
**Community Safety, Justice, & Reentry
Committee**

HB 1715

Brief Description: Enacting comprehensive protections for victims of domestic violence and other violence involving family members or intimate partners.

Sponsors: Representatives Davis, Mosbrucker, Duerr, Griffey, Walen, Lekanoff, Morgan, Callan, Ramel, Thai, Rule, Ryu, Kloba, Chopp, Pollet, Chapman, Mena, Cortes, Eslick, Bergquist and Fey.

Brief Summary of Bill

- Creates a hotline to perform lethality assessments and a high lethality designation on domestic violence perpetrators.
- Requires electronic monitoring with victim notification technology to be available statewide.
- Requires the creation of a plan for a right to counsel for low-income survivors of domestic violence and a list of attorneys who specialize in representing such victims.
- Makes changes to civil protection orders.
- Makes changes to provisions regarding crimes of domestic violence, including domestic violence no-contact orders, court proceedings, and law enforcement practices.
- Makes changes to the firearms or dangerous weapons surrender process.
- Makes changes to the Address Confidentiality program and personal financial affairs reports filed with the Public Disclosure Commission.
- Creates a grant program for a statewide prosecutor for domestic violence cases.
- Creates a pilot program for domestic violence high risk teams.
- Creates the Office of the Statewide Domestic Violence Ombuds.
- Creates the University of Washington Center for Excellence in Domestic Violence Research, Policy, and Practice.
- Expands training for law enforcement and judicial officers regarding domestic

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

violence.

Hearing Date: 2/9/23

Staff: Jim Morishima (786-7191).

Background:

Civil Protection Orders.

There are different types of civil protection orders that a court may issue to protect a person from the behavior of another. Separate types of protection orders exist for domestic violence, sexual assault, harassment, stalking, and vulnerable adult abuse. Also, a court may issue an extreme risk protection order to prohibit a person who poses a significant risk of harm to self or others from possessing, purchasing, accessing, or receiving a firearm.

Contents of the Order.

For most types of protection orders, the court has broad discretion to order various types of relief, including:

- restraining the respondent from the behavior that gave rise to the order;
- restraining the respondent from contacting the petitioner;
- restraining the respondent from the residence, workplace, or school of the petitioner;
- restraining the respondent from coming within a specific distance from the respondent;
- prohibiting the respondent from possessing firearms, dangerous weapons, or a concealed weapons permit;
- requiring the respondent to reimburse the petitioner for costs, including reasonable attorneys' fees; and
- requiring the respondent to submit to electronic monitoring.

Temporary Orders.

For most types of protection orders, where it appears that the respondent has engaged in conduct against the petitioner that serves as a basis for a protection order and the petitioner alleges that serious immediate harm or irreparable injury could result if an order is not issued immediately, the court may grant an *ex parte* temporary protection order, pending a full hearing. After a hearing, the court may issue a full protection order.

Modification of the Order.

Upon motion with notice to all parties, and after a hearing, the court may modify the terms of an existing order or terminate an existing order. A court may require the respondent to pay the petitioner for costs incurred in responding to a motion to modify or terminate a protection order,

including reasonable attorneys' fees.

Service of the Order.

After a court grants an order, if service of the order by law enforcement is required, the court must forward the order and supporting materials to the relevant law enforcement agency before the next judicial day. The law enforcement agency must give precedence to serving the order over other documents that are not of a similar emergency nature. When personal service is required, the law enforcement agency must attempt to serve the order within 24 hours when practicable, but not more than five days after receiving the order.

Enforcement of the Order.

A law enforcement officer must arrest a person without a warrant if there is probable cause to believe the person has violated certain terms of a protection order. Violation of enumerated portions of the order, such as excluding the respondent from the residence, workplace, or school of the petitioner, is a gross misdemeanor. Violation of a protection order is also contempt of court and may also be a class C felony under certain circumstances, such as when the violation creates a substantial risk of death or serious physical injury or upon a third violation of a protection order.

Judicial Officer Training.

