

THE GENERAL ASSEMBLY

THE GENERAL ASSEMBLY

COMMISSION ON SENTENCING

Proposed Model Pretrial Risk Assessment Tool

The Pennsylvania Commission on Sentencing hereby publishes for public comment a proposed model pretrial risk assessment tool. The proposed model pretrial risk assessment tool, Ontario Domestic Assault Risk Assessment, is set forth in Annex A.

Act 14 of 2018, effective April 16, 2018, amended 18 Pa.C.S.A. § 2711 (relating to probable cause arrests in domestic violence cases) to provide the following:

(c.1) *Pretrial risk assessment tool.*—The president judge of a court of common pleas may adopt a pretrial risk assessment tool for use by the court of common pleas or by the Philadelphia Municipal Court, the Pittsburgh Magistrates Court or magisterial district judges when acting as the issuing authority in cases under this section. The issuing authority may use the pretrial risk assessment tool to aid in determining whether the defendant poses a threat of danger to the victim. However, the pretrial risk assessment tool may not be the only means of determining whether to admit the defendant to bail. Nothing in this subsection shall be construed to conflict with the issuing authority's ability to determine whether to admit the defendant to bail under the Pennsylvania Rules of Criminal Procedure.

(c.2) *Pennsylvania Commission on Sentencing.*—The following shall apply to the Pennsylvania Commission on Sentencing:

- The Commission shall develop a model pretrial risk assessment tool which may be used by the issuing authority in cases under this section, as set forth in subsection (c.1).

- Subject to any inconsistent rule of court, in order to ensure that the model pretrial risk assessment tool or other pretrial risk assessment adopted under this section is effective, accurate and free from racial or economic bias, prior to the adoption of the tool the commission shall publish a report on validation using information from cases from the judicial district where the tool is to be utilized. The report shall be updated every two years.

On December 12, 2019, the Commission approved the Ontario Domestic Assault Risk Assessment (ODARA) as a proposed model pretrial risk assessment tool. The Commission is seeking public comment on the proposed model pretrial risk assessment tool as set forth in Annex A.

In accordance with 42 Pa.C.S.A. § 2155, prior to adoption the Commission shall publish in the *Pennsylvania Bulletin* all proposed risk assessment instruments and hold public hearings not earlier than 30 days and not later than 60 days thereafter to afford an opportunity for the following persons and organizations to testify:

- (i) Pennsylvania District Attorneys Association
- (ii) Chiefs of Police Associations
- (iii) Fraternal Order of Police
- (iv) Public Defenders Organization
- (v) Law School faculty members
- (vi) State Board of Probation and Parole

- (vii) Department of Corrections
- (viii) Pennsylvania Bar Association
- (ix) Pennsylvania Wardens Association
- (x) Pennsylvania Association on Probation, Parole and Corrections
- (xi) Pennsylvania Conference of State Trial Judges
- (xii) Any other interested person or organization

The Commission will hold three public hearings to receive comments on the proposed model pretrial risk assessment tool:

Hearing I.

Date: Tuesday, February 18, 2020
 Time: 1:30 p.m.
 Location: Allegheny County Courthouse, Courtroom 327
 436 Grant Street, Pittsburgh, PA

Hearing II.

Date: Wednesday, February 19, 2020
 Time: 1:30 p.m.
 Location: Juanita Kidd Stout Center for Criminal Justice, Courtroom 304
 1301 Filbert Street, Philadelphia, PA

Hearing III.

Date: Wednesday, March 4, 2020
 Time: 2:00 p.m.
 Location: Pennsylvania Judicial Center
 601 Commonwealth Avenue, Harrisburg, PA

Persons or organizations wishing to testify should contact the Commission at least five business days prior to the hearing to register and to provide an electronic copy of any testimony. Written comments from persons or organizations not wishing to testify should be received by the Commission at least five business days before the last-scheduled public hearing. Commission staff will copy and distribute any submitted documents to Commission Members. Please contact Cathy Dittman (814.863.5729 or CWD@PSU.EDU) to register to testify and/or to submit testimony or written comments.

Any other individuals wishing to testify who have not registered five days in advance are asked to provide 30 copies of any testimony at the time of the public hearing.

The Commission will evaluate the proposal after consideration of the testimony and written comments received. The next quarterly meeting of the Commission will be held on Thursday, March 5, 2020, in Room 60 East Wing of the Pennsylvania State Capitol, 500 Commonwealth Avenue, Harrisburg, PA.

