

WSCADV SHB 1715 BACKGROUND AND Q&A

WHAT IS SHB 1715?

SHB 1715 is a huge and complex piece of legislation that proposes enormous investments in changes to the legal system response to domestic violence, including changes to protection orders, no contact orders, and law enforcement training, the establishment of lethality assessment programs and domestic violence high risk teams, the requirement of electronic monitoring, and more. You can read more about SHB 1715 [here](#) AND see the most up-to-date information about its status in the legislative process [here](#).

WHY IS WSCADV OPPOSED TO THIS BILL?

Survivors of domestic violence need freedom and options to make decisions about their own lives. This bill prescribes automatic, mandated, and untested measures that will take opportunities for agency away from survivors, creating additional risks and barriers to safety and healing.

Domestic violence survivors tell us that they need community-based and culturally specific support, emergency and long-term affordable housing, and economic resources to reduce barriers and increase their freedom, safety, and options. This bill fails to provide what most survivors of domestic violence actually need for their safety and healing.

This bill proposes massive changes to already-strained systems that are struggling to maintain a stable workforce and meet the safety needs of our communities. At the same time, there is no mention of community-based domestic violence programs who support survivors every day and who would play a vital role in the bill's implementation. This legislation proposes enormous investments that are primarily focused on legal system interventions as a solution to domestic violence, but we know that most survivors do not choose this path, and those who do need many other resources that this bill fails to support.

This legislation's overreliance on the legal system will create additional risks and barriers for survivors and their children. Many survivors throughout the state, especially in communities of color and immigrant communities, report their reluctance to engage with law enforcement and court systems due to fear of escalation of violence, discrimination, and negative impacts on their families and at times, their abusive partners. In a 2021 National Domestic Violence Hotline survey of domestic violence victims, 39% of respondents felt less safe after calling the police and 40% said it made no difference to their safety.

The money, time, and energy that the proposals in this bill would require would be better spent investing in strengthening and stabilizing the network of vital

domestic violence services that survivors and their children rely on every day. These on-the-ground resources are what make our communities safer and give survivors the options and support they need to heal.

AREN'T ALL THE THINGS THAT THIS BILL IS TRYING TO ADDRESS REAL PROBLEMS FOR DV SURVIVORS?

Survivors of domestic violence face many challenges and barriers in navigating legal systems and this legislation attempts to tackle that. Every day, domestic violence programs work around the clock to meet the safety needs of survivors and their children and to support survivors as they navigate these systems. Domestic violence advocates and programs have unique expertise and deep understanding of the barriers that exist within our systems, the challenges to implementing changes in these systems, and the kind of reform measures that best serve our communities, yet this legislation was developed without meaningful input or collaboration from these on-the-ground programs.

We need more time and a better process to develop solutions that will work for our communities, and we need investments that support the wide range of resources that survivors need, including community-based and culturally specific advocacy, emergency and long-term housing, economic resources and legal advocacy, in addition to systems reform.

DOESN'T WASHINGTON HAVE A LAW THAT LETS COURTS ORDER GPS MONITORING FOR DV OFFENDERS? ISN'T ELECTRONIC MONITORING A GOOD IDEA?

Not all survivors of domestic violence want their abuser to wear an electronic monitoring device, nor do all survivors want to leave their relationship, even when they call law enforcement. Mandating the use of electronic monitoring takes away a survivor's ability to choose what is right for their life and situation. There are many reasons why a survivor may not want their abuser to wear an electronic monitoring device, including stigma of the device, impacts to employment or housing, or a desire to have contact with the abuser. Heightened consequences for abusers when police respond may also incentivize abusers to portray the survivor as the primary aggressor even more often than they already do. These fears may discourage survivors from reaching out to law enforcement at all.

The Tiffany Hill Act was passed in 2020, allowing judges to order accused abusers to wear a GPS ankle device that is monitored in real time and linked to an app on the victim's phone. However, the law is not being used at all except for some cases in Clark County. The law requires offenders to pay for monitoring, and most can't afford it. Courts in rural

counties have said they can't easily access the vendors who offer monitoring. We need more information about how this technology can be implemented successfully before mandating it statewide.