Judicial officers are encouraged to complete training on the unique nature of protection order proceedings, including evidence-based training on procedural justice, trauma-informed practices, gender-based violence dynamics, coercive control, elder abuse, juvenile sex offending, teen dating violence, and the requirements for the surrender of weapons. The trainings should be provided on an ongoing basis as best practices, research on trauma, and legislation continue to evolve.

Crimes of Domestic Violence.

Law Enforcement.

The primary duty of a peace officer when responding to a domestic violence call is to protect the complaining party. If a responding peace officer has probable cause to believe a crime has been committed, he or she must exercise arrest powers. If the officer does not make an arrest, the officer must notify the victim of the victim's right to initiate a criminal proceeding. The officer must also advise the parties of the importance of preserving evidence.

When responding to an incident involving an assault on a family or household member during the preceding four hours, an officer must arrest the person whom the officer believes to be the primary physical aggressor. The factors an officer must consider when making this determination include the intent to protect victims of domestic violence, the comparative extent

of injuries inflicted, serious threats creating fear of physical injury, and the history of domestic violence of each person involved.

As part of the basic law enforcement curriculum, the Criminal Justice Training Commission (CJTC) must include at least 20 hours of training on the law enforcement response to domestic violence. The training must include material on the extent and prevalence of domestic violence, the importance of criminal justice intervention, techniques for responding that minimize the risk of officer injury and promote victim safety, investigation and interviewing skills, evidence gathering and report writing, assistance and services for victims and children, verification and enforcement of court orders, and liability. The CJTC must also develop and update an in-service training program to familiarize law enforcement officers with domestic violence laws.

First Appearance.

A person arrested for an offense involving domestic violence must appear in front of a magistrate within one judicial day after arrest. If the defendant is released before arraignment or trial, the court may prohibit the defendant from having contact with the victim. In issuing the order, the court must consider ordering the defendant to surrender all firearms, dangerous weapons, or any concealed pistol license.

Arraignment.

At arraignment, the court must determine whether a no-contact order should be issued or extended. In issuing the order, the court may order the defendant to immediately surrender all firearms and any concealed pistol license to law enforcement upon release. The court may also require the defendant to submit to electronic monitoring. Upon conviction, the defendant may be ordered to reimburse the agency that provides the electronic monitoring.

Violation of a no-contact order is subject to the same criminal penalties as civil protection orders.

Sentencing.

In sentencing a defendant for a crime of domestic violence, a court must consider a variety of factors, including whether:

- the offense is a response to a continuing pattern of coercion, control, or abuse;
- the offense was part of an ongoing pattern of psychological, physical, or sexual abuse; and
- the offense occurred within sight or sound of the victim's or the defendant's children under the age of 18.

Surrender of Firearms or Dangerous Weapons.

Orders to Surrender Firearms or Dangerous Weapons.

A court may order a person to surrender firearms, dangerous weapons, or a concealed pistol

license as part of a protection order or no-contact order. In some instances, such an order is mandatory. The order may last for any period of time up to the duration of the order.

Law enforcement must emphasize swift and certain compliance with court orders prohibiting access, possession, and ownership of all firearms. A law enforcement officer serving an order that includes the surrender of firearms, dangerous weapons, or a concealed pistol license must inform the respondent that the order is effective immediately, conduct a search as permitted by law, and take possession of all firearms, dangerous weapons, and any concealed pistol license belonging to the respondent that are surrendered, in plain sight, or discovered via lawful search.

Timing of Surrender.

If the respondent was present at the hearing, the surrender must occur on the same day as the hearing. If the respondent was not present and the hearing, and personal service by a law enforcement officer is not possible, surrender must occur within 24 hours of alternate service. A party ordered to surrender firearms, dangerous weapons, or a concealed pistol license must file with the court proof of surrender and receipt or a declaration of non-surrender within five days of the entry of the order.

Compliance Hearings.

A court must conduct a compliance hearing as soon as possible after receiving notice from enforcement of proof of service. At the hearing, the respondent must appear and provide proof of compliance with the court order. A compliance review hearing is not necessary if there is a sufficient showing (through attestation by the respondent, law enforcement verification, and other relevant evidence) that the person has timely and completely complied with the order.

