DISTRICT AND MUNICIPAL COURT JUDGES' ASSOCIATION

BOARD MEETING

SUPPLEMENTAL PACKET

May 14, 2022

DISTRICT AND MUNICIPAL COURT JUDGES' ASSOCIATION
SCHEDULE OF BOARD MEETINGS

2021-2022

DATE	*TIME*	*MEETING LOCATION*
Friday, July 9, 2021	12:30 – 3:30 p.m.	ZOOM Video Conference
Friday, Aug 13, 2021	12:30 – 3:30 p.m.	ZOOM Video Conference
Friday, Sept 10, 2021	12:30 – 3:30 p.m.	ZOOM Video Conference
Friday, Oct 8, 2021	12:30 – 3:30 p.m.	ZOOM Video Conference
Friday, Nov 12, 2021	12:30 – 3:30 p.m.	ZOOM Video Conference
Friday, Dec 10, 2021	12:30 – 3:30 p.m.	ZOOM Video Conference
Friday, Jan 14, 2022	12:30 – 3:30 p.m.	ZOOM Video Conference
Friday, Feb 11, 2022	12:30 – 3:30 p.m.	ZOOM Video Conference
Friday, March 11, 2022	12:30 – 3:30 p.m.	ZOOM Video Conference
Friday, April 8, 2022	12:30 – 3:30 p.m.	ZOOM Video Conference
Saturday, May 14, 2022	9:15 a.m. - 4 p.m. Tentative	DMCJA Board Retreat Location: Chelan
June 6-10 2022	Varies	DMCJA Spring Program Zoom Video Conference

AOC Staff: Stephanie Oyler

Updated: March 7, 2022

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DMCJA BOARD MEETING
SATURDAY, MAY 14, 2022
2:00 PM – 3:30 PM
ZOOM VIDEO CONFERENCE

PRESIDENT CHARLES SHORT

AGENDA	PAGE
Call to Order	
1. Welcome and Minutes – Judge Charles D. Short A. Minutes for April 8, 2022 Meeting	 1
2. Presentation	
3. Reports A. Liaisons' Reports 1. District and Municipal Court Management Association (**DMCMA**) – Kris Thompson, President 2. Misdemeanant Probation Association (**MPA**) – Regina Alexander, Representative 3. Washington State Association for Justice (**WSAJ**) – Mark O'Halloran, Esq. 4. Washington State Bar Association (**WSBA**) – Francis Adewale, Esq. 5. Superior Court Judges' Association **(SCJA)** – Judge Jennifer Forbes, SCJA President-Elect 6. Board for Judicial Administration (**BJA**) – Judge Mary Logan, Judge Dan Johnson, Judge Tam Bui, and Judge Rebecca Robertson 7. Racial Justice Consortium – Judge Anita Crawford-Willis and Judge Michelle K. Gehlsen B. Rules Committee Report – Judge Jeffrey D. Goodwin 1. Minutes from February 22, 2022 meeting 2. Minutes from March 22, 2022 meeting C. Diversity Committee Report – Judge Karl Williams D. Legislative Committee Report – Judge Kevin G. Ringus & Commissioner Paul Wohl E. Therapeutic Courts Committee Report – Judge Laura Van Slyck F. Public Outreach Committee Report – Judge Michelle K. Gehlsen G. Education Committee Report – Judge Jeffrey R. Smith H. JASP Report – Judge Mary Logan	 7 9
4. Break - 10 minutes	
5. Action Items A. Adopt 2022-2023 DMCJA Budget B. Adopt the DMCJA 2022-2023 Priorities C. Adopt the DMCJA 2022-2023 Meeting Schedule D. Ratification of Bylaws Amendments SurveyMonkey Vote for Annual Meeting Ballot E. Contracts for Lobbyist and Grant Writer	 11 12 17 18 23

6. Discussion	
A. Minority and Justice Commission Funding Request for Annual Symposium – Ethics Concerns	38
7. Information	
A. Access to Superior Court Documents – Response from Clerks	41
B. GR 31 and CrR 2.1, Access to Juvenile Records: Joint Letter, Letter from WAPA, Letter from WASPC, Email from Bench Bar Press Fire Brigade, Related Articles, Letter from WAPA, Supreme Court Order Delaying, Email from Bench Bar Press Fire Brigade, Dissent	43
C. Joint Letter regarding GR 9(f)(2)	68
D. Diversity Committee Reports – BJA Strategic Initiative Proposal, EHM/Jail Alternatives Descriptive Analysis of Survey Results, Additional Analyses Report, Seattle Times Article	70
E. Letter from CLJ's regarding OCourt Integration into CLJ-CMS	111
F. Judge David Steiner Memorial Information	116
8. Adjourn	

Next Scheduled Meeting:
June 7, 2022 Annual Business Meeting
12:15 – 1:15 p.m. Via Zoom Video Conference

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DMCJA Board of Governors Meeting
Friday, April 8, 2022, 12:30 p.m. – 3:30 p.m.
Zoom Video Conference https://wacourts.zoom.us/j/97570254401

MEETING MINUTES

Members Present:
Chair, Judge Charles D. Short
Judge Thomas Cox
Judge Anita Crawford-Willis
Judge Michael Frans
Judge Michelle K. Gehlsen
Judge Drew Ann Henke
Judge Catherine McDowall
Judge Lloyd Oaks
Judge Jeffrey Smith
Judge Laura Van Slyck
Judge Mindy Walker
Judge Karl Williams
Commissioner Paul Wohl

Members Absent:
Commissioner Rick Leo

Guests:
Judge Tam Bui, BJA Representative
Judge Lisa Jill Dickinson
Judge Tracy Flood, Guest
Judge Jennifer Forbes, SCJA
Judge Jessica Giner, Guest
Judge Jeffrey Goodwin, Rules Committee
Judge Rebecca Robertson, BJA Representative
Francis Adewale, WSBA
Kris Thompson, DMCMA

AOC Staff:
Stephanie Oyler, Primary DMCJA Staff
J Benway, Principal Legal Analyst
Tracy Dugas, Court Program Specialist

CALL TO ORDER
Judge Charles D. Short, District and Municipal Court Judges' Association (DMCJA) President, noted a quorum was present and called the DMCJA Board of Governors (Board) meeting to order at 12:30 p.m.

WELCOME AND MINUTES

Judge Short welcomed everyone to the April 2022 meeting of the DMCJA Board of Governors.

A. Minutes
The minutes from the March 11, 2022 meeting were previously distributed to the members. Judge Short asked if there were any changes that needed to be made to the minutes. Hearing none, the minutes were approved by consensus.

PRESENTATIONS

Northwest Tribal Court Judges' Association (NWTCJA) – Judge Lisa Dickinson
Judge Dickinson briefly introduced NWTCJA and provided an overview of her background and the association's work.

COMMITTEE AND LIAISON REPORTS

A. Liaison Reports

1. District and Municipal Court Management Association (DMCMA)
DMCMA President Kris Thompson reported that Judge Ochoa-Bruck will be attending the upcoming DMCMA conference in May to discuss tribal courts and related topics. Kris Thompson shared that the association is working on updating their website, and exploring a centralized email system for DMCMA officers.

2. Misdemeanant Probation Association (MPA)
MPA Representative Regina Alexander was not present.

3. Washington State Association for Justice (WSAJ)
WSAJ Representative Mark O'Halloran, Esq. was not present.

4. Washington State Bar Association (WSBA)
WSBA Representative Francis Adewale, Esq. reminded attendees that a survey was recently sent to DMCJA members regarding the structure of WSBA.

5. Minority Bar Associations
No minority bar associations were present.

6. Administrative Office of the Courts (AOC)
State Court Administrator Dawn Marie Rubio was not present.

7. Board for Judicial Administration (BJA)
Judge Tam Bui reported that BJA Court Education Committee (CEC) continues to work on strategic planning, prioritization and core values. Judge Bui shared that the Learning Management System, a hosted web application where courses and events can be uploaded including both online e-learning and instructor-led courses, will be launching a pilot project where CEC members will be testing e-learning. CEC will discuss how to utilize 2023 as a transition year, and how to pivot from the current state of all online back to some in-person events now that education and conference costs have skyrocketed. Judge Bui reported that the BJA will have a meeting on June 17 to begin discussions about the Interbranch Advisory Committee, including how best to utilize the group and what purpose it will serve.

8. CLJ-CMS Project and Rules for e-Filing/Judicial Information System (JIS) Report
Judge Kimberly Walden was not present.

9. Superior Court Judges' Association (SCJA)
SCJA President-Elect Jennifer Forbes reported that SCJA will hold their annual business meeting soon and that the new President-Elect, and SCJA Liaison to DMCJA, will be Judge Samuel S. Chung from King County Superior Court. Judge Forbes shared that after hearing the recent discussion regarding the Tyler Connect conference, SCJA will now be sending one judge to the conference as well. SCJA members are actively working on Salary Commission preparation, including meeting with a public relations consultant to establish a plan for messaging during the presentation. Judge Forbes shared that SCJA has decided to maintain a lower dues rate again this year.

10. Racial Equity Consortium
Judge Michelle Gehlsen reported that the established timeframe for the Consortium is coming to an end, with the final meeting scheduled in April. Judge Gehlsen shared that the Action Plan from the Consortium will be available soon.

B. Rules Committee Report

Judge Jeffrey D. Goodwin reported that Rules Committee has several comments for consideration on the agenda today, and brief discussion ensued about how trial courts can better participate and have more of a voice in the rules process.

C. Diversity Committee Report
Judge Short reported that the committee is finalizing their report on EHM funding for indigent defendants.

D. Legislative Committee Report
Commissioner Paul Wohl reported that the committee held a legislative session debrief where it was determined that it would be beneficial to the Association to begin developing the legislative agenda earlier in the year, as this will allow more time for discussions with legislators. Commissioner Wohl shared that the new timeline for proposals will involve the committee meeting in May and June to discuss proposals received and decide which to move forward, with presentation of their report and proposed legislation at the June or July board meeting. Judge Smith noted that there may be some overlap between the work of the Legislative Committee and Long Range Planning Committee, and requested that there is collaboration between the two in order to have a unified plan for the year.

E. Therapeutic Courts Committee Report
Judge Laura Van Slyck reported that the committee has been coordinating with Education Committee for a therapeutic courts roundtable event at Spring Program. Judge Van Slyck noted that the committee is very excited about the additional $4.9M in funding allocated to AOC for therapeutic courts in the supplemental budget, and that the committee has instituted a mentoring process for new grantees. Judge Van Slyck shared that Judge Logan provided a brief presentation at the last committee meeting regarding “community justice counselors” in order to provide judges with a sense of how they might utilize the additional funding that was allocated for that specific purpose. Judge Smith noted that Francis Adewale had worked behind the scenes to help secure that funding and thanked him for his work. Judge Short remarked that DMCJA is working with AOC to make sure that the process moves quickly, is fair, and that new courts have the ability to apply for funding.

F. Public Outreach Committee Report
Judge Michelle K. Gehlsen reported that the committee is planning an in-person work session in June. The committee continues to work on the social media accounts recently approved by the board, with the next step involving account setup and outreach to court administrators to gather content. Judge Gehlsen shared that the committee is also in the early stages of planning an event for key legislators to visit courthouses in the fall.