REPRESENTATIVE TODD STEPHENS,
Chair

Commentary on Annex A

This Commentary provides an overview of Commission's activities and the rationale for approving for public hearings the Ontario Domestic Assault Risk Assessment (ODARA) as the proposed model pretrial risk assessment tool. The Ontario Domestic Assault Risk Assessment (ODARA) is set forth in Annex A.

Annex A is a reproduction of the ODARA scoring form utilized in New Jersey (<https://www.nj.gov/lps/dcj/agguide/directives/ODARA-Scoring-Form.pdf>) based upon the ODARA manual found in Hilton, N.Z., Harris, G.T., & Rice, M.E. (2010). *Risk assessment for domestically violent men: Tools for criminal justice, offender intervention, and victim services*. Washington, DC: American Psychological Association.

Act 14 of 2018, signed April 16, 2018, provides the president judge of a court of common pleas the option of adopting a pretrial risk assessment tool for use by: “the court of common pleas, Philadelphia Municipal Court, the Pittsburgh Magistrates Court, or magisterial district judges when acting as the issuing authority” pursuant to 18 Pa.C.S.A. § 2711 (relating to probable cause arrests in domestic violence cases). A pretrial risk assessment tool may be used by the issuing authority as an “aid in determining whether the defendant poses a threat of danger to the victim.”

Act 14 requires the Pennsylvania Commission on Sentencing to “develop a model pretrial risk assessment tool which may be used by the issuing authority. . . .” The Commission is also required to “publish a report of validation using the information from cases from the judicial district where the tool is to be utilized.”

In order to meet this mandate, Commission investigated current procedures related to the following: the pretrial process; the information that is considered and available to judicial officers at the preliminary arraignment and the preliminary hearing; existing pretrial and pretrial domestic violence risk assessment tools utilized in the Commonwealth; research and best practices on domestic violence pretrial decision-making; and domestic violence risk assessment tools used in jurisdictions outside Pennsylvania. The steps undertaken by the Commission through engagement with key criminal justice stakeholders are outlined below:

- *Site visits*—Commission staff met with county practitioners to discuss pretrial practices, DV-specific pretrial practices, the information collected and available to the MDJ at preliminary arraignment, and the availability of pretrial services and programs. Participants in the meetings included Common Pleas and Magisterial District Court judges, district attorneys, public defenders, victim advocates, and staff from pretrial services agencies, probation departments, women shelters and health centers, and child advocacy centers. Meetings were held in the following counties: Allegheny, Cambria, Centre, Chester, Dauphin, Montgomery and Philadelphia counties.

- *Meetings with Domestic Violence Experts*—Commission staff discussed extant research, best practices, and issues associated with the creation and validation of existing pretrial and domestic violence pretrial risk assessment tools with subject-matter experts from the Pennsylvania Coalition Against Domestic Violence (PCADV), the National Center for State Courts, and with Professors Richard Berk and Susan Sorenson at the University of Pennsylvania.

- *Meeting with Pretrial Services Experts*—Commission staff also met with a representative of the Pennsylvania Pretrial Services Association and with Matt Alsdorf, President and Founder of Pretrial Advisory and former Vice President for Criminal Justice with the Laura and John Arnold Foundation (LJAF).

- *Roundtable Discussion*—The Commission hosted a roundtable discussion during its September 5-6, 2018 quarterly meeting with local practitioners and state ex-

perts to discuss the role of law enforcement, victim and defendant information, availability of data, procedures for criminal and civil actions, pretrial decisions and services, existing limitations, and how best to utilize the authority under Act 14 to improve decision-making and outcomes.

- *Survey of President Judges*—An online survey about pretrial practices was sent to President Judges in Pennsylvania. Information was received from 40 counties. The survey revealed that very few jurisdictions make use of a risk assessment tool to inform the bail decision and that no counties currently utilize a pretrial domestic violence risk assessment tool. However, over 32 of the 40 responding counties indicated that they would be interested in adopting a pretrial risk assessment for DV as an aid in determining whether the defendant poses a future threat of danger.

- *Review of existing risk assessment tools*—Commission staff conducted a thorough review of domestic violence risk assessment tools currently in use. Tools reviewed included: the Danger Assessment (DA), Spousal Assault Risk Assessment Instrument, Domestic Violence Screening Instrument (DVSI), Ontario Domestic Assault Risk Assessment, and Lethality Assessment Program (LAP).