A person in noncompliance with an order to surrender firearms, dangerous weapons, or a concealed pistol license is subject to contempt of court sanctions.

Notification.

Law enforcement agencies must develop a notification protocol that allows a family or household member or intimate partner to use an incident or case number to request to be notified when a law enforcement returns a privately owned firearm to the individual from whom it was obtained. The notification may be made by telephone, email, text message, or another method that allows notification to be provided without unnecessary delay. The notification must occur within one business day of a law enforcement agency determining the firearm must be returned. The law enforcement agency may hold the firearm in custody for 72 hours after the notification has been provided.

Address Disclosure.

Domestic Violence Proceedings.

In a domestic violence action, a court must waive any requirement that the victim's location be disclosed to any person, other than the attorney of a criminal defendant. The court may order such an attorney not to disclose the location to his or her client.

The Address Confidentiality Program.

The Address Confidentiality Program is a program through which a victim of domestic violence, sexual assault, trafficking, or stalking may apply to the Secretary of State to utilize an address designated by the Secretary of State in government records. The program may also be utilized by family members residing with the applicant.

Personal Financial Affairs Reporting for Government Officials.

Elected officials, certain appointed state officials, charter school directors, and professional staff in the Legislature and the Governor's office must file an annual statement of financial affairs with the Public Disclosure Commission, otherwise known as an F-1. Although a filer's residential address is not included on an F-1 form, the addresses of properties owned by the filer or a family member are included. Judges, prosecutors, sheriffs, and their immediate family members are allowed to provide alternate descriptions of real property on their F-1 forms.

Summary of Bill:

Lethality Assessments.

The Department of Social and Health Services (DSHS) must establish the Domestic Violence Lethality Hotline (Hotline) to provide an evidence-based standard of practice to prevent intimate partner homicide, increase victim safety, and enhance collaboration between law enforcement, domestic violence agencies, and service providers across Washington. The DSHS must contract with an organization to operate the Hotline. The organization must be selected through a competitive bidding process to ensure that the selected organization has demonstrated financial ability, meets the qualifications to perform the duties of the Hotline, and does not have any conflicts of interest.

The Hotline must develop or select a lethality assessment instrument and protocol to be used to determine the likelihood that a homicide will be committed by one intimate partner against another. The lethality determination may not be based exclusively on a numeric score, but must be based on a comprehensive picture of the situation and the professional determination of the person conducting the assessment. All lethality assessments must be rooted in evidence-based risk factors for domestic homicide.

Beginning January 1, 2025, the Hotline must provide on-call service for completing lethality assessments remotely through victim interviews facilitated by peace officers and for petitioners

in domestic violence protection order proceedings. The Hotline must also assist victims with immediate safety planning. Upon completing a lethality assessment, the Hotline must electronically transmit a copy of the assessment to the applicable local law enforcement agency or court. Services must be offered statewide, on-demand, 24 hours a day, and seven days a week.

The Hotline must establish policies and procedures for conducting lethality assessments and provide training to peace officers on best practices for coordinating with the Hotline.

The Hotline must also implement a mechanism to place a high lethality designation in law enforcement and court databases if a respondent or defendant is determined to be at high risk of intimate partner homicide.

The courts must provide the Hotline with access to criminal history records and court records to the extent necessary for the Hotline to perform lethality assessments. Law enforcement agencies must also provide non-conviction data to the Hotline for the same purpose.

A court imposing a criminal sentence for a domestic violence offense against an intimate partner must consider any applicable lethality assessment. The Administrative Office of the Courts (AOC) must develop a model form for courts to use when granting protection orders or no-contact orders when the Hotline gives the respondent or defendant a high lethality designation. The form must automatically include all mandatory conditions for protection orders or no-contact orders with a high lethality designation. The AOC must also adopt rules requiring courts to rapidly transmit protection orders and no-contact orders with a high lethality designation to the Department of Licensing.