G. Education Committee Report
Judge Jeffrey R. Smith reported that the committee recently met to discuss the Spring Program schema, and there will be some unique presentations this year, including roundtables on several topics. Judge Smith shared that a save-the-date has been sent to DMCJA members and registration should be available soon. Commissioner Wohl inquired if Education will be providing a presentation on protection orders at Spring Program, and Judge Smith responded that there was a recent webinar on the topic, and that part two of that webinar will occur during the conference. Judge Smith noted that due to time limitations and complexity of the topic, they may need to hold ongoing webinars on this issue.

H. Treasurer’s Report
The Treasurer’s Report is available in the materials for this meeting.

I. Special Funds Report
Judge Jeffrey R. Smith reported that the Reserves Committee will be meeting soon, and as part of that discussion, will determine whether to recommend special funds dues be assessed next year.

ACTION

A. The Board moved, seconded, and passed a vote (M/S/P) to approve travel expenses for Judge Patricia Connolly Walker and Judge Kimberly Walden to attend the Tyler Connect 22 Member Conference on May 15-18, 2022 in Indianapolis, Indiana, at an expense not to exceed $2,000 each.
B. M/S/P to accept Rules Committee Proposal to Amend CRLJ 55 as presented.
C. M/S/P to increase Public Outreach Committee's budget for 2021-2022 for up to $1500 in reimbursement costs for an in-person work session in June.
D. M/S/P to authorize Rules Committee to submit comments regarding various proposals as outlined in the memos in the materials for today's meeting.

DISCUSSION

A. Access to Superior Court Records/Documents

Judge Short introduced this item and requested that members refer to the letters, previously sent by DMCJA, in the materials packet. Judge Robertson remarked that she continues to have difficulty in accessing superior court records and that the recent protection order bills (HB 1320 and HB 1901) will require access to documents across court levels. Judge Short reported that he has reached out to the Washington State Association of County Clerks and that they recognize that this is an issue and a solution is needed. There is currently a ClerkShare program where superior court judges can access documents from other superior courts, but it is not electronic – they are essentially sending an email to the court to request the documents. Judge Cox inquired about when uniform forms will be available between the court levels, and Judge Short responded that the forms committee is working to finalize the highest priority forms by July and lower priority forms by end of the year. Judge Ringus remarked that uniform forms are not helpful if judges cannot access information about what has occurred in another court. Judge Williams asked how this issue will be impacted by the new CLJ-CMS, and Judge Short responded that although the new court management system will include a document viewer, only records from superior courts utilizing the Odyssey product will be available for viewing, which accounts for approximately half of the superior courts. Judge Short noted that the Gender and Justice HB 1320 Technology workgroup is meeting regularly to resolve this issue.

B. Retreat COVID-19 Requirements

Judge Short shared that the vast majority of board members indicated in a recent survey that they are comfortable with Retreat attendees attesting to either being vaccinated against COVID-19 or that they will COVID-19 test shortly before the event. Most respondents also indicated that they prefer masks to be optional for the event, so these are the protocols that will be in place. Those who are uncomfortable with these protocols or otherwise unable to travel to Chelan are encouraged to join the event via Zoom.

C. Bylaws Committee Report re Public Outreach Committee

J Benway, Principal Legal Analyst and staff to the Bylaws Committee, referred members to the Bylaws Committee Report in the materials and noted that the committee will need additional time to discuss potential amendments regarding tribal judges and removal for cause. Discussion ensued about the language of the charges, and J Benway clarified that the language shown in the proposed amendment

is taken directly from the committee charges on the Public Outreach Committee roster. Judge Smith noted that the language could be changed to be more inclusive to the committee's actual work by referring to educating justice partners and the public.

D. Bylaws Committee Report re Board Meeting Notification

J Benway reported that the Bylaws Committee did not have a recommendation on whether to require five or three days' notice for board meetings, and that there was no standard based on her research of other associations. Judge Ringus inquired if changing this language would conflict with the new Nonprofit Corporations Act, and J Benway responded that she will research the issue. Due to the time constraints for providing all DMCJA members with notice of bylaws changes on the ballot at the annual meeting, the board will vote on approving the amendment language via email and ratify the vote at the next board meeting in May.

E. Rules Committee – Various Proposed Rules Changes – Support Position

Judge Goodwin explained that the next several agenda items could be discussed together but are broken down by suggested position (support, oppose, no position) for convenience. Judge Goodwin noted that many of the proposals involve simple language changes, but that a proposal from WAPA that would eliminate citizen complaints is also included.

F. Rules Committee – Various Proposed Rules Changes – No Position

This item was discussed under Discussion Item E.

G. Rules Committee – Opposition to Proposed Amendment to APR 9

Judge Goodwin brought attention to this proposed amendment in particular due to concerns that have been raised, as it would potentially allow a second year law student to participate in jury and bench trials in courts of limited jurisdiction. Judge Goodwin shared his opinion that students at that level would not have enough experience or formal training to provide adequate representation, as evidence is not substantially covered until the second year of law school.

H. Rules Committee – Opposition to Amendment to CrRLJ 3.1

This item was discussed under Discussion Item E.

I. Rules Committee – Opposition to Amendment to CrRLJ 7.6

This item was discussed under Discussion Item E.

J. Rules Committee – DMCJA Proposed Rules Changes – no action required

M/S/P to move all Rules Committee recommendations (Items E through J) to Action today.

INFORMATION

Judge Short brought the following informational items to the Board's attention.

A. Concept Papers

Judge Short briefly explained each of the concept papers that have been submitted to Chris Stanley, AOC Chief Financial and Management Officer, on behalf of DMCJA:

- Email and Text Court Date Reminders
- FAIR Court Project ("Secret Shopper")
- Conversion of Statewide Court Forms to Fillable/Shareable PDFs
- Grant Writing Assistance for Courts
- Judicial Education: Implicit Bias Training
- Indigent Funding for Court Ordered Services that Impact Public Safety – SCRAM, EHM, APIP
- Third Party Software Integration into CLJ-CMS, and Statewide OCourt
- JABS/EDR & Data Quality
- Law Clerks for Trial Courts in Trial Legal Services at AOC
- Statewide Electronic Document Viewer
- Therapeutic Courts Funding for CLJs
- Uniform Statewide Electronic Protection Order System to Meet New Statutory Requirements

OTHER BUSINESS

The next DMCJA Board Meeting is scheduled for Saturday, May 14, 2022 from 2:00 p.m. to 3:30 p.m., held at the Chelan Chamber of Commerce and available via Zoom video conference. The Board Meeting follows the Annual Board Retreat, to be held from 9:45 a.m. to 12:45 p.m. (Board and BJA Representatives only).

The meeting was adjourned at 3:30 p.m.

DMCJA Rules Committee Meeting
Tuesday, February 22, 2022 (12:15 – 1:15 p.m.)

Via Zoom

MEETING MINUTES

Members Attending:
Judge Goodwin, Chair
Judge Buttorff
Judge Campagna
Judge Gerl
Judge McDowall
Judge Meyer
Commissioner Nielsen
Judge Oaks
Judge Padula
Judge Samuelson

AOC Staff:
Ms. J Benway

Members Not Attending:
Judge Eisenberg
Judge Finkle
Commissioner Hanlon
DMCMA Liaison [position vacant]

Judge Goodwin called the meeting to order at 12:16 p.m.

The Committee discussed the following items:

1. **Welcome & Introductions**

Judge Goodwin welcomed the Committee members in attendance.

2. **Approve Minutes from the January 25, 2022 Committee Meeting**

With no objections, Judge Goodwin deemed the minutes of the January 25, 2022 Committee meeting approved. The minutes will be forwarded to the DMCJA Board.

3. **Proposal to Amend GR 9 Pertaining to the WSSC Court Rules Committee**

Judge Goodwin stated that the WSSC Rules Committee has been ignoring GR 9(f), which requires the Committee to send statewide rules proposals to the DMCJA, the SCJA, the WSBA, and the Court of Appeals for review prior to publishing them for comment. To address the issue, Judge Goodwin proposes amending GR 9 to add a provision requiring representatives of the judges' associations and the WSBA on the

Rules Committee. Committee consensus was to forward the proposal to the DMCJA Board with a recommendation to submit it to the Court for consideration.

4. Discuss Proposals Published for Comment by the WSSC

The WSSC has published several rules proposals for comment with a deadline of April 30, 2022. Not all of the proposals would impact courts of limited jurisdiction; Judge Goodwin created a chart with the proposals and possible recommendations. The Committee discussed which proposals might require comment from the DMCJA; these items will be carried forward to the next meeting for further discussion.

5. Discuss Potential Comment in Support of CrRLJ 3.4

Judge Goodwin stated that some of the comments on the DMCJA proposal to amend CrRLJ 3.4 seemed to misunderstand the proposal. The Committee agreed to recommend that the DMCJA submit a comment in favor of the proposal that clarifies the misunderstandings.

6. Other Business and Next Meeting Date

The next Committee meeting is scheduled for Tuesday, March 22, 2022 at 12:15 p.m., via zoom video conference.

There being no further business, the meeting was adjourned at 1:20 p.m.

DMCJA Rules Committee Meeting
Tuesday, March 22, 2022 (12:15 – 1:15 p.m.)

Via Zoom

MEETING MINUTES

Members Attending:
Judge Goodwin, Chair
Judge Buttorff
Judge Campagna
Judge McDowall
Judge Meyer

AOC Staff:
Ms. J Benway

Members Not Attending:
Judge Eisenberg
Judge Finkle
Judge Gerl
Commissioner Hanlon
Commissioner Nielsen
Judge Oaks
Judge Padula
Judge Samuelson
DMCMA Liaison [position vacant]

Judge Goodwin called the meeting to order at 12:18 p.m.

The Committee discussed the following items:

1. **Welcome & Introductions**

Judge Goodwin welcomed the Committee members in attendance.

2. **Discuss Proposals Published for Comment by the WSSC**

The WSSC has published several rules proposals for comment with a deadline of April 30, 2022. Judge Goodwin created a chart listing the proposals and possible recommendations, which the Committee began discussing at the last meeting; the proposals are categorized by recommendation to support, oppose, or take no position. The Committee discussed the remaining proposals and will send any additional comments to Judge Goodwin. Judge Goodwin will present the recommendations to the Board at the April 2022 meeting.

3. Other Business and Next Meeting Date

The next Committee meeting is scheduled for Tuesday, April 26, 2022 at 12:15 p.m., via zoom video conference.

The meeting was adjourned at 1:25 p.m.

