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# WASHINGTON STATE MINORITY AND JUSTICE COMMISSION

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*"Justice and Women of Color"*

*Nubia W Owens 1995*

1995 – 1996 REPORT



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# WASHINGTON STATE MINORITY AND JUSTICE COMMISSION

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Washington State Minority and Justice Commission  
Washington State Supreme Court  
Temple of Justice  
Post Office Box 41174  
Olympia, Washington 98504-1174

(360) 705-5327

1995 – 1996 REPORT



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## *DEDICATION*

The Washington State Minority and Justice Commission acknowledges the significance of involvement by the *Washington State Legislature* and the *Washington State Supreme Court* in creation of the Washington State Minority and Justice Task Force in 1987 and establishment of its successor, the Washington State Minority and Justice Commission, in 1990 and again in 1995.

Since 1987 both the Legislature and the Supreme Court have endorsed the activities of the predecessor task force and the Commission as it pursues its mandate to determine whether racial, ethnic and cultural bias exists in our state court system and, when it exists, to recommend appropriate action to overcome it.

The Commission has conducted empirical research studies and highly acclaimed cultural awareness programs for judges and court staff at all levels of court throughout the State of Washington under budgets recommended by the Supreme Court and approved by the Legislature. It is essential that these programs continue.

We are fortunate that both branches of government—legislative and judicial—have recognized the importance of increased awareness by all persons in our justice system of our need to exist in an inclusive society in our great democracy.

Both the legislative branch and the judicial branch continue to support our primary goal of eliminating racial and ethnic bias, to the extent it exists, in our courts. This has permitted our Commission to emerge as one of the leaders among the states with established task forces or commissions on racial and ethnic bias and to provide assistance to other states in developing such groups as recommended by the Conference of Chief Justices.

We therefore dedicate this 1995-1996 Commission Report to the Washington State Legislature and the Washington State Supreme Court.

James M. Dolliver  
Co-Chairman

Charles Z. Smith  
Co-Chairman

***COVER DESIGN:  
"JUSTICE AND WOMEN OF COLOR"***

The cover design, "Justice and Women of Color," is an original art work<sup>1</sup> by artist Nubia W. Owens which represents women of color and the scales of justice. It was created especially for the Washington State Minority and Justice Commission and the National Consortium of Task Forces and Commissions on Racial and Ethnic Bias in the Courts.

The artist was born in New York City. She graduated from its High School of Music and Art and received her Bachelor of Fine Arts degree from the New York School of Visual Arts. She received her Master of Fine Arts degree from the University of Washington in 1995. Formerly teaching and working in Seattle, Ms. Owens now resides in Phoenix, Arizona.

When asked to comment on her "Justice and Women of Color" design, Ms. Owens said "I see women as one unifying force. I feel a lot of creativity is essential to accomplishing our goal of full equality."

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## ***INTRODUCTION***

The predecessor to the Washington State Minority and Justice Commission was the Washington State Minority and Justice Task Force, established by the Washington State Supreme Court in 1987 in response to legislation which sought to improve the treatment of racial and ethnic minorities in courts and the legal system throughout the State of Washington.

“Minorities” were identified as Native Americans (American Indians); African Americans (Blacks); Hispanics (Latinos); and Asian Americans (Chinese, Japanese, Korean, Filipino, South Asians, which includes East Indians and Pakistanis, Southeast Asians and Pacific Islanders). In general, we use the term “persons of color” to refer to our non-white populations.

A Seattle attorney, law professor and former King County Superior Court Judge, Charles Z. Smith, was appointed as the Task Force’s Chairperson. The Task Force held public forums around the state in 1988, hearing testimony from legal professionals and members of various ethnic communities, and received written comments from the public. Following these forums, the Task Force conducted studies to collect demographic

information on lawyers, judicial officers and court personnel; reviewed the guidelines of prosecutors, public defenders and community corrections officials and their perceptions of racial and ethnic bias; and collected data on selected civil cases involving minority persons, as well as the settlement amounts awarded minority litigants.

Through its research, the Task Force concluded that many minorities, or persons of color, believe bias pervades the entire legal system and is reflected in the way minority litigants are treated by law enforcement officials, court officers and judges; and that minorities received disparate treatment in adjudication of civil claims and imposition of criminal sentences.

The research findings also reflected the underrepresentation of minorities in the court system as judges (4%), court administrators and other court personnel (5%) and in the legal profession (5%). In addition, the findings suggested a need for ongoing cultural awareness education. It was also recognized that a racially and ethnically diverse work force fosters a more positive attitude toward the courts.

As a result of these findings, the Task Force made several recommendations to the Washington State Legislature, the courts, bar associations and law schools outlining measures that could be implemented to correct the disparate effects revealed by the research.

The Task Force further recommended establishment by the Supreme Court of a permanent Minority and Justice Commission, with provision for funding to (a) conduct additional research as recommended by the Minority and Justice Task Force; (b) oversee implementation of Task Force recommendations; (c) develop ongoing awareness training for judges, legal professionals and court staff; (d) recommend measures to prevent bias in the state legal system; and (e) retain the staff necessary to carry out the work of the Commission.

The Washington State Minority and Justice Commission was established for five years by Supreme Court order in October 1990. On July 13, 1995, the Supreme Court extended the Commission for another five years until the year 2000. It is our goal to assist the courts in this state in their continuing quest for achievement of fair treatment of all persons encountering our judicial system in our democracy which must take cognizance that ours is an inclusive society (*Figure 1*).

This 1995-1996 report of the Washington State Minority and Justice Commission covers the activities of the Commission since its last Annual Report in 1994. For reasons of budget limitations and fiscal austerity, we have combined reports for 1995 and 1996 in one report.





FIGURE 1

SUPREME COURT OF WASHINGTON

ORDER RENEWING WASHINGTON STATE )  
MINORITY AND JUSTICE COMMISSION ) Number 25700-B 295  
)

PREAMBLE

1.0 Equal Justice Before the Courts. The Washington State Supreme Court recognizes the need for all persons to be treated equally before the courts of this state. The Court recognizes that for any system of justice to be responsible, it must be examined continuously to ensure it is meeting the needs of all persons who constitute the diverse populations we serve, with particular concern for the needs of persons of color who represent various racial, ethnic, cultural and language groups.

2.0 Establishment of Minority and Justice Commission. The Court on October 4, 1990 established the Washington State Minority and Justice Commission to identify problems and make recommendations to ensure fair and equal treatment in the state courts for all parties, attorneys, court employees and other persons. The Commission was created to examine all levels of the State judicial system to particularly ensure judicial awareness of persons of color to achieve a better quality of justice and to make recommendations for improvement to the extent it is needed.

3.0 Renewal of Minority and Justice Commission. The Minority and Justice Commission was established in 1990 for a period of five (5) years, subject to renewal for additional years as may be determined by the Court. Upon review of the activities of the Commission since its creation, the Court now determines that the Commission should be renewed for an additional period of five (5) years, subject to further renewal as may be determined by the this court.

ORDER

4.0 Order Renewing Minority and Justice Commission. By this order the Washington State Supreme Court now renews and continues the Washington State Minority and Justice Commission for a period of five (5) years, subject to further renewal for additional years as may be determined by this Court. The Commission shall continue its operation without interruption and shall proceed according to its established organization and program.

WASHINGTON STATE MINORITY AND JUSTICE COMMISSION

5.0 Membership of Commission. The Washington State Minority and Justice Commission shall continue with twenty-one (21) members and shall include an appropriate mix of judges at all levels of court, members of the Washington State Bar Association, the Administrator for the Courts, trial court administrators, college or university professors, and private citizens. Appointments to the Commission shall be made to assure racial, ethnic, gender, cultural and geographic diversity from the population of the State of Washington.

6.0 Terms of Appointment to Commission. All appointments to the Commission shall be for terms of four (4) years, staggered according to the tenure established under the October 4, 1990 Order, except that the chairman or chairperson may serve for an unlimited term at the pleasure of the Supreme Court. Vacancies on the Commission shall be filled by the Supreme Court upon recommendation of the Commission.

7.0 Technical Support Members. The chairman or chairperson may augment the Commission by appointment Technical Support members, to serve without vote, when broader representation or specific expertise is needed. The terms of Technical Support members shall be for one (1) year, renewable for additional periods of one (1) year at the pleasure of the chairman or chairperson.

8.0 Budget of Commission. The budget of the Commission shall be provided in the Budget of the Supreme Court.

9.0 Administrator for the Courts. The Administrator for the Courts, with the advice of the Commission and subject to budget consideration, shall provide staff and other resources for ongoing activities of the Commission.

10.0 Annual Report. The Commission shall prepare and file an annual report with the Governor, Legislature, Supreme Court and the Administrator for the Courts concerning its activities and shall recommend appropriate action for further promotion of equal justice for racial, ethnic, cultural and language minorities in the state judicial system. This shall include continuing education on cultural diversity for judges and other court personnel on cultural diversity.

11.0 Authorization to Seek Funds. The Commission is authorized to seek funding from the private and public sectors and is authorized to receive funds in its own name.

Signed at Olympia, Washington on July 13, 1995.

s/Durham, C. J.

s/Dolliver, J.  
s/Smith, J.  
s/Guy, J.  
s/Talmadge, J

s/Johnson, J.  
s/Madsen, J.  
s/Alexander, J.  
s/Pekelis, J.

## *MINORITY AND JUSTICE COMMISSION*

The primary function of the Minority and Justice Commission is to:

- Eliminate racial and ethnic bias from the state court system through identification of problems and implement recommendations to ensure fair and equal treatment in the courts for all parties, attorneys, court employees and other persons;
- Examine all levels of the state judicial system to particularly ensure judicial awareness of persons of color to achieve a better quality of justice and to make recommendations for improvement to the extent needed;
- Engage in empirical research studies examining whether racial and ethnic disparities exist in the criminal justice system;

- Increase cultural awareness through the development and presentation of regional cultural diversity education programs for judges and other court personnel;
- Increase racial and ethnic diversity in the court work force through the development and implementation of recruitment and work force diversity education programs;
- Prepare and publish an annual Minority and Justice Commission report; and
- Publish and distribute the Minority and Justice newsletter, Equal Justice.

The Commission, co-chaired by Supreme Court Justices James M. Dolliver and Charles Z. Smith, consists of 23 members and 30 Technical Support members. The other members of the Commission include: Honorable Charles W. Johnson, Justice, Washington State Supreme Court; Honorable Ronald E. Cox, Washington Court of Appeals, Division I; Honorable Elaine Houghton, Washington Court of Appeals, Division II; Honorable James M. Murphy, Judge, Spokane County Superior Court; Honorable Ricardo S. Martinez, Judge, King County Superior Court; Honorable LeRoy McCullough, Judge, King County

Superior Court; Honorable Richard A. Jones, Judge, King County Superior Court; Honorable Monica J. Benton, Judge, King County District Court, Seattle Division; Honorable Ron A. Mamiya, Judge, Seattle Municipal Court; Ms. Myrna Contreras, Attorney at Law; Ms. Donna Claxton Deming, Assistant Dean, Seattle University School of Law; Larry M. Fehr, Executive Director, Washington Council on Crime and Delinquency; Guadalupe Gamboa, Attorney at Law; Ms. Sandra Fancher Garcia, Attorney at Law; Ms. Kazzie Katayama, Community Outreach Coordinator, Metropolitan King County; Ms. Mary Campbell McQueen, Administrator for the Courts, State of Washington; Charles Edward Siljeg, Attorney at Law; Jeffrey C. Sullivan, Yakima County Prosecuting Attorney; Ms. Mary Alice Theiler, Attorney at Law; and David C. Ward, Supervising Attorney, American Indian Law Program, Gonzaga University. Ms. Vicki J. Toyohara, Attorney at Law, is Executive Director of the Commission.

