how a pretrial release program was implemented in Yakima, and presented data on how the program has worked in the short time since implementation. Judge Sanderson filled in for Judge Marinella (illness) to provide a district court perspective, with Justice Yu and Judge Portnoy both discussing the statewide impact this could provide. The teleconference piece worked to some degree, with the sound working well and Mr. Zitzelman operating the powerpoint, but this should not be adopted as a standard practice at large programs.

	YES	NO	NA
1. I gained important information.	61	0	3
2. Substantive written materials (if provided) assisted my learning.	60	0	4
3. The course was well organized/coordinated.	63	0	1
4. The faculty engaged/involved me in meaningful activities.	55	5	4

	Overall Teaching Effectiveness	Made clear connection to the workplace	Well prepared and organized	Average Score
Judge Richard H. Batheld	4.44	5.55	4.60	4.86
Ms. Claire Brooker	4.32	4.46	4.56	4.45
Judge Brian Sanderson	4.68	4.77	4.82	4.76
Judge Linda S. Portnoy	4.49	4.65	4.67	4.60
Justice Mary I. Yu	4.44	5.55	4.60	4.86

## Draeger Demonstrations & Legal Challenges

Sergeant Brandon Villanti and Trooper Tom Moberg from the Washington State Patrol provided an unbiased description and demonstration of the Draeger Device. Two participants volunteered to consume alcohol prior to the session in order to offer a demonstration reading on the instrument. Judge Goodwin lead the second portion of the session with attorney's Jason Lantz and Moses Garcia offering views in both the prosecution and defense regarding the admissibility of the device. The participants found the session very informative although they would have liked to have had more time for discussion from Judge Goodwin and the attorneys.

	YES	NO	NA
1. I gained important information.	57	0	0
2. Substantive written materials (if provided) assisted my learning.	56	0	0
3. The course was well organized/coordinated.	57	0	5
4. The faculty engaged/involved me in meaningful activities.	49	3	10

	Overall Teaching Effectiveness	Made clear connection to the workplace	Well prepared and organized	Average Score
Mr. Moses Garcia	4.66	4.77	4.75	4.73
Judge Jeffrey D. Goodwin	4.82	4.88	4.78	4.83
Mr. Jason Lantz	4.59	4.65	4.58	4.61
Mr. Tom Moberg	4.84	4.94	4.85	4.88
Mr. Brandon Villanti	4.68	4.85	4.75	4.76

## Beyond *Batson*: Approaches to Addressing Bias at Jury Selection

Mr. Mungia, Ms. Roe, and Judge Paja presented on jury selection post-GR 37, and how it relates to *Batson*. Material was presented primarily through a mock jury selection process, with the two attorneys acting the parts of counsel and jurors, as needed. The process allowed for participants to interact and experience how the new benchcard and rule could be utilized, and there was lots of Q&A. Better use of time and question management, along with discussion at the opening on the impacts of GR 37, would have provided participants with more insight through the presentation.

	YES	NO	NA
1. I gained important information.	97	3	2
2. Substantive written materials (if provided) assisted my learning.	93	6	3
3. The course was well organized/coordinated.	98	2	2
4. The faculty engaged/involved me in meaningful activities.	97	3	2

	Overall Teaching Effectiveness	Made clear connection to the workplace	Well prepared and organized	Average Score
Mr. Salvador A. Mungia	4.75	4.85	4.82	4.81
Judge Marilyn G. Paja	4.59	4.76	4.69	4.68
Ms. Rebecca Roe	4.75	4.85	4.82	4.81

## Dollars and Sense of Reentry

Ms. Simmons discussed her experiences working through the reentry process, which was well received. Mr. Harms presented on the Department of Corrections procedures in assisting those incarcerated prepare for release, but spent a good amount of time with his back to the audience or talking to Ms. Simmons. Judge Coburn presented on new LFO legislation, and the updated LFO calculator that will premier shortly, with her usual aplomb and passion. Judge Coburn does need to moderate tone and volume when speaking over a PA system, which was commented on by many.

	YES	NO	NA
1. I gained important information.	81	12	9
2. Substantive written materials (if provided) assisted my learning.	69	25	14
3. The course was well organized/coordinated.	82	11	9
4. The faculty engaged/involved me in meaningful activities.	74	19	11

	Overall Teaching Effectiveness	Made clear connection to the workplace	Well prepared and organized	Average Score
Judge Linda Coburn	4.46	4.64	4.62	4.57
Mr. James Harms	3.96	4.03	4.28	4.09
Ms. Tarra Simmons	4.44	4.47	4.58	4.50

## Understanding Technology Misuse in DV Cases, Part 2

Mr. Ian Harris presented a follow up to his session last year on Technology Misuse in Domestic Violence cases. He gave a detailed presentation on the numerous ways technology can be used to gain personal information, to track, and to harass victims. Many participants enjoyed his session and asked that he return in the future as technology continues to evolve.

	YES	NO	NA
1. I gained important information.	63	2	1
2. Substantive written materials (if provided) assisted my learning.	63	1	0
3. The course was well organized/coordinated.	64	0	0
4. The faculty engaged/involved me in meaningful activities.	59	4	1

	Overall Teaching Effectiveness	Made clear connection to the workplace	Well prepared and organized	Average Score
Mr. Ian Harris	4.89	4.89	4.97	4.91

## Evidence Update

Judge Nevin gave a detailed presentation on the most significant cases of 2017. The audience appreciated his content knowledge and attention to detail as outlined in his PowerPoint and Materials.

	YES	NO	NA
1. I gained important information.	76	0	0
2. Substantive written materials (if provided) assisted my learning.	76	0	0
3. The course was well organized/coordinated.	76	0	0
4. The faculty engaged/involved me in meaningful activities.	74	2	0

	Overall Teaching Effectiveness	Made clear connection to the workplace	Well prepared and organized	Average Score
Judge Jack F. Nevin	4.87	4.97	4.97	4.94

## Search Warrants: Nuts & Bolts for the Limited Jurisdiction Judge

Judge Williams presented this as a choice session focusing on the core issues judges should consider when presented with Search Warrant applications. The session was balanced with an informative PowerPoint and interactive responder questions that kept the audience engaged and participating.

	YES	NO	NA
1. I gained important information.	57	5	4
2. Substantive written materials (if provided) assisted my learning.	57	7	4
3. The course was well organized/coordinated.	59	3	2
4. The faculty engaged/involved me in meaningful activities.	55	6	3

	Overall Teaching Effectiveness	Made clear connection to the workplace	Well prepared and organized	Average Score
Mr. Matthew Williams	4.63	4.78	4.65	4.68

### **It's Not About the Money. It's the Principle of the Thing! Performance Art: Procedural Fairness and Emotional Intelligence in Small Claims**

Judges Harper, Dacca, and Howard provided an entertaining and engaging session on working in small claims court, and how it is different from other judicial calendars. The interaction between the panel members, and with the audience, added to the quality of the session. While the attendance was small, it allowed for an intimate atmosphere and encouraged sharing of ideas.

	YES	NO	NA
1. I gained important information.	9	0	0
2. Substantive written materials (if provided) assisted my learning.	8	1	0
3. The course was well organized/coordinated.	8	1	0
4. The faculty engaged/involved me in meaningful activities.	9	0	0

	Overall Teaching Effectiveness	Made clear connection to the workplace	Well prepared and organized	Average Score
Judge Frank L. Dacca	4.56	4.88	4.75	4.73
Judge Anne C. Harper	4.67	4.75	4.50	4.64
Judge Anthony E. Howard	4.89	4.88	4.88	4.88

### **Protection and No Contact Orders**

Judge Jahns and Judge Docter gave a fast paced and information packed session on the various types of protection orders and Firearm Surrenders. The reviews were very positive with compliments to the pairing of Judges Jahns and Docter. Several commented that the materials were excellent and very helpful but that the amount of information covered in the single session was too overwhelming.

	YES	NO	NA
1. I gained important information.	56	0	0
2. Substantive written materials (if provided) assisted my learning.	56	0	0
3. The course was well organized/coordinated.	54	3	1
4. The faculty engaged/involved me in meaningful activities.	57	5	4

	Overall Teaching Effectiveness	Made clear connection to the workplace	Well prepared and organized	Average Score
Judge James N. Docter	4.40	4.72	4.45	4.52
Judge Jeffrey J. Jahns	4.64	4.75	4.74	4.70

## Legislative Update

Judge Meyer presented with the calm assurance that is typical of his Legislative Update sessions of previous years.

	YES	NO	NA
1. I gained important information.	57	0	3
2. Substantive written materials (if provided) assisted my learning.	54	1	5
3. The course was well organized/coordinated.	55	1	4
4. The faculty engaged/involved me in meaningful activities.	52	2	5

	Overall Teaching Effectiveness	Made clear connection to the workplace	Well prepared and organized	Average Score
Judge Samuel G. Meyer	4.92	4.91	4.89	4.91

## DOL Update

Ms. Carla Weaver and Judge Docter gave an information packed session on the latest updates and changes at DOL and their impact on the judiciary. Participants were able to have their questions answered and expanded discussions on how the changes will impact their decision making on the bench.

	YES	NO	NA
1. I gained important information.	42	0	0
2. Substantive written materials (if provided) assisted my learning.	42	0	0
3. The course was well organized/coordinated.	42	0	0
4. The faculty engaged/involved me in meaningful activities.	41	0	1

	Overall Teaching Effectiveness	Made clear connection to the workplace	Well prepared and organized	Average Score
Judge James N. Docter	4.81	4.87	4.80	4.83
Ms. Carla Weaver	4.95	5.00	4.95	4.97

March 8, 2018

TO: The Hon. Eric Lucas & The Hon. Marilyn G. Paja, co-chairs of the  
Legislative Domestic Violence Workgroups

FROM: Linda W.Y. Coburn, Judge

RE: Moral Reconation Therapy (MRT) in Courts of Limited Jurisdiction

My apologies for not being able to attend the February 27, 2018 workgroup meeting to discuss the MRT program in our court. I had a suppression motion that same day. This memo summarizes the legal analysis I shared with Amie Roberts, the DV Perpetrator Program Manager from DSHS at a meeting at Tukwila Municipal Court on January 18, 2018 when several judges and probation officers met with Ms. Roberts and other DSHS staff to discuss HB 1163 and MRT programs in Tukwila, Edmonds and Federal Way Municipal Courts. It is my understanding that others have already provided you with information about the MRT program, so I will limit this memo to address the authority of courts of limited jurisdiction (CLJs) to offer such programs.

First, I would like to thank both of you for volunteering to chair such an important work group. Your dedication to addressing this important issue and finding ways to help the judiciary have the best options to address the concerns of domestic violence is much appreciated. I also would like to acknowledge the work that Ms. Roberts has made in trying to evaluate domestic violence treatment options so that they are quality, effective programs. As you both are well aware, many people who come through our courts are in need of services. Often, these are indigent defendants who do not have the ability to pay for treatment/services that insurance will not cover. It is this very reason, why several courts have sent their probation officers to be trained in how to be a facilitator in the MRT program. These probation officers are to be commended for their interest and willingness to do the extra work to try and rehabilitate those who come through our courts.

CLJs have the legal authority to have MRT programs. Our legislature recognized the ability of CLJs to have probation officers and to refer defendants to probation for evaluation and services.

Every judge of a court of limited jurisdiction shall have the authority to levy upon a person a monthly assessment not to exceed one hundred dollars for services provided whenever the person is referred by the court to the misdemeanor probation department for evaluation or supervision services. The assessment may also be made by a judge in superior court

when such misdemeanor or gross misdemeanor cases are heard in the superior court.

RCW 10.64.120(1) (emphasis added). The legislature granted the administrative office of the courts (AOC) to define a probation department and adopt rules for the qualifications of probation officers.

For the purposes of this section the administrative office of the courts shall define a probation department and adopt rules for the qualifications of probation officers based on occupational and educational requirements developed by an oversight committee. This oversight committee shall include a representative from the district and municipal court judges' association, the misdemeanor corrections association, the administrative office of the courts, and associations of cities and counties. The oversight committee shall consider qualifications that provide the training and education necessary to (a) conduct presentencing and postsentencing background investigations, including sentencing recommendations to the court regarding jail terms, alternatives to incarceration, and conditions of release; and (b) provide ongoing supervision and assessment of offenders' needs and the risk they pose to the community.

RCW 10.64.120(2).<sup>1</sup> AOC has, in fact, adopted rules governing probation departments that again acknowledge that such departments are at the direction of the presiding judge of the local court.

A misdemeanor probation department, if a court elects to establish one, is an entity that provides services designed to assist the court in the management of criminal justice and thereby aid in the preservation of public order and safety. This entity may consist of probation officers and probation clerks. The method of providing these services shall be established by the presiding judge of the local court to meet the specific needs of the court.

ARLJ 11.1. The rules explain a probation officer's qualifications, which include the ability to motivate offenders and counsel them on a variety of problems including domestic violence.

(a) Probation Officer Qualifications.

(1) A minimum of a bachelor of arts or bachelor of science degree that provides the necessary education and skills in dealing with complex legal and human issues, as well as competence in making decisions and using discretionary judgment. A course of study in sociology, psychology, or criminal justice is preferred.

<sup>1</sup> The Misdemeanant Corrections Association has been renamed the Misdemeanant Probation Association.

(2) Counseling skills necessary to evaluate and act on offender crisis, assess offender needs, motivate offenders, and make recommendations to the court.

(3) Education and training necessary to communicate effectively, both orally and in writing, to interview and counsel offenders with a wide variety of offender problems, including but not limited to alcoholism, domestic violence, mental illness, sexual deviancy; to testify in court, to communicate with referral resources, and to prepare legal documents and reports.

(4) Anyone not meeting the above qualifications and having competently held the position of probation officer for the past two years shall be deemed to have met the qualifications.

ARLJ 11.2 (emphasis added). The legislature recognized that the practice of a profession who is regulated under the laws of this state are exempt from requirements mandated in Chapter 18.19 regulating counselors.

Nothing in this chapter may be construed to prohibit or restrict:

(1) The practice of a profession by a person who is either registered, certified, licensed, or similarly regulated under the laws of this state and who is performing services within the person's authorized scope of practice, including any attorney admitted to practice law in this state when providing counseling incidental to and in the course of providing legal counsel;

RCW 18.19.040(1). The legislature also recognized the benefits of peer counseling and that the practice of peer counseling also is exempt from the training and certification requirements of Chapter 18.19 regulating counselors.

Nothing in this chapter may be construed to prohibit or restrict:

....

(7) The practice of counseling by peer counselors who use their own experience to encourage and support people with similar conditions or activities related to the training of peer counselors;

18.19.040(7).

MRT is not a domestic violence treatment program. It is a program that allows the probation officer to act as a facilitator for peer to peer counseling. In Edmonds we only assess \$100 for defendants from our court who are referred to this program. This is much more affordable than domestic violence treatment that is not covered by insurance. Before Edmonds started the MRT program, the only option the court had for

defendants whose behavior and history raised a concern of repeating the domestic violence cycle was domestic violence treatment or the domestic violence panel. This panel was borne out of the fact that many indigent defendants could not afford domestic violence treatment. The panel is a one-time event. This court's probation officer attended one of these panels so that he could educate the court on these one-time panels. I was not satisfied with sending defendants to this one-time event as an alternative to domestic violence treatment.

After reading about MRT and how it is an accepted program in many states and offered in prison, the court decided to send our probation officer to get trained and begin offering the program here. Like any service program, it may reach some and not others. However, the feedback we have gotten so far has been very promising. Attached is a letter from one of our graduates of the program. Some have been so appreciative of MRT that they continue to come to groups even when they are no longer required to do so. They do it both for themselves and to pay it forward by helping others who were just like them before MRT. This program has allowed probation to maintain good contact with defendants, but also has given them a safe place to talk to each other, with the facilitation of probation, and spend time thinking about the very underlying issues that we want them to address.

The reality is that without MRT, Edmonds and all the other CLJs that offer MRT, would return to having really no other options of trying to rehabilitate these defendants who we too often see over and over again. CLJs are thinking out of the box and trying to do what we can with what we have in working with defendants who cannot afford domestic violence treatment. If anything, these efforts should be expanded to more CLJs, not restricted.

Do not hesitate to contact me with any questions. Thank you for your interest.

To whom it may concern:

My name is Shane Rubash and I have just recently completed the Moral Reconation Training class. I started it in Tukwila and as soon as Edmonds started theirs I transferred to them.

The Moral Reconation Training program is designed in such a way to ease us into first learning what abuse is, Then identifying in what ways we abuse others. By seeing the way we abuse it opens us up to recognizing what leads up to that abuse. And then gives us the tools to appropriately deals with the situations in a constructive manner.