DMCJA 2022-2023 Proposed Budget

Item/Committee	2021-2022 Allocation	Expenditures as of 2/28/2022	Proposed 2022-2023 Budget
Access to Justice Liaison	$ 100.00		$ 100.00
Audit (every 3 years)			-
Bar Association Liaison (WSBA)	$ 100.00		$ 100.00
Board Meeting Expense	$ 15,000.00	$ 150.00	$ 30,000.00
Bookkeeping Expense	$ 3,500.00	$ 2,544.00	$ 3,500.00
Bylaws Committee	$ 250.00		$ 250.00
Conference Calls/Zoom	$ 200.00		$ 100.00
Conference Planning Committee	$ 4,000.00		$ 4,000.00
Conference (Spring) Incidental Fees For Members for **2023**	-		$ 40,000.00
Contract Grant Writer	$ 50,000.00		$ 72,000.00
Contract Policy Analyst	$ 50,000.00		
Council on Independent Courts (CIC)	$ 500.00		$ 500.00
Diversity Committee	$ 500.00		$ 500.00
DMCJA/SCJA Sentencing Alternatives aka "Trial Court Sentencing and Supervision Committee"	$ -		
DMCMA Liaison	$ 100.00		$ 100.00
DMCMA Mandatory Education	$ 20,000.00		$ 20,000.00
DOL Liaison Committee	$ 100.00		$ 100.00
Education Committee	$ 5,000.00		$ 5,000.00
Education - Security	$ 2,500.00		$ 2,500.00
Educational Grants	$ 5,000.00		$ 5,000.00
Judicial Assistance Service Program (JASP) Committee*	$ 16,000.00	$ 4,275.00	$ 16,000.00
Insurance (every 3 years)			
Judicial College Social Support	$ 2,000.00	$ 2,000.00	$ 2,000.00
Judicial Community Outreach	$ 1,600.00	$ 2,000.00	$ 2,000.00
Legislative Committee	$ 1,500.00		$ 1,500.00
Legislative Pro-Tem	$ 2,500.00	$ 245.00	$ 2,500.00
Lobbyist Contract	$ 105,000.00	$ 48,000.00	$ 72,000.00
Lobbyist Expenses			$ 1,500.00
Long-Range Planning Committee	$ 750.00		$ 750.00
MPA Liaison	$ 250.00		$ 250.00
Municipal/District Court Swearing In - Every 4 yrs (12/2017)	$ 500.00		
(Mary Fairhurst) National Leadership Grants	$ 5,000.00		$ 5,000.00
Nominating Committee	$ 100.00		$ 100.00
President Expense	$ 2,000.00	$ 1,163.00	$ 3,000.00
President's Expense - Special Fund			$ 1,000.00
Pro Tempore (committee chair approval)	$ 10,000.00	$ 2,275.00	$ 10,000.00
Professional Services	$ 1,500.00	$ 775.00	$ 1,500.00
Public Outreach (ad hoc workgroup)	$ 150.00		$ 1,000.00
Rules Committee	$ 500.00		$ 500.00
SCJA Board Liaison	$ 250.00		$ 250.00
Therapeutic Courts	$ 2,500.00		$ 2,500.00
Treasurer Expense and Bonds	$ 100.00	$ 10.00	$ 100.00
Trial Court Advocacy Board (TCAB) - dormant	$ -		
Uniform Infraction Citation Committee (UICC)	$ 1,000.00		$ 1,000.00
Totals	$ 310,050.00	$ 63,437.00	$ 308,200.00
*Includes $8,000 from the SCJA			

Long Range Planning Committee Report

May 9, 2022

Having met in person on Wednesday, April 13, 2022, the District and Municipal Court Judges' Association (DMCJA) Long Range Planning Committee (Committee) submits the following report. The Committee recognizes that its charge is to annually review issues relating to long range planning and review processes. In this context, the Committee reviewed areas of concern to the DMCJA, discussed approaches in addressing these issues, and provides the following recommended priorities and goals for 2022-2023:

1. Identifying and Eliminating Systemic Racism in our Justice System

Direct and systemic racism has created individual and community trauma. A fair justice system must earn people's trust and confidence in order to properly function. We must do better, especially because we are the courts in which most people interact. Action is required, and empty platitudes will solve nothing. This crisis will not be fixed overnight but will require a recommitment by each judicial officer every day. To that end, the DMCJA is committed to Diversity, Equity, and Inclusion training and education as a mainstream requirement of Judicial Education. The DMCJA recognizes the importance of recruiting more judges of color who will more accurately reflect the diversity in our communities across the state, and remains committed to achieving this goal. We have added a new position to the DMCJA Board of Governors to ensure that more diverse perspectives will be considered in leadership decisions. We have made a resource commitment to the Washington State Racial Justice Consortium, whose mission is: "to identify actions and structural changes that could help end racism and the devaluing of Black lives within the state judicial system." We will continue to support other justice partners who focus on this work. The DMCJA will also seek to improve data collection and utilize more effective research within the new Case Management System to better identify where systemic racism exists within our justice system, and then address those inequities with best practice solutions.

ACTION ITEMS:

- Incorporate Implicit Bias Training in as many WA Courts of Limited Jurisdiction as possible, on an ongoing basis.

2. Courthouse Security

The safety of all who work within and of those who visit our courthouses remains a top priority. The public is summoned into court for various reasons from jury duty through to parking tickets, traffic infractions, civil and criminal matters. Some of the most potentially violent scenarios arise when domestic violence cases are heard. Witnesses and alleged victims are summoned to participate in the process and deserve to feel safe when they enter. Courthouse staff deserve to work in a building that does not place them at risk of preventable harm.

GR 35 – Trial Court Security Rule as well as Minimum Court Standards were established in 2017. An implementation grid was also disseminated. Small jurisdictions are most in jeopardy since they are the least likely to have funding to supply adequate security personnel and resources to help keep all

who enter safe. There should be equity in the application of funding across the state to ensure adequate protection is available.

ACTION ITEMS:

- Gather all reports of security incidents and documentation from BJA Courthouse Security Task Force to document the need; educate local funding sources on the importance of this issue.
- Meet face to face with both State and local Municipality legislative and executive branches to more thoroughly describe security breaches and issues.
- Strategize possible funding approaches which would encourage collaboration between State and local governments.

3. Access to Justice

Access to justice is critical to the citizens of Washington State. Access may include, but is not necessarily limited to: quality interpreter services, courtroom and court staff accessibility, technological related access, and the facilitation of services for self-represented litigants. Several issues related to interpreters should be highlighted, including ADA/foreign language interpreters, the quality of interpretation options, and access to interpreters. The DMCJA has supported the efforts of the BJA Court System Education Funding Task Force and BJA Interpreter Services Funding Task Force. The DMCJA should continue to track pilot initiatives, such as Tukwila Municipal Court's robot, *Sheldon*, which is used to provide remote interpreter services. In our digitized world, members of the public should also have the option of using technology to access the courts. The DMCJA continues to encourage courts to employ technology such as Zoom or other similar platforms to improve attendance at hearings, for defendants in criminal matters both in custody and out of custody, as well as plaintiffs and defendants engaged in civil matters. For those who face challenges of transportation, child care, work schedules, and other limitations, remote or virtual hearings increase and improve access to justice. Further, broadcasting hearings via YouTube or similar platforms allows for the public to observe our courtroom processes and procedures and helps educate observers about our court systems.

ACTION ITEMS:

- Broad deployment to as many courts of limited jurisdiction as possible, of the "secret shopper" (anonymous court observer and evaluator) program sponsored by the Center for Court Innovation, to determine areas of improvement in our court systems.
- Development and use of community resource centers placed in or near our courts, which enable court participants to access service providers.
- Continued development and upgrade of network and technology to facilitate remote attendance, both for the courts and participants.

4. Sustainability of Therapeutic Courts

The purpose of this priority is to address the continuing issues that face our court community, such as mental health, homelessness, veteran needs, and drug and alcohol addiction. The Board is concerned about consistent management of defendants with these issues. Therapeutic Courts have been determined as the most efficient and best method to manage defendants with these particular

needs. The Washington State Legislature has recognized this as a priority and has responded with substantial funding with grants available through the Administrative Office of the Courts. With this new funding now available, many courts of limited jurisdiction have initiated the development of therapeutic courts across the state. The legislature will closely monitor how courts of limited jurisdiction use the funds now available. It is imperative that courts of limited jurisdiction with existing and longstanding therapeutic courts partner with these new therapeutic programs and function as mentor courts helping them gain success. In addition, our therapeutic courts should also avail themselves of the new Behavioral Health Team at AOC, which will help with therapeutic court staff education on best practices, assist with gathering data and analysis, and provide general assistance and guidance to our therapeutic courts.

ACTION ITEMS:

- Connect Mentor Therapeutic Courts with newly formed Therapeutic Courts to assist with development and implementation.
- Continue to effectively lobby the Washington State Legislature for ongoing funding for CLJ Therapeutic Courts.
- Use current funding wisely, so as to demonstrate good stewardship of funds.

5. Educate Justice Partners

To accomplish the goals of the DMCJA, we must educate the executive and legislative branches of local and state government. The Public Outreach Committee is tasked with developing materials that will assist urban and rural court judges in educating local government and the public. There are several ways to better educate our justice partners, including creating reference materials for judges to obtain in a centralized repository on the Inside Courts website. Initially, this repository will contain documents for use in contacting and informing local legislators, council members, and partner organizations of our accomplishments and needs. The DMCJA Public Outreach Committee will serve as a resource for judges, assisting in planning events such as State of the Court addresses, and providing information on local programs, funding opportunities, and community partnerships. Such partners may include: Association of Washington Cities, Washington Association of Prosecuting Attorneys, Washington State Association of Municipal Attorneys, Washington State Association of Counties, risk management agencies, city and county councils, local school districts, and civil and social clubs.

ACTION ITEMS:

- Develop and implement strategies to invite executive and legislative branches to visit/view court dockets.

6. Preserving the Independence of Courts of Limited Jurisdiction

Justice should be dispensed fairly throughout the state for all persons and should not be jeopardized by pressure from the executive and legislative branches of government. Judges should not be placed in jeopardy of losing their positions based upon the exercise of judicial independence in decision making. The Council on Independent Courts was developed to be a consistent force available when judges are experiencing judicial independence related issues. This committee needs to maintain vigilance to help maintain the quality and consistency of justice across all courts of limited

jurisdiction. Statutory disparities between district and municipal courts should be eliminated and regionalization of courts needs to be monitored. The CIC was developed to step up when courts face issues which violate GR 29 and the independence of the courts.

ACTION ITEMS:

- Whenever possible, continue to educate the executive and legislative branches about the separation of powers doctrine.

7. Legal Financial Obligations: Education and Outreach

Addressing the impact of court imposed financial obligations on the indigent must continue to be a priority. The Legal Financial Obligations (LFP) calculator is an example of a new program that has helped. Individual courts are using other innovative methods to address this issue, such as relicensing programs and waiving all discretionary financial obligations. Electronic Home Monitoring, Alcohol Monitoring, and Abusive Partner Intervention Programs are examples of pretrial and post-conviction services indigent defendants often are required to pay without any assistance. Surveys and success stories from across the state should be collected and used to develop recommendations for courts to obtain funding to eliminate the disparate impact of court-imposed fines and costs as well as court mandated treatment programs and education. The DMCJA must talk with budget decision-makers on ways to improve indigent access to court ordered programs and education. These programs can help individuals from re-offending and that has been shown to improve public safety. After the case of *State v. Blazina*, and its progeny, the court has an obligation to consider the ability of each defendant to pay any financial obligation to the courts. It is the responsibility of the DMCJA to educate judicial officers so that they can better address the courts' responsibility to indigent defendants in the imposition and collection of financial obligations ordered by the court.