Members of the Technical Support group are: Honorable William W. Baker, Judge, Court of Appeals, Division I; Honorable Philip J. Thompson, Judge, Court of Appeals, Division III; Honorable Deborah Fleck, Judge, King County Superior Court; Honorable Karen B. Conoley, Judge, Kitsap County Superior Court; Honorable Sergio Armijo, Judge, Pierce County Superior Court; Honorable Kenneth H. Kato, Judge, Spokane County Superior Court; Honorable Robert E. McBeth, Judge, King County District Court, Renton Division; Jeffrey A. Beaver, Attorney at

Law; Robert C. Boruchowitz, Director, Office of the Public Defender; Ms. Madelyn Botta, Court Administrator, Kitsap County Superior Court; Honorable James D. Cayce, Judge, King County District Court, Aukeen Division; Lonnie Davis, Disabilities Law Project Coordinator, Washington Coalition of Citizens with DisABILITIES; David J. Della, Executive Director, Commission on Asian Pacific American Affairs; Ms. Kim M. Eaton, Yakima County Clerk; Ms. Irene Gutierrez, Department of Parks and Recreation, City of Yakima; Charles A. Jardine; Ms. Debora G. Juarez, Executive Director, Governor's Office of Indian Affairs; Ms. Ada Ko, Assistant City Attorney, City of Seattle; Robert Lamb, Jr., Regional Director, Community Relations Service, United States Department of Justice; Ms. Lorraine Lee, Executive Policy Assistant, Office of the Governor; Ms. Terry Mark, Assistant Director, King County Department of Human Services; Honorable Robert E. McBeth, Judge, King County District Court, Renton Division; Richard F. McDermott, Jr., Attorney at Law; Ms. Mary Elizabeth McKnew, Attorney at Law; Ms. Esther L. Patrick, Human Resources Manager, King County District Court; Roberto Reyes Colón, Executive Director, Washington State Hispanic Affairs Commission; Ms. P. Diane Schneider, Conciliation Specialist, Community Relations Service, United States Department of Justice; Ms. Barbara J. Selberg, Attorney at Law; Dr. Charles H. Sheldon, Ph.D., Professor, Department of Political

Science, Washington State University; and Brian A. Tsuchida, Attorney, Office of the Public Defender.

The entire Commission meets quarterly, as does its Executive Committee. A majority of the work of the Commission is accomplished through its four sub-committees, which include both Commission and Technical Support members: (1) Work Force Diversity Sub-committee; (2) Education Sub-committee; (3) Research Sub-committee; and (4) Bar Liaison Sub-committee. The sub-committees meet as required.





## *SUB-COMMITTEE ACTIVITIES*

Census data from the Forecasting Division of the Washington State Office of Financial Management shows that, within the next 15 years, Washington State will see the following population increases by race and ethnicity: African American—59.87%, Asian/Pacific American—146%, Hispanic/Latino American—153%, and Native American—52%. By the year 2010, the population of persons of color in Washington State will grow from 11% to 18% of the state's population. At the same time, Washington will see a 12% decrease in the proportionate population of whites.

These predicted demographic changes in Washington State's population will mean an increasingly diverse court-user population in our courts. The challenge facing Washington courts and courts nationally is to continue providing quality services to a racially and ethnically diverse court-user population. The Commission believes it is imperative that the courts in Washington become reflective of the racial and ethnic diversity of our state's population and be equipped to effectively work with and respond to racially and ethnically diverse persons who are court employees and those who are users of the courts.

The Commission therefore makes *education and training* a high priority through the work of its Work Force Diversity Sub-committee and Education Sub-committee.

*WORK FORCE DIVERSITY SUB-COMMITTEE*

The Work Force Diversity Sub-committee is chaired by Judge Elaine Houghton. Its members are Judge LeRoy McCullough, Jeffrey C. Sullivan, Ms. Sandra Fancher Garcia, Guadalupe Gamboa, Ms. Kazzie Katayama, Judge Karen B. Conoley, Jeffrey A. Beaver, Ms. Madelyn Botta, Robert C. Boruchowitz, David J. Della, Ms. Kim M. Eaton, and Ms. Terry Mark.

Since 1994, the Work Force Diversity Sub-committee has focused most of its attention on the development and execution of the Recruitment/Work Force Diversity Education Program.

This program provides judges, county clerks and court administrators with tools and strategies to assist the courts in achieving racial and ethnic diversity in their work forces. The key purpose of the education program is to help court personnel learn strategies for increasing the racial and ethnic diversity of their professional staff. The one-day education program requires

participants to develop action plans that will expand the minority base of their own courts.

Participants also receive a copy of the *Work Force Diversity Resource Directory*. Published by the Commission in 1993, this directory is a compilation of government, community and media resources throughout the state, as well as resources to be found in colleges and universities. A revised edition of the directory will be published during the 1995-1997 biennium.

The Work Force Diversity Sub-committee presented its first Recruitment/Work Force Diversity Education Program in Blaine, Washington in April 1994 at the Superior Court Judges' Spring Conference. The Sub-committee has retained the consulting team of Achievement Architects North, a Pacific Northwest-based, multicultural consulting firm to conduct its education programs. The tone of the program is set from the beginning when participants see the diversity among the presenters.

Justice Charles Z. Smith begins each program with an overview of the Commission. Then the goals and objectives are established, exploring with participants a new awareness to assist them in:

- Recognizing and utilizing resources, tools and strategies to assist in recruiting and hiring

persons of color in professional and clerical positions in the court system.

- Improving existing hiring and other personnel practices in a proactive manner to achieve racial and ethnic diversity.
- Responding to and addressing personnel issues in the courts on a local or regional basis.
- Identifying racial and ethnic minority communities throughout the state and employing networking resources available in those communities.
- Recognizing and positively meeting the challenge of resistance to recognized methods for increasing racial and ethnic diversity in the court work force.

For this program to be successful within an interactive framework, program “ground rules” are established to facilitate open discussion. Participants are encouraged to share their small group and large session experiences, but without identifying the comments of specific individuals when using hypotheticals or in discussions. Listening to others and sharing “air time” is

encouraged, as is phrasing personal opinions in terms of “I feel or think . . .” as opposed to “they said . . .” or “I heard . . .” or “everyone knows.”

Employing the “Work Force Diversity Awareness Paradigm,” program participants work through “Diversity Bingo” and “An Internal Checklist for Assessing the Diversity Challenge.” Then barriers to hiring persons of color are identified (“Pay?” “Attitude?” “Fear?” “For some positions, we do not pay enough to get people off welfare?”)

Through an “Exploration of Inhibiting Factors,” the underlying reasons or motivations that prevent hiring more people of color are determined if they are “fixed” (the basis is in the law, a top level executive edict or external environmental factors that cannot be influenced or controlled); “policy” (the basis is in the standard policies and practices that are usually inviolable); “norms” (the basis is in implicit procedures, interpersonal and/or intergroup relations. “We’ve always done it this way.”); or “beliefs” (partly based on facts but largely embellished by what is believed to be true).

Then strategies are explored to overcome employment barriers and to take action. In a listing titled “Outreach and Recruitment Strategies for Diverse Communities,” Achievement Architects North recommends that employers tap into “formal and informal cultural networks” that include not only the obvious, such as local churches and ethnic minority professional and

student associations, but also to post announcements at “local beauty and barber shops.” The consultants also advise participants to “promote your organization in ways that value diversity,” “de-mystify the employment process,” “create a visible presence in minority communities,” and “hire a recruiter or ensure that persons recruiting are culturally sensitive” and, among other attributes, are “aware of and can apply non-traditional outreach techniques.”

The program continues with “Interview and Hiring Strategies for Diverse Applicants,” “Retention Strategies for Diverse Employees,” and concludes with “Action Steps in the Court Environment.” An evaluation form is included in every program participant’s folder. According to the returned evaluation forms, past program participants have rated the Recruitment/Work Force Diversity Education Program highly.

This four-hour program by Achievement Architects North was employed at the Court Management Council Conference in Tacoma during January 1996. The target audience included court administrators, county clerks and other court managers in superior, district and municipal courts attending the Court Management Council Conference. Thirty-three persons attended the program.

Other presentations of the Recruitment/Work Force Diversity Education Program have taken place at Pasco, Washington in May 1994 for the 1994 District and Municipal

Court Judges' Spring Conference (42 attended, with 23 judges in attendance); and at the 36th State Judicial Conference held at Ocean Shores in September 1994 (15 appellate court judges from all three court of appeals divisions attended).

The Work Force Diversity Sub-committee is presently developing an advanced version of the Recruitment/Work Force Diversity Education Program.

*EDUCATION SUB-COMMITTEE*

The Education Sub-committee is co-chaired by Judge Ronald E. Cox and Ms. Debora G. Juarez. Its members are Judge James M. Murphy, Judge Ricardo S. Martinez, Judge Ron A. Mamiya, Ms. Mary Campbell McQueen, David C. Ward, Ms. Vicki J. Toyohara, Judge William W. Baker, Judge Sergio Armijo, Judge Deborah Fleck, Judge Robert E. McBeth, Lonnie Davis, Ms. Irene Gutierrez, Ms. Ada Ko, Ms. Lorraine Lee, Ms. Esther L. Patrick, and Ms. P. Diane Schneider.

The goal of the Commission is to eliminate racial and ethnic bias, where it may exist, in the Washington State court system. The Commission believes that the best way to address problems of bias or the perception of bias is through education programs.

The Education Sub-committee has devoted most of its efforts to sponsoring our Cultural Diversity Education Program. This program provides judges, county clerks, administrators and line staff persons with tools and strategies for increasing cultural awareness and mutual respect among all those persons who deliver court services and represent our justice system.

During the winter and early spring of 1994, the consultants with Achievement Architects North conducted “needs assessments” by individual interviews with superior, district and municipal court judges, county clerks and court administrators in Eastern and Western Washington. In addition, the consultant team conducted focus group sessions with non-judicial personnel. The information obtained was used to develop the Cultural Diversity Education Program for the Commission.

The goal of the one-day Cultural Diversity Education Program is to increase participant awareness of the impact cultural differences have in the work place, and to create strategies and options for identifying, understanding and working through “cultural collisions.” The program objectives are:

- To increase participants’ personal awareness of how they perceive and respond to court users and persons in the courts from all cultures;



- To increase participants' ability to change a pattern of behavior which limits their ability to effectively serve and work with persons from all cultures;
- To assist participants with developing a personal vision for effectively serving and working with persons from all cultures; and
- To increase participants' awareness of the barriers which exist in the court system that limit the participants' ability to effectively serve and work with persons from all cultures.

Prior to the day of the program, a Self-Assessment Questionnaire (*Figure 2*) is sent to registered participants who turn in their questionnaires on the morning of the program. The Commission plans to conduct a post-program survey of persons who have attended the program to measure any change in awareness, sensitivity and attitudes.

The Cultural Diversity Education Program follows this format:

- *Opening.*

Justice Charles Z. Smith and the host judges open the program, and then the content issues

and intent of the overall education program is introduced. To help establish a relationship and level of trust between participants and consultants, the same “ground rules” as in the Recruitment/Work Force Diversity Education Program are used.

- *Dimensions of Diversity.*

This section covers definitions, demographic trends and employs the “Learning Model.” Participants will be able to understand the dimensions of diversity and the impact of these in the courts; articulate the need for diversity in the courts; identify similar characteristics facing all persons who are different; and understand the different levels of learning and awareness.

- *Culture and Values.*

Participants are introduced to “Our Concept of Culture,” “Co-Culture Map Exercise,” a job interview scenario in which all the court employees are people of color and the interviewee is white, and reactions to that job-interview situation.