I was released from prison in August of last year and served 3 years on a five year sentence for violation of a no contact order. Upon my release Edmonds Court wanted me to serve another year for violating my probation terms prior to me going to prison. You see I have a long history of domestic violence and dealing with my emotions improperly. Looking at my record Edmonds should not have given me a chance. They should have put me back in jail. But they saw that while incarcerated I had been working hard to work change in my life. I was given the opportunity to participate in the MRT program and because of it my life is truly going in a forward direction today. I learned that emotions are a normal thing and that showing them is ok as well, however there is a right way to deal with them. Growing up in an abusive home I had these bad behaviors modeled to me and I was taught that my feelings didn't matter and to not talk about them. Which resulted in me becoming passive aggressive. I could only hold it in for so long before I would burst with anger. I know now how to identify my feeling and deal with them in an appropriate way. I have learned that I can feel a certain way and act in another. By recognizing that I can't and don't have to control others, just how I deal with them. I am learning to say no. Which ironically is harder than it sounds. So many times I went along with frustrating situations that resulted in resentments and bitterness. By being open and honest through communication I have seen a great change in the outcomes I have with people.

The hardest realization I had through the program was the different types of abuse. As I became willing to accept responsibility for my life I identified that I abused my children by abandonment. We were very close for many years and when My drug addiction took over my life I was at first emotionally unavailable and then physically gone because of prison. My children became collateral damage because of my inability to deal with my own life in a healthy way. So now I have to do everything in my ability to bring healing in their lives and to stop the cycle of abuse so they don't have to make the same mistakes.

Because Edmonds gave me the opportunity to change, my life is pretty amazing today and I am so grateful. I am working. My relationships with my children is getting better by the day. I am in my first healthy relationship. I am truly experiencing happiness.

Today I am trying to help others so they can see that there is a different way to live. I volunteer at the Union Gospel Mission as well as the Everett Gospel Mission sharing my experiences and encouragement. I also do street outreach in Snohomish County.

Thank you for the opportunity to share my experience. I would also like to thank Judge Linda Coburn and Omar Gamez for seeing something in me that warranted another chance. And I must give God credit because He is the one that has given me the strength to believe that I could change.

Sincerely,  
Shane Rubash

 7-15-17

(3) Unless otherwise provided by law, these standards apply to any program that:

It is my position that RCW 10.64.120 gives courts of limited jurisdiction statutory authority to establish probation departments and the same statutory authority grants the administrative office of the courts the ability to establish the required qualifications . . .

ARLJ 11 defines the probation department and expressly acknowledges that a probation officer incorporates counseling skills to motivate offenders as well as counsel offenders with a wide variety of topics including domestic violence. Further, RCW 18.19.040, which addresses the exemptions to those who are required to register with the state as a certified counselor. Under that statute, both the court's probation officer who meet RCW 10.4.120 and ARLJ 11 and the peer to peer counselors (offenders) are exempt from registering with the State as counselors.

The language above will assure DSHS that the courts and their probation department are not above the law, but that there are already laws that govern our MRT program, which is authorized by the statutes I just cited above.

Judge Linda W.Y. Coburn  
Edmonds Municipal Court  
250 Fifth Avenue North  
Edmonds, WA. 98020  
Telephone: 425-771-0210  
Fax: 425-771-0269  
Email: [Linda.Coburn@edmondswa.gov](mailto:Linda.Coburn@edmondswa.gov)

From: Trish Kinlow [mailto:Trish.Kinlow@TukwilaWA.gov]  
Sent: Tuesday, February 20, 2018 11:09 AM  
To: Lucas, Eric <Eric.Lucas@SNOCO.ORG>; Marilyn Paja <MPaja@co.kitsap.wa.us>  
Subject: RE: HB 1163 - MRT treatment

Good morning Judges Lucas and Paja.

First, please accept my apology for the delay in responding to your email request. I have been out of the office or in meetings for our new facility. Please find the answers to your questions below.

MRT is offered in lieu of more expensive DV perp treatment – is that the only reason it is provided by the court itself? Tukwila Municipal Court provides DV MRT for a few reasons:

- Traditional DV Treatment programs are not affordable for Tukwila's defendants
- It is a program the court can provide at an affordable rate
- Research shows that MRT has an important effect on recidivism
- Bringing a program in-house results in better compliance

Description of the MRT treatment itself;

The description of the therapy program is provided in this link: [https://www.ccimrt.com/mrt\\_programs/domestic-violence/](https://www.ccimrt.com/mrt_programs/domestic-violence/)

Moral Reconciliation Therapy (MRT) is a systematic treatment strategy that seeks to decrease recidivism among juvenile and adult criminal offenders by increasing moral reasoning. Its cognitive-behavioral approach combines elements from a variety of psychological traditions to progressively address ego, social, moral, and positive behavioral growth. MRT takes the form of group and individual counseling using structured group exercises and prescribed homework assignments. The MRT workbook is structured around 16 objectively defined steps (units) focusing on seven basic treatment issues: confrontation of beliefs, attitudes, and behaviors; assessment of current relationships; reinforcement of positive behavior and habits; positive identity formation; enhancement of self-concept; decrease in hedonism and development of frustration tolerance; and development of higher stages of moral reasoning. Participants meet in groups once or twice weekly and can complete all steps of the MRT program in a minimum of 3 to 6 months.

Cost to court and/or defendant;

Court Cost – The initial cost to the court was for the DV MRT Training which runs between \$600-\$2600 per person. We sent our Probation Officer and our Jail Alternative Specialist to the training

Cost to Defendant - \$100 for the 6 month program. We (Tukwila) are not making any money. We are simply recouping our cost for the materials.

For which defendants or charges it is offered;

Participation requires a court order for MRT NOT DV Batterer's Treatment. The order must specifically indicate MRT.

Any evidence-based research or statistics used to support the type of treatment and how it is decided to whom/for  
What charges it is offered;

The following link should provide you the information you are looking for:

<https://nrepp.samhsa.gov/Legacy/ViewIntervention.aspx?id=34>

Who delivers the treatment and how is he/she/they trained; and

Our probation department provides the training. They received certification upon completion of the facilitator training course.

How effective is the treatment? How do you determine effectiveness.

We are finding the treatment to be effective based on the individual's participation in the class, the testimonials of those who completed the program, and the number of defendants who completed the program and have not returned to the court system for repeated behavior. However, we have only been providing this program at our court since 2015. Since that time we have had 61 graduates, and only 2 new DV charges reported to date.

Probation Departments currently offering DV MRT

1. Cheney Municipal
2. Edmonds Municipal
3. Everett Municipal
4. Snohomish County District
5. Bellevue Probation
6. SeaTac Municipal (1st Quarter 2018)
7. Tukwila Municipal
8. Walla Walla District

#### Treatment Agencies offering DV MRT and additional services

1. Hope + Health
2. La Esperanza
3. STOP
4. Counseling Services of Washington

Judge Walden (Tukwila), Judge Coburn (Edmonds), and Judge Robertson (Federal Way) were in attendance during the meeting with DSHS where we discussed the changes to the WAC and the implications those changes may have on the court's ability to provide this important, and accessible training. Tukwila's Probation Officer, Mindy Breiner, is taking the lead in working with other probation departments that currently provide DV MRT to review the WAC and jointly make recommendations to DSHS. Attached please find her analysis of WAC 388-60A. Please let me know if I can provide further information.

Trish

**Chapter 388-60A WAC**  
**DOMESTIC VIOLENCE INTERVENTION PROGRAM STANDARDS**

**DEFINITIONS**

NEW SECTION

**WAC 388-60A-0015 What definitions apply to this chapter?** The following definitions apply to this chapter:

**"Administrative hearing"** a hearing held before an administrative law judge and conducted according to chapter 34.05 RCW and chapter 388-02 WAC.

**"Assessment"** means the process of obtaining pertinent bio-psycho-social information, as identified by the participant, family, and collateral sources to determine a level of care and to plan individualized domestic violence intervention services and possible referrals for ancillary treatment, assessments, and services.

**"Certified"** means the status given to domestic violence intervention treatment programs by the department under its authority to certify domestic violence perpetrator programs under RCW 26.50.150.

**"Corrective action"** means the steps required of the domestic violence intervention treatment program by the department in order to maintain or regain certification.

**"Critical incident"** means any one of the following events:

(1) Any death, serious injury, or sexual assault that occurs at a program that is certified by the department;

(2) Alleged abuse or a gross violation of rights of an individual receiving services, that is of a serious or emergency nature caused by an employee, volunteer, contractor, or another individual receiving services;

(3) Alleged abuse, harassment, or a gross violation of rights of a direct treatment service staff member by an employee, volunteer, contractor, or another individual receiving services;

(4) A natural disaster, such as an earthquake, volcanic eruption, tsunami, urban fire, flood, or outbreak of communicable disease that presents substantial threat to program operation or client safety;

(5) A bomb threat or death threat;

(6) Theft or loss of data in any form regarding an individual receiving services, including but not limited to, a missing or stolen computer, or a missing or stolen computer disc or flash drive, or any other type of memory device;

(7) Any physical violence that occurs at the program;

(8) Any violence that is perpetrated by a participant of a certified program that results in death, serious injury, or sexual assault;

(9) Any negative media event regarding a participant receiving services, or regarding a direct treatment staff member or owner(s) of the program; or

(10) Any response to the premises of a program by law enforcement or emergency personnel.

**"Department"** or **"DSHS"** means the Washington state Department of Social and Health Services.

**"Direct service staff"** means a person who works or volunteers at a certified domestic violence intervention treatment program and has been designated by the department as a trainee, staff, or supervisor.

**"Domestic violence intervention treatment program"** or **"program"** means a program that provides domestic violence assessments or intervention treatment to perpetrators of intimate partner violence and is certified by DSHS under this chapter 388-60A WAC.

**"Evidence-based"** means strategies, activities, or approaches which have been shown through scientific research and evaluation to be effective in preventing or delaying a negative outcome.

**"Forensic counseling"** means the provision of group or individual counseling sessions with a participant who has also been engaged with the criminal justice system. Forensic counseling involves skills in assessment, interviewing, report writing, strong verbal communication skills, and case presentation when needed. The practice of forensic counseling involves investigations, research, assessments, consultations, and the design and implementation of treatment programs. In this chapter it specifically relates to assessing, making recommendations, and providing treatment to those who have committed acts of domestic violence regardless of whether the abuse was illegal or resulted in a criminal conviction or not.

**"Intimate partner"** means a person who is or was married, in a state registered partnership, or in an intimate or dating relationship with another person presently or at some time in the past. Any person who has one or more children in common with another person, regardless of whether they have been married, in a domestic partnership with each other, or lived together at any time, shall be considered an intimate partner.

**"Intimate partner abuse"** or **"intimate partner violence"** means a pattern of abusive behavior that is used by one intimate partner against the other and may include but is not limited to assaultive and coercive behaviors, physical, sexual, emotional, verbal, psychological, and economic abuse or coercion, or the improper use of children to control the victim. It may also include the infliction or threat of harm against an intimate partner and is directed at achieving compliance from or control over that intimate partner. It may include, but is not limited to, a categorization of domestic violence offenses as defined in RCW 10.99.020 committed by one intimate partner against another.

**"Level of treatment"** or **"level of care"** means the level of treatment a participant is required, recommended, or currently receiving as determined by a certified program through a behavioral assessment, standardized testing, the "risk, needs, and responsivity" form, and a current treatment plan.

**"Off-site"** means the provision of services by a provider from a certified domestic violence intervention treatment program at a location where the domestic violence assessment or treatment is not the primary purpose of the site, such as in correctional facilities.

**"Participant"** means an individual being assessed, enrolled, discharged, or treated in a certified domestic violence intervention treatment program. This individual may be court-ordered to participate in treatment or someone who chooses to voluntarily participate in

treatment. The terms "client," "perpetrator," and "participant" are used interchangeably in this chapter.

**"Promising practices"** means programs and strategies that have some scientific research or data showing positive outcomes in delaying a negative outcome, but do not have enough evidence to support generalized conclusions.

**"Victim services program"** means a nonprofit program or organization that provides, as its primary purpose, assistance and advocacy for domestic violence victims. Domestic violence assistance and advocacy must include crisis intervention, individual and group support, information, referrals, safety assessments, and planning. Domestic violence victim assistance and advocacy may also include, but is not limited to: provision of shelter; emergency transportation; self-help services; culturally specific services; legal advocacy; economic advocacy; and accompaniment and advocacy through medical, legal, immigration, human services, and financial assistance systems. Domestic violence programs that are under the auspices of, or the direct supervision of a court, law enforcement, a prosecution agency, or the child protective services section of the department as defined in RCW 26.44.020 are not considered victim services programs.

**"Victim" or "survivor"** means a person who has been subjected to domestic violence. The terms "victim" and "survivor" are used interchangeably in this chapter.

## PURPOSE

### NEW SECTION

**WAC 388-60A-0025 What is the purpose of this chapter?** (1) The overall purpose of this chapter is to increase accountability and competency for programs that provide domestic violence intervention treatment as well as provide minimum standards and a pathway to achieve the following:

(a) To responsibly and as accurately as possible with the information relied upon, assess the risks, needs and responsivity for perpetrators of intimate partner violence who are seeking assessment and treatment;

(b) To increase the safety of the victim, current partner, children, and other children in the care or residence of perpetrators of intimate partner violence who are enrolled in intervention treatment; and

(c) To hold perpetrators of intimate partner violence accountable in meeting their program requirements and achieving core competencies, including documentation of their cognitive and behavioral changes and personal accountability as outlined in WAC 388-60A-0430, through intervention treatment using evidence-based and promising practices.

(2) The rules in chapter 388-60A WAC establish the following standards for programs that provide domestic violence assessments or

any level of intervention treatment to perpetrators of intimate partner violence and include:

- (a) Minimum certification requirements for programs that provide services to participants of domestic violence intervention treatment;
- (b) Program administrative requirements;
- (c) Program staff requirements;
- (d) Quality management requirements;
- (e) Facility requirements;
- (f) Program policies and procedures;
- (g) Program treatment record requirements;
- (h) Program assessment and treatment requirements; and
- (i) A grievance system that includes a grievance process, an appeal process, and access to administrative hearings.

(3) Unless otherwise provided by law, these standards apply to any program that:

- (a) Provides or advertises that it provides domestic violence perpetrator assessments or evaluations for intimate partners;
- (b) Provides or advertises that it provides domestic violence intervention or perpetrator treatment for intimate partners; or
- (c) Defines its services as meeting court orders that require assessment, evaluation, or enrollment in, or completion of, domestic violence perpetrator treatment or domestic violence intervention treatment for intimate partners.

(4) These programs provide assessments, recommendations, or treatment to perpetrators of intimate partner violence, including participants who are self-referred or those who are court-ordered to be assessed or attend treatment.

(5) A program may administer other service programs in addition to domestic violence intervention treatment services; however, the domestic violence intervention treatment program for intimate partners must be considered a separate and distinct program from all other services the agency provides.

(6) Participants of the domestic violence intervention treatment program for intimate partners must not attend the same groups or sessions as participants of other programs or services as part of their domestic violence intervention treatment.

(7) The department requires new applicants who are in the process of applying to DSHS to provide domestic violence intervention assessments or any level of treatment to comply with the requirements in this chapter as of the day it is adopted.

(8) All programs affected by this rule that were certified under the chapter 388-60 WAC and have a current certification are to fully comply and provide written verification to the department with the requirements in this chapter no later than six months following the adoption of this chapter.

(9) All programs that have a current certification under the chapter 388-60 WAC and are in compliance with the requirements of chapter 388-60A WAC will be issued a new certification under chapter 388-60A WAC and will be certified to provide assessments and levels one, two, and three treatments.

(10) If a program certified under the previous chapter 388-60 WAC would like to add level four treatment or remove any service, they must make a written request to the department and await a determination by the department before providing any level four treatment or removing any service.

(11) Written requests can be emailed to [CADVProgram@dshs.wa.gov](mailto:CADVProgram@dshs.wa.gov) or mailed to:

Department of social and health services  
Domestic violence intervention treatment program manager  
P.O. Box 47510  
Olympia, WA 98504

(12) All programs that were certified under the chapter 388-60 WAC and have a current certification may complete treatment for current participants under the rules of chapter 388-60 WAC until their discharge from treatment.

(13) New participants assessed by or participating in the program as of the adoption of this chapter 388-60A WAC must comply with the standards in this chapter.

## ADVISORY COMMITTEE

### NEW SECTION

**WAC 388-60A-0035 The department's advisory committee—Who is on the advisory committee and what is its role?** The department will establish and appoint a volunteer group to serve as the Washington state domestic violence intervention treatment program standards advisory committee.

(1) The role of the advisory committee is to:

(a) Advise the department regarding recommended changes to the program standards; and

(b) Provide technical assistance on program standards, implementation, training, certification, and recertification criteria.

(2) The advisory committee may include the following members:

(a) Up to four persons representing the perspective of survivors of domestic violence who must be chosen with input from the Washington State Coalition Against Domestic Violence (WSCADV);

(b) One person who identifies as a victim or survivor of domestic violence;

(c) Up to four persons representing the perspective of state-certified domestic violence intervention treatment programs who may be chosen with input from the Northwest Association of Domestic Violence Treatment Professionals (NWADVTP) or another currently active organization for domestic violence intervention treatment providers in Washington state;

(d) Up to four persons representing the perspective of adult misdemeanor probation and Washington state courts of limited jurisdiction who may be chosen with input from the Misdemeanant Corrections Association and the Washington State District and Municipal Court Judges Association;

(e) One person representing the department of corrections;

(f) One person representing the office of the administrator for the courts; and

(g) One person representing an academic and research perspective.

(3) Advisory committee members are appointed for up to two-year terms.