ACTION ITEMS:

- Develop training session either through webinars or at the annual Spring Program, which educates the judiciary on LFO issues.

8. Member Engagement

The DMCJA fulfills its statutory obligations through its committees. Therefore, the Board should actively encourage its members to participate in committee work and governance of our organization. Currently, 76 members volunteer for committees of which 39 participate on 2 or more committees, and 16 participate on 3 or more committees. 160 members are currently not in service on any committees.

There are a number of ways to actively encourage more member participation. Inform the members that most, if not all, of our committee work is still being conducted over Zoom which allows for less travel, fewer pro tem judges, and easier access to committee meetings. Have a separate section at the Judicial College regarding member engagement where we can learn more about our newest judges and their background, interests, and assist in mentorship. Instituting a succession plan and active mentoring opportunities as judges leave the bench and new judges are elected or appointed.

ACTION ITEMS:

- Conduct a survey of membership to learn areas of legal expertise and interests both on and off the bench, which would allow for a concentrated and targeted inquiry to judges in order to facilitate participation on certain committees based on strengths and interest.
- Establish a participation goal: Currently, one third of the DMCJA membership is involved in committee work. The goal is to have at least half of all members involved in committee work in the next year. This would be roughly 40 additional members actively participating, and should be an attainable goal for the association.

9. Continuity of Operations

The DMCJA recognizes that access to justice exists only when courts are operational. Each court, regardless of size and location, must plan for continuity of operations in response to a spectrum of contingencies including pandemic, personnel, technology, site, or logistical disruptions or threats. Disruptions can affect court staff, vendors, and/or the public at large. They can occur at the courthouse or off-site; can be natural or man-made disasters; and can be short-term or long-term in duration.

The DMCJA will work with the Administrative Office of the Courts and individual district and municipal courts to ensure that all court leaders have the education and ability to identify resources to help their courts prepare robust and complete plans to help them continue operations through potential threats and disruptions.

ACTION ITEMS:

- Awaiting results of recent survey.

DISTRICT AND MUNICIPAL COURT JUDGES' ASSOCIATION
SCHEDULE OF BOARD MEETINGS

2022-2023

DATE	*TIME*	*MEETING LOCATION*
Friday, July 8, 2022	12:30 – 3:30 p.m.	ZOOM Video Conference
Friday, Aug 12, 2022	12:30 – 3:30 p.m.	ZOOM Video Conference
Friday, Sept 9, 2022	12:30 – 3:30 p.m.	ZOOM Video Conference
Friday, Oct 7, 2022	12:30 – 3:30 p.m.	ZOOM Video Conference
Friday, Nov 18, 2022	12:30 – 3:30 p.m.	ZOOM Video Conference
Friday, Dec 9, 2022	12:30 – 3:30 p.m.	ZOOM Video Conference
Friday, Jan 13, 2023	12:30 – 3:30 p.m.	ZOOM Video Conference
Friday, Feb 10, 2023	12:30 – 3:30 p.m.	ZOOM Video Conference
Friday, March 10, 2023	12:30 – 3:30 p.m.	ZOOM Video Conference
Friday, April 14, 2023	12:30 – 3:30 p.m.	ZOOM Video Conference
May 2023	TBD	DMCJA Board Retreat Location: TBD
June 2023	TBD – during spring program	DMCJA Spring Program Location: TBD

AOC Staff: Stephanie Oyler

Updated: March 18, 2022

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DMCJA Bylaws Committee Report
April 2022

Committee Members:
Judge Hedine, Chair
Judge Ebenger
Judge Green

AOC Staff:
Ms. J Benway

The DMCJA Board requested that the Bylaws Committee propose Bylaws amendments to include the Public Outreach Committee as a standing committee, and to add that Committee's functions to the DMCJA Bylaws. To effectuate this purpose, the Bylaws Committee recommends the following amendments:

Proposed amendments to DMCJA Bylaws Article X

ARTICLE X - Committees

Section 1. Membership of Committees:

There shall be ~~thirteen~~ fourteen (~~13~~14) standing committees and other such committees as may be authorized by the Association and by the President. The standing committees shall be the Nominating Committee, Bylaws Committee, Conference Committee, Legislative Committee, Court Rules Committee, Education Committee, Long Range Planning Committee, Diversity Committee, DOL Liaison Committee, Public Outreach Committee, Technology Committee, Therapeutic Courts Committee, Council on Independent Courts, and Judicial Assistance Services Program. Committee Chairs shall submit written annual reports to the members at the Association's Annual Meeting. In selecting members for the Association's committees, the President should make every effort to assign a member to the member's first preferred committee, even if such assignment increases the committee's size.

Section 2. Committee Functions:

(a) – (k) [no change]

(l) Public Outreach Committee:

(1) The Public Outreach Committee will educate justice partners and the public on the accomplishments and challenges of district and municipal courts.

(2) The Public Outreach Committee will provide resources for association members to assist in communications with justice partners and the public.

DMCJA Bylaws Committee Report
April 2022

Committee Members:
Judge Hedine, Chair
Judge Ebenger
Judge Green

AOC Staff:
Ms. J Benway

The DMCJA Board requested that the Bylaws Committee propose a Bylaws amendment to shorten the period of time required to provide notification of Board of Governors meetings. To effectuate this purpose, the Bylaws Committee recommends the following amendment:

Proposed amendments to DMCJA Bylaws Article VII

ARTICLE VII – Board of Governors

Section 1. Membership:

[no change]

Section 2. Vacancies:

[no change]

Section 3. Meetings:

(a) The Board of Governors shall meet at the call of the President, during the Annual Meeting, and at such other times as the President or a majority of the Board of Governors may deem necessary provided written notice is given to all members of the Board at least ~~10~~ five (5) days in advance. Any written notice required by this Article may be given by mail or email. The Association may reimburse the Board of Governors their necessary travel expenses to attend any Board meeting, except in connection with the Annual Meeting.

(b) – (e) [no changes]

DMCJA Bylaws Committee Report
April 2022

Committee Members:
Judge Hedine, Chair
Judge Ebenger
Judge Green

AOC Staff:
Ms. J Benway

The DMCJA Board requested that the Bylaws Committee propose a Bylaws amendment to allow for removal of a Board member for cause. To effectuate this purpose, the Bylaws Committee recommends the following amendment:

Proposed amendments to DMCJA Bylaws Article VII
ARTICLE VII – Board of Governors

Section 1. Membership:

[no change]

Section 2. Vacancies:

[no change]

Section 3. Meetings:

(a) – (d) [no change]

(e) If a Board member fails to attend three (3) consecutive Board meetings~~,~~; ~~or~~ fails to attend 60% of the Board meetings for the year; or if there is any other cause for removal of such Board member, the President or a simple majority of the Board members ~~shall~~ may place a motion before the Board to remove said Board member. "Cause" for purposes of this subsection shall mean a Board member's alleged or actual failure to act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary and to avoid impropriety or the appearance of impropriety. Prior to any vote on the motion, the Board member shall be given an opportunity to respond to the motion. ~~The deliberations~~ The Board's deliberations on the motion shall be held during an executive session unless the Board member at issue requests that they be held during a regular meeting. The final vote shall be taken during the regular meeting at the close of the deliberations. Replacement of a removed Board member shall

be done in accordance with DMCJA Bylaws pertaining to filling of vacant Board positions.

District and Municipal Court Judges' Association
Agreement for Lobbying Services
2022- 2024

THIS AGREEMENT is entered into between the WASHINGTON STATE DISTRICT AND MUNICIPAL COURT JUDGES' ASSOCIATION ("Association" or "DMCJA"), established pursuant to RCW 3.70.010, and BOGARD & JOHNSON LLC.

1. RECITALS

A. The Association is mandated by RCW 3.70.040(3) to report annually to the legislature on the condition of business in the courts of limited jurisdiction and to make recommendations to the legislature as to needed changes in the organization, operation, judicial procedure and laws or statutes affecting such courts.

B. The Association is in need of having regularly available representation in the legislative process to assist with the formulation and presentation of mandated recommendations.

C. The Lobbyist is able to provide the assistance and representation needed by the Association in making necessary and appropriate recommendations and presentations to the legislature.

2. AGREEMENT

A. Term: This agreement shall be for the period commencing June 1, 2022 through May 31, 2024 unless earlier terminated as provided below.

B. *Compensation: The Association shall pay to the Lobbyist the sum of $144,000.00 for the* Lobbyist's services to be paid as follows:

$6,000 per month due on the 15th of each month, commencing with the month of June, 2022.

In addition to the aforementioned sums, the Association shall reimburse the Lobbyist for actual expenses incurred, over and above the compensation amount set forth above. Such expenses shall not exceed $1,500.00 per year. Reimbursement for expenses shall be made only when supported by a voucher required and appropriate receipts. All such expense vouchers shall be first submitted to the Chair of the Legislative Committee of the Association for approval no later than June 1, 2023 for first year expenses, and June 1, 2024 for second year expenses.

3. ASSOCIATION RESPONSIBILITIES

A. The Association shall provide direction to the Lobbyist as to what recommendations, presentations, and other lobbying efforts are to be undertaken by the Lobbyist for and on behalf of the Association.

B. The direction to the Lobbyist from the Association shall come only from the President of the Association or from the Chair (or Co-Chair) of the Legislative Committee of the Association, or from such other specified person(s) as may be designated from time to time

by the President and/or the Board of Governors of the Association. The designation of representatives shall be communicated by the President of the Association.

C. The Association shall provide support to the Lobbyist by providing background information and presentation materials, including talking points, position papers, memoranda on DMCJA positions as needed and requested by the Lobbyist. Further, the Association will provide expert testimony or designate DMCJA judge(s) to attend hearings or meetings requested by legislators when possible and will coordinate legislative contacts by DMCJA membership when needed to support the positions of the Association.

D. When possible, the Association agrees to inform the Lobbyist of contacts or requests for meetings or information made by legislators or legislative staff regarding substantive legislative issues.

4. LOBBYIST'S RESPONSIBILITIES

A. The Lobbyist shall be present in person at the State Capitol in Olympia during all legislative sessions and at such other locations as may be necessary to coordinate the Association's contact with and recommendations to the members of the State Legislature.

B. The Lobbyist may hire such employees as the Lobbyist deems necessary to fulfill the obligations of this Agreement. Such employees shall be paid by the Lobbyist and shall not be employees of the Association.

C. The Lobbyist shall at all times maintain contact with the Association, its President, its Board of Governors, its Legislative Committee Chair, and its Legislative Committee, to keep the Association informed as to the Lobbyist's efforts for and on its behalf.

D. The lobbyist shall attend DMCJA board meetings and provide regular in person reports.

E. The Lobbyist shall make an in person oral report to the members of the DMCJA at the annual spring conference of the Association.

F. The Lobbyist shall make and maintain all necessary and required Public Disclosure Commission filings, together with any and all other filings and reports as may be required by law in the conduct of lobbying activities. Such forms shall be made available to the Association for inspection upon request to the Lobbyist from the President of the Association. The Lobbyist shall obtain and maintain in effect any licenses as may be required by law to conduct lobbying activities.

