



LCADV MEMO

GUIDANCE ON DANGER ASSESSMENTS

August 15, 2014

Release To: Domestic Violence Advocates, Courts, District Attorneys, Municipal Prosecutors, Probation Departments

On August 1, 2014, Act 318, previously HB 1142 and commonly referred to as 'Gwen's Law', went into effect throughout the state of Louisiana. Gwen's Law instructs courts to conduct a danger assessment and take that into account when determining bail in felony offenses committed against a family or household member or dating partner.

This memo seeks to provide professionals working on domestic violence cases guidance on danger assessments and their implementation, only. We acknowledge there are many questions about process implications in courts and this document does not render an opinion on any of those matters.

Danger assessments are used in many states by law enforcement and courts. They are a useful tool and there are several good options. You will find here an attached report called 'Inventory of Risk Assessments' that provides a comprehensive overview of what is currently available.

Experts tell us the preferred tool is ODARA. The report attached here includes the ODARA on pg. 12. There are two other well regarded tools, SARA on pg 26 and the DV Screening Inventory (DVSII), which is also attached here.

Again, ideally you would have training before using these. Some may require contacting the author for purchase or permission.

The ODARA has been research tested and found to be about 80% accurate. It contains 13 questions to be answered generally from court records. If more than 7 are positive the offender is high risk. DO NOT add or subtract questions or the reliability goes down. Here are the 13 factors.

- Previous Domestic Incident
- Previous Non domestic Incident
- Prior Correctional Sentence of at least 30 days
- Failure on Previous Conditional Release
- Threat to Harm or Kill Anyone at the Index Assault
- Confinement of the Partner During/at the Index Assault
- Victim Concerned/Fearful of Future Assaults
- Two or More Children
- Victim has a Biological Child from a Previous Partner
- Perpetrator's Violence Against Others
- Perpetrator's Substance Abuse

- Assault on Victim when Pregnant
- Any Barrier to Victim Support

If you would like someone to come to your community and train on this tool LCADV can give you recommendations.

LCADV will be bringing in a national expert to discuss danger assessments and the use of ODARA in early November. That training will be open to any advocates or allies listed above who are interested in attending.

In the meantime, if you would like to immediately implement ODARA there is a 4 - 6 hour on line training located here; <http://odara.waypointcentre.ca/>

Some courts are aware of an instrument called the Jackie Campbell Danger Assessment which is typically used by advocates in shelter settings as they safety plan with victims.

Experts caution that the Jackie Campbell assessment should be used IN SHELTER/ADVOCACY PROGRAMS ONLY and it should NOT be used by law enforcement or court systems for bail determinations.

In no case should any danger assessment be borrowed from the records of a shelter or advocacy program. In addition to violating multiple federal and state statutes that give specific confidentiality protections to domestic violence victims, it has very dangerous implications for the victim. It can open opportunities to cross examination and put a victim at terrible risk from retaliation by the offender. It can also cause unnecessary delays in completing risk assessment.

Again, risk assessments can be done fairly quickly and typically can be completed based largely on information already available in the court record. Assessments can be conducted by law enforcement officers, prosecution staff or Probation officers. Those who conduct presentence investigation reports often have skills that translate well to this sort of assessment.

As you work to implement the new law and procedures we encourage you to work with local Domestic Violence Programs who can be valuable resources in accessing the expertise needed to do so. They serve as important conduits to victim voices, which should be central in all attempts to reduce violence and they house valuable expertise in recommending which processes will assist victims in better navigating the criminal justice system.

A copy of this memo and attached documents, as well as a listing of your local DV Service Providers can be found at www.lcadv.org



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