To evaluate each tool, staff considered the intended purpose of the tool (e.g., predict risk of future assault against intimate partners), where the tool was designed/developed, which jurisdictions currently make use of the tool, whether the tool has been validated, how the tool is administered (e.g., by police at the crime scene), whether the person administering the tool needs professional qualifications (e.g., psychologist or trained clinician), and the predictive validity of the tool. This review process allowed staff to assess the relevance and appropriateness of each of the tools and examine whether an existing tool would fit the Commission’s mandate.

For example, as of 2017 the LAP was utilized in 43 counties and by over 250 police departments (PCADV). However, despite the high frequency of usage, the LAP is not a good candidate as a model tool since it was not designed to inform the pretrial bail decision for DV cases; instead, it was designed to connect victims to information and services. Similarly, the Danger Assessment was ruled out because the tool was designed to predict a different outcome (intimate partner homicide). It was also determined that SARA is not a practical alternative because the instrument relies on structured clinical assessment by trained psychologists or clinicians. Finally, the DVSI was eliminated from consideration because the tool performed significantly lower on measures of predictive validity than any of the existing tools. ODARA is the domestic violence pretrial tool that best fits the mandate.

- *Stakeholder Summit at Duquesne University School of Law*—The Commission hosted a one-day summit with subject matter experts and practitioners from Allegheny County to discuss the feasibility of adopting and implementing ODARA. Allegheny County attendees included representatives from Pretrial Services, Probation (including adult and juvenile, and domestic violence unit), District Attorney’s Office, Public Defender’s Office, and County Court Administration. Additionally, representatives from the Pennsylvania Office of the Victim Advocate and law professors from Duquesne Law School were present. Speakers at the summit included the lead author of ODARA and practitioners from three jurisdictions that are currently using ODARA to inform pretrial decisions for DV cases (Denver, CO; Travis County, TX; Maine).

- *Presentation on ODARA Validation*—Dr. Jill Messing (Associate Professor in the School of Social Work at

Arizona State University) provided a presentation to the Commission during the December 2019 quarterly meeting on issues related to the development and validation of domestic violence risk assessment tools and findings from her research on domestic violence risk assessments (including ODARA).

After a thorough review of research on domestic violence pretrial risk assessment and numerous discussions with experts and key criminal justice stakeholders, Commission staff recommended to the Commission that ODARA serve as the model pretrial risk assessment tool. The Commission voted during its December 11-12, 2019 quarterly meeting to approve this recommendation and to schedule public hearings.

ODARA is an empirically developed and validated actuarial risk assessment tool developed and validated in Ontario, Canada to assess the future likelihood of violence against an intimate partner. The tool includes 13 questions that were found to be the most highly predictive of future violence. Nine of the items are typically collected from victims by law enforcement and the other four are derived from criminal history records. ODARA is currently used to inform the pretrial decision process by assessing the risk of future intimate partner violence in Denver County and City (CO), Travis County (TX),

Maine, and New Jersey. The tool is free of charge to use and the designers of the tool provide access to free online training.

All domestic violence risk assessment tools (including ODARA) examined by the Commission have been designed to predict the risk of future violence on *intimate partners*. However, the current language in the statute defines domestic violence cases as violations of sections 2504 (relating to involuntary manslaughter), 2701 (relating to simple assault), 2702(a)(3), (4), (5) (relating to aggravated assault), 2705 (relating to recklessly endangering another person), 2706 (relating to terroristic threats), 2709.1 (relating to stalking), or 2718 (relating to strangulation) against a family or household member.

Family or household members are defined as “spouses or persons who have been spouses, persons living as spouses or who lived as spouses, parents and children, other persons related by consanguinity or affinity, current or former sexual or intimate partners or persons who share biological parenthood” (23 Pa.C.S.A. § 6102). The definition of intimate partner is generally limited to “a spouse or person who has been a spouse, a person living as a spouse, or current or former sexual partner.”

Annex A

Pennsylvania Commission on Sentencing Proposed Model Pretrial Risk Assessment Tool

ODARA Scoring Form

A summary of ODARA scoring instructions is provided below for reference. The ODARA manual is found in Hilton, N.Z., Harris, G.T., & Rice, M.E. (2010). Risk assessment for domestically violent men: Tools for criminal justice, offender intervention, and victim services. Washington, DC: American Psychological Association.