G. The Lobbyist agrees to provide the Association a list of all other employment secured by the Lobbyist prior to the commencement of the 2023 and 2024 regular legislative sessions and promptly advise the Association of any actual or potential conflicts of interest that exist prior to or arise during the legislative session.

H. Specific additional lobbying services shall include, but not be limited to the following:

(1) Support, provide information, testify on behalf of or seek defeat or amendment of pending legislation as requested by the Association.

(2) Identify opportunities to involve the Association's Legislative Committee members, committee chairs, and individual members in the legislative process, either through testimony, making personal contacts, and/or participating in meetings with legislators or the Governor.

(3) Attend meetings of the Association's Legislative Committee and provide regular reports of legislative activities. Maintain regular contact with the Association's Legislative Committee chair and staff.

(4) Attend Board of Judicial Administration (BJA) Legislative Committee meetings.

(5) Represent the Association legislative interest to the Governor's office and pertinent state agencies during session and interim as needed.

(6) Assist the Association's Legislative Committee and Board of Governors in the development of a legislative agenda during interim by participation in its development, coordination of appropriate contacts with legislators, development of appropriate legislative agendas, and consultation on presentation.

(7) Attend, provide information, and report to the Association on legislative activities of other groups as requested by the Association during the interim. Assist the Association when requested with other interest groups.

(8) Arrange pre-session and in session meetings with key legislative leaders and other contacts.

(9) Accompany DMCJA members when meeting with legislators.

(10) Accompany DMCJA members when testifying at legislature.

(11) Attend, provide information, and otherwise represent the Association at legislative assembly days, other scheduled meetings of standing committees or legislators during the interim months.

5. TERMINATION

A. This Agreement shall automatically terminate May 31, 2024, unless terminated earlier as provided below.

B. Either party may terminate this Agreement, without cause, by providing written notice of *termination to the other party not less than 30 days before the end of any calendar month* (28 days in February). Such notice shall be made in person, or by mailing such notice by certified mail to the other party at the following addresses:

HON. COMM. RICK LEO
President Elect, DMCJA
Snohomish County District Court, Cascade Division
415 E. Burke Ave.
Arlington, WA 98223-1010

MS. MELISSA JOHNSON
Bogard & Johnson LLC
200 Union Ave. SE
Olympia, WA 98501-1393

C. In the event this Agreement is terminated by the Association, the Lobbyist shall be entitled to retain all compensation previously paid under the terms of this Agreement and the Lobbyist shall be entitled to receive monthly compensation for the month immediately preceding termination. In addition, the Lobbyist shall be paid a final severance in the amount of $6,000.00.

D. In the event the Lobbyist is suspended from lobbying activities, or is otherwise prevented from performing lobbying activities for and on behalf of the Association, this Agreement shall terminate. No severance shall be due under those circumstances. The Lobbyist shall notify the Association of any suspension within 1 business day of receiving notice.

6. INDEPENDENT CONTRACTOR

The Lobbyist is an independent contractor with the Association and is not an employee. The Lobbyist shall accrue no claim against the Association under this Agreement or otherwise for vacation pay, sick leave, retirement benefits, social security benefits, workers compensation benefits or employee benefits of any kind.

7. ACTIVITIES NOT COVERED BY THIS AGREEMENT

This Agreement does not cover any activities related to salaries, pensions, and/or benefits to *Association members. Any activities necessary for such issues shall be subject to a separate* agreement between the parties.

8. ASSIGNMENT PROHIBITED

Neither party may make or permit assignment of any rights or obligations covered by this Agreement without the written consent of the other party.

9. ATTORNEY FEES/COSTS

Should either party retain the services of an attorney to enforce any of the provisions of this Agreement, the prevailing party shall be entitled to reimbursement from the other party for reasonable attorney's fees and costs incurred in such action.

10. ENTIRE AGREEMENT

This constitutes the entire agreement between the parties. No other agreement, oral or written, exists between the parties. Any amendment or modification to this Agreement must be made in writing and be signed by both parties.

DATED this 27th **day of** April **, 2022**

ASSOCIATION:

CHARLES D. SHORT
DMCJA PRESIDENT

LOBBYIST:

MELISSA JOHNSON
BOGARD & JOHNSON
LOBBYIST

Judge Charles D. Short MJ Melissa Johnson

District and Municipal Court Judges' Association
Agreement for Grant Writing Services
2022-2023

THIS GENERAL SERVICE AGREEMENT is entered into between the WASHINGTON STATE DISTRICT AND MUNICIPAL COURT JUDGES' ASSOCIATION (DMCJA), established pursuant to RCW 3.70.010, and COLLABORATIVE PARTNERS INITIATIVE, LLC (Contractor).

I. RECITALS.

A. The DMCJA is in need of technical assistance in identifying and applying for state, federal, and other public and private grant opportunities to fund judicial priorities identified by member courts.

B. The Contractor has the necessary qualifications and experience and is able to provide grant research and writing services to the Association and its member courts.

IN CONSIDERATION OF the matters described above and of the mutual benefits and obligations set forth in this Agreement, the receipt and sufficiency of which consideration is hereby acknowledged, the DMCJA and the Contractor agree as follows:

II. DESCRIPTION OF WORK.

A. Contractor shall perform the following grant consultation services (Services) for the DMCJA in accordance with the following:

1. Funding Needs Analysis. The Contractor shall research and assess current DMCJA funding priorities and identify new priorities for funding.

2. Grant Funding Research. The Contractor shall conduct research to identify grant resources including, but not limited to, county, state, and federal government, private foundations, agencies, and organizations that support courts of limited jurisdictions' funding needs and priorities. When the Contractor identifies a grant opportunity, the Contractor shall provide an estimated number of hours required for grant application submission including, but not limited to, scheduling and leading meetings with the DMCJA and its designees.

3. On-Call Grant Research. In addition to the funding priorities identified by the DMCJA, other areas may emerge as priorities through the funding needs analysis process and throughout the duration of the contract. The Contractor shall provide information regarding relevant grant opportunities to the DMCJA Board and its designees.

4. Grant Proposal Development. The Contractor shall provide grant-writing services associated with the completion of grant applications as authorized by DMCJA.

The Contractor will prepare timelines and a chart of tasks, including deadline for submission, to DMCJA and its designees. The Contractor is expected to coordinate with the applicable grantor in clarifying the requirements and content for the grant application.

5. Grant Proposal Submission. The Contractor shall prepare all required documents and shall be responsible for timely submitting the grant proposal to the funding source as directed by DMCJA. A copy of each grant application package submitted for funding shall be provided to the DMCJA.

   In some instances, the grant submission process may require accessing federal or state systems for submitting a grant application. The Contractor is responsible for any fees associated with securing access to relevant databases, websites, or platforms in order to research and apply for grants under this Agreement.

6. Post-Award Requirements. When a grant is awarded, the Contractor shall work with DMCJA and its designees to identify grant requirements and provide tracking and reporting in compliance with those requirements for the term of this Agreement.

7. Regular Communication. The Contractor shall maintain regular communication with the DMCJA and its designees to keep the DMCJA informed as to the Contractor's efforts for and on its behalf.

8. Attendance at Board Meetings. The Contractor shall attend DMCJA board meetings at the direction of the DMCJA's President to provide regular in-person reports. The Contractor may appear by video using a virtual platform, where approved by the DMCJA.

9. Attendance at Spring Conference. The Contractor shall make an in person oral report to the members of the DMCJA at the annual spring conference of the Association. The Contractor may appear by video using a virtual platform, where approved by the DMCJA.

B. Compliance with Laws. In performing services under this Agreement, the Contractor shall, at all times, comply with all federal, state and local statutes, ordinances, and rules that are now effective or in the future become applicable to the performance of such services. In addition, Contractor shall perform all services and duties incidental or necessary to fulfill the terms of this Agreement diligently and completely and in accordance with professional standards of conduct and performance.

C. Other Tasks. The Services may also include other tasks which the Parties may agree upon. Tasks that fall outside the agreed upon scope of work may be invoiced separately for an additional fee payable to the Contractor. The Contractor hereby agrees to provide such services to the Client, upon advance approval from the DMCJA.

III. COMPENSATION.

A. Compensation. The Contractor will charge the DMCJA for the Services as agreed upon with the Association (Compensation). The parties acknowledge that the total value of this agreement is up to **$108,600** for services rendered.

B. Rates. The Contractor agrees to a rate of **$145 per hour** for services contracted for herein. DMCJA agrees to pay Contractor for the services of sub-contractor GWMC an hourly rate of **$225 per hour**, not to exceed eight (8) hours per month unless approved by DMCJA. These hourly rates shall remain locked for the term of this Agreement.

C. Estimated Monthly Payments. The Association estimates an average of 50 hours per month for Contractor (CPIN) at $145 per hour at a monthly cost of $7,250 for a period of 12 months. The 12-month cost estimate is $87,000.

The Association estimates an average of 8 hours per month for the services of GWMC, a subcontractor of CPIN, at a rate of $225 per hour at a monthly cost of $1,800. The 12-month cost estimate is $21,600.

If the Contractor works less than the number of hours estimated on any given month, the invoice submitted to the Association shall be adjusted accordingly. Payment to the Contractor shall not exceed $9,050 per month without the prior written authorization of the DMCJA in the form of a negotiated and executed amendment to this Agreement.

D. First Payment: The initial payment of $9,050 due to the Contractor under this Agreement shall be sent by check via U.S. Mail within 15 days of receipt after acceptance from DMCJA of the following deliverables from the Contractor:

1. Draft workplan
2. Draft calendar
3. Draft survey to members

Thereafter, Contractor shall submit monthly invoices consistent with paragraph E, below.

E. Monthly Invoices. The Contractor shall itemize the amount of time expended, in 15-minute increments, including a breakdown of amount of time spent in consultation with DMCJA and its designees, in each payment invoice. The monthly invoice shall also include a description of activities undertaken during the reporting period, and the status of those activities. The Association shall pay the Contractor for services rendered within 15 days of receipt. If the DMCJA objects to all or any portion of an invoice, it shall notify the Contractor and reserves the option to only pay that portion of the invoice that is not in dispute. In that event, the parties will immediately make every effort to settle the disputed portion.

F. Currency. Except as otherwise provided in this Agreement, all monetary amounts referred to in this Agreement are in USD (US Dollars).

IV. TERM.

The term of this Agreement shall commence upon June 1st, 2022 and end on May 30, 2023.

V. TERMINATION.

Either party may terminate this Contract, with or without cause, upon providing the other party with thirty (30) days notice. Such notice shall be made in person, or by sending notice via e-mail AND certified mail to the other party at its address set forth on the signature block of this Agreement. In the event of such termination or suspension, all finished or unfinished documents, data, studies, worksheets, models and reports, or other material prepared by the Contractor pursuant to this Agreement shall be submitted to the DMCJA. If the Contractor is unavailable to perform the scope of services, the DMCJA may, at its option, cancel this Agreement immediately.