*FIGURE 2*

SELF-ASSESSMENT QUESTIONNAIRE ON  
PERSONAL AWARENESS ABOUT DIVERSITY AND  
PERCEPTIONS OF DIVERSITY IN THE COURT

*INTRODUCTION*

This questionnaire is designed to assess your current personal awareness about diversity and your perceptions of the culture and climate in your court. Thus, this assessment should be viewed merely as an indication of possible ways the court and staff might, over time, improve attitudes, practices, policies, structure and service involving culturally diverse citizens using our courts.

You will also be requested to complete a post-assessment questionnaire six (6) months following this training to assist the consultant team in measuring the impact the training has had on you personally, as well as any changes you will have observed in your court. Your responses are strictly confidential and will be used solely to identify areas in which planned growth and greater awareness can occur.

*INSTRUCTIONS*

Please circle or otherwise mark the response that most accurately reflects your perceptions. If you have trouble responding to a question, please answer to the best of your ability. Feel free to expand your responses or note concerns on the back of the pages. Your response to each question will have the following numerical weight:

1 Not at all            2 Seldom            3 Sometimes            4 Often

PERSONAL KNOWLEDGE AND AWARENESS:

1. Are you aware of your own cultural identity, values and belief system?

\_\_\_Not at all            \_\_\_Seldom            \_\_\_Sometimes            \_\_\_Often

2. Are you aware of the culture, values and beliefs of other diverse groups?

\_\_\_Not at all            \_\_\_Seldom            \_\_\_Sometimes            \_\_\_Often

3. Are you at ease working with and serving people from diverse backgrounds, including ethnicity, race, gender, sexual orientation, differently abled, and the like?  
 Not at all       Seldom       Sometimes       Often
4. Are you aware of your own assumptions, stereotypes and biases about people who are different from you?  
 Not at all       Seldom       Sometimes       Often
5. Are you comfortable with a changing diverse work force and court user's base?  
 Not at all       Seldom       Sometimes       Often
6. Do you become frustrated with staff and court users who speak a language other than English?  
 Not at all       Seldom       Sometimes       Often
7. Do you personally get to know new employees regardless of differences and welcome them to the court?  
 Not at all       Seldom       Sometimes       Often
8. Are you comfortable dealing with ethnic, racial, gender slurs or other inappropriate language or behavior exhibited in the work place?  
 Not at all       Seldom       Sometimes       Often
9. Do you see value in diverse opinions, processes and solutions?  
 Not at all       Seldom       Sometimes       Often
10. Do you participate in celebrations and/or special events of diverse cultural groups?  
 Not at all       Seldom       Sometimes       Often
11. Does the court work force reflect the racial and cultural mix of the local population and diversity of court users?  
 Not at all       Seldom       Sometimes       Often

*Figure 2-2*

12. Does the work force have racial and cultural mix at all levels of court operations, including the decision-making level?
- Not at all       Seldom       Sometimes       Often
13. Do court users receive similar services, appropriate and relevant to the client's cultural and language background?
- Not at all       Seldom       Sometimes       Often
14. Does the court participate in non-discriminatory practices in recruiting, hiring, promoting and retaining diverse employees?
- Not at all       Seldom       Sometimes       Often
15. Does the court make reasonable accommodation to ensure access to services is made by removing architectural and structural barriers?
- Not at all       Seldom       Sometimes       Often
16. Is written information and interpretive services available in appropriate languages to meet the needs of court users from various cultural backgrounds?
- Not at all       Seldom       Sometimes       Often
17. Does the court employ racial, bilingual and culturally diverse employees in positions that have direct contact with court users?
- Not at all       Seldom       Sometimes       Often
18. Does the court provide opportunities for professional development which help employees understand cultural differences?
- Not at all       Seldom       Sometimes       Often
19. Does the court routinely discuss barriers to working across cultures?
- Not at all       Seldom       Sometimes       Often
20. Does the court maintain effective relationships with diverse populations and organizations in the community that serve as a resource to the court?
- Not at all       Seldom       Sometimes       Often

*Figure 2-3*

21. Have you heard ethnic, racial, gender slurs or observed other inappropriate behavior in the work place? If so, is this behavior consistently and appropriately dealt with to ensure a safe and comfortable work environment?

Not at all       Seldom       Sometimes       Often

22. How well does your court prepare employees to work with people from diverse backgrounds and cultural groups?

Not at all       Seldom       Sometimes       Often

23. Does your court promote learning new languages, serving on diverse community committees/boards and other activities that assist employees in becoming more culturally aware?

Not at all       Seldom       Sometimes       Often

24. Does your court apply practices and have policies in place that protect and break down barriers and enable all employees to succeed in the work place?

Not at all       Seldom       Sometimes       Often

25. Does your court provide forums or awareness programs about different cultural groups in the work place and/or community?

Not at all       Seldom       Sometimes       Often

In your opinion, what are the greatest diversity challenges that exist in your court:

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*Optional:*

Court \_\_\_\_\_

Title \_\_\_\_\_

*Figure 2-4*

In this section of the program, participants will be able to understand how prejudices and stereotypes are formed; distinguish between acknowledging differences and stereotyping others; explore their own prejudices and stereotypes and how they have impacted their behavior; and recognize the variety of biases and prejudices they bring into the work environment.

- *Communicating in a Diverse Environment.*

Among the included exercises are “Techniques for Interrupting Inappropriate Language,” “Intent Versus Impact,” and the “J.U.S.T. No-Fault Resolution Model.” Participants are able to understand the distinctions between various styles of communication; determine how listening affects communication; realize the impact of our own cultural filters in communication; state problems and express feelings about a work situation; and communicate more effectively with co-workers, managers and court users who have different communication styles.

- *Actions Steps in the Court Environment.*

Participants are then able to utilize skills learned by developing a personal and/or court action plan to improve interactions and communications with persons from diverse cultures.

Time is allotted for participants to provide immediate feedback to the consultants and the Commission. A written evaluation form is also included.

The Commission held its first pilot session of the Cultural Diversity Education Program in June 1994 in Seattle. Attending were forty-nine King County and Seattle Municipal Court administrators, clerks, bailiffs and support personnel and three judges. Judge Ron A. Mamiya, Seattle Municipal Court, served as the host judge. Since that time, the Commission and its Education Sub-committee have held eight sessions of the Cultural Diversity Education Program in different cities around the state. In April 1995, the Board of Trial Court Education made a grant of \$10,000 to the Commission to conduct regional sessions of the Cultural Diversity Education Program.



Toppenish, Washington  
September 22, 1994

One-day program

*Number of Program Participants:* 53

*Judges in Attendance (included in the total number of participants):* 11

*Target Audience:* Superior, district and municipal court administrators, clerks, bailiffs and support personnel from Yakima, Benton, Franklin, Walla Walla, Kittitas, Klickitat and Skamania counties, as well as 3 judges and 10 court employees from the Yakama Tribal Court. This program was the first time Tribal Court employees were included.

*Host Judges:* Judge Alvin Settler, Yakama Tribal Court; Judge Stephen M. Brown, Yakima County Superior Court.

Ephrata, Washington  
October 26-27, 1994

One-day program

*Number of Program Participants (total for both days):* 55

*Judges in Attendance:* 9

*Target Audience:* Superior, district, municipal and juvenile court administrators, county clerks and court personnel from Adams, Chelan, Douglas, Grant, Kittitas, Lincoln and Okanogan counties. One chief judge and two court personnel from the Colville Tribal Court attended.

*Host Judge:* Judge Evan E. Sperline, Grant County Superior Court.

Tumwater, Washington  
May 19, 1995

One-day program

*Number of Program Participants: 37*

*Judges in Attendance: 6*

*Target Audience:* Court administrators, county clerks and court personnel in superior (including juvenile), district and municipal courts from Thurston, Kitsap, Mason, Lewis, Pierce, Clallam, Jefferson, Pacific, Snohomish, Skagit, Spokane, Pend Oreille, Stevens, Lincoln, Whitman counties, and portions of King County. A Chief Judge and an Appellate Associate Judge from the Northwest Intertribal Court System attended, as did two employees of the Puyallup Tribal Court.

*Host Judge:* Judge Christine A. Pomeroy, Thurston County Superior Court.

Everett, Washington  
June 16, 1995

One-day program

*Number of Program Participants: 32*

*Judges in Attendance: 2*

*Target Audience:* Court administrators, county clerks and court personnel in superior (including juvenile), district and municipal courts from Thurston, Kitsap, Mason Lewis, Pierce, Clallam, Jefferson, Pacific, Snohomish, Skagit, Spokane, Pend Oreille, Stevens, Lincoln, Whitman counties, and portions of King County. One Sauk-Suiattle Tribal Court judge attended.

*Host Judge:* Judge Richard J. Thorpe, Snohomish County Superior Court.

Spokane, Washington  
June 22, 1995

One-day program

*Number of Program Participants: 36*

*Judges in Attendance: 8*

*Target Audience:* Court administrators, county clerks and court personnel in superior (including juvenile), district and municipal courts from Thurston, Kitsap, Mason, Lewis, Pierce, Clallam, Jefferson, Pacific, Snohomish, Skagit, Spokane, Pend Oreille, Stevens, Lincoln, Whitman counties, and portions of King County. A Chief Judge and clerk/administrator from the Spokane Tribal Court attended, as did an Associate Judge from the Colville Tribal Court.

*Host Judges:* Judge James M. Murphy, Spokane County Superior Court; and Judge Conrad Pascal, Spokane Tribal Court.

1996 Judicial College  
Tacoma, Washington  
January 23, 1996

Two-hour session

*Number of Program Participants (all judges): 38*

*Target Audience:* New appellate, superior, district and municipal court judges attending the 1996 Judicial College.

1996 Court Support Orientation Program  
Olympia, Washington  
March 5, 1996

Four-hour session

*Number of Program Participants:* 60 (all new court employees)

*Judges in Attendance:* 0

*Target Audience:* New court support personnel in appellate, superior, district and municipal courts attending the 1996 Court Support Orientation Program.

1996 District and Municipal Court Judges' Spring Conference  
Stevenson, Washington  
May 13, 1996

One-day program

*Number of Program Participants:* 41

*Judges in Attendance:* 38

*Target audience:* District and municipal court judges attending their 1996 Spring Conference. This was the Commission's first full-day program for judges.

*Host Judges:* Judge Thomas A. Haven, Lower Kittitas District Court; and Judge Ron A. Mamiya, Seattle Municipal Court.

A total of approximately 300 persons have participated in the Cultural Diversity Education Program, including 75 state court and tribal court judges. Evaluations from the program participants have rated the program exceptionally high.

There are approximately 500 judges and commissioners and over 3,500 nonjudicial personnel in Washington's courts. For the remainder of the 1995-1997 biennium, the goal of the Education Sub-committee is to focus on judges as primary participants in the Cultural Diversity Education Program. The Sub-committee is planning further Cultural Diversity Education Programs for judicial conferences and one-day programs in cities where such a program has not yet been held, such as Bellingham and Walla Walla. Follow-up surveys of program participants is also a priority.

*RESEARCH SUB-COMMITTEE*

The Research Sub-committee is chaired by Larry M. Fehr. Its members are Judge Richard A. Jones, Judge Monica J. Benton, Dean Donna Claxton Deming, Judge Kenneth H. Kato, Dr. Charles H. Sheldon, Robert Lamb, Jr., and Ms. Mary Elizabeth McKnew

The Research Sub-Committee designs, allocates budgeted funds, and conducts research to inform and assist the Minority and Justice Commission. To this end, the sub-committee will pursue research projects pertaining to the problems of racial and ethnic minorities in the Washington State justice system.