(4) The department may replace committee members at any time or if the member has two unexcused absences from two consecutive committee meetings.

(5) If funds are available, the department may reimburse advisory committee members for travel and meal expenses related to service on the committee.

(6) Advisory committee members must not receive any other compensation for service on the committee.

(7) The frequency of meetings for the advisory committee is at discretion of the department, as needed.

#### NEW SECTION

**WAC 388-60A-0045 Program records requirements—What records must programs keep?** (1) The program must keep all records associated with the provision of services for domestic violence assessment or intervention treatment for a minimum of seven years.

(2) In the event of a program or agency closure:

(a) The program must ensure all participants' records are kept and managed for at least seven years after the closure and destroy records in a manner that preserves confidentiality;

(b) The program must provide each participant currently being served with:

(i) Notice of the program closure or program cancellation at least thirty days before the date of closure or program cancellation;

(ii) Assistance with relocation for domestic violence intervention treatment; and

(iii) Information on how to access domestic violence intervention treatment records to which the participant is entitled;

(c) The closing program must notify the department that the program will either:

(i) Continue to retain and manage all participant records; or

(ii) Arrange for the continued storage and management of all participant records;

(d) The closing program must notify the department in writing and include the name of the certified program storing and managing the records, provide the method of contact such as a telephone number or electronic address, and provide the mailing and street address where the records will be stored;

(e) Programs run by sole practitioners must name an emergency contact person who will be responsible for the program's records should the sole practitioner be unable to do so due to illness or death; and

(f) When any program or agency storing and maintaining participant records receives an authorized request for a record, the record must be provided to the requester within a reasonable period of time.

## NEW SECTION

**WAC 388-60A-0055 Department record retention—What records must the department keep?** The department must maintain the following information regarding certified domestic violence intervention treatment programs under its records retention schedule:

- (1) A current record of all certified domestic violence intervention treatment programs; and
- (2) A current record of programs that:
  - (a) Are in the process of applying for certification;
  - (b) Have been denied certification over the last twelve months;
  - (c) Have been notified that the department is revoking or suspending certification;
  - (d) Have had their certification revoked in the last twelve months; and
  - (e) Are being investigated.

## **CERTIFICATION AND APPLICATION REQUIREMENTS**

## NEW SECTION

**WAC 388-60A-0100 Certification requirements—Must a program be certified to provide domestic violence assessments or treatment?** (1) All programs providing domestic violence assessments or domestic violence intervention treatment services must submit an application and be certified by the department.

(2) A program must not provide any domestic violence assessments or services prior to certification.

(3) If there is a gap of time between program certification expiration and recertification approval, the program may request up to a thirty-day extension of their certification in order to continue providing services while their recertification application is processed by the department.

(a) It is at the discretion of the department if an extension will be granted for up to thirty days while waiting for recertification approval or denial; and

(b) The department's decision to deny an extension for up to thirty days is not subject to administrative review under chapter 388-02 WAC.

(4) To receive initial certification or to maintain certification the program must comply with all the requirements of chapter 388-60A WAC.

(5) Programs may request to be certified to offer one or any combination of the following domestic violence services:

- (a) Domestic violence behavioral assessments;

(b) Levels one, two, and three domestic violence intervention treatment services; or

(c) Level four domestic violence intervention treatment services, which requires the program to meet additional education and documentation requirements as outlined in WAC 388-60A-0110(3).

#### NEW SECTION

**WAC 388-60A-0105 Application process—How must a program apply for certification or recertification to provide domestic violence assessments or intervention treatment services?** (1) Initial and recertification applications can be downloaded at <https://www.dshs.wa.gov/ca/domestic-violence/certification-process>. Completed applications, the required fee, and documentation must be mailed together to:

Department of social and health services  
Domestic violence intervention treatment program manager  
P.O. Box 47510  
Olympia, WA 98504

(2) A program cannot provide assessments or any level of direct treatment services to domestic violence participants without being certified by the department.

(3) Certification and recertification applications must include the application fee, be filled out completely, and contain all documentation required as indicated on the application in order to be processed by the department.

(4) The department will review the application within thirty days after an application is received to determine if the program meets the standards and certification requirements in this chapter.

(a) Programs may supplement their application as needed during the thirty days after the application is received and the department is reviewing it; and

(b) If a program does not meet the application requirements within the thirty days following submission, the program must re-apply for certification.

(5) After initial certification programs certified under this chapter must re-apply for certification every two years.

(6) The department must notify the applicant whether the program meets the standards set forth in this chapter.

(a) If a program meets the standards set forth in this chapter, the department will issue the program an approval letter and a certificate; or

(b) If a program does not meet the standards set forth in this chapter, the department will provide the program with:

(i) A written notice containing the reasons the department determined the program did not meet these standards; and

(ii) A list of the specific provisions of this chapter that the program failed to meet.

(7) Treatment programs have the right to an administrative hearing to contest the department's denial of their certification applications. Such hearings shall be governed by this chapter and chapter 388-02 WAC. Where provisions of this chapter and chapter 388-02 WAC conflict, the provisions of this chapter will control.

(8) Certified programs must report to the department any and all changes that occur following the initial or renewal certification process.

(9) The department may request a copy of additional disclosure statements or background inquiries if there is reason to believe that offenses specified under RCW 43.43.830 have occurred since the original application was submitted.

(10) The department may grant an exception or waiver from compliance with specific program certification requirements if the exception or waiver does not violate existing local, state, federal, or tribal law.

(a) To request an exception or waiver to a rule in this chapter, the program must:

(i) Submit the request in writing to the department;

(ii) Assure that any exception or waiver would not jeopardize the safety, health, or treatment of an individual; and

(iii) Assure that any exception or waiver would not impede fair competition of another service program;

(b) The department approves or denies an exception or waiver request in writing and requires the program to keep a copy of the decision; and

(c) The department's decision to deny an exception or waiver request is not subject to administrative review under chapter 388-02 WAC.

(11) The department considers each geographical location of a program an individual program and must certify each location separately.

(a) A program certified to provide assessments or any level of treatment may do so at an off-site location as defined in this chapter, without an additional certification for the off-site location;

(b) If the program provides assessments only, then the program is only required to have one certification and does not need a separate certification for each geographical location it serves; and

(c) If a program that has provided only assessments wants to add certification to provide any level of care, the program must certify each geographical location where any level of care will be offered unless it meets the 'off-site' definition in this chapter.

(12) The application fee for initial certification and recertification of a domestic violence intervention treatment program is one hundred twenty-five dollars.

(a) The department publishes the application fee for certification of domestic violence intervention treatment programs in the application packet; and

(b) If there is any change in the fee, the update will be done and made effective in July of each year.

## NEW SECTION

**WAC 388-60A-0110 Required documentation for certification and recertification—What must be included in an application to provide domestic violence assessments or treatment?** (1) For programs applying for initial certification or recertification the program's director

must submit the following documentation with the program's application:

(a) A written statement signed by the program's director that the program complies with the standards contained in this chapter;

(b) A copy of the current business license that authorizes the program, or its governing agency, to do business in Washington state at the physical address indicated on the application;

(c) A list of any off-site locations where the program will be providing services;

(d) A list of all direct treatment staff at the program;

(e) Results of current criminal history background checks conducted by the Washington state patrol for all current direct treatment program staff;

(i) If the program staff has lived outside of the state of Washington in the last ten years, then a background check that covers each state they lived in prior to Washington for the last ten years must be included with the application; and

(ii) The results of an FBI or other national criminal background check can be used in place of the Washington state patrol check if it documents the state of Washington, and any other state they lived in for the past ten years was part of the background check search;

(f) An attestation for each current paid or volunteer staff person, documented in the application, whether the staff person has ever been a party to any civil proceedings involving domestic violence or crimes of moral turpitude;

(g) If the staff person has been party to any civil proceedings involving domestic violence or crimes of moral turpitude, the application must also include the legal findings of each incident along with the staff person's written explanation (see WAC 388-60A-0210(2)(b));

(h) Proof that each direct treatment staff is currently registered or licensed as a counselor with the Washington state department of health; and

(i) Written documentation that the program maintains cooperative and collaborative relationships with agencies providing services related to domestic violence which must include, at a minimum, all of the following:

(i) One item of documentation showing that the program has established and continues to maintain a cooperative relationship with another local program or agency involved in the provision of direct or ancillary services related to domestic violence including, but not limited to, probation services, legal services, a domestic violence intervention treatment program, or a victim services program;

(ii) One item of documentation showing that the program regularly attends and participates in a local domestic violence task force, intervention committee, coordinated community response group, or work-group if one exists in their community;

(iii) One item of documentation showing that the program has a collaborative relationship, either electronic or in person, with another Washington state certified domestic violence intervention treatment program which includes:

(A) Written documentation of regularly scheduled opportunities for confidential case staffing; and

(B) Written documentation of regularly scheduled opportunities for collaboration in the delivery of domestic violence intervention treatment services and procedures for victim safety (the program can find a current list of certified domestic violence intervention treatment programs in the state of Washington online at

<https://www.dshs.wa.gov/ca/domestic-violence/domestic-violence-perpetrator-treatment>; and

(iv) A current list of all the local domestic violence victim services programs in the program's area as reasonably available.

(2) If applying to provide any level of domestic violence intervention treatment services the program must include the following on their application, which must be approved by the department prior to certification:

(a) An explanation of the program's evidence-based or promising practice treatment modalities (see WAC 388-60A-0310(3)); and

(b) The program's methods of treatment.

(3) In order to apply for level four domestic violence intervention treatment, the program must also submit documentation of the supervisor level direct treatment staff who will be responsible for facilitating group and individual sessions for participants in level four treatment.

(a) The supervisor must document an initial six hours of training, approved by DSHS in providing level four treatment; and

(b) For recertification, the supervisor must document four hours every twenty-four months of continuing education, approved by DSHS in providing level four treatment, focused on criminogenic factors, risk issues, psychopathy, and related topics.

(4) All programs must submit the applicable required policies and procedures as outlined in WAC 388-60A-0115, which must be approved by the department prior to initial certification.

(5) If the program was certified prior to the adoption of chapter 388-60A WAC, the program must submit the applicable policies and procedures with their first recertification application after the adoption of these rules.

(6) For programs applying for recertification, the program must also submit:

(a) A statement of qualifications for any staff added since the last certification period (form #10-210) which can be found online at <https://www.dshs.wa.gov/ca/domestic-violence/certification-processor> requested by mail from the address listed in WAC 388-60A-0105 (1);

(b) An update of continuing education hours for each direct treatment staff (form #14-544) which can be found online at <https://www.dshs.wa.gov/ca/domestic-violence/certification-processor> requested by mail from the address listed in WAC 388-60A-0105 (1); and

(c) If the program is applying to provide a new domestic violence intervention service on their recertification application, then the program must also submit the following with their application:

(i) The applicable policies and procedures which have not already been approved, but are necessary to provide the new service(s) (see WAC 388-60A-0115); and

(ii) If the program is applying to provide a new level of treatment the following must be submitted and approved by the department prior to providing the service:

(A) A description of the program's evidence-based or promising practice treatment modalities; and

(B) The program's methods of treatment.

## NEW SECTION

**WAC 388-60A-0115 Policies and procedures—Which policies and procedures must be approved by the department before I may provide domestic violence assessments or treatment services?** (1) A domestic violence intervention treatment program must keep updated policies and procedures that have been approved by the department prior to initial certification. The policies and procedures must be readily available at all times to all staff and volunteers either in electronic or paper form.

(2) Programs that were certified prior to the implementation of chapter 388-60A WAC must submit policies and procedures to DSHS with their program's first re-certification application after the adoption of these rules.

(3) For programs applying to provide assessments, the policies and procedures must be individualized to the program and include:

- (a) Program records under WAC 388-60A-0045;
- (b) Facility requirements under WAC 388-60A-0120;
- (c) Quality management under WAC 388-60A-0125;
- (d) Personnel records under WAC 388-60A-0200;
- (e) Supervision and supervisor requirements under WAC 388-60A-0250 and 388-60A-0260;
- (f) Referral screening under WAC 388-60A-0300;
- (g) Victim safety under WAC 388-60A-0325;
- (h) Victim confidentiality under WAC 388-60A-0330;
- (i) Participant confidentiality under WAC 388-60A-0360;
- (j) Releases of information under WAC 388-60A-0365;
- (k) Behavioral assessment and interview criteria under WAC 388-60A-0400;

(4) For programs certified or applying to provide any level of domestic violence intervention treatment, the policies and procedures must be individualized to the program and at a minimum cover the following:

- (a) Program records under WAC 388-60A-0045;
- (b) Facility requirements under WAC 388-60A-0125;
- (c) Quality management under WAC 388-60A-0130;
- (d) Personnel records under WAC 388-60A-0200;
- (e) Supervision and supervisor requirements under WAC 388-60A-0250 and 388-60A-0260;
- (f) Referral screening under WAC 388-60A-0300;
- (g) Treatment focus under WAC 388-60A-0310;
- (h) Group treatment under WAC 388-60A-0315;
- (i) Treatment practices under WAC 388-60A-0320;
- (j) Victim safety WAC under 388-60A-0325;
- (k) Victim confidentiality under WAC 388-60A-0330;
- (l) Participant requirements under WAC 388-60A-0345;
- (m) Co-occurring treatment under WAC 388-60A-0350;
- (n) Participant confidentiality under WAC 388-60A-0360;
- (o) Releases of information under WAC 388-60A-0365;
- (p) Participant contracts under WAC 388-60A-0370;
- (q) Treatment planning under WAC 388-60A-0405;
- (r) Minimum treatment periods and requirements under WAC 388-60A-0420;
- (s) Re-offenses and non-compliance during treatment under WAC 388-60A-0425; and

- (t) Discharging participants under WAC 388-60A-0435;
- (5) For programs certified or applying to provide levels one, two, and three treatment, the policies and procedures must be individualized to the program and also cover the following:
  - (a) Levels one, two and three placement criteria under WAC 388-60A-0410(1) through WAC 388-60A-0410(3);
  - (b) Levels one, two, and three required cognitive and behavioral changes participants must make in treatment under WAC 388-60A-0415(1);
  - (c) Completion criteria and core competencies for levels one, two, and three treatments under WAC 388-60A-0430;
- (6) For programs certified or applying to provide level four treatment the policies and procedures must be individualized to the program and also cover the following:
  - (a) Level four placement criteria under WAC 388-60A-0410(4);
  - (b) Level four required skills and behavioral changes under WAC 388-60A-0415(2); and
  - (c) Completion criteria for level four treatment under WAC 388-60A-0430(3).

#### NEW SECTION

**WAC 388-60A-0120 Facility requirements—What facility requirements must a program meet for the space where domestic violence intervention assessments or treatment services are provided?** Each program certified to provide assessments or any level of care must ensure that its treatment space is suitable for the purposes intended.

- (1) For programs that offer any level of treatment:
  - (a) The group room must easily accommodate fourteen people, not counting space taken by staff desks, file cabinets or similar items; or
  - (b) If the program regularly and consistently holds groups smaller than twelve participants, the group room must be able to comfortably accommodate the size of the group and facilitator based on attendance records.
- (2) The program must ensure that the facility space:
  - (a) Is not a personal residence;
  - (b) Is accessible to an individual with a disability, and if a program operates in a historic building or a building that was constructed before current ADA standards, the program must inform potential participants of barriers to accessibility and offer the participant a referral to programs that are ADA accessible when applicable;
  - (c) Has a reception area separate from treatment areas;
  - (d) Ensures confidentiality and anonymity for participants including:
    - (i) Having window coverings for reception, group, and assessment spaces; and
    - (ii) Having signage outside the building that does not indicate domestic violence treatment;
  - (e) Has adequate private space for personal consultation with an individual, staff charting, and therapeutic activities, as appropriate;

(f) Has secure and locked storage of active and closed confidential participant and victim records which are not accessible to participants or the public;

(g) Has separate, secure storage of poisonous external chemicals and caustic materials;

(h) Has evacuation routes with highlighted emergency exits posted in each room used by participants or staff;

(i) Has a restroom available to participants and staff during business hours; and

(j) Has sufficient ventilation and temperature control to facilitate assessments or groups comfortably.

(3) If the program operates in the same building or in very close proximity to a victim services program, the domestic violence intervention treatment program must conduct assessments and groups sessions at least three hours apart from any victim services.

(4) A different agreement in regards to proximity and day or time allowances or restrictions may supersede the requirements of the standard in WAC 388-60A-0120(3) when it is outlined by a signed memorandum of understanding between the treatment program and the victim services program.

**Exception:** Domestic violence intervention treatment services being delivered off-site, such as in jails or prisons are not subject to the facility standards in this section.

#### NEW SECTION

**WAC 388-60A-0125 Quality management—What are the minimum treatment outcomes for participants and how must a program measure staff and treatment effectiveness?** Each treatment program certified to provide assessments or any level of domestic violence intervention treatment must document program specific quality management procedures to increase staff and program treatment effectiveness.

(1) Programs providing assessments or any level of domestic violence intervention treatment must document their quality management in writing and at a minimum include:

(a) How the program monitors compliance with the rules in this chapter, at a minimum every six months, including the supervisor's direct observance of groups when applicable and a review of assessments and participants' records for compliance with this chapter and the program's policies and procedures;

(b) How the program reviews and improves its cultural competency, at a minimum on an annual basis;

(c) How the program will provide services to participants who require sign language or interpretation; and

(d) How the program regularly attends and participates in a local domestic violence task force, intervention committee, or workgroup in their service area.