VI. OWNERSHIP AND USE OF RECORDS AND DOCUMENTS.

A. Original documents, drawings, designs, reports, or any other records developed or created under this Agreement shall belong to and become the property of the DMCJA. The Contractor will safeguard all records submitted by the DMCJA to the Contractor. Contractor shall make such data, documents, and files available to the DMCJA upon the DMCJA's request. The DMCJA's use or reuse of any of the documents, data and files created by Contractor for this project by anyone other than Contractor on any other project shall be without liability or legal exposure to Contractor.

B. All services performed under this Agreement will be conducted solely for the benefit of the DMCJA and will not be used for any other purpose without written consent of the DMCJA. Any information relating to the services will not be released without the written permission from the DMCJA.

VII. CONFIDENTIALITY.

A. The Contractor shall preserve the confidentiality of all DMCJA documents and data accessed for use in the Contractor's work product. Confidential information (Confidential Information) refers to any data or information relating to the business of the DMCJA which would reasonably be considered to be proprietary to the DMCJA including, but not limited to, accounting records, business processes, and client records and that are not generally known in the industry of the DMCJA and where the release of that Confidential Information could reasonably be expected to cause harm to the DMCJA.

B. The Contractor agrees that they will not disclose, divulge, reveal, report or use, for

any purpose, any Confidential Information which the Contractor has obtained, except as authorized by the DMCJA or as required by law. The obligations of confidentiality will apply during the Term and will survive indefinitely upon termination of this Agreement.

C. All written and oral information and material disclosed or provided by the DMCJA to the Contractor under this Agreement is Confidential Information regardless of whether it was provided before or after the date of this Agreement or how it was provided to the Contractor.

VIII. OWNERSHIP OF INTELLECTUAL PROPERTY.

A. All intellectual property and related material, including any trade secrets, moral rights, goodwill, relevant registrations or applications for registration, and rights in any patent, copyright, trademark, trade dress, industrial design and trade name (the "Intellectual Property") that is developed or produced under this Agreement, is a "work made for hire" and will be the sole property of the Association. The use of the Intellectual Property by the DMCJA will not be restricted in any manner.

B. The Contractor may not use the Intellectual Property for any purpose other than that contracted for in this Agreement except with the written consent of the Client. The Contractor will be responsible for any and all damages resulting from the unauthorized use of the Intellectual Property.

IX. RETURN OF PROPERTY.

Upon the expiration or termination of this Agreement, the Contractor will return to the Client any property, documentation, records, or Confidential Information which is the property of the Client.

X. INDEPENDENT CONTRACTOR.

In providing the Services under this Agreement it is expressly agreed that the Contractor is acting as an independent contractor and not as an employee. The Contractor and the DMCJA acknowledge that this Agreement does not create a partnership or joint venture between them, and is exclusively a contract for service. The DMCJA is not required to pay, or make any contributions to, any social security, local, state or federal tax, unemployment compensation, workers' compensation, insurance premium, profit-sharing, pension or any other employee benefit for the Contractor during the Term. The Contractor is responsible for paying, and complying with reporting requirements for, all local, state and federal taxes related to payments made to the Contractor under this Agreement.

A. DMCJA'S RIGHT OF INSPECTION. Even though Contractor is an independent contractor with the authority to control and direct the performance and details of the work authorized under this Contract, the work must meet the approval of the DMCJA and shall be subject to the DMCJA's general right of inspection to secure satisfactory completion.

XI. RIGHT OF SUBSTITUTION.

A. Except as otherwise provided in this Agreement, the Contractor may, at the Contractor's absolute discretion, engage a third-party sub-contractor to perform some or all of the obligations of the Contractor under this Agreement and the DMCJA will not hire or engage any third parties to assist with the provision of the Services.

B. In the event that the Contractor hires a sub-contractor:

1. The Contractor agrees to obtain written consent from the DMCJA if an engagement between the Contractor and Subcontractor would result in additional fees to the client than previously agreed upon in writing by the Client and Contractor.

2. The Contractor will pay the sub-contractor for its services and the Compensation will remain payable by the Client to the Contractor.

3. For the purposes of the indemnification clause of this Agreement, the sub-contractor is an agent of the Contractor.

XII. AUTONOMY.

Except as otherwise provided in this Agreement, the Contractor will have full control over working time, methods, and decision making in relation to provision of the Services in accordance with the Agreement. The Contractor will work autonomously and not at the direction of the Client. However, the Contractor will be responsive to the reasonable needs and concerns of the Client.

XIII. EQUIPMENT.

Except as otherwise provided in this Agreement, the Contractor will provide at the Contractor’s own expense, any and all tools, machinery, equipment, raw materials, supplies, workwear and any other items or parts necessary to deliver the Services in accordance with the Agreement.

XIV. NON-EXCLUSIVITY.

The Parties acknowledge that this Agreement is non-exclusive and that either Party will be free, during and after the Term, to engage or contract with third parties for the provision of services similar to the Services.

XV. INDEMNIFICATION.

A. Contractor shall defend, indemnify and hold the DMCJA, its officers, officials, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits including attorney fees, arising out of or resulting from the negligent, gross negligent and/or intentional acts, errors or omissions of the Contractor, its agents or employees, arising out of or in connection with the performance of this Agreement,

except for injuries and damages caused by the sole negligence of the DMCJA. The DMCJA's inspection or acceptance of any of Contractor's work when completed shall not be grounds to avoid any of these covenants of indemnification.

B. Should a court of competent jurisdiction determine that this Contract is subject to RCW 4.24.115, then, in the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of the Contractor and the DMCJA, its officers, officials, employees, and volunteers, the Contractor's liability, including the duty and cost to defend, hereunder shall be only to the extent of the Contractor's negligence.

C. It is further specifically and expressly understood that the indemnification provided herein constitutes the Contractor's waiver of immunity under industrial insurance, Title 51 RCW, solely for the purposes of this indemnification. This waiver has been mutually negotiated by the parties.

The provisions of this Section shall survive the expiration or termination of this Agreement.

XVI. NONDISCRIMINATION.

In the hiring of employees for the performance of work under this Contract or any subcontract, the Contractor, its subcontractors, or any person acting on behalf of the Contractor or subcontractor shall not, by reason of race, religion, color, sex, age, sexual orientation, creed, national origin, marital status, or the presence of any sensory, mental, or physical disability, discriminate against any person who is qualified and available to perform the work to which the employment relates. No person shall be denied or subjected to discrimination in receipt or the benefit of any services or activities made possible by or resulting from this Agreement on the grounds of sex, race, color, creed, national origin, age except minimum age and retirement provisions, marital status, or in presence of any sensory, mental or physical handicap.

XVII. CONFLICTS OF INTEREST.

The Contractor agrees to provide the DMCJA a list of all other employment or other contracts secured by the Contractor on or after the start of this Agreement term. The Contractor shall promptly advise the DMCJA of any actual or potential conflicts of interest that exist prior to, or arise during, the term of this Agreement.

XVIII. SUCCESSORS AND ASSIGNS.

Neither the DMCJA nor the Contractor shall assign, transfer or encumber any rights, duties, or interests accruing from this Agreement without the written consent of the other party.

XIX. INSURANCE REQUIREMENTS. Contractor shall obtain insurance of the types described below during the term of this Agreement.

A. Minimum Amounts of Insurance. Contractor shall maintain the following insurance limits:

1. Automobile Liability insurance with combined single limits of liability not less than $1,000,000 for bodily injury and property damage with combined single limits not less than of $1,000,000.

2. Commercial General Liability insurance covering premises, operations, independent contractors' liability and damages for personal injury and property damage with combined single limits not less than $1,000,000.

3. Professional Liability, Errors or Omissions insurance, with limits of liability not less than $1,000,000 per claim and $1,000,000 policy aggregate limit, shall be provided if services delivered pursuant to the Agreement require professional services provided by a licensed professional.

B. No Limitation. Contractor's maintenance of insurance as required by the Contract shall not be construed to limit the liability of the Contractor to the coverage provided by such insurance, or otherwise limit the DMCJA's recourse to any remedy available at law or in equity.

C. Other Insurance Provisions.

1. The Contractor's Automobile Liability and Commercial General Liability insurance policies are to contain, or to be endorsed to contain that they shall be primary insurance as respect the DMCJA. Any insurance, self-insurance, or self-insured pool coverage maintained by the DMCJA shall be excess of the Contractor's insurance and shall not contribute with it.

2. The Contractor shall not cancel any insurance policy required under this Agreement except after providing thirty (30) days prior written notice to the DMCJA.

D. Verification of Coverage. Contractor shall furnish the DMCJA with original certificates and a copy of the amendatory endorsements, including but not necessarily limited to the additional insured endorsement, evidencing the insurance requirements of the Agreement before commencement of the work.

E. Notice of Cancellation. The Contractor shall provide the DMCJA with written notice of any policy cancellation by an insurance company within two business days of their receipt of such notice.

F. Failure to Maintain Insurance. Failure on the part of the Contractor to maintain the insurance as required shall constitute a material breach of contract, upon which the DMCJA may, after giving five business days notice to the Contractor to correct the breach, immediately terminate the Agreement or, at its discretion, procure or renew such insurance and pay any and all premiums in connection therewith, with any sums

so expended to be repaid to the DMCJA on demand, or at the sole discretion of the DMCJA, offset against funds due the Contractor from the DMCJA.

G. DMCJA Full Availability of Contractor Limits. If the Contractor maintains higher insurance limits than the minimums shown above, the DMCJA shall be insured for the full available limits of Commercial General and Excess or Umbrella liability maintained by the Contractor, irrespective of whether such limits maintained by the Contractor are greater than those required by this Agreement, or whether any certificate of insurance furnished to the DMCJA evidences limits of liability lower than those maintained by the Contractor.

XX. MODIFICATION OF AGREEMENT.

Any amendment or modification of this Agreement or additional obligation assumed by either Party in connection with this Agreement will only be binding if evidenced in writing signed by each Party or an authorized representative of each Party.

XXI. TIME OF THE ESSENCE.

Time is of the essence in this Agreement. No extension or variation of this Agreement will operate as a waiver of this provision.

XXII. WORK PERFORMED AT CONTRACTOR'S RISK.

Contractor shall take all necessary precautions, shall be responsible for the safety of its employees, agents, and subcontractors in the performance of the contract work, and shall utilize all protection necessary for that purpose. All work shall be done at Contractor's own risk, and Contractor shall be responsible for any loss of or damage to materials, tools, or other articles used or held for use in connection with the work.

XXIII. EXCHANGE OF INFORMATION.

The City will provide its best efforts to provide reasonable accuracy of any information supplied by it to Contractor for the purpose of completion of the work under this Contract.

XXIV. ATTORNEY FEES/COSTS.

Should either party retain the services of an attorney to enforce any of the provisions of this Agreement, the substantially prevailing party shall be entitled to reimbursement from the other party for attorney's fees and costs incurred in such action.

XXV. NOTICES.

All communications regarding this Agreement shall be sent to the parties at the addresses listed on the signature page of this Agreement, unless notified to the contrary. Any written notice hereunder shall become effective three (3) business days after the date of mailing by registered or certified mail, and shall be deemed sufficiently given if sent to

the addressee at the address stated in this Agreement or such other address as may be hereafter specified in writing.