Statewide Availability for Electronic Monitoring with Victim Notification Technology.

By July 1, 2024, electronic monitoring with victim notification technology (EMVNT) must be available for all courts in all jurisdictions in Washington. The Criminal Justice Training Commission (CJTC) must adopt rules on EMVNT by December 1, 2023. The CJTC must solicit input from courts, local governments, monitoring agencies, and statewide associations representing law enforcement leaders, prosecutors, domestic violence victims, and domestic violence agencies. The rules must:

- require local governments to enter into contracts with a monitoring agency to provide EMVNT under court order, including specifying which entities are responsible for entering into those contracts;
- establish standards for the operation of EMVNT by monitoring agencies, with the goal of implementing best practices to improve victim safety;
- establish protocols for implementing court orders that include EMVNT, including protocols for the installation and removal of monitoring devices to ensure uninterrupted monitoring services following release from detainment or incarceration; and
- establish any additional requirements necessary to promote compliance with statutory electronic monitoring requirements, which may include training requirements for court

officials, peace officers, local corrections officers and staff, and other appropriate practitioners.

The CJTC must also develop a model policy on EMVNT based on best practices where the technology is currently being used in Washington. Each law enforcement agency in the state must adopt its own policy based on the model policy.

The AOC must contract with one or more entities to:

- provide training on EMVNT to prosecutors, law enforcement officers, judges, domestic violence agencies, attorneys representing domestic violence survivors, and any other persons or entities deemed appropriate by the AOC; and
- create a website with information about EMVNT, including recorded trainings, brochures or flyers, approved vendors, and specific instructions on how victims may advocate or request EMVNT.

Access to Legal Counsel.

By January 1, 2024, the Office of Civil Legal Aid (OCLA) must propose a plan to create a right to counsel for low-income survivors of domestic violence in domestic violence protection order proceedings. The plan must include:

- recommended income thresholds for the right to counsel;
- estimated projected demand;
- estimated start-up and ongoing costs;
- recommended methods to prioritize scarce resources;
- equity considerations;
- a reasonable plan and timeline to phase in the right to counsel;
- any statutory changes necessary to implement the plan, including a description of how the right to counsel interacts with the appointment of counsel in protection order cases; and
- any other information deemed appropriate by the OCLA.

The OCLA must maintain on its website a statewide list of attorneys who specialize in representing survivors of domestic violence. The list must be organized by region of the state and include contact information for the attorneys on the list. The OCLA must develop minimum qualifications for an attorney to be included on the list. An attorney may submit an application to the OCLA to be included on the list and the OCLA must include that attorney after verifying the attorney's bar membership and qualifications.

Civil Protection Orders.

Contents of the Order.

A court must order the respondent to submit to EMVNT upon the request of the petitioner if the respondent has a high lethality designation. If all other cases, EMVNT is discretionary.

When issuing a domestic violence, sexual assault, or stalking protection order on behalf of a prevailing petitioner, the court must order the respondent to pay reasonable attorneys' fees or limited license legal technician fees. In all other cases, such fees are discretionary.

Temporary Orders.

In any proceeding in which the court enters a temporary protection order that includes a temporary order to surrender and prohibit weapons, and after the hearing the court denies the petition for a full protection order, the court must stay entry of the decision and provide notice to the petitioner of the right to seek reconsideration or revision of the decision. The court must notify the petitioner verbally and provide the petitioner with written information at the hearing explaining the procedures and timelines for filing a motion for reconsideration or a motion for revision. The information must also include contact information for civil legal aid organizations that may assist the petitioner.

A motion for reconsideration or a motion for revision must be filed within 10 days of the court's denial of the petition for a full protection order. The petitioner may not file both a motion for a reconsideration and a motion for revision. The hearing on the motion must be held within 30 days from the filing of the motion.

The court's order denying entry of a full protection order must be stayed, and the temporary protection order and temporary order to surrender and prohibit weapons must remain in effect, pending reconsideration or revision. If the petitioner does not timely motion for reconsideration or motion for revision, the order denying the full protection order becomes final once the filing deadline has passed. If the petitioner timely files a motion for reconsideration or motion for revision, the stay of the court's order remains in place until the hearing on the motion for reconsideration or motion for revision is held, but no later than 30 days after the motion is filed.