The two major studies completed by the Research Sub-committee in 1995 were: *Racial and Ethnic Disparities in the Prosecution of Felony Cases in King County* by Robert D. Crutchfield, Ph. D., Joseph G. Weis, Ph. D., Rodney L. Engen, M. S. and Randy R. Gainey, Ph. D.; and *A Study of Social Factors Associated with Decline of Jurisdiction Decisions Within Four Counties in the State of Washington* by Ms. Nancy Rodriguez, M. A.

*Racial and Ethnic Disparities in the Prosecution of Felony Cases in King County*

In 1994, the Research Sub-committee, under former Chairperson Dr. Charles H. Sheldon, current Chairperson Larry M. Fehr and Vice Chairperson Judge Monica J. Benton, engaged in a competitive solicitation process to locate researchers who would conduct an empirical study examining prosecutorial discretion in King County. Specifically, the research question posed was whether and under what circumstances the race and ethnicity of adult persons accused of felony crimes in King County influences, either directly or indirectly, the prosecutorial decision-making process and the processing of felony criminal cases by the

prosecuting attorney. Because of funding limitations, the Commission restricted the study to one metropolitan county.

The Minority and Justice Commission selected the Office of the King County Prosecuting Attorney because of its formal written filing and disposition standards; access to case information from the Prosecutor's Management Information System (PROMIS), an automated database used by the King County Prosecuting Attorney; and support of the study by King County Prosecuting Attorney Norm Maleng.

To conduct this study, the Commission selected a University of Washington research team: two professors in the Department of Sociology, Robert D. Crutchfield, Ph. D., and Joseph G. Weis, Ph. D., and two then-graduate assistants in the Department of Sociology, Rodney L. Engen and Randy R. Gainey. The objectives of the project were:

- To document written and unwritten prosecution policies and procedures for filing criminal charges, dismissal of criminal complaints, use of pre-trial diversion, negotiation of guilty pleas and sentencing recommendations.

- To determine the frequency that deputy prosecuting attorneys handle cases in a manner consistent with written and unwritten office policies.
- To determine whether racial and ethnic difference exist concerning each of the major aspects of prosecutor decision-making on criminal cases: filing of initial criminal charges, amendments to criminal complaint, recommendation of pre-trial diversion [not used], plea negotiations, dismissal of charge(s) or of criminal complaint and sentencing recommendations.
- To determine whether racial and ethnic differences correlate, in the processing of criminal cases by the prosecuting attorney during each of the major aspects of prosecutor decision-making on criminal cases, to specific characteristics of cases, offenders or patterns of noncompliance with prosecutor policies and guidelines; and whether racial and ethnic differences exist in the outcome of prosecutor decisions in examining the type of crime committed, type of legal representation



obtained or whether prosecutor compliance or noncompliance with office policies and guidelines contribute to differences, if any, in the outcome of prosecutor decisions.

The researchers examined approximately 500 felony cases filed in the King County Superior Court during 1994, obtained data from PROMIS, conducted personal interviews with 15 King County deputy prosecuting attorneys, and reviewed the King County Prosecuting Attorney's Filing and Disposition Standards.

On November 3, 1995, the Commission held a press conference to present its final report, *Racial and Ethnic Disparities in the Prosecution of Felony Cases in King County*. The study was presented by its authors. King County Prosecuting Attorney Norm Maleng and Justice Charles Z. Smith also participated in the conference. This event and the study received extensive coverage in the local media, including articles appearing in the *Seattle Times*, *Seattle Post-Intelligencer*, *Northwest Asian Weekly*, *Trial News*, *Bar Bulletin* and *Crime and Delinquency News*.

The major results of the analyses of effects of race and ethnicity on processing, when other relevant factors have been statistically taken into account, are:

- The strongest correlates of the various recommendations and actions of deputy prosecuting attorneys are legal characteristics of the offense (type and severity) and the criminal history of the defendant.
- The filing of felony charges by the King County Prosecutor's Office varies by the type of offense and by the race of the offender. Multivariate analyses show that some differences by race in the probability of filing persist, even after adjusting for the effects of other offender characteristics and of legally relevant factors.

According to data obtained by the researchers, there were a total of 12,324 offenders referred to the King County Prosecutor in 1994 (*Figure 3*). The race of the offender in 49 cases was unknown. The number of Hispanic offenders referred to the prosecutor was also unknown.

The statistics revealed significant differences in the types of offenses for which offenders of each racial group were referred to the prosecutor (*Figure 4*). The most significant differences between groups appear for drug-related offenses and property-related offenses. Forty-three percent of African American offenders were referred for drug offenses, compared to

FIGURE 3

*RACE AND SEX OF OFFENDERS REFERRED TO THE  
KING COUNTY PROSECUTOR DURING 1994*

	Asian American	African American	Native American	White	Total
Male	375 (81%)	3,775 (84%)	129 (78%)	5,867 (82%)	10,146 (83%)
Female	88 (19%)	733 (16%)	36 (22%)	1,272 (18%)	2,129 (17%)
Total Referrals	463 (100%)	4,508 (100%)	165 (100%)	7,139 (100%)	12,275 (100%)

FIGURE 4

RACE OF OFFENDERS AND TYPE OF OFFENSES REFERRED  
TO THE KING COUNTY PROSECUTOR DURING 1994

	Asian American	African American	Native American	White	Total
Personal Offenses	177 (38%)	1,271 (28%)	72 (44%)	2,053 (29%)	3,573 (29%)
Drug Offenses	39 (08%)	1,945 (43%)	34 (21%)	1,949 (27%)	3,967 (32%)
Property/Others	247 (53%)	1,292 (29%)	59 (36%)	3,137 (44%)	4,735 (39%)
Total Referrals	463 (100%)	4,508 (100%)	165 (100%)	7,139 (100%)	12,275 (100%)

27 of White offenders, 21% of Native American offenders, and 8% of Asian American offenders. Asian American offenders were most likely to be referred for other/property-related offenses (53%).

In 1994, the Prosecutor's Office filed felony charges in King County Superior Court in 62% (7,674) of all referrals (*Figure 5*). However, the researchers found that the "percentage of cases in which charges were filed also differs by race of the offender" (*Figure 6*).

After examining the influence of multiple factors on the likelihood of being charged, the researchers concluded:

- Specifically, these results indicate that, adjusting for each of the other factors included in the analysis, the odds of charges being filed in Superior Court are: (a) higher for drug offenses and for personal offenses than for other/property-related offenses; (b) higher for referrals with multiple offenses than for referrals with a single offense; (c) higher for offenders with prior referrals; (d) higher for males than for females; and (d) higher for African American offenders and Native American offenders, compared to White offenders.

FIGURE 5

INITIAL ACTIONS TAKEN, BY TYPE OF OFFENSE, FOR ALL REFERRALS  
TO THE KING COUNTY PROSECUTOR DURING 1994

	Personal Offenses	Drug Offenses	Property/Other Offenses	Total Actions
No Action Taken	316 (09%)	195 (05%)	204 (04%)	715 (06%)
Returned to Detective	49 (01%)	137 (04%)	140 (03%)	326 (03%)
Prosecution Declined	921 (26%)	582 (15%)	1,030 (22%)	2,533 (21%)
Filed in District Court	15 (00%)	407 (10%)	638 (14%)	1,060 (09%)
Filed in Superior Court	2,272 (64%)	2,646 (67%)	2,723 (58%)	7,641 (62%)
Total Referrals	3,573 (100%)	3,967 (100%)	4,735 (100%)	12,275 (100%)

FIGURE 6

SUPERIOR COURT FILINGS BY RACE OF OFFENDERS AND TYPE OF OFFENSES REFERRED TO THE KING COUNTY PROSECUTOR DURING 1994

*Personal Offenses*

	Asian American	African American	Native American	White	Total
Filed	177 (66%)	832 (66%)	54 (75%)	1,269 (62%)	2,272 (64%)
Not Filed	60 (34%)	439 (34%)	18 (25%)	784 (38%)	1,301 (36%)
Total Referrals	177 (100%)	1,271 (100%)	72 (100%)	2,053 (100%)	3,573 (100%)

*Drug Offenses*

	Asian American	African American	Native American	White	Total
Filed	26 (67%)	1,365 (70%)	27 (79%)	1,228 (63%)	2,646 (67%)
Not Filed	13 (33%)	580 (30%)	7 (21%)	721 (37%)	1,321 (42%)
Total Referrals	39 (100%)	1,945 (100%)	34 (100%)	1,949 (100%)	3,967 (100%)

*Property and Other Offenses*

	Asian American	African American	Native American	White	Total
Filed	150 (61%)	734 (57%)	37 (63%)	1,802 (57%)	2,732 (58%)
Not Filed	97 (39%)	558 (43%)	22 (37%)	1,335 (43%)	2,012 (42%)
Total Referrals	247 (100%)	1,292 (100%)	59 (100%)	3,137 (100%)	4,735 (100%)

(Figure 6-2)



- Among offenders who are charged, most plead guilty. There were few differences in dispositions by the race of the offender.

The researchers obtained information on both case disposition and offender race for 7,540 cases filed in the King County Superior Court in 1994 (*Figure 7*). Guilty pleas constituted 65% of all case dispositions. While there were few differences in dispositions by the race of the offender, the researchers noted:

- African American offenders were less likely to plead guilty, and more likely to go to trial. While this did not affect the overall conviction rate for African American offenders, it could potentially result in African American offenders receiving, on average, slightly more severe sentencing recommendations and more severe sentences, independent of their offenses.
- The effect of race, particularly African American, on bail is significant in most analyses. After legal factors have been considered, deputy prosecuting attorneys are more likely to recommend longer periods of confinement for African American defendants

FIGURE 7

*FINAL DISPOSITIONS, BY RACE OF OFFENDER, FOR ALL SUPERIOR COURT CASES FILED BY THE KING COUNTY PROSECUTOR IN 1994*

	Asian American	African American	Native American	White	Total
No Disposition	72 (25%)	651 (22%)	22 (19%)	1,062 (25%)	1,807 (24%)
Dismissed	13 (05%)	188 (06%)	5 (04%)	214 (05%)	420 (06%)
Aquitted at Trial	0 (00%)	32 (01%)	0 (00%)	23 (01%)	55 (01%)
Pled Guilty	187 (66%)	1,828 (63%)	88 (75%)	2,792 (66%)	4,895 (65%)
Convicted at Trail	13 (05%)	209 (07%)	3 (02%)	138 (03%)	363 (05%)
Total Dispositions	285 (100%)	2,908 (100%)	118 (100%)	4,229 (100%)	7,540 (100%)

Excludes 102 cases filed, but for which either offender's race or final disposition were missing from PROMIS

than for White defendants, and deputy prosecuting attorneys are less likely to recommend an alternative sentence conversion for African American defendants.

Results of the researchers' analyses of bail recommendations showed that bail is requested from almost all African American offenders (93%), but from only 78% of White offenders and other race offenders. From multivariate analyses of bail recommendations, the researchers reported that "deputy prosecuting attorneys are more likely to request bail from African American offenders, even when the effects of legal factors are taken into account, or controlled, in the analyses."

However, the researchers cautioned that the relationship between the race of the offender and bail recommendation by the prosecutors was "diminished considerably" by other legally relevant factors, including police recommendation, the type of offense, threats by the offender to the victim or witnesses, the offender's criminal history, past experience with the legal system (number of failures to appear, outstanding bench warrants), and extra-legal factors such as employment, family support and history of substance abuse.

The fact that an offender goes to trial instead of pleading "guilty" influences the recommended length of confinement, the researchers noted. Their analyses also showed that the Prosecuting Attorney's Office tends to request longer periods of confinement for African American offenders than for

White offenders “even after taking into account differences between offenders in the type of offense, the severity of the offense, their prior criminal history, and whether the case went to trial.”