(2) Programs providing any level of domestic violence intervention treatment must also document in writing:

(a) The use of evidence based or promising practices;

(b) A copy of the program's treatment outline along with any handouts, exercises, or instructions, as a guide for the facilitators of groups;

(c) How the program coordinates with local victim services;

(d) How the program collaborates with at least one other certified domestic violence intervention treatment program, either electronically or in person, including written documentation of regularly scheduled opportunities for:

(i) Confidential case staffing;

(ii) Collaboration in the delivery of domestic violence intervention treatment services; and

(iii) Procedures for victim safety;

(e) The policies and procedures the program has in place regarding complaints and grievances; and

(f) How the program collects a confidential evaluation of treatment outcomes for treatment participants which must outline how:

(i) Each participant is given a treatment outcomes evaluation at discharge and asked to complete it at that time. The treatment outcomes form is found online at <https://www.dshs.wa.gov/ca/domestic-violence/certification-processor> or may be requested by mail from:

Domestic violence intervention treatment program manager

Department of social and health services (DSHS)

P.O. Box 45710

Olympia, Washington 98504-5710

(ii) The confidential results of the treatment outcomes evaluation is sealed by the participant after it is completed and submitted by the program to DSHS by United States mail by the 15th day of the month, for the previous quarter;

(A) The first quarter is January 1 to March 31, with the results due to DSHS by April 15;

(B) The second quarter is April 1 to June 30, with the results due to DSHS by July 15;

(C) The third quarter is July 1 to September 30, with the results due to DSHS by October 15;

(D) The fourth quarter is October 1 to December 31, with the results due to DSHS by January 15;

(g) If the program fails to submit quarterly treatment outcome evaluation data to the department by the designated deadlines, the department may require corrective actions, initiate an investigation, or take action on the program's certification status; and

(h) If the survivor chooses to provide feedback, the program will provide them with a treatment outcomes evaluation for survivors regarding their experience of the participant's behaviors before, during treatment, and at discharge;

(i) The treatment outcomes form for survivors is found at <https://www.dshs.wa.gov/ca/domestic-violence/certification-processor> or may be requested by mail from the address listed in this subsection; and

(ii) The survivor may give the outcomes evaluation to the program to be kept confidential and sent to DSHS quarterly, or they may send it directly to DSHS if they choose by United States mail to the address listed in this subsection or electronically to [CADVProgram@dshs.wa.gov](mailto:CADVProgram@dshs.wa.gov).

## PROGRAM CHANGES

### NEW SECTION

**WAC 388-60A-0130 Adding to existing certification—How must a program add assessments or a level of treatment to an existing certification?** (1) To add certification to provide any service(s) to an existing certified domestic violence intervention program, the program must submit an abbreviated application that is signed by the program's director.

(2) The abbreviated application to add services can be downloaded at <https://www.dshs.wa.gov/ca/domestic-violence/certification-processor> requested by mail from:

Domestic violence intervention treatment program manager  
Department of social and health services (DSHS)  
P.O. Box 45710  
Olympia, Washington 98504-5710

(3) Completed applications and required documentation can be emailed to [CADVProgram@dshs.wa.gov](mailto:CADVProgram@dshs.wa.gov) or mailed to the address in this section.

(4) The application must be signed, dated, completed entirely, and must include the following:

(a) The name of the supervisor providing management and supervision of services;

(b) The physical address of the program where the new requested service(s) will be provided;

(c) A copy of the program's policies and procedures applicable to the new service(s);

(d) A copy of the program's treatment topics and evidence-based or promising practice treatment modality related to the new service(s), if applicable; and

(e) Updated quality management procedures to include the new service(s).

(5) The department must approve the application for the provision of the new requested service(s) before the program can provide the service(s).

(6) The department may conduct an on-site review prior to approving the new requested service(s) or issuing a new certificate that includes the added service(s).

### NEW SECTION

**WAC 388-60A-0135 Change in ownership—What must be sent to the department when a program is sold or changes ownership?** (1) When a

certified domestic violence intervention treatment program changes ownership, the department requires:

(a) A new certification application (see WAC 388-60A-0105 through WAC 388-60A-0115) including all required documentation;

(b) Payment of the certification application fee (see WAC 388-60A-0120(6)); and

(c) A statement regarding the disposition and management of all participant and victim records in accordance with applicable state and federal laws.

(2) The program must receive a new certification under the new ownership before providing any domestic violence assessments or any level of domestic violence intervention treatment services.

#### NEW SECTION

**WAC 388-60A-0140 Change of address—What must be sent to the department when a program changes the physical location of where they provide assessments or groups?**

(1) When a certified domestic violence intervention treatment program relocates to another address, the department requires the program to submit a completed change of address form found online at <https://www.dshs.wa.gov/ca/domestic-violence/certification-processor> requested by mail from:

Domestic violence intervention treatment program manager

Department of social and health services (DSHS)

P.O. Box 45710

Olympia, Washington 98504-5710

(2) The program must provide the department with:

(a) The effective date and physical address of the program's new location;

(b) Notification of any changes to direct service staff members or supervisor(s), who must receive department approval before providing any direct client services;

(c) A statement regarding the management of all participant and victim records in accordance with applicable state and federal laws; and

(d) An attestation that the new location complies with facility requirements under WAC 388-60A-0125.

(3) The program must receive a certification for the new location's address before providing any assessments or any level of domestic violence intervention treatment service at that address.

(a) An exception may be granted at the discretion of the department if the program had to move suddenly due to an emergency or danger in the previous facility; and

(b) The department may conduct an on-site review prior to approving or issuing a new certificate for the new location.

## **DIRECT TREATMENT STAFF REQUIREMENTS**

### NEW SECTION

**WAC 388-60A-0200 Personnel records—What personnel records must a program keep for direct service staff?** (1) The program must keep records concerning all personnel, including paid and volunteer staff.

(2) Personnel records must contain the following information:

(a) Their most recent Washington state, FBI or other national background check results, which must have been conducted within the last twenty-four months;

(b) A copy of their current registration or license as a counselor with the Washington state department of health;

(c) A copy of all diplomas; and

(d) A copy of the continuing education and training certificates earned over the last twenty-four months.

(3) For programs with more than one direct service staff, the personnel record must also contain documentation of a staff orientation to the program and include:

(a) An overview of the program's philosophy regarding domestic violence intervention treatment;

(b) A review of the program's treatment outline;

(c) A review of the program's policies and procedures;

(d) A review of the state's domestic violence laws (see WAC 388-60A-0340);

(e) A job description, which is signed by the employee or volunteer; and

(f) The date of hire and the date of termination if applicable.

### NEW SECTION

**WAC 388-60A-0210 Minimum staff qualifications—What staff qualifications must a program document for direct service staff?** (1) Direct treatment staff who are currently recognized by the department as a trainee, staff, or supervisor at a certified program under chapter 388-60 WAC will be granted the same designation by the department with the adoption of chapter 388-60A WAC.

(2) Each treatment program certified for assessments or any level of domestic violence intervention treatment must ensure that all staff with direct treatment contact with participants be:

(a) Currently licensed or registered as counselors as required under chapter 18.19 RCW;

(b) Free of criminal convictions involving domestic violence or moral turpitude;

(i) Direct service staff who have convictions involving crimes of domestic violence or moral turpitude may submit a written explanation

of their convictions and a request for an exception to this requirement;

(ii) The department will review the explanation and request for an exception on a case-by-case basis, and the decision to grant or deny such a request will be at the department's discretion; and

(iii) This discretionary decision is not subject to an administrative hearing appeal as outlined under chapter 388-02 WAC; and

(c) In good standing with DSHS:

(i) A direct treatment staff person whose actions have been the subject of a DSHS investigation and have resulted in the denial, suspension, or revocation of a program's certification status is subject to a review by DSHS to determine if the direct treatment staff person is considered to be in good standing;

(ii) The department will review the status of a direct service staff on a case-by-case basis and decisions for designation and recognition of the direct service staff person as a trainee, staff, or supervisor will be at the discretion of the department; and

(iii) This discretionary decision is not subject to an administrative hearing appeal as outlined under chapter 388-02 WAC.

(3) Each direct treatment staff person must have a bachelor's degree from an accredited university in counseling, psychology, social work, or similar social services field.

(a) The department may grant an exception or waiver from compliance with this requirement if the exception would not violate an existing local, state, federal, or tribal law;

(b) In order to qualify for an exception, the employee must possess year-for-year professional level experience equivalent to a related bachelor's degree in counseling, psychology, social work, or similar social service field and the department determines this equivalency at the discretion of the DSHS program manager responsible for monitoring domestic violence intervention treatment programs;

(c) To request an exception to a rule in this chapter, the program must:

(i) Submit the request in writing to the department;

(ii) Assure that the exception would not jeopardize the safety, health, or treatment of an individual; and

(iii) Assure that the exception would not impede fair competition of another service agency;

(d) The department approves or denies an exception request in writing and requires the program to keep a copy of the decision; and

(e) The department's decision to deny an exception request is not subject to administrative review under chapter 388-02 WAC.

(4) Prior to providing any direct treatment services to program participants, each direct treatment staff person must have completed:

(a) A minimum of thirty hours of domestic violence training from an established domestic violence victim or survivor services program, as defined in this chapter;

(b) A portion, but not all of the victim training hours may be accrued through training from the Washington State Coalition Against Domestic Violence and those trainings may be attended in person or online;

(c) A minimum of thirty hours of training on the provision of domestic violence intervention assessment and services, provided by an established and certified domestic violence intervention treatment services program or other organization that has been approved by the department to provide the training and must include:

- (i) An orientation to the treatment program if the training is through a certified program;
  - (ii) An overview of all applicable policies and procedures;
  - (iii) Instructions on how to conduct behavioral assessments;
  - (iv) Instructions on how to facilitate groups; and
  - (v) Instructions regarding the implementation, administration, interpretation, and utilization of domestic violence offender risk assessment tools;
- (A) If located within Washington state, the domestic violence intervention treatment program must be certified and meet the standards as outlined in this chapter; and
- (B) If located out-of-state the domestic violence intervention treatment program must meet the standards outlined in this chapter and in chapter 26.50 RCW; and
- (d) Direct service staff must complete all sixty hours of required training before the employee may apply for trainee status and begin to provide any direct services to participants and any work experience accrued prior to completion of the sixty hours of training will not count toward any requirement for work experience.

#### NEW SECTION

**WAC 388-60A-0220 Staff disclosures—What disclosures must direct service staff provide to participants seeking assessments or who are in the program?** (1) Prior to conducting an assessment or providing any level of treatment, each direct service treatment staff must document in the participant's record that the participant was provided with the direct treatment staff's counselor disclosure which must include:

- (a) The name of the direct service treatment staff;
- (b) The name of the domestic violence intervention treatment program and the program's business address and telephone number;
- (c) The direct service staff member's Washington state credential number;
- (d) The direct service staff member's education, training, and experience;
- (e) The direct service staff member's designation by the department as a trainee, staff, or supervisor;
- (f) The name and description of the types of counseling or interventions provided by the direct service staff, including the treatment approach, methods, and techniques employed in their domestic violence intervention treatment program;
- (g) Fee information, including:
  - (i) The cost for each assessment, group or individual counseling session;
  - (ii) Billing practices including any advance payments and refunds; and
  - (iii) A statement that participants are not liable for any fees or charges for services rendered prior to receipt of the disclosure statement;
- (h) The limits of confidentiality under RCW 18.19.180;
- (i) Disclosure of the direct service staff's supervisory or consultation agreement, including the supervisor's contact information,

if they are not the program's supervisor or if they are receiving supervision from another practitioner;

(j) Disclosure that the direct service staff person is not credentialed to diagnose mental disorders or to conduct psychotherapy as defined in WAC 246-810-010(14) if it is outside their scope of practice;

(k) The following information regarding credentialed counselors:

(i) Counselors practicing counseling for a fee must be credentialed with the department of health for the protection of the public health and safety;

(ii) Credentialing of an individual with the department of health does not include a recognition of any practice standards, nor necessarily imply the effectiveness of any treatment;

(iii) The purpose of the Counselor Credentialing Act, chapter 18.19 RCW, which is to:

(A) Provide protection for public health and safety; and

(B) Empower the citizens of the state of Washington by providing a complaint process against those counselors who would commit acts of unprofessional conduct; and

(iv) A reference of the acts of unprofessional conduct in RCW 18.130.180 and the name, address, and contact telephone number within the department of health for complaints; and

(l) Signature and date blocks for the direct service staff and participant, including an attestation that the participant has read, understands, and was provided with the required disclosure statement.

#### NEW SECTION

**WAC 388-60A-0230 Trainee requirements—What qualifications must the program document for direct treatment staff designated as a "trainee" by the department?** (1) A trainee is a direct treatment staff person who has completed the sixty hours of domestic violence victim and perpetrator trainings as outlined in WAC 388-60A-0210 but has not yet accrued the minimum hours of experience required at the staff level.

(2) A trainee may serve as a co-facilitator of groups, but must not have sole responsibility for the group at any time.

(3) A trainee must not have sole responsibility for conducting an interview and assessment, for terminating a participant from treatment, or for writing the participant's discharge summary.

#### NEW SECTION

**WAC 388-60A-0240 Staff requirements—What qualifications must the program document for direct treatment staff designated as "staff" by the department?** (1) To qualify at the staff level the employee must meet all the qualifications at the trainee level and also have accrued and documented:

(a) A minimum of fifty hours of supervised, direct treatment services to domestic violence participants in a certified domestic vi-

olence intervention treatment program or out of state equivalent, which includes documentation of the staff person's observation of at least six certified domestic violence intervention treatment groups including debriefings with the facilitator; and

(b) A minimum of fifty hours of experience working with victims of domestic violence.

#### NEW SECTION

**WAC 388-60A-0250 Supervisor requirements—What qualifications must the program document for direct treatment staff designated as a "supervisor" by the department?** (1) To qualify at the supervisor level, the employee must meet all the qualifications required for the staff level and also have accrued and documented:

(a) A minimum of two years of experience in facilitating domestic violence intervention treatment groups at a certified program;

(b) At least two hundred and fifty hours of direct treatment contact with participants in a certified domestic violence intervention treatment program; and

(c) At least one hundred hours of experience working with victims of domestic violence.

(2) A supervisor must have a master's degree from an accredited university in counseling, psychology, social work, or similar social services field.

(3) The department's program manager will review requests for an exception to this requirement on a case-by-case basis.

(a) An exception for the master's degree requirement must not be given to a direct treatment staff member who has already been given an exception for the bachelor's degree;

(b) In order to qualify for an exception, the employee must possess year-for-year professional level experience equivalent to a related master's degree in counseling, psychology, social work, or similar social services field and the department determines this equivalency at the discretion of the DSHS program manager responsible for monitoring domestic violence intervention treatment programs;

(c) To request an exception to a rule in this chapter, the program must:

(i) Submit the request in writing to the department;

(ii) Assure that the exception would not jeopardize the safety, health, or treatment of an individual; and

(iii) Assure that the exception would not impede fair competition of another service agency;

(d) The department approves or denies an exception request in writing and requires the program to keep a copy of the decision; and

(e) The department's decision to deny an exception request is not subject to administrative review under chapter 388-02 WAC.

## NEW SECTION

**WAC 388-60A-0260 Supervisor responsibilities—What responsibilities must the supervisor document for the program?** (1) Each program certified for assessments or any level of domestic violence intervention treatment must have at least one person providing supervision to direct treatment staff.

(2) Supervision must be documented in the direct service staff's personnel file and follow the program's policies and procedures regarding supervision. At a minimum this must include:

(a) At least once every six months, the supervisor must directly observe all treatment staff who are at the trainee or staff level and who provide direct treatment services such as assessments or any level of treatment;

(b) At least once every six months the supervisor must review a sample of each direct treatment staff's assessments and participant's records as applicable for compliance with program policies and the WAC standards found in this chapter;

(c) A program's supervisor must document their observations and feedback for the program trainee or staff member and include it in the employee or volunteer's personnel file; and

(d) Programs that consist of one employee, who is the supervisor, are not required to document group observations or file reviews.

(3) A supervisor may be located either on or offsite.

(4) If no other direct treatment staff besides the supervisor possesses at least two hundred fifty hours of experience providing direct treatment services to participants, then the supervisor must be present on site at all times that direct treatment services are being provided.

(5) The supervisor is responsible for reporting critical incidents, as defined in this chapter to the department within one business day.

(6) The supervisor must provide the department with documentation of the incident and the actions the program has taken as a result of the incident.

(7) If a program has more than one supervisor, the program must either:

(a) Designate a lead supervisor to fulfill the responsibilities of this section; or

(b) Document in writing how the responsibilities in this section will be shared among the supervisors.

## NEW SECTION

**WAC 388-60A-0270 Continuing education—What continuing education requirements must the program document for direct service staff?** (1) Each treatment program certified for assessments or any level of domestic violence intervention treatment must ensure that all staff having direct treatment contact with participants documents their continuing education hours.