Modification of the Order.

For domestic violence, sexual assault, or stalking protection orders, the court must require the respondent to pay the petitioner for costs incurred in responding to a motion to modify or terminate the order, including reasonable attorneys' fees. Such an order is discretionary in all other cases.

Service of the Order.

If service of the order by law enforcement is required, the court must forward the order and supporting materials to the relevant law enforcement agency on the same judicial day, instead of the next judicial day. The first attempt at service must occur within 24 hours unless an emergency situation renders service infeasible. A law enforcement officer must give priority to orders with a high lethality designation. The law enforcement information sheet may not include the petitioner's residential address.

A law enforcement officer serving an order must attempt to contact the petitioner before the attempted service so that the petitioner may provide pertinent information related to officer safety considerations, the respondent's behavior, the location and description of the respondent's firearms, and other relevant details. After the order is served, the law enforcement officer must inform the petitioner that the order has been served, is now in effect, and may be lawfully enforced. The officer must also convey to the petitioner information regarding the respondent's behavior that may be relevant to the petitioner's safety planning.

Enforcement of the Order.

A law enforcement officer who arrests a person without a warrant for violating the terms of a protection order must keep the person in custody until release by a judicial officer on bail, personal recognizance, or court order. The law enforcement officer is not required to keep the person in custody if the person requires immediate medical attention and is admitted to a hospital.

Violation of a provision of the order requiring electronic monitoring is subject to criminal penalties.

Judicial Officer Training.

The training that judicial officers are encouraged to complete must include material on domestic violence homicide prevention. The AOC, in consultation with the Supreme Court Gender and Justice Commission, should notify judicial officers of the training.

Crimes of Domestic Violence.

In a domestic violence proceeding, a court may not deny a no-contact order based on the existence of an applicable civil protection order preventing the defendant from contacting the victim.

Law Enforcement.

The person to whom a peace officer owes the primary duty to protect is changed from the complaining party to the victim. Beginning January 1, 2025, when a peace officer responds to a domestic violence call and has probable cause to believe that a crime has been committed, he or she must, with the consent of the victim, connect the victim to the Hotline to conduct a lethality assessment and assist the victim with safety planning.

The types of protection order violations for which a law enforcement officer must arrest an individual without a warrant are expanded to include violations of orders requiring the individual to submit to electronic monitoring. When responding to an incident involving an assault on a family or household member or intimate partner, the officer must arrest the person whom the officer believes to be the primary aggressor, instead of the primary physical aggressor. The factors

an officer must consider when making this determination are expanded to include the presence of evidence indicating intimate terrorism. The law enforcement officer must keep the person in custody until release by a judicial officer on bail, personal recognizance, or court order. The law enforcement officer is not required to keep the person in custody if the person requires immediate medical attention and is admitted to a hospital.

The domestic violence training that is part of the basic law enforcement curriculum is expanded to include distinguishing situational family violence from "intimate terrorism," domestic violence homicide prevention, conducting lethality assessments in consultation with the Hotline, and understanding the risks of traumatic brain injury posed by domestic violence. The in-service training program is expanded to include training on conducting lethality assessments in consultation with the Hotline and serving and enforcing protection orders.

"Intimate terrorism" is defined as a type of intimate partner violence in which the perpetrator uses violence, threats, coercive control, or other behaviors with the intent to dominate, intimidate, or control the victim. If there are criminal acts, those acts simply punctuate a broader pattern of subjugation. In cases of intimate terrorism, the victim is usually fearful of the perpetrator.

First Appearance.

When a defendant arrested for domestic violence appears before a magistrate, the prosecutor must provide the court any available and applicable domestic violence lethality assessment. If the court uses an entity to make recommendations on conditions for pre-trial release, the entity may not make such recommendations before performing a lethality assessment in cases involving an intimate partner victim.