Defendant Name: _____

SBI #: _____ **Live Scan Verified?** Yes No

Agency Name: _____ **ORI #:** _____ **County:** _____

Agency Case #: _____ **Officer Completing ODARA:** _____

Index Assault Date: _____ **ODARA Completion Date:** _____

Defendant identifies as: Male Female **Victim identifies as:** Male Female

Crime(s) Charged: _____

Administer ODARA when the following offenses are charged and the Victim is a Partner (as terms are defined below):

- Homicide, 2C:11-1
- Aggravated Assault, 2C:12-1b
- Kidnapping, 2C:13-1
- Sexual Assault, 2C:14-2
- Robbery, 2C:15-1
- Simple Assault, 2C:12-1a (w/contact or w/weapon)
- Terroristic Threats, 2C:12-3 (w/contact or w/weapon)
- False Imprisonment, 2C:13-3 (w/contact or w/weapon)
- Criminal Sexual Contact, 2C:14-3
- 2nd degree Burglary, 2C:18-2 (w/contact or w/weapon)
- Any other crime involving risk of death or SBI, 2C:25-19a(18)

DEFINITIONS

Index Assault: The most recent incident in which the person being assessed (Defendant, as defined below) assaulted his/her current or former Partner (as defined below). Assault is any act of violence that involved physical contact with the Victim (as defined below) or a credible threat of death made with a weapon displayed in the presence of the Victim.

Defendant: For the purposes of scoring ODARA, the Defendant is the person being assessed.

Victim: For the purposes of scoring ODARA, the Victim is the person upon whom the Index Assault was committed.

Partner: For the purposes of scoring ODARA, a Partner is a person who currently is, or previously was, involved with the Defendant in an intimate relationship. This includes current or former spouses, current or former intimate cohabitants, co-parents, and those currently or formerly in a dating relationship.

INSTRUCTIONS

- Score each Item as "1" if the evidence indicates that the Item is present and "0" if the evidence indicates that it is not present. The ODARA total score is the sum of the Item scores.
- If available documentation indicates that an Item might be present but the information is unclear or incomplete, then the Item may be treated as unknown or missing and scored as "?" In such cases, the Prorating Table should be used.
- The ODARA can be scored with up to 5 missing or unknown Items (scored as "?"). The ODARA cannot be interpreted if 6 or more items are scored as "?"

1. Confinement of the Victim at the Index Assault

SAMPLE QUESTION: *This time, did he/she do anything to prevent you from leaving the location?*

Confinement: Any act by the Defendant that physically prevents, or attempts to prevent, the Victim from leaving the scene of the assault.

- ✓ Count a charge of kidnapping, criminal restraint, or false imprisonment at the Index Assault.
- ✓ Examples: confining the Victim in a locked room, barring an exit.
- ✓ In locations without walls or doors, count actions taken to impede the Victim's active attempts to escape from the location.
- ✗ Do not include: any threats to harm the Victim if he/she leaves, pinning the Victim down in the course of an assault, cutting off the telephone, or confining persons other than the Victim.
- ✗ Do not include any confinement occurring before or after the Index Assault (i.e., during a separate incident).

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ODARA Scoring Form

2. Threat to harm or kill anyone at the Index Assault

SAMPLE QUESTION: *This time, did he/she threaten to harm or kill you or anyone else?*

- ✓ Count any threat to harm or kill uttered at the Index Assault by the Defendant to cause bodily harm to any person other than the Defendant (i.e., do not count threats of self-harm or suicide).
- ✓ Count bodily gestures commonly recognized as threats of physical harm, e.g., mimic shooting a gun or slashing a throat.
- ✗ Threats involving only pets or property, or threats of non-bodily harm, do not count for this Item.
- ✗ Do not include any threats occurring before or after the Index Assault.

3. Victim concern about future assaults

SAMPLE QUESTION: *Are you concerned that he/she will assault you or the children again?*

Victim concern: Includes any statement made by the Victim that he/she is concerned, afraid, worried, or certain that the Defendant will assault him/her or the Victim's child(ren) in the future.

- ✓ This statement must be made by the Victim in the first report at or after the Index Assault. If no statement about Victim concern is present in a police report, a statement made by the Victim in the first report to victim support services can be counted.
- ✗ Do not count the Victim's concern for safety, or the child(ren)'s safety, in the course of the Index Assault.
- ✗ Do not include statements made by the Victim on a separate occasion before the Index Assault.