(2) Each direct treatment staff must complete a minimum of twenty hours of continuing professional education each year after the program

is certified, or each year after the staff person is added to the staff list.

(3) No more than five of those hours may be obtained by attending "in-house" training.

(4) Of the twenty annual hours of continuing education, each direct treatment staff must complete a minimum of nine hours in victim training which includes, but is not limited to, any combination of the following topics:

- (a) Domestic violence victim advocacy;
- (b) Safety planning with domestic violence survivors;
- (c) Legal or financial options for domestic violence survivors;
- (d) Information on no contact orders or protective orders;
- (e) Housing options for domestic violence survivors; or
- (f) Other trainings that directly relate to domestic violence survivors or victim advocacy.

(5) Of the twenty annual hours of continuing education, each direct treatment staff must complete a minimum of one hour related to suicide prevention.

(6) Of the twenty annual hours of continuing education, each direct treatment staff must complete a minimum of ten hours in domestic violence intervention, perpetrator, or batterer's treatment. Any combination of the following topics may also be included with the remaining hours if they are submitted with an explanation of how the training relates to domestic violence intervention treatment:

- (a) Mental health;
- (b) Substance use, gambling or other addictions;
- (c) Sexism;
- (d) Racism;
- (e) LGBTQ culture or homophobia;
- (f) Trauma informed treatment;
- (g) Complex trauma;
- (h) De-escalation in a treatment setting;
- (i) Group facilitation;
- (j) Domestic violence offender behaviors;
- (k) Experiential treatment;
- (l) Behavioral assessments;
- (m) Cognitive behavioral treatment;
- (n) Motivational interviewing;
- (o) Forensic counseling;
- (p) Dialectical behavioral treatment;
- (q) Child abuse;
- (r) Sexual assault; or
- (s) Other trainings that directly relate to providing domestic violence intervention treatment.

(7) The recommended format for all trainings is live and in-person, however direct treatment staff may obtain continuing professional education online when approved in writing by the program's supervisor.

(8) Supervisors who provide level four treatment must also complete and submit four hours of department approved continuing education every two years following the initial six-hour training in level four treatment.

(a) The four hours of training for level four treatment may be included in the forty hours of continuing education training hours.

(b) The continuing education hours for level four treatment must include training on criminogenic factors, risk issues, psychopathy, and related topics.

(9) The direct treatment staff must document all continuing education training hours on department approved forms.

(a) The form must be accompanied by completion certificates, course or workshop outlines, and the supervisor's signature; and

(b) The program must submit the form and accompanying documentation to the department at the time the program applies for recertification (see WAC 388-60A-0110).

#### NEW SECTION

**WAC 388-60A-0280 Adding direct treatment staff—What documentation must a program submit to the department to add a new direct service staff person, or request designation as a staff or supervisor for existing direct service staff, during a certification period?** (1) A new direct service staff person or an existing person requesting a change in staff level must be approved by the department as a trainee, staff, or supervisor before providing any direct services such as assessments or any level of treatment.

(2) The certified program must submit an application to add or change direct service staff which can be obtained online at <https://www.dshs.wa.gov/ca/domestic-violence/certification-processor> requested by mail from:

Domestic violence intervention treatment program manager  
Department of social and health services (DSHS)  
P.O. Box 45710  
Olympia, Washington 98504-5710

(3) With the application, the program must submit documentation to the department which proves that the staff meets the minimum qualifications for all treatment staff stated in WAC 388-60A-0210 in addition to the staff level being requested as stated in WAC 388-60A-0230 through WAC 388-60A-0250.

### **PROGRAM STANDARDS**

#### NEW SECTION

**WAC 388-60A-0300 Referral screening—May a program screen referrals in order to accept or deny services to potential participants?**

(1) A treatment program has the authority to accept or reject any referral for assessment or enrollment in its program.

(2) The program must base acceptance and rejection of a participant on written criteria the program has developed to screen potential participants.

(3) A treatment program may impose any relevant and appropriate conditions on participants that the program deems appropriate for the success of treatment.

#### NEW SECTION

**WAC 388-60A-0305 Nondiscrimination—What are the nondiscrimination criteria with which a program must comply?** (1) A domestic violence intervention treatment program may not discriminate against any participant based on:

- (a) Race;
- (b) Ethnicity;
- (c) National origin;
- (d) Age;
- (e) Gender or gender identity;
- (f) Disability;
- (g) Religion;
- (h) Marital status or living arrangements;
- (i) Educational attainment;
- (j) Language spoken or limited language proficiency;
- (k) Socio-economic status; or
- (l) Sexual orientation.

(2) Program materials, publications, and audio-visual materials must be culturally aware, sensitive, and nondiscriminatory.

#### NEW SECTION

**WAC 388-60A-0310 Treatment focus—What requirements must a program focus on during treatment and what methods of treatment may they use?** (1) A domestic violence intervention treatment program certified for any level of treatment must document in each participant's record that the program's treatment focus is primarily on increasing victim safety by ending the participant's violence and holding the participant accountable for their abusive behaviors.

(2) The program must document in the participant's record:

(a) The dates, times, and topics covered for each session; and

(b) The behavioral progress of the participant in reaching the objectives or goals as outlined in their treatment plan.

(3) The program must use forensic counseling skills in facilitating evidence-based or promising practices that may include, but are not limited to:

(a) Cognitive-behavioral approaches;

(b) Motivational interviewing or similar client-centered approaches;

(c) Trauma-informed behavioral interventions;

(d) Strength-based strategies; or

(e) Positive behavioral reinforcement strategies.

(4) The program must base all treatment on strategies and philosophies that do not blame the victim or imply that the victim shares any responsibility for the abuse which occurred.

(5) The primary goal of a domestic violence intervention treatment program must be to increase the victim's safety by:

(a) Individualizing treatment for each participant with unique goals, the modality of treatment, and adequate and appropriate intervention to address the participant's high risk factors and needs as outlined in their treatment plan; and

(b) Holding the participant accountable for changing the participant's patterns of abusive thinking and behaving.

#### NEW SECTION

**WAC 388-60A-0315 Group treatment—What standards must programs follow regarding the provision of group treatment?** (1) Each treatment program certified for any level of treatment must adhere to the following standards regarding group treatment:

(a) Participants must attend group sessions on a weekly basis;

(b) The group sessions must be single gender;

(c) Participants must be given the choice to attend the group they feel most comfortable in when gender identity is a factor;

(d) The group size is limited to a maximum of twelve participants, and a minimum of two participants;

(e) On a short-term basis the program may accept a participant into their domestic violence intervention treatment program even if the program lacks sufficient participants to constitute a group;

(f) Group sessions with four to twelve participants in attendance must be at least ninety minutes in length;

(g) Group sessions with three or fewer participants in attendance must be at least sixty minutes in length;

(h) Group sessions must be closed to all persons other than participants, group facilitators, and others specifically invited by the group facilitators including, but are not limited to:

(i) Professionals in related fields;

(ii) A research scholar or state of Washington evaluator;

(iii) Advocates from victim service agencies;

(iv) Persons offering interpretation services for the deaf and/or hearing impaired or language translation or interpretation; and

(v) Interns, trainees, or others who bring specific information applicable to the group; and

(i) Any person attending the group as specified under this section must sign a confidentiality agreement of which the program must keep a record.

#### NEW SECTION

**WAC 388-60A-0320 Treatment practices—How must a program approach treatment and what must happen if it is determined that a participant should move into a different level of treatment?** Each treatment program certified for any level of domestic violence intervention treatment must:

- (1) Provide forensic counseling, using evidence-based or promising practices in all levels of treatment;
- (2) Require participants to attend weekly group or individual sessions, depending on their level of treatment and individual treatment plan;
- (3) Use a trauma-informed approach in treatment;
- (4) Provide treatment that meets the individual needs of participants based on their ongoing assessment information, motivations for abuse, and motivations for creating healthy relationships;
- (5) Document the required cognitive and behavioral changes required by participants in treatment as cited in WAC 388-60A-0415;
- (6) Submit compliance reports and relevant information to the courts or appropriate probation office when requested by the referral source or court when applicable;
- (7) When increasing or decreasing the level of treatment of a participant the program must document:
  - (a) Updated assessment information;
  - (b) A change in treatment needs;
  - (c) Justification for the treatment level change;
  - (d) Written approval from the program's supervisor; and
  - (e) An updated treatment plan; and
- (8) When a program changes the level of treatment for a participant the program must notify the participant and the referring agency, when applicable.
  - (a) The program must document if the referring agency has opted out of receiving treatment change notifications and if so, it must be documented in the participant's file; and
  - (b) If the program cannot reach the recipient the program must document their reasonable efforts to reach them.

#### NEW SECTION

**WAC 388-60A-0325 Victim safety—What steps must programs take in order to help increase victim safety?** (1) Each treatment program certified for assessments or any level of treatment must adequately consider the safety of the victims, current partners, and children of the participants receiving assessments or who are enrolled in the treatment program.

(2) All victim contact initiated by the program must be done by a staff or supervisor level employee as defined in WAC 388-60A-0240 and WAC 388-60A-0250, unless the program contracts with a victim services agency to contact victims.

(3) Programs that are certified for assessments or any level of treatment must take the following steps, as applicable to help increase victim safety:

(a) Notify the victim of each program participant before completing the assessment that the participant is being seen by the certified program for an assessment to determine:

(i) If domestic violence intervention treatment is appropriate for the participant, and if so, what level of treatment the participant will start in at the program; and

(ii) If applicable, what other treatments may be required or recommended as part of the participant's treatment plan;

(b) Inform victims about emergency and safety planning, outreach, advocacy, and other applicable services offered by a domestic violence victim services program in their community;

(c) Notify the victim of each program participant within fourteen days of the participant being accepted or denied entrance to the program that the participant has enrolled in or has been rejected for treatment services; and

(d) When the participant has been accepted into treatment, give victims a brief description of the domestic violence intervention treatment program including all of the following:

(i) The primary objective of the domestic violence intervention treatment program to help increase the safety of the victim and children as well as holding the participant accountable;

(ii) The core competencies and minimum completion criteria for the participant in treatment;

(iii) The fact that the victim is not expected to do anything to help the participant complete any treatment program requirements;

(iv) The limitations of domestic violence intervention treatment; and

(v) The program's direct treatment staff's responsibility regarding mandated reporting and duty to warn.

(4) The program must document in writing the program's efforts to notify the victim by phone of the requirements in this section.

(a) The program may mail the required information in this section if they cannot reach the victim by phone after three documented attempts;

(b) The program must document in writing the program's efforts to obtain the victim's contact information;

(c) When communicating with the victim at the time of assessment, enrollment, or denial into treatment the program must not assess the victim in any way, but the program may ask if the victim has any information they would like to share; and

(d) If on their own accord the victim provides the program with information regarding the participant or aspects of their relationship, then the program must keep the victim's information in a separate file from the participant's file.

(5) The program must not invite or require the victim to attend domestic violence intervention treatment sessions or education groups which the program requires participants to attend as a condition of their contracts.

(6) Programs may meet the requirements of this section through an agreement or contract with a victim services program, but it is the responsibility of the certified program to ensure and document in writing that all requirements are met.

## NEW SECTION

**WAC 388-60A-0330 Victim confidentiality—What must programs do in order to safeguard victim confidentiality?** Each treatment program certified to provide assessments or any level of domestic violence intervention treatment must follow standards regarding victim confidentiality.

(1) A certified program must treat all information the victim provides to the program as confidential unless the victim gives written permission for the program to release the information or the program is required by law to release the information.

(2) If the program is required by law to release the information shared by the victim, such as in cases of abuse of children, the program must explain the process to the victim and the direct treatment staff's obligations as a mandated reporter under RCW 74.34.020(14).

(3) Any information provided by or to the victim must be kept separate from any files for participants unless the victim has waived their confidentiality for the specific information that will be kept in the participant's file.

(4) If a victim informs the program that the participant has engaged in new abusive behavior, the treatment program must:

(a) Provide the victim with contact information for the local domestic violence victim services programs;

(b) Review with the victim the domestic violence intervention treatment program's victim confidentiality rules including how the victim can waive or release their confidentiality; and

(c) If the victim chooses to waive or release their confidentiality, the program must:

(i) Discuss the victim's safety and document the program's efforts to increase the victim's safety; and

(ii) Document the victim's confidentiality release or waiver in writing, which specifies the information the victim is releasing and for what purpose the information is being released.

(5) If the victim informs the program about a participant's new or recent abusive behavior, and either the victim or the program has reason to believe that disclosing this information to the participant will place the victim at significant risk, the program must keep this information confidential and must not directly address the behavior with the participant until, to the best of the program's knowledge, doing so no longer poses a significant risk to the victim.

(6) The program may explore other sources, such as probation or court records, by which the program has uncovered new or recent abusive behavior and may address the behavior with the participant in treatment if it can be disclosed that the program received this information from a source other than the victim, so as to not place the victim at additional risk.

## NEW SECTION

**WAC 388-60A-0335 Cooperation with victim services—How must a program cooperate with local domestic violence victim services agencies?** Each treatment program certified to provide assessments or any level of domestic violence intervention treatment must ensure:

(1) The treatment program has established and maintains cooperative relationships with domestic violence victim services programs located in their community;

(2) The treatment program has a current list of local domestic violence victim programs in their area and the services each program provides;

(3) The list of domestic violence victim programs must be available on-site, in print or electronic form, to all direct service staff at all times; and

(4) The program regularly attends and participates in the local domestic violence task force, intervention committee, or workgroup if one exists in their community.

#### NEW SECTION

**WAC 388-60A-0340 Domestic violence laws—What must a program know about domestic violence laws and justice system practices?** Each treatment program certified to provide assessments or any level of domestic violence intervention treatment must ensure that the program has an understanding of the laws pertaining to domestic violence and the operation of the justice system.

(1) At a minimum, a program must be familiar with and have written documentation of:

(a) State laws regulating the response to domestic violence by the criminal justice system;

(b) Relief available to victims of domestic violence offered by:

(i) Washington domestic violence law and civil protection orders;

(ii) Criminal no-contact orders; and

(iii) Civil restraining orders; and

(c) Information about local law enforcement, prosecution, and court and probation programs that work with domestic violence cases.

(2) The written documentation required in this section must be available at all times in print or electronic form to all direct service staff.

### **PARTICIPANT STANDARDS**

#### NEW SECTION

**WAC 388-60A-0345 Participant requirements—What must the program require of participants accepted into a domestic violence intervention treatment program?** (1) All participants enrolled in domestic violence intervention treatment must attend consecutive, same gendered, weekly group treatment sessions that are face to face and in-person.

(2) Another type of intervention may be approved for participants in any level of treatment for certain documented clinical reasons, such as psychosis, disability, or other conditions that make the individual not amenable to treatment in a group setting.

(3) A program may develop policies which allow level three and four participants to attend individual sessions as part of the partic-

ipant's treatment plan in order to address their risk factors and meet their unique needs.

(4) Participants who experience hardship attending a certified program in person may ask the program to request an exception for the requirement of attending treatment group meetings in-person in order to attend via live video feed.

(a) An exception to the requirement to attend group in-person must be requested by the program on behalf of a participant and is subject to approval by the department;

(b) The department will review exception requests on a case by case basis and approve or deny the request within seven calendar days after receiving it, unless circumstances warrant a longer period of time;

(c) The department's decision to deny an exception request is not subject to administrative review under chapter 388-02 WAC; and

(d) The program submitting the exception request must be certified under this chapter and send written documentation by electronic or US mail to the department that outlines all of the following:

(i) Documentation that the participant does not have access to reliable transportation and their residence and place of employment are more than forty-five miles from a certified program, or the participant has a physical disability that creates a hardship for attending in person, or other good cause;

(ii) The program's applicable policies and procedures related to connecting participants to their home group through live video; and

(iii) How the program will ensure all participants' confidentiality including the use of a HIPAA compliant live video attendance program.

(5) The program must assign participants to a home group and the participant must be required to attend the same scheduled group each week.

(6) The program's supervisor must authorize any exceptions to this requirement and document the reason for the exception in the participant's file.

(7) A program may develop policies which allow a brief lapse in treatment of no more than thirty days when a participant transfers from another program or experiences extraordinary circumstances that impede their attendance.

(8) Any lapse in treatment must be approved by the program's supervisor and must not exceed thirty days unless approved in writing by the program's supervisor.

(9) Before the participant begins any level of domestic violence intervention treatment, the program must document in the participant's record:

(a) The participant has signed all applicable releases of information required by the treatment program, including those specified in WAC 388-60A-0365;

(b) The participant has signed a contract for services with the treatment program; and

(c) The participant has an assessment and treatment plan completed by a Washington state certified domestic violence intervention treatment program.