A defendant with a high lethality designation must:

- be ordered to pretrial supervision at the highest level of pre-trial supervision offered, if pre-trial supervision is available; and
- be ordered to submit to EMVNT as a condition of pretrial release—the defendant may be ordered to pay the costs of the EMVNT.

Arraignment.

In issuing a no-contact order at arraignment, a court must consider any available lethality assessment. In cases with a high lethality designation, the court must, as a condition of release:

- prohibit the defendant from possessing or accessing firearms and order the defendant to immediately surrender all firearms and any concealed pistol license to a law enforcement agency upon release; and
- order the defendant to submit to EMVNT if the victim was the defendant's intimate partner.

If a defendant enters into a deferred prosecution or stipulated order of continuance, the

applicable order or agreement may require the defendant pay the costs of electronic monitoring.

Sentencing.

The factors a court must consider when sentencing a person for a crime of domestic violence are expanded to include whether the purpose of the offense was to gain or maintain power and control over the victim as part of a broader pattern of intimate terrorism.

In sentencing a person for a crime of domestic violence with a high lethality designation, courts of limited jurisdiction must order the defendant to EMVNT. If the crime is intimate partner domestic violence with a high lethality designation, the court must order the defendant to surrender all firearms and dangerous weapons on the day of release from any term of confinement, or, if the defendant does not serve a term of confinement, on the day the order is entered.

Surrender of Firearms or Dangerous Weapons.

Orders to Surrender Firearms or Dangerous Weapons.

For no-contact orders and civil protection orders, including extreme risk protection orders, the court may order the search for a seizure of any firearm or dangerous weapon at any location where the court has probable cause to believe the firearm or dangerous weapon is located. The court must state with specificity the reasons for and scope of the authorized search and seizure.

Because of the heightened risk of serious violence after arrest for a crime of domestic violence, when there is a high lethality designation and the court has probable cause to believe that a person serving a term of confinement for an offense requiring the surrender of firearms or other dangerous weapons continues to possess such firearms or dangerous weapons, the court must order a law enforcement officer to accompany the person to the location where the court has probable cause to believe the firearms or dangerous weapons are stored. The law enforcement officer must immediately take possession of any firearms or dangerous weapons the officer finds at the location.

Timing of Surrender.

The alternate 24-hour period within which a person who was not served and did not appear at his or her hearing must surrender his or her firearms or dangerous weapons is eliminated. A person ordered to surrender firearms, dangerous weapons, or a concealed pistol license as part of a criminal proceeding must file with the court proof of surrender and receipt or a declaration of non-surrender on the same day as the entry of the order, instead of within five days.

Compliance Hearings.

The ability of a court not to conduct a compliance hearing when there is a sufficient showing that

the order has been complied with is eliminated. If the court finds that a person is in noncompliance, it must issue an arrest warrant. Contempt proceedings for noncompliance are mandatory, instead of discretionary.

Notification.

The types of individuals who must be notified when a firearm is returned are expanded to include any person identified in a no-contact order or protection order and any identified victim of the crime that resulted in the firearm surrender.

Address Disclosure.

Domestic Violence Proceedings.

In a domestic violence action, the ability for a court to reveal the location of the victim to the attorney of the defendant is eliminated.

The Address Confidentiality Program.

The Address Confidentiality Program is expanded to include all persons residing with the applicant.

Personal Financial Affairs Reporting for Government Officials.

The type of individuals who are allowed to provide alternate descriptions of real property on their personal financial affairs forms are expanded to include participants in the Address Confidentiality Program.

Statewide Resource Prosecutor.

Subject to appropriated funds, the CJTC must administer a grant program to establish a statewide resource prosecutor for domestic violence cases. The grant recipient must be a statewide organization or association representing prosecuting attorneys. The grant recipient must hire a resource prosecutor to:

- provide technical assistance and research to prosecutors to prosecute domestic violence cases;
- provide additional training and resources to prosecutors to support a trauma-informed, victim-centered approach to prosecuting domestic violence cases;
- meet regularly with law enforcement agencies and prosecutors to explain legal issues and prosecutorial approaches to domestic violence cases and provide and receive feedback to improve case outcomes;
- consult with the CJTC regarding the development and implementation of best practices for prosecuting domestic violence cases; and
- comply with other requirements established by the CJTC.