XXVI. TITLES/HEADINGS.

Headings are inserted for the convenience of the Parties only and are not to be considered when interpreting this Agreement.

XVIII. GOVERNING LAW AND VENUE.

This Agreement shall be construed and enforced in accordance with the laws of the State of Washington. Venue of any suit between the parties arising out of this Agreement shall be King County Superior Court.

XIX. NON-WAIVER OF BREACH.

The failure of the DMCJA to insist upon strict performance of any of the covenants and agreements contained in this Contract, or to exercise any option conferred by this Contract in one or more instances shall not be construed to be a waiver or relinquishment of those covenants, agreements or options, and the same shall be and remain in full force and effect.

XX. SEVERABILITY.

Any provision of this Agreement held to be void or unenforceable under any law or regulation shall be deemed stricken and all remaining provisions shall continue to be valid and binding upon the DMCJA and the Contractor, who agree that the Agreement shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision.

XXI. ACTIVITIES NOT COVERED BY THIS AGREEMENT.

This Agreement does not contemplate any activities related to salaries, pensions, and/or benefits to DMCJA members.

XXII. COUNTERPARTS.

This Agreement may be executed in any number of counterparts, each of which shall constitute an original, and all of which will together constitute this one Agreement.

XXIII. ENTIRE CONTRACT.

This document contains the entire Agreement between the parties hereto and no other agreements, oral or otherwise, regarding the subject matter of this Agreement, shall be deemed to exist or bind any of the parties hereto. Either party may request changes in the agreement. Proposed changes, which are mutually agreed upon, shall be incorporated by written amendment to this Agreement.

IN WITNESS, the parties below execute this Agreement, which shall become effective on the last date entered below.

CONTRACTOR:	**DMCJA:**
By:_____ **(signature)** **Print Name:_____** **Title:_____** **DATE:_____** **NOTICES TO BE SENT TO:** Angela Silva Collaborative Partners Initiative, LLC 4227 S. Meridian, Ste. #508 Puyallup, WA 98373 asilva@thecpin.com	**By:_____** **(signature)** **Print Name: Hon. Charles Short** **Title: President, DMCJA** **DATE:_____** **NOTICES TO BE SENT TO:** Hon. Commissioner Rick Leo DMCJA President-Elect Snohomish County District Court – Cascade Div. 415 East Burke Ave Arlington, WA 98223 Enrico.Leo@co.snohomish.wa.us

SAVE THE DATE

2022 Washington Supreme Court Symposium:

Reparations for African Americans

JUNE 1, 2022
8:30 AM - 12:35 PM
VIA TVW & ZOOM

The ***2022 Washington Supreme Court Symposium*** will explore the historical context, legal issues and practical applications of reparations to Black Americans to remedy the ongoing effects of slavery and anti-Black discrimination. Presenters include historians, legal scholars, and grassroots experts.

Registration to Follow
CLE Credits Pending

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GONZAGA UNIVERSITY
School of Law

2022 Annual Supreme Court Symposium: Reparations in Washington State

June 1st, 2022, 8:30 a.m. – 12:35 p.m.

Watch on TVW

I. **8:30-8:45 a.m. (15 min.): Introduction.** Justice Mary Yu, Co-chair, *Washington State Minority and Justice Commission*, Carsen Nies, *Seattle University School of Law*, and Mynor Lopez, *Seattle University School of Law.*

II. **8:45 – 10:15 (90 min.): Keynote Scholarship and Panel Discussion, facilitated by Christopher Sanders.** Professor Jamila Jefferson Jones, *Wayne State University Law School*, Professor Adjoa Aiyetoro, *William H. Bowen School of Law*, and Professor Eric Miller, *Loyola Law School*. Keynote scholars discuss the moral and economic necessity of reparations to Black Americans, and explore the implications on justice under law.

BREAK: 10:15 – 10:25 (10 minutes)

III. **10:25 – 11:05 (45 min.): The History of Anti-Black Discrimination in Washington State.** Dr. Quintard Taylor, *University of Washington.* Detailing the sweeping history of anti-Black discrimination in Washington State and the preceding territories. Prof. Taylor will trace the unbroken lineage from the founding of the Washington Territory as a state exclusively for white people to modern day inequality and discrimination in Washington State.

BREAK: 10:50 – 11:00 (10 minutes)

IV. **11:05 – 12:35 (90 min.): Expert Grassroots Panel, Facilitated by Nikkita Oliver.** A roundtable discussion on the ways local groups around the state of Washington address the cause of Black reparations. Panel will explore ways that cultural, land-based and monetary reparations can advance equality in the state and justice under law. Panel will highlight some of the grassroots initiatives which advance reparations for Black Washingtonians.

Panelists: K. Wyking Garrett, CEO, *Africatown Community Land Trust*, Judge LeRoy McCullough, *King County Superior Court*, TreAnna Holiday, Media Director, *King County Equity Now, and* Chardonnay Beaver, Journalist, *The Facts*.

From: Thomas, Frank
Sent: Tuesday, May 10, 2022 11:15 AM
To: Oyler, Stephanie <Stephanie.oyler@courts.wa.gov>
Subject: RE: REGISTER NOW: Supreme Court Symposium June 1, 2022

Hi Stephanie,

Thanks for reaching out. No such specific legislation that I am aware of, and the program is designed expressly to not imply any particular policy preference from the Court. The local experts are likely to advocate for their various positions, but nothing should be construed as the Court taking a particular policy positon. Let me know if I can share any further information.

Best,

Frank Thomas
Sr. Court Program Analyst | Washington State Minority and Justice Commission
Administrative Office of the Courts
M: 206.316.0607 **W**: (360) 704-5536
frank.thomas@courts.wa.gov
www.courts.wa.gov

From: Oyler, Stephanie
Sent: Tuesday, May 10, 2022 11:12 AM
To: Thomas, Frank <Frank.Thomas@courts.wa.gov>
Subject: RE: REGISTER NOW: Supreme Court Symposium June 1, 2022

Hi Frank,

DMCJA is still discussing their financial contribution to this event. Judge Short asked me to inquire if (as far as you're aware) - will the speakers be promoting any specific political legislation?

Stephanie Oyler (she/her)
Court Association Coordinator | Office of Judicial and Legislative Relations
Administrative Office of the Courts
M: 360.890.0901 **P**: 360.704.1951
stephanie.oyler@courts.wa.gov
www.courts.wa.gov

Subject: FW: judicial access to filed documents in other courts

Judge Short good afternoon. We conducted a poll of the Clerks on the first question you had below. Fantastic response. Here are the results:

Clerks fantastic response to our polling questions below.

1. Do you allow electronic access to superior court records (documents) for District and Municipal judges? RESPONSE was YES: 18 and NO: 16 (Special clarification on many of the NOs. Clerks responded that they had not been asked by District or Municipal Court Judges for access so, NO was the answer).

2. If so, do you charge a fee? RESPONSE was YES: 0 and NO: 34

One additional note from King County. They have provided access to District Court, which was easy and free because they are part of the King County network. They have about 25 muni courts in the county and obviously they are not part of the King County government. Two (2) Municipal Courts have asked for access and they were given access, one account each for free – not credentials for each judge.

Clerks are addressing your other two requests and I will have final answers to those next week. If you have any questions please call me. Judge have a great weekend. It's Bloomsday Race Sunday here in Spokane, and the Doomsday Hill Vulture is BACK!!!

s/f Tim

Timothy W. Fitzgerald
Spokane County Clerk
(509) 477-3901
TFitzgerald@spokanecounty.org

Subject: judicial access to filed documents in other courts

Hi Tim,

I'm reaching out to you to see who I should speak with at WSACC regarding potential options to allow District and Municipal Court judges to view case documents from other Superior Courts when necessary in making time sensitive decisions. I know you have already been looking at these issues, especially as they relate to protection orders.

We just had a meeting on this issue and some judges reported at least one Clerk of Court for a Superior Court may still be charging fees for a District or Municipal court to view any electronic documents. We are sending a poll out to our DMCJA judges and DMCMA administrators to see who has access to Superior Court documents and

whether they have to pay any fees if they want access. We are trying to assess the state of affairs regarding judicial access to electronic documents across the State. For example, Okanogan County's Clerk has allowed Okanogan County District Court judges free access to Superior Court public documents thru an Odyssey Portal account.

Some questions I'm wondering about:

1) Would WSACC be willing to poll member clerks to see who allows electronic access to documents for District & Municipal Court judges and whether any fees are charged? (This could supplement any gaps from our own polling of our membership.)
2) Would WSACC be willing to open up ClerkShare to Municipal and District Court judges?
3) Is it workable for ClerkShare to be adjusted so a judge could just sign up for a viewing account in a participating county to view electronic documents so they could have immediate access when they needed it rather than having to make a request each time for an individual document and then someone else at a clerk's office having to manually handle the request each time? (DMCJA/DMCMA could also facilitate a system so Superior Court judges could do something similar for access to limited jurisdiction documents. This wouldn't be the ideal touch of a button access thru JABS but at least could provide electronic access where it was needed until a more efficient electronic system could be created.)

Any thoughts or recommendations you have are appreciated.

Thank you for your help,
Charles

April 21, 2022

Sent via e-mail only
Chief Justice Steven Gonzalez and Supreme Court Justices
Temple of Justice
P.O. Box 40929
Olympia, WA 98504-0929

Re: Amendments to GR 31 and CrR 2.1, Access to Juvenile Records

Dear Chief Justice Gonzalez and Justices of the Supreme Court:

We write to you as a coalition of many justice system partners negatively affected by recently adopted amendments to GR 31 and CrR 2.1. These amendments have many layers of impact within and far beyond the courts that may not have been known to the Court when it approved these changes. Our immediate request is that you delay implementation of any changes to GR 31 and CrR 2.1 until representatives can speak with you regarding questions and concerns. It is important that all justice system stakeholders and the public have confidence that the far-ranging effects of these amendments are intentional and can be implemented for their intended purpose. Signatories to this letter welcome the opportunity to discuss ways in which functional and desirable goals can be reached through informed decision-making.

SPECIFIC CONCERNS

1. Removing the full name of a juvenile offender in the official court record throws into jeopardy the courts' and other agencies' ability to comply with constitutional, statutory, and practical requirements. Each entity across our justice system has unique software programs that do not function without entry of a name. Below is a partial list of complications resulting from GR 31 amendments.

    - Decades ago the Judicial Information System Committee (JISC) Person Business Rules (PBR) were established when courts began to create a statewide party record. Compliance with the PBR reduces the risk of civil and domestic matter parties being assigned someone else's criminal history. A unified person record is fundamental to public safety operations throughout the state, and full names are an essential component of the PBR. The PBR can be reviewed at: https://help.courts.wa.gov/PBR/index.htm#t=intro.htm; (also see: JISCR 18)

    - RCW 10.97.045 requires every court or criminal justice agency to furnish disposition data to the Washington State Patrol (WSP) and the law enforcement agency initiating the criminal history record for that charge. Courts are required to retain any record upon which disposition data is based. GR 31 amendments create confusion as to whether courts will have a record of any juvenile offender's full name to report to law enforcement or maintain for its disposition data.