## NEW SECTION

**WAC 388-60A-0350 Co-occurring treatment—May participants engage in other types of treatments while they are in domestic violence intervention treatment?** Each treatment program certified for any level of treatment must adhere to the following standards regarding co-occurring treatment:

(1) A program may recommend or require a participant to participate in other types of treatment or classes during the same period the client is participating in the required weekly domestic violence intervention treatment sessions;

(2) Any other type of treatment or therapy must support the goal of victim safety by facilitating change in the participant's abusive behavior without blaming the victim for the participant's abuse;

(3) Participants must sign a release of information for all co-occurring treatment providers;

(4) In order to increase victim safety, participants must not engage in marital or couples counseling unless they meet all of the following requirements:

(a) The participant has been regularly attending domestic violence intervention treatment services for a minimum of six months;

(b) The program has documented that the participant has taken full accountability for their abusive behaviors; and

(c) The program has communicated with the victim or current partner and documented that the participant has made cognitive and behavioral changes that reduce the risk of intimate partner violence towards the victim; and

(5) Co-occurring therapies must not be substituted for the required domestic violence intervention treatment sessions, including but not limited to:

(a) Individual therapy;

(b) Family therapy;

(c) Marital or couples counseling;

(d) Parenting classes;

(e) Substance use evaluations, treatment, drug testing; or

(f) Anger management.

## NEW SECTION

**WAC 388-60A-0355 Participant rights—What are the participant rights that a program must follow and provide to the participant?** (1) Each certified program must provide assessment and treatment participants with rights.

(2) The participant's record must include a copy of the rights, which are signed by the participant and include the following:

(a) A treatment program must provide each participant with the highest quality of service;

(b) Treatment program staff must establish a climate where all relationships with colleagues and participants are respectful;

(c) Each participant must have the assurance that the program staff will conduct themselves professionally, and avoid unprofessional conduct as specified in RCW 18.130.180;

(d) Staff working for a treatment program must not engage in or tolerate verbal abuse, physical abuse, sexual harassment, or exploitation towards a program participant;

(e) Each participant enrolled in domestic violence intervention treatment must have a written contract signed by the participant and the treatment program staff that meets the requirements of WAC 388-60A-0370; and

(f) The participant has the right to request reports and other related materials from their individual file which must be sent directly to the participant or their attorney in a timely manner when it is requested by the participant and they have signed an applicable release of information.

#### NEW SECTION

**WAC 388-60A-0360 Participant confidentiality—What must programs do in order to safeguard participant confidentiality?** Each program certified to provide assessments or any level of domestic violence intervention treatment must:

(1) Follow the confidentiality requirements contained in chapter 18.19 RCW for registered counselors and certified professionals;

(2) Require all program participants and guests to agree in writing not to disclose the identity of group participants or personal information about the participants;

(3) Keep all communications between the participant and direct treatment staff confidential unless:

(a) The participant has signed a release of information; or

(b) The program is legally required to release the information; and

(4) Receive written consent, that gives details about the specific uses for the tape, when a program audio or video tapes a group session.

(a) The program must obtain an additional consent statement from each participant to permit use of the tape for any purpose other than the purposes specified in the original consent;

(b) Audio or video recordings must be stored in a locked, secure and confidential location that is not accessible to participants or the public; and

(c) Audio or video recordings must be destroyed when confidential storage is no longer available, before the program closes or before ownership of the program is transferred.

#### NEW SECTION

**WAC 388-60A-0365 Releases of information—What releases of information must the program require from participants before they are accepted into a program?** In order to obtain information for the assessment or treatment of the participant, to facilitate the communication necessary for periodic safety checks and case monitoring, and to increase the safety of the victim and any children involved, the

treatment program must require all participants to sign the following releases, which must remain in effect until at least ninety days after the participant is discharged from treatment:

- (1) A release for the victim when applicable;
  - (a) The release must allow the certified program to communicate with the victim during the assessment and treatment process;
  - (b) The release must allow the certified program to notify the victim that the participant has been accepted or rejected for treatment;
  - (c) The release must allow the certified program to notify the victim of any significant changes in the participant's treatment plan or noncompliance with treatment; and
  - (d) The release must allow the program to notify the victim if their safety appears to be at risk due to the participant's potential for violence or lethality;
- (2) A release to receive and provide information regarding the participant with child protective services, child welfare services, other child services, or DSHS programs;
- (3) A release allowing the program to receive and provide relevant information regarding the participant, including safety concerns, with each of the following entities as applicable:
  - (a) Significant others or current partners;
  - (b) Any adult children who are biological to or have lived with the participant;
  - (c) The victim's community and legal advocates;
  - (d) Police;
  - (e) Lawyers, including prosecutors;
  - (f) Courts;
  - (g) Probation officers;
  - (h) Parole officers;
  - (i) Court-appointed guardian ad litem; and
  - (j) Any concurrent or former treatment or assessment agencies, including but not limited to:
    - (i) Domestic violence intervention treatment programs;
    - (ii) Sexual offender programs;
    - (iii) Mental health agencies;
    - (iv) Individual therapists; and
    - (v) Substance use treatment programs; and
- (4) A release allowing the information and data from the participant's individual file to be used for research and evaluation must be offered but not required to be signed by the participant and the release must indicate that any information disclosed for research and evaluation purposes will remain confidential.

#### NEW SECTION

**WAC 388-60A-0370 Participant contracts—What elements must be included in a contract between a program and participant?** (1) Each treatment program certified for any level of domestic violence intervention treatment must require participants to sign and date a formal contract for services before treatment begins.

(2) The program must document that a copy of the contract was offered to the participant.

(3) The contract between each participant and the treatment program must include the following elements:

(a) A statement regarding the treatment program's philosophy that the victim may not be blamed for the participant's abuse, the participant must stop all forms of abuse, the abuser is to be held accountable for their actions, and the program's primary concern is for the safety of victims;

(b) A requirement that the participant must:

(i) Cooperate with all program rules;

(ii) Stop violent and threatening behaviors;

(iii) Develop and adhere to an accountability plan;

(iv) Comply with and when requested, bring documentation of, compliance with all court orders including but not limited to spousal support, child support, parenting plans, and orders of protection or no contact;

(v) Cooperate with the rules for group participation; and

(vi) Sign all required releases of information;

(c) A policy on attendance and consequences for inadequate attendance;

(d) A requirement that the participant must actively participate in treatment, including sharing personal experiences, values, and attitudes, as well as completing all group activities and assignments;

(e) Treatment completion criteria and core competencies;

(f) The program's policy regarding concurrent treatment requirements;

(g) The program's policy regarding the possession of weapons as described under chapter 9.41 RCW;

(h) An agreement that group members must honor the confidentiality of all participants;

(i) A statement that the treatment program has the duty to warn and protect victims, law enforcement, and third parties of any reasonably foreseeable risk of serious harm the program determines the participant poses to them;

(j) A requirement that the participant must either:

(i) Provide the program with the participant's arrest records, criminal history, civil or family law actions, protection orders, no contact orders, incident or police reports, and any information regarding treatment services previously received; or

(ii) Identify the existence of and location of all service records, and authorize release of all such records to the domestic violence treatment program;

(k) The program's policy regarding the use of drugs and alcohol, including a provision that the participant must attend treatment sessions free of drugs and alcohol; and

(l) Fees and methods of payment for treatment.

## **TREATMENT REQUIREMENTS**

## NEW SECTION

### **WAC 388-60A-0400 Behavioral assessment and interview criteria—Who may conduct the interview and assessment and what must it include?**

(1) A participant must complete an individual interview and behavioral assessment with a certified program prior to starting any level of treatment.

(2) The purpose of the assessment is to determine:

(a) The level of risk, needs, and responsivity for the participant;

(b) The level of treatment the program will require for the participant; and

(c) Behaviorally focused individualized treatment goals or objectives for an initial treatment plan.

(3) Only treatment staff who meet the minimum qualifications for direct treatment staff as defined in this chapter may complete the interview and assessment process and all related paperwork.

(a) An assessment must be completed by a staff person who has been designated by the department at the staff or supervisor level as outlined in WAC 388-60A-0240 and 388-60A-0250;

(b) A trainee must not have sole responsibility for conducting an interview or assessment;

(c) A trainee may sit in on an interview and assessment process, but the staff or supervisor level person must conduct the interview and write the assessment.

(4) The assessment process must include:

(a) A behavioral assessment and screening interview with the participant;

(b) Collateral information and input from third party sources;

(c) The participant's legal history; and

(d) A summary of the results from all applicable evidence-based, empirical, and objective standardized tests.

(5) The assessment process is ongoing throughout treatment and changes to the participant's program based on updated assessment information must be documented in the participant's record.

(6) Each program certified for assessments must comply with the following:

(a) The program staff must meet in person and face to face with the participant to conduct the assessment, and the assessment must be kept in the participant's file;

(b) Information gathered by or provided to the program from the current victim, past victims, significant others, children, or other family members must not be included in the assessment unless:

(i) The program has written consent from that person to include such information in the written assessment; or

(ii) The program is quoting public information gathered from a public record such as a police report, protective order, no contact order, or a similar document;

(c) The assessment must be written, completed, signed, and dated by the staff or supervisor who completed the interview and assessment; and

(d) The program must document their reasonable efforts to share a completed assessment in a timely manner when it is requested by another certified program and an applicable release of information has been signed by the participant.

(7) **General assessment information:** During the assessment interview a program staff or supervisor must write the assessment and document information that includes the following:

(a) The participant's referral source and contact information for the source when applicable;

(b) Basic demographic and contact information;

(c) The participant's current relationship status and their plans for the relationship;

(d) The participant's access to the victim and their children, family, and co-workers;

(e) An assessment of the participant's individual culture which includes:

(i) Gender identity;

(ii) Preferred pronouns;

(iii) Sexual orientation;

(iv) Religion or spiritual beliefs;

(v) Race;

(vi) Ethnicity; and

(vii) Groups with which the participant identifies;

(f) The possible cultural context for the participant's views about using violence in family relationships;

(g) An assessment of the participant's history of victimization that includes:

(i) Domestic violence victimization;

(ii) Sexual assault victimization; and

(iii) Other trauma history including complex trauma;

(h) Current or past protective orders, no contact orders, parenting assessments, parenting plans, and orders for supervised visitation with children;

(i) A summary of information from police or incident reports for current and past incidents involving coercive or abusive behaviors;

(i) The program must document the participant's specific abusive behaviors; and

(ii) The program must document whether there were children present during any incidents or in the immediate aftermath of an incident and what the children's exposure was to the abuse, the victim's injuries, and damage to property;

(j) The participant's comments or views about specific abusive behaviors in current and past incidents;

(k) Additional collateral information that is necessary to assess the participant's risks and needs, including but not limited to information from:

(i) Probation or parole officers;

(ii) The victim, previous partners, or a current partner if they choose to provide information;

(iii) Victim advocates;

(iv) 911 tapes;

(v) Guardians ad litem, CASAs, or parenting evaluators; and

(vi) Child protective service workers; and

(l) An assessment of whether children have been effected in any way by the participant's domestic violence and if a parenting class specific to perpetrators of domestic violence will be required by the program.

(8) **Domain 1:** An assessment of the participant's current and past high risk factors that include but are not limited to:

(a) Victim initiated separation from the participant in the last six months or other indication the victim may initiate separation;

(b) The infliction or threat of physical harm against an intimate partner including strangulation, physical, sexual, and psychological abuse, or a pattern of assaultive, coercive, and controlling behaviors directed at achieving compliance from or control over that partner;

(c) Access to a firearm, previous use or threats to use a weapon as it is defined in RCW 9.41, or prior training with weapons;

(d) Signs of jealousy, possessiveness, isolation, monitoring, stalking, or holding a victim captive;

(e) Abuse of children, pets or an elderly person;

(f) Instability in the participant's life including but not limited to employment, new or increased substance use, friendships, or intimate relationships;

(g) Children of the victim that are not the participant's biological children;

(h) History of violence in or outside of the home and any police contacts for the violence;

(i) Previous domestic violence or anger management assessments or treatments;

(j) Ideation, attempts, or threats of homicide and suicide; and

(k) Repeated violations of probation, no contact orders, protection orders, or similar orders.

(9) **Domain 2:** A screening for traumatic brain injury, making appropriate referrals for further assessment or treatment when needed. Screening information gathered must include:

(a) Traumatic brain injury or report of injury to the frontal lobe from an accident, sports, military, or similar activities;

(b) Any history of concussions or brain disease or injuries from strokes or dementia; and

(c) A history of experiencing repeated blows to the head regardless of whether the participant ever lost consciousness.

(10) **Domain 3:** A screening for indicators associated with the participant's mental health, making appropriate referrals for further assessment or treatment when needed. The screening must include:

(a) A complete diagnostic evaluation when it is completed by an appropriately credentialed mental health professional practicing within their scope of practice; and

(b) Whether the participant reveals any of the following:

(i) Indicators associated with post-traumatic stress disorder;

(ii) Indicators associated with bipolar disorder;

(iii) Indicators associated with anxiety and depression;

(iv) Indicators associated with personality anomalies;

(v) Anti-social traits;

(vi) Sociopathic traits;

(vii) Psychopathic traits;

(viii) Previous or current mental health treatment; and

(ix) Other mental health or emotional indicators the participant or staff consider relevant to planning successful participation in domestic violence intervention treatment, such as psychosis.

(11) **Domain 4:** An assessment of the participant's belief system as it relates to:

(a) Hierarchical relationships;

(b) Spiritual, cultural, or religious beliefs about gender and family roles that condone partner violence;

(c) Readiness to change; and

(d) Level of accountability.

(12) **Domain 5:** A screening for substance use, making appropriate referrals for further assessment or treatment by a chemical dependency professional when needed. The screening must include:

- (a) Past and current substance use;
- (b) Information about charges, assessments, or treatments related to substance use; and
- (c) Other substance use information the participant or staff consider relevant to successful participation in domestic violence intervention treatment.

(13) **Domain 6:** An assessment of the participant's environmental factors which must include:

- (a) Criminal history from the participant's:
  - (i) Self-report;
  - (ii) A background check that covers each state they have lived in over the last ten years; and
  - (iii) Collateral sources;
- (b) Friends and family with criminogenic behaviors;
- (c) The absence or presence of pro-social supports;
- (d) A brief employment history and current status including:
  - (i) Length of employment; and
  - (ii) Level of job satisfaction;
- (e) Highest level of education completed and any barriers to education or learning, including literacy, learning disabilities, or language needs;
- (f) The people who make up the participant's support system and how their beliefs do or do not support the participant's abusive behaviors;
- (g) The participant's motivations for healthy family relationships;
- (h) The participant's strengths, social activities, hobbies, and recreational activities; and
- (i) Whether or not the participant is socially isolated.

(14) **Domain 7:** Documentation of the results from an evidence-based, empirical, and objective standardized test that assesses risk, lethality, or needs for domestic violence perpetrators and documentation of the participant's level of psychopathy when needed.

(a) Examples of acceptable assessments for risk, lethality, or needs for domestic violence perpetrators include but are not limited to:

- (i) The Domestic Violence Inventory;
- (ii) The Domestic Violence Screening Instrument - Revised;
- (iii) The Ontario Domestic Assault Risk Assessment; and
- (iv) The Spousal Assault Risk Assessment;
- (b) If a program staff or supervisor has reason to believe it is needed or the participant has indicated any combination of three or more anti-social, sociopathic, or psychopathic traits, then the staff or supervisor must gather information related to the participant's level of psychopathy; and
- (c) Examples of acceptable assessments for psychopathy include but are not limited to:
  - (i) Self-Report Psychopathy Scale (SRP4);
  - (ii) Hare P-scan; or
  - (iii) Psychopathy checklist (PCL-R or PCL-SV);
- (A) The administration of the PCL requires appropriate credentials and training; and
- (B) The Interpersonal measure of psychopathy (IM-P) may be used with the PCL-R.

(15) **Acute or critical factors:** The following assessment factors are considered critical or acute and indicate the participant is at a higher risk for lethality or recidivism and must be required to attend level three or four treatment unless the program's supervisor documents extraordinary reasons for an exception in the participant's record.

(16) Other assessment factors may indicate a participant is at a high risk even if they do not meet any of these factors. The critical or acute factors include but are not limited to:

(a) Previous incidents of physical assaults causing injury, sexual assaults, strangulation, or previous reported incidents toward more than one partner;

(b) Previous use or threats with weapons against an intimate partner or family member;

(c) Stalking behaviors;

(d) Physical, sexual, or assaultive violence against children, pets, or an elderly person;

(e) Attempts or threats of homicide or suicide in the last twelve months;

(f) Repeated violations of probation, no contact orders, protective orders, or similar orders; or

(g) A medium or high level of psychopathy.

(17) If the program cannot obtain one or more of the items required in the assessment, then the program must document within the assessment their reasonable efforts to obtain the information.

(18) During an assessment process, the program staff or supervisor who conducted the interview must document a completed DSHS domestic violence 'risks, needs and responsivity form,' which can be downloaded from <https://www.dshs.wa.gov/ca/domestic-violence/certification-process>.

(19) **Summary:** The assessment must contain a written summary which at a minimum includes findings from the behavioral assessment and interview with the participant, collateral information, and input from third party sources, and includes:

(a) A summary of the participant's social and legal history;

(b) An assessment of the degree of abusive cognitive and behavioral patterns;

(c) An assessment of the behaviors that need to be targeted in domestic violence intervention treatment;

(d) An assessment of the participant's level of accountability and their motivations and readiness to change;

(e) A summary and assessment of the results of all evidence-based, empirical, and objective standardized tests given through the assessment process; and

(f) The program's recommendation and rationale for no domestic violence intervention treatment or a condition for treatment that indicates level one, two, three, or four treatment that corresponds to the participant's risks and needs as determined through the interview and assessment process;

(i) The recommended level of treatment must not be diminished by factors such as the absence of legal charges, the type of legal charge the participant may have received, plea deals, or any other influences from outside entities; and

(ii) The program must recommend a level of domestic violence intervention treatment when intimate partner violence has occurred, unless the program has documented a reasonable and valid rationale for a

recommendation of an alternative service or no treatment at all in the assessment; and

(g) All required and recommended referrals to other types of treatment such as substance use, parenting, or mental health treatment in order for the participant to be successful in domestic violence intervention treatment.