In an interview with a King County Superior Court judge, the judge suggested that, particularly for cases which have been plea bargained, the role of the defense bar in the negotiating process influences the severity of the sentence recommendation.

Of the 500 cases sampled by the researchers, prosecutors recommended an alternative sentence conversion (partial confinement or community service) for 37% of the offenders.

Again employing multivariate analyses, the researchers found that the seriousness of the offense most negatively affects recommendations for an alternative sentence conversion. The second strongest factor is the race of the offender. Controlling for the legal and other extra-legal factors in the analyses, results from this study showed that the Prosecuting Attorney’s Office is 75% less likely to request an alternative sentence conversion for African American offenders than for White offenders.

The researchers noted that, as with bail recommendations, “there seems to be a constellation of socioeconomic factors, which interact with race, that affect alternative sentence conversions.” The researchers concluded that

“to the extent that there is a race/economic status interaction, African American and Native American offenders would be impacted disproportionately.” However, they concluded Hispanic offenders are more likely to have been recommended for community supervision after confinement.

The researchers noted that sentences by judges are consistent with recommendations of the Prosecuting Attorney’s Office. The primary finding is that legal variables, particularly seriousness of the offense and the criminal history of the defendant, are the most important factors associated with sentencing. However, controlling for legal factors, African Americans tend to receive higher sentences than Whites and are less likely to be provided alternative sentence conversion.

The researchers took special note that cases involving African American offenders “are significantly more likely to go to trial than are the cases of offenders from other racial groups.” The researchers stated “A small portion of the initially observed racial differences in sentencing can be explained by the policy mandating longer confinement when cases go to trial, but not all of the difference.”

The researchers further elaborated “We are left to wonder if the routine acceptance of Prosecuting Attorney’s Office recommendations after trial by judges substantially disadvantages all offenders who choose their day in court. Since African American offenders are more likely to make such a choice, they

are systematically disadvantaged if judges are not using their authority to sentence as a reasonable check on the recommendations of the Prosecuting Attorney's Office."

In the conclusion of *Racial and Ethnic Disparities in the Prosecution of Felony Cases in King County*, the authors of the study wrote:

It is clear from the quantitative data analyses and the interviews that race *pre se* is not used intentionally by prosecutors in making decisions and taking actions in the case flow process. Differences may appear because of the adoption of laws and policies that differentially impact some segments of the population more than others. This study was not designed to uncover individuals making biased decisions. In fact, when interviewing members of the Prosecuting Attorney's staff, we were struck by the level of commitment to fairness and justice exhibited. We believe a fruitful direction to pursue in obtaining a more "just" criminal justice system is to try to confront and modify law, legal practices, and policies that may disadvantage some groups.

*A Study of Social Factors Associated With Decline of Jurisdiction Decisions Within Four Counties in the State of Washington*

On April 16 and 17, 1995, members of the Washington State Minority and Justice Commission attended a presentation of *A Study of Social Factors Associated With Decline of Jurisdiction Within Four Counties in the State of Washington* in Spokane and Pullman, Washington.

The Commission sponsored this limited exploratory study of factors associated with transfer of young offenders from juvenile courts to adult courts when they were accused of certain violent offenses. The study, conducted by Ms. Nancy Rodriguez, M. A., a graduate student in political science/criminal justice at Washington State University, was designed to assess the effects of legal, extra-legal and organizational variables on the results of statutory decline of jurisdiction hearings in four Eastern Washington counties (Benton, Franklin, Spokane and Whitman). The Whitman County research was statistically irrelevant because of a comparatively low incidence.

The files of 50 juveniles, subject to hearings from January 1990 through March 1995, were reviewed and a number of juvenile justice officials, attorneys and judges were interviewed for the study. The objective was to provide explanations for those transfers and to determine whether ethnicity and race were factors.

While examining the files of the juvenile offenders, a detailed record was made of the following factors (when available): (1) race/ethnicity; (2) gender; (3) age; (4) criminal history record; (5) natural parents' marital status; (6) last school grade attended; (7) offense for which juvenile was declined; (8) recommendation of diagnostic counselor; (9) year in which declination took place; (10) drug/alcohol abuse by juvenile; (11) history of sexual/physical abuse; (12) media coverage of offense; and (13) home environment information (juvenile living arrangements and/or report of family criminality). Attention was also given to any gang affiliation documented by police officers, parent(s), or probation counselors.

While conducting interviews with officials who handled these cases, the researcher noted that "at times juveniles actually request and desire to be remanded to adult criminal court. This is based on the juvenile's calculation of the actual time served in the adult criminal system versus the juvenile system. The view is that the results of an adult process actually leads to less time to be served."

An analysis of the juvenile offender cases revealed that the average age for decline of jurisdiction was 16 years (the age of adulthood being 18 years). Male juveniles comprised 98% of the sample, and had been charged with an average of 8.6 prior offenses. African American and Hispanic/Latino juveniles comprised 62% of the transfers (*Figure 8*).



FIGURE 8

DEMOGRAPHIC AND LEGAL VARIABLES OF JUVENILE OFFENDERS TRANSFERRED TO ADULT CRIMINAL COURT FROM JANUARY 1990-MARCH 1995<sup>1</sup>

(N=50)

Offense	Race/Ethnicity	Gender	Year
Assault 18 (30%)	Caucasian 17 (34%)	M = 49	1990=3 (06%)
Robbery 10 (18%)	African American 19 (38%)	F = 1	1991=1 (02%)
Drug Related Offenses 9 (15%)	Hispanic 12 (24%)		1992=1 (27%) 3
Murder 5 (08%)	Native American 2 (04%)		1993=9 (19%)
Burglary 5 (08%)	Asian American 0		1994=1 (27%) 3
Theft 5 (08%)			1995=9 (19%)
Possession or Intimidation of a Weapon 3 (05%)			
TMVWOP <sup>2</sup> (03%)			
Rape 1 (01%)			
Minor in Possession of Alcohol 1 (01%)			
Kidnapping 1 (01%)			
Malicious Mischief 1 (01%)			

<sup>1</sup> Sample includes data on cases where social and legal information was found, N>50 due to commission of multiple offenses.

<sup>2</sup> Taking a Motor Vehicle Without Owners Permission.

Also, the recommendations of the diagnostic counselors was almost always consistent with the outcome of the declination process.

Examining the social factors (*Figure 9*) revealed that the education level of 60% of the transferred juvenile offenders did not exceed ninth grade, 82% had a history of drug abuse, 45% reported some gang affiliation, 58% came from a divorced or single parent household, and 40% of the juveniles were living outside their own family homes and residing with friends.

Findings (*Figure 10*) also revealed that (1) minority juveniles were declined at a younger age (16.5 years); (2) minority juveniles in Benton/Franklin Counties averaged 7.3 prior convictions at the time of decline of jurisdiction compared to 11.1 prior convictions by White juveniles in Spokane County; (3) 1992 constituted the year most transfers occurred, which most likely was the result of changes in legislation to make “the juvenile offender accountable for his or her criminal behavior.”

When comparing White and minority juvenile offenders, White juveniles were more likely to have received a high school equivalency diploma (43%), while only 4% of the minority youths had received a GED. Of the minority youths in this sample, 93% had used drugs. While physical abuse was never

FIGURE 9

SOCIAL FACTORS OF JUVENILE OFFENDERS TRANSFERRED TO ADULT CRIMINAL COURT FROM JANUARY 1990-MARCH 1995

Last School Grade Attended		Drug Abuse History		Sexual Abuse History		Physical Abuse History		Known Gang Activity	
6th	1 (02%)	Yes	37 (72%)	Yes	4 (09%)	Yes	8 (18%)	Yes	21 (45%)
7th	2 (05%)	No	8 (18%)	No	41 (91%)	No	37 (82%)	No	26 (55%)
8th	6 (15%)								
9th	15 (38%)								
10th	9 (22%)								
GED	7 (18%)								

High Profile Case	Family Criminal Involvement	Natural Parents' Marital Status		Living Arrangements of Juveniles	
Yes 12 (26%)	Yes 12 (25%)	Married	8 (20%)	Friends	19 (40%)
No 35 (74%)	No 36 (75%)	Divorced/ Separated	23 (58%)	Natural Parents	5 (10%)
		Never Married	9 (22%)	Single Parent	11 (23%)
				Other Family Member	11 (23%)
				Foster Care	2 (4%)

N<50 due to missing data.

FIGURE 10

RACIAL AND ETHNIC COMPARISONS

	White	Minority
<b>Age</b>	17	16.5
<b>Offense</b>		
Assault	6 (23%)	13 (28%)
Robbery	4 (15%)	8 (17%)
Drug Offense	3 (11%)	8 (17%)
Murder	1 (04%)	4 (09%)
Burglary	4 (15%)	4 (09%)
Theft	2 (08%)	5 (10%)
Weapons Charge	0	3 (06%)
TMVWOP	2 (08%)	0
Rape	(04%)	1 (02%)
Minor in Possession	0	1 (02%)
Kidnapping	1 (04%)	0
Malicious Mischief	2 (08%)	0
<b>Prior Offenses</b>		
Spokane	11.1	8.5
Benton/Franklin	7.5	7.3

	White	Minority
<b>Year</b>		
1990	4 (18%)	2 (06%)
1991	2 (09%)	0
1992	3 (14%)	10 (29%)
1993	2 (09%)	7 (20%)
1994	9 (41%)	7 (20%)
1995	2 (09%)	8 (24%)
<b>Last School Grade Attended</b>		
6th	1 (07%)	0
7th	1 (07%)	1 (04%)
8th	1 (07%)	5 (19%)
9th	4 (28%)	11 (42%)
10th	1 (07%)	8 (30%)
GED	6 (43%)	1 (04%)
<b>Drug Abuse History</b>		
Yes	9 (60%)	28 (93%)
No	6 (40%)	2 (07%)
<b>Sexual Abuse History</b>		
Yes	1 (07%)	3 (10%)
No	14 (93%)	27 (90%)

(Figure 10-2)

	White	Minority
<b>Physical Abuse History</b>		
Yes	0	9 (30%)
No	15 (100%)	21 (70%)
<b>Gang Affiliation</b>		
Yes	2 (13%)	19 (59%)
No	13 (87%)	13 (41%)
<b>High Profile Case</b>		
Yes	3 (20%)	9 (28%)
No	12 (80%)	23 (72%)
<b>Family Criminal Activity</b>		
Yes	0	12 (37%)
No	15 (100%)	20 (63%)
<b>Natural Parents' Marital Status</b>		
Married	3 (25%)	5 (19%)
Divorced/Separated	7 (58%)	15 (56%)
Never Married	2 (17%)	7 (25%)
<b>Juveniles' Living Arrangements</b>		
Friends	6 (35%)	12 (41%)
Natural parents	3 (18%)	2 (07%)
Single Parent	5 (29%)	6 (21%)
Other Family Members	3 (18%)	8 (27%)
Foster	0	1 (03%)

(Figure 10-3)

reported among white youths, 30% of the minority juveniles reported past physical abuse. Among the minority juveniles, 59% had some type of gang affiliation.

Analysis of the home environment indicated 37% of the minority juveniles had a family member who was involved in criminal activity, 41% were residing with friends at the time of the decline of jurisdiction hearing; and White juveniles were more likely to live with either natural parents or a single parent.

When assessing race and ethnicity for this study, the researcher found that non-white juvenile offenders are more frequently transferred to adult criminal court than White juvenile offenders (*Figure 11*). The available data, the researcher wrote, suggested that “an African American youth in Spokane County is most frequently declined for an assault or drug offense, has an average of eight prior offenses, and has traveled from California with little or no family ties; a Hispanic/Latino offender in Benton/Franklin counties is most often declined for assault and robbery, has an average of seven prior offenses, and a long history of drug abuse” (*Figure 12*).