4. Victim and/or Defendant have more than 1 child altogether

SAMPLE QUESTIONS: *How many children do you have? How many does your current Partner (Defendant) have?*

- ✓ Count the biological or adopted children of the Defendant.
- ✓ Count the biological or adopted children of the Victim.
- ✓ Count only living children, whether they are minors or adults, and whether they are living with the Victim, Defendant, or elsewhere. There must be a total of at least 2 children to score 1 for this Item.

5. Victim has a biological child with someone other than the Defendant

SAMPLE QUESTION: *Do you have a child from any previous relationships (other than with the Defendant)?*

To determine whether the Victim has a biological child from a previous partner:

- ✓ Count the children of the Victim, but count only the Victim's biological children whose other parent is not the Defendant.
- ✓ Count only living children, whether they are minors or adults, and whether they are living with the Victim, Defendant, or elsewhere.
- ✗ Do not count adopted children for this Item.

The Victim need only have 1 child with a previous partner to score 1 for this Item.

6. Assault on Victim while she was pregnant (at Index Assault or prior assault)

SAMPLE QUESTION: *Did he/she ever assault you when you were pregnant?*

- ✓ Include only assaults against the Victim. Do not count assaults against anyone other than the Victim.
- ✓ Count the Index Assault or any prior assault on the Victim, committed by the Defendant, if the Victim was pregnant at the time.
- ✓ The incident must include physical contact, the use or attempted use of a weapon to contact the Victim's body, or a threat of harm made while displaying a weapon. If you do not have a detailed description of the incident, count a charge of assault or other violent offense if it is known that the Victim was the Index Assault Victim and was pregnant at the time.
- ✗ It is not required that the Defendant knew that the Victim was pregnant.

Annex A is a reproduction of the ODARA scoring form utilized in New Jersey (<https://www.nj.gov/lps/dcj/agguide/directives/ODARA-Scoring-Form.pdf>) based upon the ODARA manual found in Hilton, N.Z., Harris, G.T., & Rice, M.E. (2010). *Risk assessment for domestically violent men: Tools for criminal justice, offender intervention, and victim services*. Washington, DC: American Psychological Association.

ODARA Scoring Form

7. Two or more indicators of substance abuse

SAMPLE QUESTIONS: *Did he/she drink alcohol just before or during this assault? Did he/she use drugs just before or during the assault?*
Did he/she abuse alcohol or drugs in the past few days or weeks before this assault?
Did he/she abuse alcohol or drugs more than usual in the few days or weeks before the assault?
Before this assault, was he/she more angry or violent when he/she used drugs or alcohol?
Before this assault, had he/she ever been charged for something he/she did when drinking?
Before this assault, had he/she had an alcohol or drug problem any time since he/she was 18?

Substance abuse indicators: More than 1 indicator of substance abuse is needed to score 1 for this Item. Count any 2 of these specific indicators pertaining to the Defendant.

- ✓ The Defendant consumed alcohol or used drugs immediately before or during the Index Assault.
- ✓ The Defendant abused drugs and/or alcohol in the days or weeks before the Index Assault (e.g., alcohol intoxication, frequent alcohol use, use of street drugs, misuse of medication).
- ✓ The Defendant noticeably increased his/her abuse of drugs and/or alcohol in the days or weeks before the Index Assault (without a return to normal consumption prior to the Index Assault).
- ✓ The Defendant had been more angry or violent when using drugs and/or alcohol before the Index Assault.
- ✓ The Defendant consumed alcohol before or during an offense (including driving while intoxicated) pre-dating the Index Assault.
- ✓ From age 18 to the time of the Index Assault, the Defendant's alcohol use resulted in problems or interference in his/her life; this can include alcohol use related to violations of the law resulting in a charge or revocation of conditional release, withdrawal symptoms, inability to decrease use, or problems attributable to alcohol use (such as financial, job, relationship, legal, or health problems).
- ✓ From age 18 to the time of the Index Assault, the Defendant's illicit or street drug use or misuse of prescription drugs resulted in some problems or interference in his/her life; this can include drug use related to violations of the law resulting in a charge or revocation of conditional release, withdrawal symptoms, inability to decrease use, or problems attributable to drug use (such as financial, job, relationship, legal, or health problems).
- ✗ Do not include medications taken as prescribed.