#### NEW SECTION

**WAC 388-60A-0405 Treatment planning—What must the treatment plan include and when must it be updated?** Each program certified for any level of domestic violence intervention treatment must adhere to the following treatment planning standards:

(1) The program must develop an individualized written treatment plan for each participant who is accepted into the domestic violence intervention treatment program;

(2) The initial treatment plan must be completed before the participant begins treatment;

(3) The initial treatment plan and all updates to the plan must be signed and dated by the participant and direct service staff member who updated the plan;

(a) The program must document that a copy of the original and any updated treatment plans have been given to the participant and the referral source unless the recipient has opted out of receiving it; and

(b) If the referral source or participant has opted out of receiving a copy, documentation of them opting out must be documented in the participant's file;

(4) The program must base the participant's treatment on:

(a) The interview and assessment completed by a Washington state certified domestic violence intervention treatment program;

(b) The risks, needs, and responsivity form (available for download at <https://www.dshs.wa.gov/ca/domestic-violence/certification-process>) which the program completed for the participant; and

(c) Ongoing risk and assessment information obtained throughout treatment from the participant, collateral, and third party sources;

(5) The treatment plan must:

(a) Adequately and appropriately address any criminogenic needs, as well as high risk, critical, and acute factors of the individual participant;

(b) Identify the program's general responsivity by documenting the evidence-based or promising treatment modality the program will use to address the participant's risks and needs in order to assist them in meeting their goals or objectives;

(c) Identify the program's specific responsivity, taking into account the participant's characteristics such as their strengths, learning style, personality, motivation, bio-social factors, and culture;

(d) Include individualized goals or objectives which are behaviorally specific and measurable;

(e) Document required referrals to other treatments or classes such as mental health, substance use, or parenting, which are necessary

ry in order for the participant to be successful in domestic violence intervention treatment;

(f) Document recommended referrals to other treatment programs and resources; and

(g) Document which treatment gets priority and the sequence of treatment for the participant if more than one treatment service is indicated on the plan; and

(6) The treatment plan must be updated when indicated by:

(a) Significant changes in the participant's behavior or circumstances;

(b) Factors associated with victim safety;

(c) A change in the participant's treatment risks, needs, goals, or objectives; or

(d) If the participant is moving to a higher or lower level of treatment.

#### NEW SECTION

**WAC 388-60A-0410 Placement criteria—How must a program determine a participant's level of treatment?** (1) For level one treatment the program must ensure:

(a) A program must place participants in level one treatment if the program has documented through the assessment, collateral contacts, the participant's legal history and the "risks, needs and responsivity" form all of the following:

(i) The participant has no previous domestic violence charges regardless of an arrest or legal outcomes;

(ii) The participant is at an overall low risk for lethality or recidivism; and

(iii) The participant has engaged in abusive and controlling behavior with an intimate partner;

(b) If the program cannot obtain information from all of the sources in this section then the program must document their reasonable efforts to obtain the information and must place the participant in level two, three, or four treatment; and

(c) A participant who has already been placed in a higher level of treatment must not be transferred to level one treatment at any time.

(2) For level two treatment the program must ensure:

(a) A program must place participants in level two treatment if the program has determined through the assessment, collateral contacts, the participant's legal history, the assessment process and the "risks, needs and responsivity" form the following:

(i) The participant is at an overall medium risk for lethality or recidivism;

(ii) The participant has an established pattern of abuse and control; and

(iii) The participant has little or no criminogenic needs; and

(b) If the program cannot obtain information from any of the sources in this section, then the program must document their reasonable efforts to obtain the information.

(3) For level three treatment, the program must ensure the program places participants in level three treatment if the program has

documented through the assessment, collateral contacts, the participant's legal history and the 'risks, needs and responsivity' form the following:

(a) The participant is at an overall high risk for lethality or recidivism;

(b) The participant has indicated an acute or critical assessment factor as specified in WAC 388-60A-0400(15) and WAC 388-60A-0400(16); or

(c) The participant has identified antisocial traits; and

(d) The participant has criminogenic needs which can be addressed in group or through ancillary individual sessions, depending on their unique risks and needs as identified in the participant's assessment and outlined in their treatment plan.

(4) For level four treatment, the program must ensure:

(a) The participant's risks and needs indicate a medium or high level of psychopathy as identified through a combination of information from:

(i) The assessment;

(ii) Collateral sources;

(iii) The participant's legal history; and

(iv) A relevant assessment tool which may include but is not limited to:

(A) The Self-Report Psychopathy Scale (SRP4);

(B) The PCL-SV or PCL-R which may include the IM-P;

(C) The Hare P-scan; or

(D) Other evidence-based measures of psychopathy; and

(b) Level four treatment may be facilitated through group or individual sessions or a combination of group and individual sessions in order to meet the participant's unique treatment needs as outlined in their treatment plan.

(5) Levels one and two treatment may be combined in the same group.

(6) Level three treatment participants may be combined with levels one and two or in a separate group, depending on the individual treatment needs and goals of each participant.

(7) Participants in level four treatment must be in a separate group from all other participants in lower levels of treatment and must not be combined with any other groups at any time.

## NEW SECTION

**WAC 388-60A-0415 Required cognitive and behavioral changes—Depending on their level of treatment, what changes must the program document that the participant has made?** (1) For levels one, two and three treatment, the program must ensure:

(a) The groups are facilitated by a program staff member who is designated by the department at the staff or supervisor level;

(b) A trainee may co-facilitate with a staff or supervisor, but must not facilitate the group alone at any time;

(c) The program uses evidence-based or promising practices (see WAC 388-60A-0310) to facilitate the areas of treatment focus listed in this section;

(d) The cognitive and behavioral changes in this section are the minimum standard for certified domestic violence intervention treatment and the program must add topics, discussions, lessons, exercises, or assignments that meet the individual treatment needs of the participant;

(e) The areas of treatment in this section include cognitive and behavioral changes, which must be shared in treatment by the participant and documented by the program in the participant's individual record as those changes are identified;

(f) Each treatment program certified for levels one, two, and three domestic violence intervention treatment must document in each participant's file that the following cognitive and behavioral changes are documented for each participant and at a minimum include:

(i) **Types of abuse:** Individual and specific examples of how the participant has acknowledged that they have engaged in any abusive behaviors including but not limited to the following types of abuse:

(A) Physical;

(B) Emotional and psychological including terrorizing someone or threatening them;

(C) Verbal;

(D) Spiritual;

(E) Cultural;

(F) Sexual;

(G) Economic;

(H) Physical force against property or pets;

(I) Stalking;

(J) Acts that put the safety of partners, children, pets, other family members, or friends at risk; and

(K) Electronic, online, and social media;

(ii) **Belief systems:** Exploration of the participant's individual and cultural belief system, including acknowledgement of how those beliefs have allowed and supported violence against an intimate partner including privilege or oppression;

(A) Specific examples of how the participant's individual belief system has allowed or supported the use or threat of violence to establish power and control over an intimate partner; and

(B) Examples of how the participant has experienced societal approval and support for control through violence and the designation of an intimate partner or children as safe targets for this violence;

(iii) **Respectful relationships:** Documentation of new skills the participant has gained through exercises in learning and practicing respectful relationship skills including techniques to be non-abusive and non-controlling that include but are not limited to:

(A) Requesting and obtaining affirmative consent as an essential aspect of interpersonal relationships; and

(B) Respecting boundaries about others' bodies, possessions, and actions;

(iv) **Children:** Documentation of the participant's understanding of how children have been impacted by the participant's abuse and the incompatibility of domestic violence and abuse with responsible parenting including but not limited to:

(A) An understanding of the emotional impacts of domestic violence on children;

(B) An understanding of the long-term consequences that exposure to incidents of domestic violence may have on children; and

(C) The behavioral changes the participant has made and shared with the group as a result of this understanding;

(v) **Accountability:** Documentation of the participant's understanding of accountability for their abusive behaviors and their resulting behavioral changes including but not limited to:

(A) Documentation of the participant's understanding of how they are solely responsible for their abusive and controlling behavior and how they acknowledge this fact;

(B) An understanding of the need to avoid blaming the victim and the ability to consistently take responsibility for the participant's abusive behavior, including holding themselves and others in group accountable for their behavior;

(C) Documentation of a minimum of three separate individual examples of how the participant has taken accountability since beginning domestic violence intervention treatment which must be kept in the participant's file;

(D) Documented examples of how the participant has demonstrated spontaneous accountability in treatment, taking accountability in the moment;

(E) Documentation of the participant's accountability plan:

(I) The treatment program may assist the participant in developing the plan;

(II) In the plan the participant must make a commitment to giving up power and control, including abusive and controlling behaviors towards the victim and others;

(III) In the plan the participant must take accountability for specific abusive behaviors they have committed and have a plan for stopping all abusive behaviors;

(IV) In the plan the participant must identify examples of individualized and specific behavioral changes they have made which demonstrate an understanding of accountability; and

(V) In the plan the participant must identify their personal motivations, ethics, and values as they relate to maintaining healthy relationships; and

(F) Documentation that the participant has demonstrated an understanding of accountability in their past and current relationships, and their progress in taking accountability including the resulting cognitive and behavioral changes during treatment;

(vi) **Financial and legal obligations:** Documentation of the participant's understanding of why it is necessary for them to meet their financial and legal obligations to family members and the actions they are taking to meet those obligations;

(vii) **Empathy:** Documentation of the exercises or assignments on empathy building that demonstrate the participant's cognitive and behavioral changes as a result of increasing their empathy;

(viii) **Defense mechanisms:** Documentation of what the participant has identified as their individual defense mechanisms such as projection, denial, and detachment as well as healthy coping strategies the participant has learned, and the cognitive and behavioral changes they have made in dealing with unpleasant feelings;

(ix) **Self-care:** Documentation of individualized self-care practices the participant has learned and incorporated into their lives, and documentation of their understanding of why self-care is crucial for healthy relationships;

(x) **Support system:** Documentation of the participant's healthy support system, including who they have identified as part of that system and how they provide healthy support;

(xi) **Indicators:** Documentation of the indicators or red flags the participant has identified that they have engaged in, their under-

standing of how those behaviors are abusive, and the cognitive and behavioral changes they have made as a result;

(xii) **Cognitive distortions:** Documentation of the cognitive distortions or thinking errors the participant has identified, that they have used to justify their abusive behaviors, and how they have learned to reframe and change their thinking when those cognitive distortions are present;

(xiii) **Personal motivations:** Documentation of the participant's personal motivations for abusive behaviors and the cognitive and behavioral changes they have made to replace those beliefs and subsequent behaviors which include but are not limited to:

(A) A sense of entitlement;

(B) A belief that the participant should have power and control over their partner;

(C) Learned experience that abuse can get the participant what they want;

(D) The need to be right or win at all costs; and

(E) Insecurity and fear;

(xiv) **Relationship history:** Documentation of the participant's relationship history which documents common characteristics, motivations for abuse, applicable cognitive distortions, and indicators of domestic violence throughout the participant's history of intimate relationships;

(A) The treatment program and group may assist the participant in developing the relationship history; and

(B) The relationship history must focus on the participant's behaviors in an accountable manner without blaming others; and

(xv) **Criminogenic needs:** Documentation of treatment in group or individual sessions with level three participants that addresses their individual criminogenic needs as indicated through assessment and treatment planning.

(2) For level four treatment the program must ensure:

(a) The participant's individual risks, needs, and goals as indicated on the participant's treatment plan are addressed in level four treatment either in groups, individual sessions, or a combination of group and individual sessions;

(b) Level four treatment must only be facilitated by direct treatment staff designated as a supervisor who has attended the initial six hours of education approved by the department for providing level four treatment as well as four hours of continuing education every twenty-four months following the initial training;

(c) The treatment program providing level four treatment must be certified for level four treatment and demonstrate:

(i) The program uses cognitive behavioral and trauma informed techniques in treatment;

(ii) The program uses techniques that:

(A) Enhance intrinsic motivation;

(B) Use targeted interventions that are directly tied to the participant's needs, goals, or objectives identified in the participant's individualized treatment plan;

(C) Skill train with directed practice with participants;

(D) Increase positive reinforcement with participants; and

(E) Engage in ongoing support in communicating with the participant;

(d) The skills and behavioral changes for participants in level four treatment are the minimum standard and the program must add be-

havior changes, skills, lessons, exercises, or assignments that meet the individual treatment needs of the participant;

(e) The program must ensure that the following is documented in each participant's file in level four treatment and at a minimum include:

(i) The individualized meaning or motivations behind the participant's abusive behaviors and documentation of their belief about why it is in their best interest to meet their needs in alternative, legal, and healthy ways;

(ii) Documentation of how the negative legal and social consequences for someone who commits domestic violence has an affect on them personally and how that serves as motivation for changing their behaviors;

(iii) Documentation of their individual motivation for developing and improving a healthy support system, including who is already part of that support system and the identification of potential members of their healthy support system; and

(iv) Documentation of how the participant is working with the program to meet their individual dynamic criminogenic needs by:

(A) Reducing anti-social and pro-criminal attitudes, values, beliefs, and cognitive-emotional states;

(B) Reducing pro-criminal associates and increasing involvement with others who are pro-social;

(C) Managing temperamental and anti-social personality patterns that are conducive to criminal activity;

(D) Reducing anti-social behaviors;

(E) Identifying family factors that include criminality and a variety of psychological problems in the family of origin;

(F) Encouraging behaviors that lead to higher levels of personal, educational, vocational, or financial achievement;

(G) Encouragement of involvement in pro-social leisure activities;

(H) Understanding how abusing alcohol and drugs effects the participant's choices, decisions, and outcomes; and

(I) Understanding how employment status and their level of satisfaction effects the participant's choices, decisions, and outcomes.

(3) The program must make reasonable accommodations for participants with different educational levels, learning disabilities and learning styles throughout all levels of treatment.

## NEW SECTION

**WAC 388-60A-0420 Minimum treatment periods and requirements—How must a program determine the treatment period for each participant?**

(1) The minimum treatment period is the time required for the participant to fulfill all conditions of treatment set by the treatment program as indicated in the participant's contract and their treatment plan.

(2) Satisfactory completion of treatment must not be based solely on the client participating in the treatment program for a certain period of time or attending a certain number of sessions.

(3) In addition to meeting the participant's goals and objectives as outlined in their treatment plan, the program must require each participant to satisfy all treatment program requirements for:

(a) A minimum of six months of consecutive weekly same gender group sessions for level one treatment;

(b) A minimum of nine months of consecutive weekly same gender group sessions for level two treatment;

(c) A minimum of twelve months of consecutive weekly same gender group, individual, or a combination of group and individual sessions for level three treatment; or

(d) A minimum of eighteen months of consecutive weekly same gender group, individual, or a combination of group and individual sessions for level four treatment.

(4) Any breaks in treatment must be reasonable, justified, and follow the program's policies.

(a) A break in treatment cannot exceed thirty days, unless it is approved by the program's supervisor, and the reason for the decision is documented in the participant's file;

(b) A break in treatment may include conditions the participant must meet during the break in order to maintain a compliant status, such as assignments or check-ins which must be documented in the participant's file, and the participant must receive a copy of the conditions; and

(c) A break in treatment must be reported to the referral source unless they have opted out of receiving notification of breaks in treatment which must be documented in the participant's file.

#### NEW SECTION

**WAC 388-60A-0425 Re-offenses and noncompliance during treatment**  
**—What must happen if a participant re-offends or is not compliant while they are in treatment?** Each treatment program certified for any level of domestic violence intervention treatment must ensure:

(1) The treatment program has defined what it means to re-offend, including abusive or controlling behaviors that may or may not be illegal.

(2) The treatment program has established and written consequences if a participant re-offends during treatment or does not comply with program requirements.

(3) The program has documented that the participant was made aware of the consequences of re-offending prior to starting treatment.

(4) If the participant re-offends during treatment the program must document in the participant's record:

(a) The details of the re-offense;

(b) Any changes to the ongoing assessment, treatment plan, level of treatment, or minimum treatment period and requirements for the participant as a result of the re-offense or if the program has discharged the participant because the program feels the participant is unlikely to benefit from additional time at the program; and

(c) The notification of the re-offense to the referral source.

(5) The program must document re-offenses or noncompliance in:

(a) The participant's record;

(b) Reports to the court, if applicable; and

- (c) Reports to the victim, if feasible.
- (6) When a participant is non-compliant with their contract, program rules, or attendance, within seven days of the non-compliance the program must:
  - (a) Notify the court or other referral source, if applicable; and
  - (b) Document in the participant's file:
    - (i) The details of the non-compliance;
    - (ii) The consequences imposed by the program and referral source, if applicable; and
    - (iii) Any changes to the participant's ongoing assessment and treatment plan as a result of the non-compliance.