WHAT ABOUT LETHALITY ASSESSMENTS? DO THEY WORK TO PREVENT DV HOMICIDES?

The lethality assessment models proposed in this legislation are new and untested. We don't know of any Lethality Assessment program anywhere in the country that uses an off-site, 24-hour hotline to conduct these assessments. The bill requires DSHS to create a statewide DV lethality hotline to provide an "evidence-based standard of practice" – but there is no evidence base for this model. This model also raises concerns about confidentiality, privacy, and choice for survivors and their families.

Lethality Assessment programs currently being used in our state use a brief, point-in-time assessment of risk to a victim based on an interview with responding officers. Typically, over half of victims screen in as high risk, and these high risk victims are immediately connected to a community based domestic violence advocate for services and safety planning. This bill would create a permanent "high lethality" designation that would trigger a variety of mandatory restrictions and penalties in the civil and criminal legal system. Lethality Assessment screenings were not designed to be used in this way.

WILL ACCESS TO COUNSEL MAKE DV SURVIVORS SAFER?

Access to counsel is already very challenging in situations where the right to counsel is guaranteed. There are not enough attorneys to make this realistic, especially in rural areas. The biggest need for attorneys that we hear consistently from advocates and survivors is for attorneys to represent survivors in family law and dependency cases, not for Domestic Violence Protection Orders.

Domestic violence advocates have special privileges afforded to them by the law to assist with DVPOs, including filling out forms and aiding survivors in writing declarations. This was established so that survivors would not need attorneys to access DVPOs. We should focus instead on access to legal advocacy for everyone, and attorneys in the few cases where it is necessary.

DO MOST DV SURVIVORS USE THE LEGAL SYSTEM?

Survivors use many different strategies to support their safety and healing and survivor centered advocacy is critical to survivors getting what they need both outside of systems and from the legal system. If someone wants a protection order, an advocate helps them determine if that is the right tool for the protection they need, understand the benefits, limitations and risks, helps them navigate the process including choosing the right order, safety plan for things like

how the abuser will react, where will you be when the order is served, what if it's violated, what if it's denied, and so on. Advocacy is the key to helping survivors who want to engage the legal system to navigate it safely and effectively.

The National Domestic Violence Hotline conducted a survey in 2021 examining survivors' experiences with law enforcement. Of those who called the police, 39% felt less safe after calling compared to 20% who felt safer. More than 3/4 of those who called the police expressed fear or concern about who police would react if they needed to call again in the future. 71% reported that if other resources had been available, they would have preferred to use those resources instead. Respondents said they needed "anything that would have helped get them and their children to a safe place." And they wanted that assistance to come from "literally anyone not involved with the criminal justice system."

ISN'T THE BILL SPONSOR A SURVIVOR? SHOULDN'T WE BELIEVE SURVIVORS WHEN THEY SAY THIS WILL HELP?

Survivors of domestic violence have a wide range of experiences and needs. Survivors need access to options and the freedom to make the decisions that are best for themselves and their families. Some survivors choose to or are forced to engage with legal systems, but community-based advocacy is the key to helping survivors navigate these systems safely and effectively. Many survivors choose never to engage with the legal system and need other forms of support, including safe and stable housing, living wage jobs, and the economic resources that reduce barriers to leaving abuse. We cannot mandate one path to safety and healing for survivors. We must listen to and support survivors in making the best decisions for themselves.

IF THIS ISN'T WHAT SURVIVORS NEED, WHAT DO SURVIVORS NEED?

Survivors of domestic violence tell us that they need freedom to make their own choices about their lives; options—including safe and stable housing, living wage jobs, healthcare, childcare, and economic resources; and connection—to their friends, families, and community who can best understand how to listen and support. Every day, community-based domestic violence programs work around the clock to meet the safety needs of survivors and their children and to support survivors as they navigate often-confusing legal systems. We need investments that support the wide range of resources that survivors need, including community-based and culturally specific advocacy, emergency and long-term housing, economic resources and legal advocacy, in addition to systems reform.

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