In her interviews with juvenile justice officials, Ms. Rodriguez found that “nearly every official interviewed agreed that a juvenile’s home environment was crucial.” Several court administrators and diagnostic counselors mentioned the need for hiring bilingual staff members, cultural diversity training and

FIGURE 11

COMPARING TRANSFERRED AND RETAINED CASES

	Transferred <sup>1</sup>		Retained <sup>2</sup>	
<b>Age</b>	16.7		16.3	
<b>Offense</b>				
Assault	20	(28%)	21	(39%)
Robbery	10	(14%)	14	(26%)
Drug Offense	11	(15%)	3	(06%)
Murder	6	(08%)	1	(02%)
Burglary	6	(08%)	1	(02%)
Theft	7	(10%)	0	
Weapon charge	3	(04%)	0	
TMVWOP	2	(03%)	0	
Rape and Child Molestation	3	(04%)	8	(15%)
Minor in Possession	0		0	
Kidnapping	1	(01%)	0	
Malicious Mischief	0		2	(03%)
Vehicle Prowling	0		1	(02%)
Arson	0		3	(06%)
<b>Prior Offenses</b>	8.3		4.2	
<b>Race</b>				
Caucasian/white	22	(38%)	17	(34%)
African American/black	20	(34%)	4	(08%)
Hispanic/Latino	14	(24%)	28	(56%)
Native American	2	(03%)	0	
Asian American	0		1	(02%)
<b>Gender</b>				
Male	57	(98%)	47	(94%)
Female	1	(02%)	3	(06%)
<b>Year</b>				
1990	6	(11%)	10	(20%)
1991	2	(04%)	4	(08%)
1992	13	(23%)	11	(22%)
1993	9	(16%)	9	(18%)
1994	16	(29%)	12	(24%)
1995	10	(17%)	4	(08%)

<sup>1</sup> Data from Spokane and Benton/Franklin counties (sample includes 8 cases where social factors were not found).

<sup>2</sup> Benton/Franklin data only.



Request for Declination by Prosecuting Attorney	9	(36%)	11	(22%)
Mandatory Declination	16	(64%)	39	(78%)
Diagnostic Counselors' Recommendation				
Decline	49	(89%)	6	(16%)
Retain	4	(07%)	31	(82%)
Not sure	2	(04%)	1	(02%)

(Figure 11-2)

FIGURE 12

RACIAL-ETHNICITY COMPARISON: SPOKANE AND BENTON/FRANKLIN COUNTIES

	Spokane		Benton/Franklin	
	Caucasian	African American	Caucasian	Hispanic/Latino
<b>Age</b>	17	16.3	17	16.9
<b>Offense</b>				
Assault	3 (17%)	8 (40%)	3 (37%)	5 (31%)
Robbery	3 (17%)	2 (10%)	1 (12%)	3 (19%)
Drug Offense	3 (17%)	6 (30%)	0	2 (13%)
Murder	1 (06%)	2 (10%)	1 (12%)	1 (06%)
Burglary	2 (12%)	0	0	2 (13%)
Theft	1 (06%)	0	1 (12%)	0
Weapons Charge	0 1	1 (05%)	0	2 (13%)
TMVWOP	2 (12%)	0	0	0
Rape	0	1 (05%)	2 (25%)	0
Minor in Possession	0	0	0	1 (06%)
Kidnapping	1 (06%)	0	0	0
Malicious Mischief	0	0	0	0
Computer Trespass	1 (06%)	0	0	0
<b>Gender</b>				
Male	13 (100%)	17 (100%)	9 (100%)	13 (100%)
Female	0	0	0	0
<b>Prior Offenses</b>	11.1	8.5	7.5	7.3
<b>Year</b>				
1990	3 (23%)	0	1 (01%)	2 (15%)
1991	1 (08%)	0	1 (01%)	0
1992	3 (23%)	6 (40%)	0	2 (15%)
1993	2 (15%)	6 (40%)	0	0
1994	4 (31%)	1 (07%)	5 (56%)	3 (23%)
1995	0	2 (13%)	2 (22%)	6 (46%)
<b>Juveniles' Request</b>				
Decline	8 (80%)	5 (56%)	N/A	3 (60%)
Retain	2 (20%)	4 (44%)	N/A	2 (40%)
<b>Diagnostic Counselors' Request</b>				
Decline	11 (85%)	16 (94%)	6 (67%)	11 (85%)
Retained	2 (15%)	1 (06%)	1 (11%)	0
Not sure	0	0	2 (22%)	2 (15%)

N>50 due to the inclusion of 2 Hispanic/Latino cases where social factors were not found.

interpreters to “facilitate parents’ involvement in court proceedings.”

A majority of the interviewed officials, Ms. Rodriguez wrote, “agreed that ‘high profile cases drive legislation and policy,’ and they displayed some discomfort with this occurrence.”

At the conclusion of her study, Ms. Rodriguez made the following recommendations:

- *Emphasis on diversion programs.*

Diverting juvenile offenders who may become chronic offenders provides a way to address criminal activity in the beginning before crime becomes a career.

- *An accurate representation of juvenile crime.*

The collective efforts of public officials within the juvenile and adult systems and researchers can present and distribute data which accurately reflect the juvenile offenders in the system.

- *More cooperation.*

The Juvenile Advisory Committees within counties should consult with and receive input from social agencies, school administrators and law enforcement officials regarding juvenile crime.

- *Assessment of legislation regarding juvenile crime.*

Interviews with juvenile court personnel clearly indicate that change in juvenile law results in different impacts for different counties.

In the conclusion of her report, Ms. Rodriguez emphasized that “caution must be exercised because of the exploratory nature of the study, involving as it does small numbers. But some suggestions for future study are possible.”

Upon release of this report, the Commission issued an “abstract” which concluded: The causes of juvenile crime and the factors related to the decline of jurisdiction are complex, involving a variety of social factors; and bias concerning minorities cannot yet be completely confirmed or discounted. Before any conclusions can be reached about the role of race and ethnicity, an assessment of the decline of jurisdiction process in more diverse

counties should be made. This study suggests the need for, as well as the feasibility of, further assessment.

During the biennium, the Research Sub-committee is planning the following projects:

- *Presenting the Commission's past research studies to the American Society of Criminology.*

The American Society of Criminology will critically review the Commission's research, give insight about subjects for further study in the future, and affirm the directions that the Commission's research has taken in the past in a formal presentation to the Society at its annual meeting in Chicago in November 1996.

- *Analyzing the effect of criminal defense.*

Using data gathered for the prosecutorial discretion study, researchers will analyze the effect of criminal defense on the outcome of the same cases examined in that study. Preliminary information indicates that the use of public defenders identified differences by race and ethnicity, and that the use of private counsel affects the length of sentences.

- *Studying racial and ethnic disparity in bail and pre-trial services.*

This subject emerged as an area of special interest when the prosecutorial discretion study was presented to the King County Jail Committee.

***BAR LIAISON SUB-COMMITTEE***

The Bar Liaison Sub-committee is chaired by Ms. Mary Alice Theiler. Its members are Ms. Myrna Contreras, Charles E. Siljeg, Judge Philip J. Thompson, Richard F. McDermott, Jr., Roberto Reyes Colón, Ms. Barbara J. Selberg and Brian A. Tsuchida

The mission of the Bar Liaison Sub-committee is to facilitate communication between the Commission and the legal community in order to share information, address concerns of minority persons in the legal profession, and implement programs to improve the status of minority members of the state bar.

Members of the Bar Liaison Sub-committee meet regularly between meetings of the Commission to report on liaison efforts with bar associations in the state, including the following:

- American Bar Association
- Washington State Bar Association
- King County Bar Association
- Other Local Bar Associations
- Loren Miller Bar Association/National Bar Association
- Asian American Bar Association of Washington/National Asian Pacific American Bar Association
- Washington State Hispanic Bar Association/Hispanic National Bar Association
- Native American Bar Association/National Native American Bar Association
- Judicial screening committees

Most of the work of the Bar Liaison Sub-committee has involved publication of our newsletter, *Equal Justice*, with the subtitle *Through Awareness, Education and Action*. This is the official publication of the Washington State Minority and Justice Commission. Its primary purpose is to disseminate information to the public about the activities of the Commission. Its emphasis is on new projects undertaken by the Commission, stimulation of discussion, and inspiring local courts to become more actively involved in the area of minority issues. The first edition of the newsletter was published in July 1995.

The 16-page *Equal Justice* newsletter contained an overview of the Commission written by Executive Director Vicki J. Toyohara. That included the history of the Commission, a comprehensive accounting of its current activities, and a listing of Commission members and Technical Support members.

In his article, "Language and Cultural Barriers," Judge Ronald E. Cox summarized current attempts to provide language translations for non-English speaking users of the courts. He noted that pilot projects implemented in 1993 and 1994 by the Massachusetts Commission to Study Racial and Ethnic Bias in the Courts included an AT&T Language Line (telephone interpreting service); translation of 209A forms (used to seek restraining orders in domestic violence cases) and accompanying guides; and production and installation of permanent multilingual building directories in English, Spanish and Vietnamese for selected



courthouses. Judge Cox noted that the three projects are only a beginning for resolution of a substantial problem.

In "Research on Disproportionality," Dr. George S. Bridges, Ph. D. referred to studies conducted within the past decade that show, "for example, youth of color constituted fifteen percent (15%) of the state's total population in 1990, while constituting more than thirty percent (30%) of the population of youth confined in state correctional facilities." Noting that state government and agencies try to reduce racial disproportionality in the juvenile justice system, Dr. Bridges argued that present efforts are not enough. "Courts," he wrote, "must also develop measures that have more immediate effects than the programs presently under way." He suggested alternatives to jail or detention, and urged court and law enforcement officials to examine the rules and operating procedures of the courts.

Commission member Ms. Myrna Contreras reported on her participation as a member of the Washington State delegation to the First National Conference on Eliminating Racial and Ethnic Bias in the Courts, convened in Albuquerque, New Mexico on March 2-5, 1995.

Justice Charles Z. Smith, who also attended the conference as one of its planners, while reasserting his belief that gender bias issues should be studied separately from racial and ethnic bias issues, continued that, "There have been strong observations and complaints from women of color that the gender

bias movement, as it has evolved, has apparently not given sufficient attention to the unique problems of women of color.” He discussed the “La Placita Manifesto” adopted by the conference to focus attention on justice and women of color. Justice Smith concluded:

It should be our institutional goal—as certainly it is my personal goal—to eradicate all vestiges of bias and discrimination against women in society and particularly in the courts. Because the experiences of women of color involve obvious and pernicious problems which do not affect women not of color, we must take the extraordinary step of separately investigating the problems experienced by women of color in our justice system and taking positive assertive steps to overcome those problems.

This first edition of *Equal Justice* was distributed to judges at all levels, county clerks, court administrators, presidents of state and county bars, law school deans, law librarians, members of the Board of Governors, and legislators on key committees. Commission members have received positive comments about the *Equal Justice* newsletter.

The goal of the Bar Liaison Sub-committee is to publish one or two issues during the 1995-1997 biennium.

*THE FIRST NATIONAL CONFERENCE ON ELIMINATING RACIAL AND  
ETHNIC BIAS IN THE COURTS*

The First National Conference on Eliminating Racial and Ethnic Bias in the Courts was convened at the Albuquerque Convention Center in Albuquerque, New Mexico during the period March 2-5, 1995. The Conference was sponsored by the State Justice Institute (SJI) and the National Center for State Courts. The idea for this conference emanated from earlier discussions by the National Consortium.

Participants at the conference were teams appointed by the chief justices of all fifty states and four territories. Members of the federal courts and representatives from Canada participated, along with other judges, academics, court administrators, public defenders, probation officers, civil rights attorneys and representatives of interested organizations. Over 500 persons, including chief justices from some states, attended.