#### NEW SECTION

**WAC 388-60A-0430 Completion criteria and core competencies—What must the program document for a participant to be eligible to successfully complete treatment?** (1) The program must ensure:

- (a) The participant has met the program's written criteria for satisfactory completion of treatment including:
  - (i) Cooperation with all program rules and requirements;
  - (ii) The goals or objectives of the participant's treatment plan, which include measurable behavioral changes; and
  - (iii) The minimum treatment period and requirements;
- (b) The participant has attended and complied with all other treatment sessions required by the program, which may include ancillary treatments or classes such as mental health, substance use, or parenting;
- (c) The participant is in compliance with all related court orders;
- (d) When a participant who is court ordered to pay spousal or child support is behind on payments, they must show a payment plan agreement and documentation that they have been in compliance with the plan for a minimum of six months, in order to be in compliance; and
- (e) Documentation of all cognitive and behavioral changes as required through coverage of the treatment topics, the completion of all assignments, and the requirements as outlined in the level of treatment in which they participated.

(2) In order to complete levels one, two, or three treatment the program must also document the participant has successfully demonstrated core competencies:

- (a) Accountability and adherence to the participant's accountability plan;
- (b) Increased victim safety as evidenced by written documentation of the participant's demonstration of a change in their beliefs which have resulted in the participant's cessation of all violent acts or threats of violence for a minimum of the last six months; and
- (c) Knowledge of their personal primary motivations for abusive or controlling behaviors and alternative ways to meet their needs in a non-abusive manner.

(3) In order to complete level four treatment, the program must document the following in the participant's file:

- (a) The participant's plan for how they will meet their needs in non-abusive, legal, and healthy ways;

(b) The problem solving and self-control skills the participant has learned and demonstrated in treatment to deal with unpleasant feelings; and

(c) The program's assessment of satisfactory changes to the participant's environmental factors such as peer groups, employment, or substance use.

#### NEW SECTION

**WAC 388-60A-0435 Discharging participants—What must a program do when a participant is discharged from treatment?** (1) Discharge criteria must be uniform and predictable.

(2) Discrimination may not occur against any participant.

(3) The program may discharge or transfer a participant if the treatment program cannot provide adequate treatment services to the participant because of the treatment program's current development or certified levels of treatment.

(4) When a participant is discharged for satisfactory completion of treatment the program must ensure:

(a) The treatment program documents a written discharge summary in the participant's file within seven days of completion which includes:

(i) A summary of the cognitive and behavioral changes the participant demonstrated in treatment;

(ii) The goals or objectives the participant met in treatment as outlined in their treatment plan(s);

(iii) The program's assessment of the participant's current risk factors;

(iv) Any recommendations for the participant's treatment after discharge; and

(v) The participant's eligibility criteria to return to the treatment program in the future; and

(b) The treatment program must notify the following parties within seven days when a participant satisfactorily completes treatment:

(i) The court having jurisdiction, if the participant has been court-mandated to attend treatment; and

(ii) The victim, if feasible, which must be documented in writing.

(5) When a participant is discharged for incomplete or unsatisfactory treatment the program must ensure:

(a) The treatment program documents a written discharge summary in the participant's file within three days of discharging participants who do not complete treatment which must include:

(i) The reason the participant was discharged from treatment;

(ii) A summary of what the participant demonstrated in treatment including any cognitive or behavioral changes;

(iii) The program's assessment of the participant's current risk factors;

(iv) Recommendations for the participant's treatment after discharge; and

(v) The participant's eligibility criteria to return to the treatment program in the future;

(b) The program must document that the participant has not complied with:

- (i) The participant's contract with the treatment program;
- (ii) The participant's treatment plan with the treatment program;
- (iii) A court order;
- (iv) A probation agreement; or
- (v) Group rules;

(c) The treatment program must notify the following parties in writing when the program discharges a participant from the program because of failure to complete treatment:

(i) The court having jurisdiction, if the participant has been court-mandated to attend treatment;

(ii) The participant's probation or parole officer, if applicable; and

(iii) The victim of the participant, if feasible; and

(d) The program must notify the above parties within three days of terminating the participant's enrollment in the program.

## DEPARTMENT REVIEWS AND ACTIONS

### NEW SECTION

**WAC 388-60A-0500 On-site reviews and plans of correction—How does the department review certified programs for compliance with the regulations of this chapter?** To obtain and maintain certification to provide domestic violence intervention treatment services, including certification to provide assessments or any level of care, each program is subject to an on-site review to determine if the program is in compliance with the minimum certification standards of this chapter.

(1) For a standard review, a department representative(s) conducts an entrance meeting with the program and an on-site review that may include a review of:

(a) Program policies and procedures;

(b) Direct service staff personnel records;

(c) Participant and victim records;

(d) Written documentation of the program's treatment program;

(e) Attendance sheets and other forms related to the provision of domestic violence intervention treatment services;

(f) The facility where services are delivered and where records are kept;

(g) The program's quality management plan; and

(h) Any other information that the department determines to be necessary to confirm compliance with the minimum standards of this chapter, including but not limited to interviews with:

(i) Individuals served by the program; and

(ii) The program's direct treatment staff members.

(2) The department representative(s) concludes an on-site review, which may or may not happen in the same visit, with an exit meeting that includes, if available and applicable:

(a) A discussion of findings;

(b) A statement of deficiencies requiring corrective action; and

(c) A compliance report signed by the program's designated official and the department representative.

(3) The department requires the program to correct the deficiencies listed on the plan of correction:

(a) By the negotiated time frame agreed upon by the program and the department representative; or

(b) Immediately if the department determines participant or victim health and safety concerns require immediate corrective action.

(4) If the program fails to make satisfactory corrective actions by the negotiated deadline in the compliance report, the department may:

(a) Begin to take progressive action against the program's certification; or

(b) Initiate an investigation of the program.

(5) The department may schedule a follow-up review after a standard review or investigation to ensure all corrective actions have been successfully implemented.

#### NEW SECTION

**WAC 388-60A-0510 Complaint investigations—How must an investigation get initiated and what is the process of the investigation?**  
DSHS investigates complaints regarding domestic violence intervention treatment programs that provide assessments or any level of intervention services.

(1) Any person may submit a written complaint to DSHS if the person has the following concerns about a certified program:

(a) The program has acted in a way that places the identified victim, current partner, or children at risk; or

(b) The program has failed to follow standards in this chapter.

(2) Once it receives a complaint about a certified program, the department will:

(a) Determine that the complaint includes sufficient information to be deemed valid;

(b) Notify the program within fourteen days of the complaint being determined valid that the department has received a complaint about the program; and

(c) Notify the program by US Mail that an investigation has been initiated.

(3) The department may begin an investigation of a domestic violence intervention treatment program without a written complaint if the department believes that the program:

(a) Has placed the identified victim, current partner or children at risk; or

(b) Failed to follow the standards of this chapter.

(4) The investigation of a complaint against a domestic violence intervention treatment program may include:

(a) Contact with:

- (i) The person making the complaint;
  - (ii) Other persons involved in the complaint; and
  - (iii) The treatment program;
  - (b) A request for written documentation of evidence; and
  - (c) An on-site visit to the program to review files or interview program staff.
- (5) The department must complete its investigation within sixty days of beginning the investigation, unless circumstances warrant a longer period of time.
- (6) The department will prepare written results of the complaint investigation.
- (7) If the department decides that the treatment program behaved in a way that placed victims at risk or failed to meet the standards outlined in this chapter, the written results must include a decision regarding the status of the program's certification.
- (8) If the department determines that a complaint against a domestic violence intervention treatment program is founded, the department may:
- (a) Send a written warning to the treatment program;
  - (b) Suspend the treatment program's certification;
  - (c) Revoke the treatment program's certification; or
  - (d) Temporarily or indefinitely remove a program staff's designation as a trainee, staff, or supervisor.
- (9) The department must send the written results of its investigation to the program.
- (a) If any allegations were founded, the written results must be sent by certified mail, return receipt requested, within twenty days after completing the investigation; and
  - (b) If all allegations were unfounded, the written results may be sent to the program by electronic mail.
- (10) The department will send a copy of the written results of the investigation to the person who made the complaint against the domestic violence intervention treatment program either by United States mail or electronic mail when feasible.

## NEW SECTION

**WAC 388-60A-0520 Program or staff status changes—What must happen if a program's certification or a staff member's designation is changed by the department?** (1) If the department issues a written warning to a program, the department must send notice by certified mail and provide the treatment program with:

- (a) The specific reasons for the written warning;
- (b) The chapter 388-60A WAC standards that the written warning is based on;
- (c) Any remedial steps or corrective actions which the program must complete to the satisfaction of the department;
- (d) The deadline for completion of any corrective actions or remedial steps; and
- (e) If the treatment program refuses or fails to remedy the problems outlined in the written warning, the department may revoke or suspend the certification of the program.

(2) If the department suspends a treatment program's certification, the department must send notice by certified mail and provide the treatment program with:

(a) The specific reasons for the suspension;

(b) The chapter 388-60A WAC standards that the suspension is based on;

(c) The effective date of the suspension;

(d) Any remedial steps or corrective actions which the program must complete to the satisfaction of the department before the department will reinstate the program's certification and lift the suspension; and

(e) The deadline for completion of any corrective actions or remedial steps.

(3) If the department revokes a program's certification, the department must send notice by certified mail and provide the program with:

(a) The specific reasons for the revocation;

(b) The chapter 388-60A WAC standards the revocation is based on; and

(c) The effective date of the revocation.

(4) If the department temporarily or indefinitely removes a program staff's designation as trainee, staff, or supervisor, the department must send notice by certified mail and provide the treatment program with:

(a) The specific reasons for the removal of the program staff's designation;

(b) The chapter 388-60A WAC standards that the decision to remove the program staff's designation was based on; and

(c) If applicable, any remedial steps or corrective actions the program staff must take in order to have their designation as a trainee, staff, or supervisor reinstated.

(5) When the department revokes or suspends a program's certification, issues a written warning, or removes a program staff's designation as trainee, staff, or supervisor, then the department will notify the program director through certified mail of the program's right to request an administrative hearing.

(6) The program director may request an administrative hearing from the office of administrative hearings under chapter 388-02 WAC within thirty calendar days of the date on which the program received notice of the department's decision via certified mail, and if the program fails to submit its request for a hearing within this time-frame, the program shall have no right to administrative review of the department's decision.

#### NEW SECTION

**WAC 388-60A-0530 Program responsibilities after an action—What actions must the program take after notification that it's certification has been suspended, revoked, or if no direct service staff are qualified to provide services?** (1) If the department revokes, suspends a program's certification, or if no qualified direct service staff are available to provide services, the program must:

(a) Take immediate steps to notify and refer current participants to other certified domestic violence intervention treatment programs prior to the effective date of revocation or suspension;

(b) Cease accepting participants of domestic violence into its treatment program;

(c) Notify victims, current partners of the participants, and any relevant agencies about the participant referral; and

(d) Notify, in writing, the presiding judge and chief probation officer of each judicial district from which the treatment program receives court referrals.

(2) If a program also holds a license or certification from the state of Washington for other treatment modalities, the department may notify the appropriate licensing or certifying authority that the program's domestic violence intervention treatment certification has been suspended or revoked, as applicable.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 388-60-0015	What definitions apply to this chapter?
WAC 388-60-0025	What is the purpose of this chapter?
WAC 388-60-0035	Must domestic violence perpetrator treatment programs be certified?
WAC 388-60-0045	What must be the focus of a domestic violence perpetrator treatment program?
WAC 388-60-0055	What must be a treatment program's primary goal?
WAC 388-60-0065	What steps must a treatment program take to address victim safety?
WAC 388-60-0075	What must a treatment program require of its participants?
WAC 388-60-0085	What requirements apply to group treatment sessions?
WAC 388-60-0095	May a participant be involved in more than one type of treatment while enrolled in a domestic violence perpetrator treatment program?
WAC 388-60-0105	What requirements does the department have for treatment programs regarding nondiscrimination?
WAC 388-60-0115	Does a program have the authority to screen referrals?
WAC 388-60-0125	What rights do participants in a treatment program have?
WAC 388-60-0135	What information about the participant must the treatment program keep confidential?
WAC 388-60-0145	What releases must a program require a participant to sign?

WAC 388-60-0155	Must a treatment program keep information provided by or about the victim confidential?
WAC 388-60-0165	What information must the treatment program collect and discuss with the client during the intake process or assessment interview?
WAC 388-60-0175	Who may complete the intake process or conduct the assessment interview?
WAC 388-60-0185	Must the program compile a written document based on information gathered in the intake/assessment process?
WAC 388-60-0195	Must the treatment program develop an individual treatment plan for each participant?
WAC 388-60-0205	What must a treatment program consider when developing an individual treatment plan for a participant?
WAC 388-60-0215	Must a program require a participant to sign a contract for services with the treatment program?
WAC 388-60-0225	What must the treatment program include in the contract for each participant's treatment?
WAC 388-60-0235	Must a treatment program follow an educational curriculum for each participant?
WAC 388-60-0245	What topics must the treatment program include in the educational curriculum?
WAC 388-60-0255	What is the minimum treatment period for program participants?
WAC 388-60-0265	What criteria must be satisfied for completion of treatment?
WAC 388-60-0275	What must the treatment program do when a participant satisfactorily completes treatment?
WAC 388-60-0285	Must a treatment program have policies regarding any reoffenses during treatment?
WAC 388-60-0295	Does a program need guidelines for discharging participants who do not complete treatment?
WAC 388-60-0305	Who must the program notify when the program discharges a participant because of failure to complete treatment?
WAC 388-60-0315	What are the minimum qualifications for all direct treatment staff?
WAC 388-60-0325	Must a program notify the department when new direct treatment staff are added?

WAC 388-60-0335	Who is considered a trainee for domestic violence perpetrator treatment programs?
WAC 388-60-0345	May a trainee provide direct treatment services to participants?
WAC 388-60-0355	Do treatment programs need a supervisor?
WAC 388-60-0365	Who may provide supervision of direct treatment staff in a domestic violence perpetrator treatment program?
WAC 388-60-0375	Must a supervisor always be on the premises of the treatment program?
WAC 388-60-0385	Must the treatment program have staff supervision policies?
WAC 388-60-0395	What are the requirements for staff orientation?
WAC 388-60-0405	What are the continuing professional education requirements for all direct treatment program staff?
WAC 388-60-0415	Is a treatment program required to cooperate with local domestic violence victim programs?
WAC 388-60-0425	Does a treatment program need knowledge of the domestic violence laws and justice system practices?
WAC 388-60-0435	What is the process to apply for certification of a treatment program?
WAC 388-60-0445	What is the application fee for certification?
WAC 388-60-0455	What documentation must a program submit before the department may certify the program?
WAC 388-60-0465	What happens after a program turns in an application to the department?
WAC 388-60-0475	Will a certificate be issued if the treatment program meets the standards?
WAC 388-60-0485	What happens if a treatment program does not meet the standards?
WAC 388-60-0495	What records must the department keep regarding certified domestic violence perpetrator programs?
WAC 388-60-0505	How often must a domestic violence perpetrator treatment program reapply for certification?
WAC 388-60-0515	What must a program do to apply for recertification of their domestic violence perpetrator treatment program?

WAC 388-60-0525	What must the application packet for renewal of the certification of a domestic violence perpetrator program include?
WAC 388-60-0535	How does the department decide that a program should continue to be certified?
WAC 388-60-0545	Is there a formal process if a treatment program wishes to appeal a denial of certification or recertification?
WAC 388-60-0555	Does the department have an advisory committee for domestic violence perpetrator treatment?
WAC 388-60-0565	What is the role of the advisory committee?
WAC 388-60-0575	Who are the advisory committee members and how are they chosen?
WAC 388-60-0585	How long is the appointed term for an advisory committee member?
WAC 388-60-0595	May advisory committee members be replaced before their term expires?
WAC 388-60-0605	Are expenses for advisory committee members reimbursed?
WAC 388-60-0615	Does the department investigate complaints about domestic violence perpetrator treatment programs?
WAC 388-60-0625	Who may request an investigation of a certified domestic violence perpetrator treatment program?
WAC 388-60-0635	Does the department notify a treatment program that the department has received a complaint?
WAC 388-60-0645	May DSHS begin an investigation of a treatment program without receiving a complaint?
WAC 388-60-0655	What is included in an investigation?
WAC 388-60-0665	Is there a time limit for the department to complete its investigation of a complaint?
WAC 388-60-0675	Does the department put the results of the investigation in writing?
WAC 388-60-0685	What action may the department take regarding a program's certification if a complaint is founded?
WAC 388-60-0695	Does DSHS notify a treatment program of its decision to take corrective action?

WAC 388-60-0705	What information must the department give a program if it takes action that affects the program's certification status?
WAC 388-60-0715	What happens if a treatment program refuses to remedy the problems outlined in the complaint findings?
WAC 388-60-0725	What if the director of a domestic violence perpetrator treatment program disagrees with the corrective action decision?
WAC 388-60-0735	Does the department notify the person that made the complaint of the results of the investigation?
WAC 388-60-0745	What must the treatment program do after notification that its certification has been suspended or revoked?
WAC 388-60-0755	What happens if the program has other licenses or certificates?