8. Victim faces at least 1 barrier to support

SAMPLE QUESTIONS: *Do you have any children at home for whom you provide care?*
Do you live in a home with no phone?
Do you live where there is no access to transportation?

Barriers to support: Count any of these specific circumstances faced by the Victim. Circumstances not included in this list do not count.

- ✓ The Victim has 1 or more children age 18 or under who live with the Victim and for whom the Victim provides care.
- ✓ The Victim has no telephone, e.g., no mobile, cell, or landline in the home.
- ✓ The Victim has no access to a vehicle, no access to public transportation near his/her home, and no money for a taxi.
- ✓ The Victim lives in a rural area with nobody living close by.
- ✓ The Victim consumed alcohol or drugs just before or during the Index Assault, or the Victim has a history of alcohol or drug abuse (e.g., alcohol intoxication, frequent alcohol use, use of street drugs, misuse of prescription medication).
- ✗ Do not include medications taken as prescribed.

The Victim need only experience 1 of these barriers to score 1 for this Item.

9. Prior violent incident against a non-domestic victim

SAMPLE QUESTIONS: *Is he/she violent toward people other than you and the children? Does he/she fight with or hit others?*

Prior violence against a non-domestic victim: Defendant assaulted any person who is not a Partner or Partner's child.

- ✓ A specific incident is required, but unlike Item 11, presence in a police report or criminal record is not required.
- ✓ The incident must include physical contact, the use or attempted use of a weapon to contact the person's body, or a threat of harm made while displaying a weapon.
- ✓ The violent incident must have occurred on a separate occasion, before the Index Assault. Information can come from sources other than criminal justice documentation, and the incident does not need to be known to the police.

Annex A is a reproduction of the ODARA scoring form utilized in New Jersey (<https://www.nj.gov/lps/dcj/agguide/directives/ODARA-Scoring-Form.pdf>) based upon the ODARA manual found in Hilton, N.Z., Harris, G.T., & Rice, M.E. (2010). *Risk assessment for domestically violent men: Tools for criminal justice, offender intervention, and victim services*. Washington, DC: American Psychological Association.

ODARA Scoring Form

10. Prior domestic incident of assault in a police report or criminal record (against current or former Partner or Partner's child)

- Prior domestic:** The Defendant previously assaulted a Partner or a Partner's child, and it is recorded in a police report or criminal record.
- ✓ The incident must include physical contact, the use or attempted use of a weapon to contact the victim's body, or a threat of harm made while displaying a weapon. If you do not have a detailed description of the incident, count a charge of assault or other violent offense against a Partner or Partner's child as a domestic incident. (Note: a charge is not required.)
 - ✓ The prior incident must have been reported to the police.
 - ✓ The prior incident must have occurred on a separate occasion, before the Index Assault. If the Index Assault is part of a cluster of assaults documented in 1 police report, count any domestic assault against a Partner or Partner's child that occurred at least 24 hours before the Index Assault as a prior domestic incident.
 - ✗ Incidents involving only pets or property do not count for this Item.

11. Prior non-domestic incident of assault in a police report or criminal record (against any person other than a Partner or a Partner's child)

- Prior non-domestic:** The Defendant previously assaulted any person who is not a Partner or a Partner's child, and it is recorded in a police report or criminal record. This Item differs from Item 10 only in who the assaulted person is.
- ✓ The incident must include physical contact, the use or attempted use of a weapon to contact the victim's body, or a threat of harm made while displaying a weapon. If you do not have a detailed description of the incident, count a charge of assault or other violent offense against someone other than a Partner or a Partner's child as a non-domestic incident. (Note: a charge is not required.)
 - ✓ The incident must have been reported to the police.
 - ✓ The incident must have occurred on a separate occasion, before the Index Assault. If the Index Assault is part of a cluster of assaults documented in 1 police report, count any non-domestic assault that occurred at least 24 hours before the Index Assault as a prior non-domestic incident.
 - ✗ Incidents involving only pets or property do not count for this Item.

12. Prior custodial sentence of 30 days or more

- Prior custodial sentence:** The final disposition for an offense committed by the Defendant, handed down before the Index Assault.
- ✓ The sentence itself must be for at least 30 days.
 - ✓ The Defendant must have been admitted to an adult or juvenile correctional facility, prison, or jail, but the Defendant need not have been in custody for the entire 30 days. Count the sentence, not the time spent in custody.
 - ✗ Do not include a sentence given for the Index Assault.