The CJTC may establish additional appropriate conditions for the grant and may adopt necessary policies and procedures to implement and administer the grant program, including monitoring the use of grant funds and compliance with grant requirements.

Domestic Violence High Risk Teams.

Subject to appropriated funds, the Department of Commerce must administer a pilot program to implement domestic violence high risk teams. The high-risk teams must include:

- early identification of the most dangerous cases through evidence-based lethality assessments;
- increased access to supportive services for high-risk victims;
- increased perpetrator monitoring and accountability; and
- a coordinated response to high-risk cases through a multidisciplinary team.

When there is a high lethality designation in a civil or criminal domestic violence proceeding, the court must refer the case to a domestic violence high risk team, if available. The Department of Commerce may scale the program within appropriated funds, but at least five teams must be available west of the Cascade Mountains and five teams must be available east of the Cascade Mountains.

Office of the Statewide Domestic Violence Ombuds.

By July 1, 2024, the Department of Social and Health Services (DSHS) must establish the Office of the Statewide Domestic Violence Ombuds (OSDVO) to promote and protect the rights of victims of domestic violence and ensure the intent of provisions relating to crimes of domestic violence.

The OSDVO must:

- receive, investigate, and attempt to address and resolve complaints related to the treatment of victims of domestic violence across systems, including both the civil and criminal legal systems;
- implement a statewide case review system for civil domestic violence protection orders to examine and report on irregularities in rulings and judicial officer conduct; and
- implement a statewide case review system for criminal domestic violence protection cases to examine and report on law enforcement responses and investigations, prosecutorial behavior, irregularities in rulings, and the conduct of judicial officers.

The case review system must include:

- data on the percentage of domestic violence protection order petitions that result in a full protection order being issued and regional variances therein;
- data on the categories of the bases upon which domestic violence protection orders are issued and the percentages of granted protection orders in each category, including physical violence, stalking, coercive control, and sexual assault;

- trained volunteers that will provide both real-time case reviews in court and reviews of recorded court proceedings;
- information on the percentage of intimate partner violence police reports that lead to charges and the conviction rate for the charges; and
- a review of case files from law enforcement agencies and prosecuting attorneys to identify changes in training, investigatory, and prosecutorial practices necessary to optimize outcomes in domestic violence investigations and prosecutions.

The law enforcement case file review must include:

- an evaluation of whether current training and practices foster a trauma-informed, victim centered approach and whether practices prevent domestic violence homicides;
- a comparison of arrests, charges, and convictions, including an analysis of the reasons why prosecutors decline to file charges; and
- randomly selected cases for a systematic review to assess whether current practices conform to national best practices for a multidisciplinary approach to investigating and prosecuting domestic violence cases and interacting with survivors.

The case review system may review and access files, including all reports and recordings, pertaining to closed cases involving allegations of domestic violence. Any law enforcement agency or prosecuting attorney selected for a review must make requested case files and other documents available if the case files are not linked to ongoing, open investigations and appropriate and necessary redactions may be made. Agencies and prosecuting attorneys must include available information on the race and ethnicity of all victims in the relevant case files provided to the OSDVO. Case files and other documents must be made available according to appropriate deadlines established by the OSDVO in consultation with the agency or prosecuting attorney.

In designing and conducting the case review system, the OSDVO must consult and collaborate with experts in trauma-informed and victim-centered training, experts in domestic violence investigations and prosecutions, domestic violence survivors, domestic violence victim advocates, and other stakeholders. The OSDVO may form a multidisciplinary work group for these purposes.

The OSDVO must provide semiannual reports to the Governor, the Supreme Court, and the appropriate committees of the Legislature.

University of Washington Center of Excellence.

