STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
WESTERN STATE HOSPITAL
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April 3, 2014

Stephanie Happold
Data Dissemination Administrator
Administrative Office of the Courts
PO Box 41170
Olympia, WA 98504-1170
360-705-5315

Dear Ms. Happold:

I am a forensic psychologist employed at Western State Hospital's Center for Forensic Services (CFS), where my duties involve pre-trial evaluations of criminal defendant's referred under RCW 10.77.

As you may know, RCW 10.77.084 (5) requires of me the following:

"For defendants charged with a felony, the report following the second competency restoration period or first competency restoration period if the defendant's incompetence is determined to be solely due to a developmental disability or the evaluator concludes that the defendant is not likely to regain competency must include an assessment of the defendant's future dangerousness which is *evidence-based regarding predictive validity*". (italics added)

At present there is no risk assessment tool available that satisfies the "evidence-based predictive validity" requirement, which commonly appears in the language superior court orders that we receive for these evaluations. Extant risk tools have been developed and validated but for populations that differ markedly from pre-trial criminal defendant referred under RCW 10.77. These available tools have not been validated for use in Washington State. Consequently, any quantitative risk estimate based on one of these tools is suspect on its face.

Although the ACRS too has not been specifically validated for use with pre-trial RCW 10.77 cases or for those adjudicated NGRI, it is currently the best tool available for this purpose in Washington State. This will remain the case until published risk tools have been validated in Washington or we develop our own tools specifically developed for populations of Washington offenders. As you may know there is work in progress being conducted by Dr. Zachary Hamilton at Washington State University to develop a new risk tool for Washington's populations of seriously mentally ill. In the meantime, I believe that I can best serve our superior courts by relying on the ACRS when conducting my dangerousness assessments.

Thanks for considering my request for access to the ASRA.

Gregg J. Gagliardi, Ph.D.
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