Each team developed strategies to address bias in the courts in their home states or jurisdictions. The Washington State Minority and Justice Commission served as one of the model commissions for states and territories which at the time had no commission or task force. A major expectation for the Conference was that states and territories without a commission or task force

would leave the Conference and begin work on developing a commission or task force through their highest courts. The objectives of the Conference were to:

- change the attitudes of judicial leaders toward the existence of bias in the judicial branch;
- present an analytical framework for understanding how personal, institutional and systemic racial and ethnic biases operate in the judicial environment;
- provide a forum to assess the policy and management implication of both the existence and elimination of bias;
- inform the conference participants about successful measures taken to eliminate bias from the courts; and
- inspire representatives from each jurisdiction to develop and implement a strategy for eliminating racial and ethnic bias from their systems.

The SJI provided funding and tuition for four team members from each jurisdiction, which had the option of sending an additional six members at their own expense. The Washington state team members were: Justice Barbara A. Madsen, Judge Michael S. Hurtado, Jeffrey C. Sullivan, Judge William W. Baker, Judge Monica J. Benton, Judge Elaine Houghton, Ms. P. Diane Schneider, Ms. Vicki J. Toyohara, and Ms. Sharon A. Sakamoto, a Seattle attorney.

The Washington State team identified seven goals for its own state: (1) expanding funding sources, (2) increasing minority representation in the judiciary and in court staff, (3) more assertive diversity education for the bench and bar, (4) expanding Commission membership, (5) providing ongoing assessment of the racial climate in the courts, (6) keeping the Washington State team involved in the work of the Minority and Justice Commission, and (7) providing more public awareness of the need for language interpreters. The team formed a separate five-member committee to identify potential sources of funding.

At the conference, members of the Washington State team reported similar reactions from around the nation to the work of the Washington State Commission. The Commission is in the forefront, “a flagship commission,” and is considered a national leader in the effort to eliminate racism and bias, to the extent it exists, in the courts. Of the then-24 states that had established commissions or task forces, only 17 had actually

implemented goals and objectives. The leading state commissions at the conference were able to provide guidance and counsel to other state commissions then in the early stages of development.

At this conference, a previously scheduled seminar on women of color in the justice system was eliminated in the planning stage. At least 39 women and 4 men (of color and not of color) participating in the conference met at the La Placita Restaurant in Albuquerque. This ad hoc group drafted a document called the “La Placita Manifesto,” which demanded that the unique problems of women of color in the justice system be addressed (*Figure 13*).

On the last day of the conference, the “La Placita Manifesto” was presented to the assembly and unanimously approved.

FIGURE 13

THE "LA PLACITA MANIFESTO"

RESOLVED, that the First National Conference on Eliminating Racial and Ethnic Bias in the Courts hereby declares:

*That multicultural women encounter dual barriers of racism and sexism in the justice system and legal profession;*

*That too often the unique situation and negative experiences of multicultural women are neglected or inadequately addressed in studies of bias and discrimination in the courts; and*

*That steps to rectify this oversight must and should be undertaken forthwith, to wit:*

- (1) recognition of the double disadvantage of being a woman of color involved in the justice system—whether as litigant, lawyer, judge, witness, court personnel, or law student;
- (2) inclusion in existing bias and fairness commissions, a subcommittee dealing with women of color, or inclusion in any implementation task force created to put proposals of bias commissions into action;
- (3) collective support for data collection and research on the status of women of color in the justice system;
- (4) outreach efforts to organizations and individuals with similar interests;
- (5) inclusion of more women of color in all aspects of the planning of future conferences on bias in the courts;
- (6) exploration of ways to convene a national conference on multicultural women in the courts—in conjunction with other entities such as the National Association of Women Judges, National Consortium of Commissions and Task Forces on Racial and Ethnic Bias in the Courts, National Association of Women's Bar Associations, Minority Bar Associations, the ABA Commission on Women, the ABA Commission on Opportunities for Minorities in the Profession, the Multicultural Women Attorneys Network, and State Racial and Ethnic Bias and Gender Bias Commissions; and

- (7) programs specifically aimed at relieving and eliminating the burdens imposed on minority women in all aspects of the legal and justice system.

Approved by unanimous action of the First National Conference on Eliminating Racial and Ethnic Bias in the Courts in session at Albuquerque, New Mexico on March 5, 1995.



*MEETINGS OF THE NATIONAL CONSORTIUM OF TASK FORCES AND COMMISSIONS ON RACIAL AND ETHNIC BIAS IN THE COURTS*

When the Washington State Minority and Justice Task Force was created by the Washington State Supreme Court upon legislative request in 1987, it was one of only four such bodies in the United States. New Jersey was the first state to establish its Task Force on Minority Concerns in 1982. Michigan, New York and Washington established their commissions or task forces in 1987.

Twenty-seven states and the District of Columbia now have racial and ethnic bias task forces or commissions. Most were created by the highest court in their jurisdiction. Several states (notably Arkansas and Virginia) have bar-generated groups. The original Washington Task Force was created by the Supreme Court at the request of the Legislature. The Canadian provinces of British Columbia, Nova Scotia and Ontario have established similar programs.

The Washington State Minority and Justice Commission is a founding member of the National Consortium of Task Forces and Commissions on Racial and Ethnic Bias in the Courts, whose current moderator is Justice Charles Z. Smith. The Consortium was created in 1988 by the four state commissions or

task forces then in existence: New Jersey, New York, Michigan and Washington. The Consortium now consists of task forces or commissions in twenty-seven states, the District of Columbia and three Canadian provinces. Its members meet annually to share and exchange ideas, information and experiences in working toward the common goal of eliminating racial and ethnic bias in state courts.

When representatives from the task forces and commissions of New Jersey, Michigan, New York and Washington first met in 1988, it became apparent that they were examining many of the same court-related and legal issues, conducting comparable research efforts, and encountering many of the same challenges. Thus, the National Consortium of Task Forces and Commissions on Racial and Ethnic Bias was born. The Consortium was created to:

- avoid “re-inventing the wheel” every time a new task force or commission is created;
- provide an annual forum for discussing the progress of member states’ research, program activities and recommended reforms;
- encourage other state courts to create an appropriate entity or investigative body for

examining the treatment accorded minorities in the state courts;

- provide technical assistance and expertise to other commissions, task forces and other interested organizations and individuals;
- encourage the National Center for State Courts to set up a clearinghouse for commission and task force reports;
- encourage the National Center for State Courts to act as the Secretariat for the Consortium;
- develop a national agenda for educating the court and legal community about racial and ethnic bias in the courts; and
- share the collective knowledge of former and existing task forces and commissions with all levels of the court, the law enforcement community and the public.

Members of the Washington State Minority and Justice Commission attended the seventh annual meeting of the National

Consortium in New Orleans, Louisiana on May 12-13, 1995 hosted by the Louisiana Task Force on Racial and Ethnic Fairness in the Courts. Justice Charles Z. Smith served as Moderator of the Consortium and was unanimously re-elected for a two-year term.

Since there was no follow-up conference to the 1995 First National Conference on Eliminating Racial and Ethnic Bias in the Courts, Justice Smith used the National Consortium meeting as a forum to discuss the issue of women of color. The theme of the Consortium meeting was "Justice and Women of Color."

The keynote speaker was Justice Bernette Joshua Johnson, an African American woman, the first African American judge in the State of Louisiana, and the first African American woman to serve on the Louisiana Supreme Court. Our Executive Director Ms. Vicki J. Toyohara served on the meeting's featured panel presentation, "The Impact of the Justice System on Women of Color."

The cover for the notebook of the Consortium meeting, "Justice and Women of Color," was designed by Seattle artist Nubia W. Owens. Ms. Owens was commissioned to create the design especially for the Washington State Minority and Justice Commission and the 1995 meeting of the National Consortium. The work is reproduced on the cover of this 1996 Annual Report.

Commission members also attended the eighth annual meeting of the National Consortium held in Atlanta, Georgia on May 10-11, 1996. Ms. Toyohara reported that more judges

attended that meeting than any previous Consortium meeting. A morning panel discussed “The Impact of Law School Admission Practices on Women of Color.” The afternoon session was titled, “Justice and Women of Color: Then, Now and in the Future.” The keynote speaker was Justice Leah J. Sears, Georgia Supreme Court. She is the first woman and one of two African Americans on the current Georgia Supreme Court (the Chief Justice is an African American male).

From the Consortium meeting it was concluded that, nationwide, the task forces and commissions are finding that racial and ethnic bias continues to exist in our court system.

*ONTARIO COURTS OF JUSTICE*

Justice Charles Z. Smith participated in a conference of the Ontario Courts of Justice, May 21-25, 1996, in London, Ontario. The theme of the conference was “The Court in an Inclusive Society,” focusing on the Report of the Ontario Commission on Systemic Racism. Also participating in the conference was Mr. Justice Henry Brooke, High Court of London (England), who chaired the Ethnic Minorities Advisory Committee of the Judicial Studies Board and chaired the Bar Council’s Race Relations Committee in the United Kingdom. Mr. Justice Brooke indicated

that the courts in England, like the courts in Canada and the United States, have identified racial and ethnic bias in the administration of justice in their courts and are working toward elimination of that bias.

*LIBERTY BELL AWARD, TACOMA-PIERCE COUNTY BAR ASSOCIATION*

Justice James M. Dolliver and Justice Charles Z. Smith were presented the Liberty Bell Award on May 4, 1995 by the Young Lawyers Section of the Tacoma-Pierce County Bar Association during the American Bar Association Law Week. The distinguished service award was given in recognition of their work as co-chairmen of the Washington State Minority and Justice Commission.

*OPENING EXHIBIT ON INCARCERATION OF JAPANESE AMERICANS,  
LOWER KITTITAS DISTRICT COURT*

Justice Charles Z. Smith, Justice Charles W. Johnson and Ms. Vicki J. Toyohara attended and participated in the opening of a permanent exhibit on Executive Order 9066 (issued in 1942 ordering incarceration of 120,000 Japanese Americans in

concentration camps during World War II). The order was rescinded by President Gerald Ford in 1976 and ultimately invalidated in the 1980s in a series of *coram nobis* cases decided in the federal courts. Congress in 1988 enacted legislation providing reparations for persons incarcerated under Executive Order 9066 in violation of their constitutional rights.

The exhibit, created from archival photographs and documents, was the personal project of Lower Kittitas County District Court Judge Thomas A. Haven, Ellensburg, Washington. Judge Haven, with his wife, Sara, reviewed 22,000 photographs to assemble this exhibit of approximately 200 photographs which will remain as a permanent exhibit in the Lower Kittitas District Courthouse.

***“SISTER COMMISSION” RELATIONSHIP WITH NEVADA TASK FORCE***

During the First National Conference on Eliminating Racial and Ethnic Bias in the Courts held in Albuquerque, representatives of the Washington State Minority and Justice Commission met at dinner with representatives of the Nevada Supreme Court Task Force for the Study of Racial and Economic Bias in the Justice System.

From that meeting came a cooperative “Sister Commission” relationship between the two groups. A resolution

was signed on May 1, 1995 (*Figure 14*) by chairpersons of both groups under which the Washington Commission, based upon its expertise and experience, agreed to assist the Nevada Task Force in its efforts “to achieve racial, ethnic and economic equality in all the courts in the State of Nevada.”

In September 1995, Kevin M. Kelly, chairperson of the Nevada Task Force, invited the Washington State Commission to its September meeting in Las Vegas, Nevada. Washington State Commission Co-Chairman Justice Charles Z. Smith and Ms. Vicki J. Toyohara, Commission Executive Director, attended that meeting.