The University of Washington must establish a Center of Excellence in Domestic Violence Research, Policy, and Practice (CEDVRPP). The CEDVRPP must:

- conduct scientifically rigorous intimate partner violence research that informs policy and practice and serves as a national model;
- promote a collaborative, multidisciplinary approach to addressing intimate partner violence, informed by community members and practitioners;

- collaborate with and be informed by survivors and community and governmental agencies that interact with and provide services to those affected by intimate partner violence;
- disseminate research findings to assist in the development of evidence-based intimate partner violence policy and practice;
- assist in the support, success, and continued training of intimate partner violence research scholars.
- establish an advisory council with representation from relevant disciplines across the University of Washington and intimate partner violence community groups in order to guide development of the CEDVRPP's overarching goals and strategic vision. The advisory council must also assist CEDVRPP leadership and core center faculty in identifying priority areas of research to best inform intimate partner violence policy and practice;
- award research grants to facilitate timely generation of research results to inform the Legislature and others on key policy or practice-related issues relevant to those affected by intimate partner violence;
- publish an annual report beginning December 1, 2024, on the state of domestic violence in Washington, including available prevalence data;
- conduct listening sessions with survivors of intimate partner violence statewide, including survivors in urban and rural areas, Black survivors, Indigenous survivors, survivors of color, and survivors who identify as part of the LGBTQ community;
- provide presentations and research-informed training to system actors, including domestic violence victim advocates;
- convene an annual statewide domestic violence summit, the first of which must occur by June 30, 2025;
- develop a statewide strategic plan to reduce intimate partner violence and increase support for victims, which is due on December 1, 2025, with updates every five years; and
- undertake a body of work related to domestic violence intervention treatment.

The body of work related to domestic violence intervention treatment must include a multiyear research study to test the efficacy of various therapeutic interventions for domestic violence perpetrators aimed at reducing intimate partner violence, including intimate terrorism. Treatment interventions may vary, but must include internal family systems and an evidence-based intervention for the treatment of suicidality, such as the collaborative assessment and management of suicidality or dialectical behavioral therapy. The CEDVRPP must also work with the Department of Health, domestic violence intervention treatment providers, insurance carriers, and other relevant entities in order to formulate a detailed plan that would facilitate Medicaid and commercial insurance reimbursement for domestic violence intervention treatment. The plan must include licensing requirements and provider credentialing necessary for reimbursement, billing codes, needed changes to law or rule, and any other relevant information.

Law Enforcement Training.

Subject to appropriated funds, the CJTC must provide ongoing specialized, intensive, and

integrative training for persons responsible for investigating domestic violence cases involving intimate partners.. The training must be based on a victim-centered, trauma-informed approach to responding to domestic violence. Among other subjects, the training must include content on the neurobiology of trauma and trauma-informed interviewing, counseling, and investigative techniques.

The training must:

- be based on research-based practices and standards;
- offer participants an opportunity to practice interview skills and receive feedback from instructors;
- minimize the trauma of all persons who are interviewed during investigations;
- provide methods of reducing the number of investigative interviews necessary whenever possible;
- assure, to the extent possible, that investigative interviews are thorough, objective, and complete;
- recognize needs of special populations;
- recognize the nature and consequences of domestic violence victimization;
- require investigative interviews to be conducted in a manner most likely to permit the interviewed persons the maximum emotional comfort under the circumstances;
- address record retention and retrieval;
- address documentation of investigative interviews; and
- educate investigators on the best practices for notifying victims of significant events in the investigative process.

In developing the training, the CJTC must seek advice from the Washington Association of Sheriffs and Police Chiefs, organizations representing victims of domestic violence, and experts on domestic violence and the neurobiology of trauma. The CJTC must consult with the Washington Association of Prosecuting Attorneys in an effort to design training containing consistent elements for all professionals engaged in interviewing and interacting with domestic violence victims in the criminal legal system.

The CJTC must develop the training and begin offering it by January 1, 2025. Officers assigned to regularly investigate domestic violence must complete the training within one year of being assigned or by July 1, 2026, whichever is later.

Appropriation: None.

Fiscal Note: Requested on February 1, 2023.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.