13. Failure on current or prior conditional release (including bail, parole, probation, or pretrial release order) or conditions of a restraining order (TRO, FRO, DORO, SORO, SASPA, stalking)

- Conditional release failure:** The conditional release must have been ordered before the Index Assault.
- ✓ If Defendant was on a conditional release at the time of the Index Assault, and no information is available about release conditions, count the Index Assault as a conditional release failure, because such releases typically require offenders to remain offense free.
 - ✓ The Defendant must have been at liberty in the community under supervision, monitoring, or other requirement ordered by a criminal court, or a no-contact order imposed by any court.
 - ✓ Any known violations of the conditional release or violations of release conditions count for this Item.
 - ✓ Any charges incurred while on conditional release count for this Item. Count any known failure, even if it did not result in a charge.
 - ✓ Examples: committing a new criminal offense; failing to appear for court; failing to attend a probation appointment; drinking when prohibited by court or probation; going to a person's home or work when prohibited; contacting a person when prohibited.
 - ✗ Do not include violations occurring after the Index Assault.

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ODARA Scoring Form

Raw Score (sum of Items scored 1)	_____
Number of Missing or Unknown ("?") Items	_____
ODARA Final Score (use Prorating Table if indicated)	_____

PRORATING TABLE

Only use if 1 or more Items are scored as missing or unknown ("?"), indicating the Item might be present but the available documentation or information is unclear or incomplete. *Note:* The ODARA can be scored with up to 5 missing Items. The ODARA cannot be interpreted if 6 or more items are scored as "?"

Number of Missing Items					
Raw Score	1	2	3	4	5
0	0	0	0	0	0
1	1	1	1	1	2
2	2	2	3	3	3
3	3	4	4	4	5
4	4	5	5	6	7+
5	5	6	7+	7+	7+
6	7+	7+	7+	7+	7+

Note: If Raw Score is 7 or above, do not use the Prorating Table, and count the Raw Score as the Final Score.

ACTUARIAL TABLE

Final Score	Percent Who score in this range	Percent scoring lower	Percent scoring higher	Percent who recidivate
0	9	0	91	7
1	17	9	74	17
2	21	26	53	22
3	20	47	33	34
4	13	67	20	39
5-6	14	80	6	53
7-13	6	94	0	74

EXAMPLE FOR REPORTING ODARA SCORES: Defendant scored a 5 on the ODARA. As indicated in the ODARA norms, only 6% of men with a police report of domestic assault obtained higher scores. Over 53% of men in this group committed a new assault against a female Partner within an average of 5 years.

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THE GENERAL ASSEMBLY

Recent Actions during the 2019 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 2019 Regular Session:

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
2019 General Acts of Regular Session Enacted—Act 114 through 118					
114	Dec 18	S0500	PN1433	60 days	Pennsylvania Commission on Crime and Delinquency Law—omnibus amendments
115	Dec 18	S0501	PN1434	Immediately*	Judicial Code (42 Pa.C.S.) and Prisons and Parole (61 Pa.C.S.)—omnibus amendments
116	Dec 27	H1542	PN2889	60 days	Liquor Code—special occasion permits and wine and spirits auction permits
117	Dec 27	S0316	PN0295	60 days	Second Class Township Code—duties of supervisors
118	Dec 27	S0750	PN1188	30 days	Administrative Code of 1929—grounds, buildings and monuments in general and transfer the authority of Lieutenant Governor's Mansion

* denotes an effective date with exceptions

Effective Dates of Statutes

The effective dates specified for laws and appropriation acts were contained in the applicable law or appropriation act. Where no date is specified or where the effective date specified is prior to the date of enactment, the effective date is 60 days after final enactment except for statutes making appropriations or affecting budgets of political subdivisions. See 1 Pa.C.S. §§ 1701—1704 (relating to effective date of statutes).

Advance Copies of Statutes

Section 1106 of 1 Pa.C.S. (relating to prothonotaries to keep files of advance copies of statutes) provides that the prothonotaries of each county shall file advance copies of statutes in their offices for public inspection until the *Laws of Pennsylvania* are generally available.

One-time purchases of the advance copies of statutes can be purchased through the State Bookstore's web site at www.shoppaheritage.com.

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