FIGURE 14

*"SISTER COMMISSION" AGREEMENT*

**WHEREAS** the Minority and Justice Task Force was established by the Washington State Supreme Court in 1987 pursuant to legislation which sought to improve the treatment of racial and ethnic minorities in the courts of Washington; and

**WHEREAS** the Washington State Minority and Justice Task Force prepared its final report in 1990; and

**WHEREAS** the Washington State Supreme Court created the Minority and Justice Commission to continue the work of the Task Force by implementing the recommendations of the Task Force; and

**WHEREAS** the State of Washington has been actively engaged in the implementation of the Task Force's recommendations and have achieved immeasurable experience in their efforts to eliminate racial and ethnic bias in the court system; and

**WHEREAS** the Nevada Supreme Court established the Supreme Court of Nevada Task Force to Inquire into Racial and Economic Injustice [Nevada Task Force]; and

**WHEREAS** representatives from the State of Washington's Minority and Justice Commission and Nevada's Task Force met at the First National Conference on Eliminating Racial and Ethnic Bias in the Courts, said conference sponsored by the National Center for State Courts by a grant from the State Justice Institute, held March 2-5, 1995 in Albuquerque, New Mexico; and

**WHEREAS** the State of Washington's Minority and Justice Commission has agreed to assist the Nevada Task Force based on its expertise and experience in this area;

**BE IT RESOLVED** the Nevada Task Force hereby adopts the Minority and Justice Commission of the State of Washington to assist in its efforts to achieve racial, ethnic and economic equality in all the courts of the State of Nevada.

DATED this first day of May, 1995

STATE OF WASHINGTON

s/Charles Z. Smith  
Co-Chairman

STATE OF NEVADA

s/Kevin M. Kelly  
Chair

***MINORITY AND JUSTICE POSTERS:  
"EQUAL JUSTICE" AND "THE JURY"***

On February 3, 1995, the Minority and Justice Commission formally presented two posters produced by the Commission under grants from U S WEST Foundation and Kazama Ski, International.

*Equal Justice*, by Seattle artist Sekio Matsumoto, appeared on the cover of the 1994 Annual Report of the Washington State Minority and Justice Commission (*Figure 15*).

*The Jury* is a reproduction of a batik by Bainbridge Island artist Catherine Conoley, who created it while a student at Commodore Middle School on Bainbridge Island. Inspired by her art teacher, she focused on the faces of older persons with a vivid representation of various ethnic types in a jury of twelve persons (*Figure 16*).

The posters were made available to the general public at a nominal cost. *The Jury* was converted into a greeting card through a grant from U S WEST Foundation, and was featured on the cover of the April 1995 issue of the *Washington State Bar News*.

FIGURE 15  
(EQUAL JUSTICE POSTER)

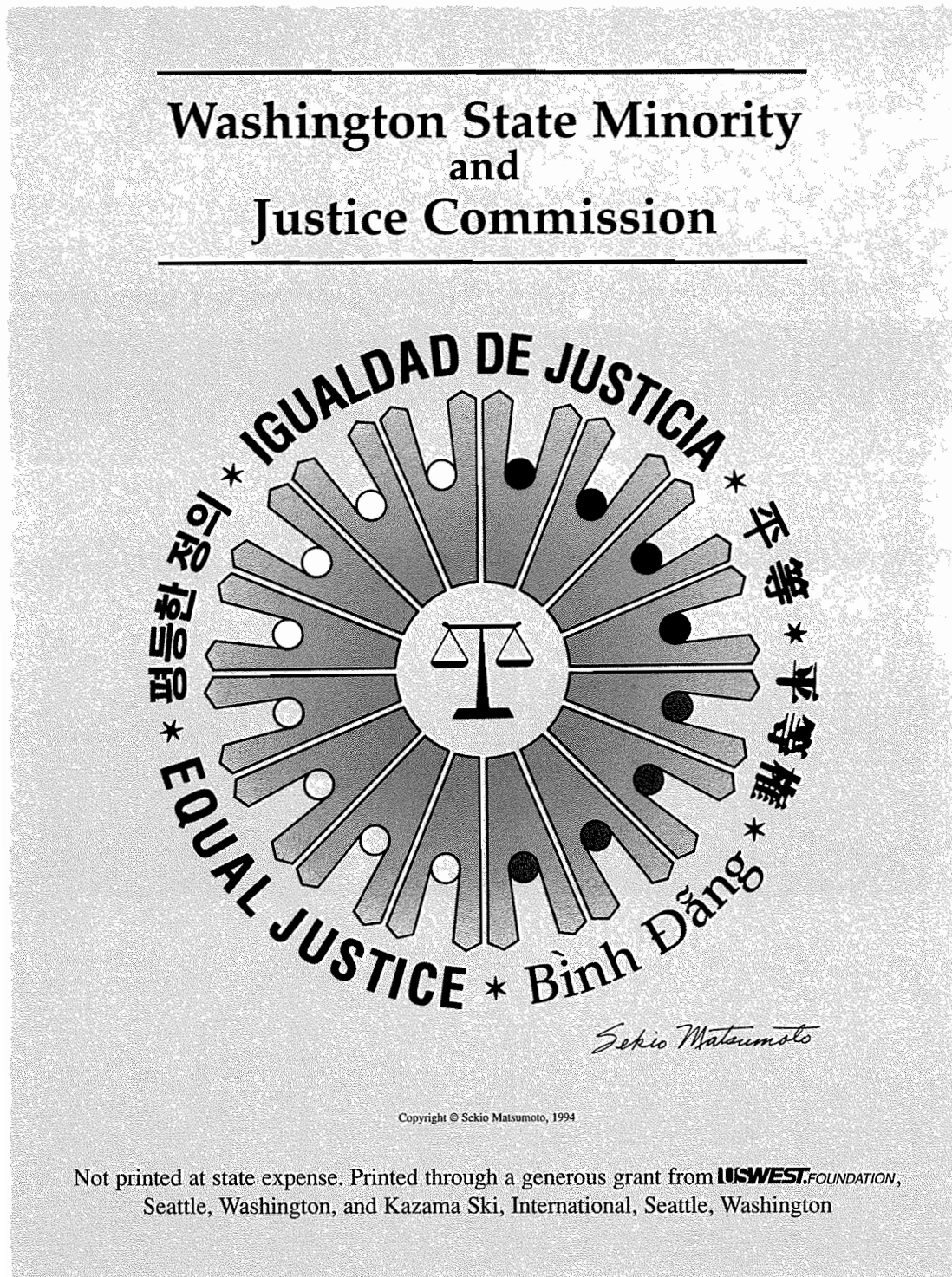
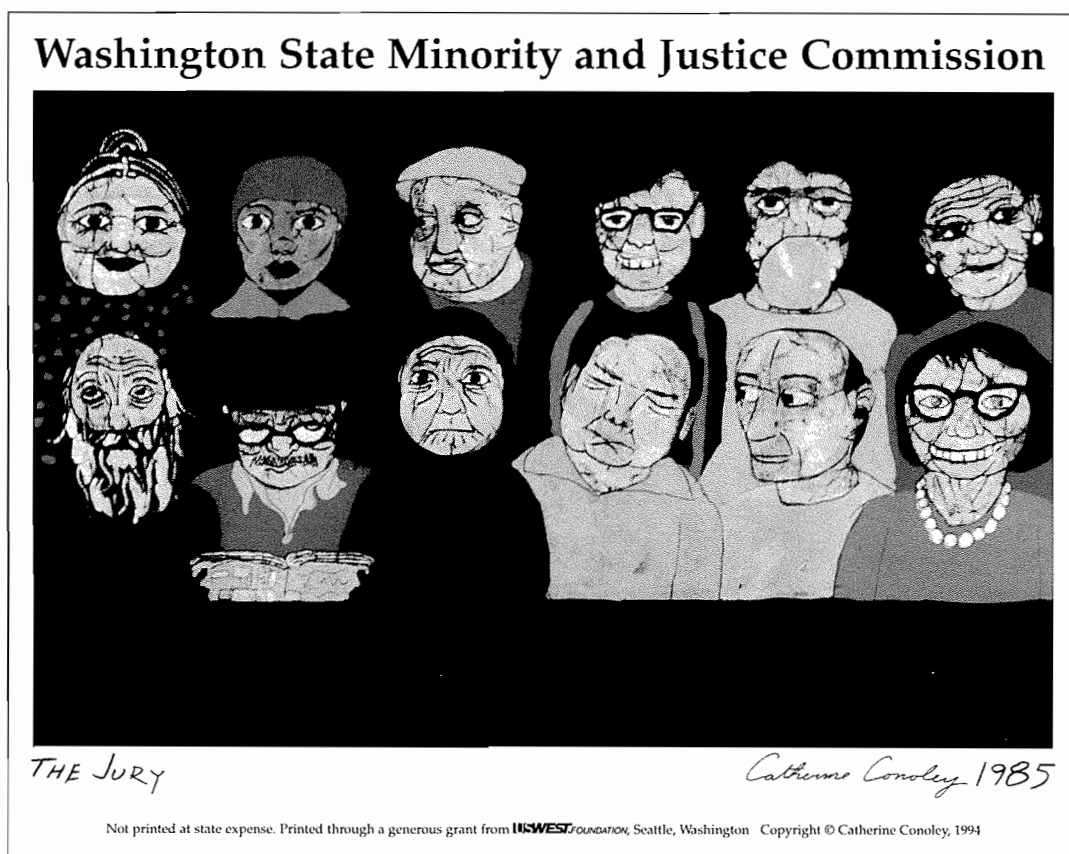


FIGURE 16

(THE JURY POSTER)



## *CONCLUSION*

The following are projects currently in progress by the Washington State Minority and Justice Commission:

- Exploratory empirical research study on the impact of type of defense counsel on sentencing of felony defendants in King County.
- Empirical research study examining whether racial and ethnic disparities exist in bail and detention practices for felony defendants in Washington State.
- Presentation of a three-hour Cultural Diversity Education Workshop session to King County bailiffs for the Bailiff Orientation Program.
- Planning for and presentation of three one-day Regional Cultural Diversity Education Program sessions in Tacoma, Bellingham and Walla Walla with emphasis on nonjudicial court personnel.

- Development of an advanced version of the Recruitment/Work Force Diversity Education Program.
- Updating and distributing the Work Force Diversity Resource Directory for Washington State Courts.

The successes of the Commission are attributable to the dedicated members of the Commission and its Technical Support Group. Contributing many volunteer hours, our members make presentations to a national audience about the work of the Commission. As is evident from this 1995-1996 Report, the Commission has accomplished much during the past two years. With more adequate funding, it can do much more.

More importantly, the successes are directly related to the leadership and vision of its Co-Chairmen, Justice James M. Dolliver and Justice Charles Z. Smith, and Justice Charles W. Johnson. Additionally, we have the full and active support of the Washington State Supreme Court, which has reaffirmed our existence at least through the year 2000. Our Supreme Court members have spent countless hours outside the court work day, including evenings and weekends, on Commission programs, projects and issues. Never looking for nor expecting recognition, they seek only to improve our system of justice for all Americans.

The Washington State Minority and Justice Commission is grateful for the extraordinary participation and support it has received since its beginning in 1987 as a task force and its creation as a commission in 1990 from judges, lawyers and laypersons who have devoted their intelligence, experience and time as Commission members and Technical Support members in pursuit of our goal of preparing our courts to better function in an inclusive society.

The confidence we have for the future of our work is stimulated by the enthusiastic reception we have received from the clients we serve—judges and court support staff—who have participated directly in our programs. Our ultimate clients—all persons who come before the courts—continually remind us of our obligation to see that *equal justice* is more than merely a slogan, but is a reality guaranteed by our constitutions and laws.