    - Compliance with these procedures and others is mandatory for Washington to remain in compliance with federal Public Law 103-159 Sec. 103, which establishes standards for the National Instant Criminal Background Check System (NICS).

- The Department of Licensing (DOL), Washington State Identification System (WASIS), Juvenile and Corrections System (JCS), Juvenile Index System (JUVIS), and JIS all require entry of the individual's name at various points. Staff are required to perform data entry into these systems. As currently configured, Odyssey cannot display information in a public setting using only initials. Either the systems must be altered or an efficient and auditable procedure for communicating the names of individuals must be created, which by its nature would be public. WASIS must comply with federal requirements. Sex offender registration, revocation and restoration of firearm rights, driver's license revocation, warrants, restitution orders, and orders of protection all are implicated by a proscription on the use of an individual's full name in the case record.

- RCW 13.40.100 outlines a process to serve a summons on a juvenile. A summons without a name, as well as a pick-up order without a name, is useless.

- RCW 13.40.192(1) requires the Court Clerk to enter a judgment for unpaid legal financial obligations. A judgment requires a name. Without one it is unenforceable, which may impact a victim's ability to obtain restitution.

- RCW 10.77.075 provides that to request a competency evaluation, the Child Study and Treatment Center must be provided an order, charging documents, and criminal history. Full and reliable identification is essential to this process.

- A significant percentage of court documents are initially filed under an incorrect case number. Party names are a back-check that help prevent confusion in the court record. It is common for families to name their children so that everyone has the same initials. Twins often have the same initials and, of course, the same birth date. An entire record series bearing only initials is unimaginable. It is not possible to make such a major transformation without thoughtful planning, preparation, and coordination with system partners.

2. Art. 1, Sec. 10 of the Washington Constitution guarantees the public's right to openly administered justice. If the public, especially marginalized communities and family members of victims and offenders, are confused or prevented from understanding the judicial system process, they are denied this constitutional right. Supreme Court precedent requires that any limitation on this public right required by the court be imposed based on specific facts, only after identifying a compelling interest for the limitation, weighing it against the competing interest of open access, articulating findings, and tailoring limitations to the least restrictive ones needed to address the compelling interest that justifies a limitation on open access. It is not apparent how this analysis has been, or can be, applied to GR 31 amendments.

3. Without names of alleged offenders identified in the charging documents, the records become a generic, unidentifiable pile of cases not associated with any person. This may work to the juvenile's detriment if, for example, fictitious Derek Thompson (DT), DOB 3/1/2006, is adjudicated for armed robbery. In 2023, fictitious David Tanner (DT), DOB 3/1/2006, is rejected by the military due to his conviction for armed robbery. David Tanner is without recourse to prove he is not that "DT". The intention is

laudable, but the means serve one single interest at the expense of the public, efficient functioning of the criminal justice system, multiple public safety requirements enacted by the Legislature, and the constitutional guarantee of public access to their justice system.

Time is of the essence, as agencies now are working to address demands imposed by GR 31 and CrR 2.1 amendments, but implementation in less than two weeks is not possible. Please immediately delay implementation of these amendments so interested stakeholders can meet with Supreme Court Justices to discuss these vital issues and collaborate on meaningful reform to address issues of concern to amendment proponents. To preserve and cultivate public trust in the courts, this Court must demonstrate it is willing to consider the actual effect of rule amendments such as these and make informed, balanced decisions. Public trust is the court system's most cherished asset.

With questions or to respond, please contact Judge Judith Ramseyer, King County Superior Court and Fire Brigade Chief, or Kimberly Allen, Grant County Court Clerk and President of the Washington State Association of County Clerks.

Sincerely,

Kimberly A. Allen, President
WA State Assn of County Clerks

Rachelle E Anderson
Rachelle E Anderson (Apr 21, 2022 08:22 PDT)
Rachelle Anderson, President
Superior Court Judges' Assn

Charles Short, President
District & Municipal Judges' Assn

David Reynolds
David Reynolds (Apr 21, 2022 07:43 PDT)
David Reynolds, President
WA Assn Juvenile Court Administrators

Dolly N. Hunt
Dolly N. Hunt (Apr 21, 2022 07:46 PDT)
Dolly Hunt, President
WA Assn of Prosecuting Attorneys

Sent without signature to expedite delivery
Neil Weaver, Captain WA & Gov't Affairs
Washington State Patrol

Rowland Thompson (Apr 20, 2022 17:15 PDT)
Rowland Thompson, Executive Director
Associated Newspapers

James McMahan, Policy Director
WA Assn of Sheriffs & Police Chiefs

Keith Shipman, President & CEO
WA State Assn of Broadcasters

Fred Obee, Executive Director
WA Newspaper Publishers Assn

cc: Dawn Marie Rubio, Administrative Office of the Courts
Melena Thompson, Department of Corrections

April 28, 2022

Sent via e-mail only
Chief Steven Gonzalez and Supreme Court Justices
Temple of Justice
P.O. Box 40929
Olympia, WA 98504-0929

RE: May 3rd Implementation for Amendments to GR 31 and CrR 2.1, Access to Juvenile Records

Dear Chief Justice Gonzalez and Justices of the Supreme Court:

We previously joined a coalition of individual justice system partners to ask that you pause implementation of the amendments to GR 31 and CrR 2.1. We appreciate that you and the other justices will be meeting on the afternoon of May 3rd to discuss this request. We ask that you consider pausing implementation prior to May 3rd to prevent a gap of time between implementation and the time you and your colleagues meet. We have discussed this as an association, and we do not believe we can make this rule work at this time. If it is not possible to pause implementation prior to May 3rd, we want to let you know that it is our strong recommendation that our members not file any new juvenile cases, pleadings, or documents on the morning of May 3rd that may fall under this rule due to those complications.

Thank you,

Dolly N. Hunt
Dolly N. Hunt (Apr 28, 2022 16:02 PDT)

Dolly Hunt, WAPA President
Pend Oreille County Prosecuting Attorney
Washington Association of Prosecuting Attorneys

Letter to Supreme Court on GR 31 4.28.2022

Final Audit Report 2022-04-28

Created:	2022-04-28
By:	Wapa Coordinator (salinajames@waprosecutors.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAAXeUqEzNrTk7ci3zSaxSF8aG69jBnJZ1I

"Letter to Supreme Court on GR 31 4.28.2022" History

Document created by Wapa Coordinator (salinajames@waprosecutors.org)
2022-04-28 - 11:01:05 PM GMT- IP address: 209.66.79.151

Document emailed to Dolly N. Hunt (dhunt@pendoreille.org) for signature
2022-04-28 - 11:01:22 PM GMT

Email viewed by Dolly N. Hunt (dhunt@pendoreille.org)
2022-04-28 - 11:02:10 PM GMT- IP address: 216.229.170.162

Document e-signed by Dolly N. Hunt (dhunt@pendoreille.org)
Signature Date: 2022-04-28 - 11:02:33 PM GMT - Time Source: server- IP address: 216.229.170.162

Agreement completed.
2022-04-28 - 11:02:33 PM GMT

Washington Association of
SHERIFFS &
POLICE CHIEFS

3060 Willamette Drive NE
Lacey, WA 98516
360-486-2380 (Phone)
360-486-2381 (Fax)
www.waspc.org

Friday, April 29, 2022

Chief Justice Steven Gonzalez and Supreme Court Justices
Temple of Justice
PO Box 40929
Olympia, WA 98504-0929

SENT VIA EMAIL ONLY

RE: May 3rd Implementation of Amendments to GR31 and CrR 2.1

Honorable Chief Justice Gonzalez and Justices of the Supreme Court,

I write today respectfully requesting that the Court order a pause on implementation of recent changes to GR31 and CrR2.1 *prior to* May 3rd.

As the Court is aware, a broad coalition of criminal justice stakeholders have identified significant consequences of these adopted rule changes, and has written the Court requesting a delay in implementation of these rule changes, giving the Court an opportunity to consider alternatives to the adopted rule changes.

We appreciate the Court's intention to discuss these issues on May 3, however we have concern over the timing. As it stands, the rule changes will have already taken effect by the time the Court considers a request to delay implementation during its May 3 hearing.

We are aware the Washington Association of Prosecuting Attorneys (WAPA) recently communicated to the Court that it is their "strong recommendation" that prosecutors "not file any new juvenile cases, pleadings, or documents on the morning of May 3rd that may fall under this rule" due to the previously identified issues. We believe that the prosecutors have made a very concerning, yet rational, recommendation under the circumstances.

Unless the Court pauses implementation of these rule changes *prior* to May 3, very real and preventable public safety harms are likely. WAPA's reference to not filing "new juvenile cases, pleadings, or documents" means not filing criminal charges for violent juvenile offenses, not seeking domestic violence protection orders, sexual assault protection orders, and extreme risk protection orders, as well as other potential lapses in criminal procedure to serve public safety.

The Court must be aware that juveniles can and do commit dangerous and violent offenses, and we believe strongly that the Court must take action *prior to May 3* to prevent these predictable and preventable public safety harms.

Respectfully submitted,

Steven D. Strachan
Executive Director

-----Original Message-----
From: Ramseyer, Judith <>
Sent: Thursday, May 5, 2022 9:01 AM
To: Gonzalez, Justice Steve <J_S.Gonzalez@courts.wa.gov>; Charles Johnson (charles.johnson@courts.wa.gov) <charles.johnson@courts.wa.gov>; j_b.madsen@courts.wa.gov; Susan Owens (susan.owens@courts.wa.gov) <susan.owens@courts.wa.gov>; Debra Stephens (debra.stephens@courts.wa.gov) <debra.stephens@courts.wa.gov>; Gordon McCloud, Justice Sheryl <J_S.GordonMcCloud@courts.wa.gov>; Yu, Justice Mary <Mary.Yu@courts.wa.gov>; Helen Whitener (helen.whitener@courts.wa.gov) <helen.whitener@courts.wa.gov>; Raquel Montoya-Lewis (raquel.montoya-lewis@courts.wa.gov) <raquel.montoya-lewis@courts.wa.gov>
Subject: GR 31 and CrR 2.1 Amendments
Importance: High

Chief Justice Gonzalez and Justices of the Supreme Court,

I write to convey the urgent request of justice system partners and media representatives to suspend operation of the amendments to GR 31 and CrR 2.1. Despite requests to discuss their concerns with the Court that began on April 13, 2022, the Supreme Court has not responded. The Rule amendments became effective on May 3, 2022. In the past 48 hours, anticipated complications already have arisen:

* The Washington State Patrol has received record sealing orders it cannot process because the orders use the juveniles' initials rather than full names. Because no other information specific to an individual is contained in the orders, they cannot be processed in WSP's record management system. Accordingly, the juveniles' records cannot be sealed at this time.

* The Prosecutor in one County has filed new juvenile offender cases using initials on the pleadings. The Clerk of Court is unable to open the cases in its record management system.

* The Prosecutor in another County has filed new juvenile offender cases using the full names of the juveniles. The Clerk of Court is prohibited by GR 31 from redacting a pleading. Consequently, the County Clerk is in the untenable position of either violating GR 31 or rejecting the filing.

* Warrants have been issued naming juveniles by their initials. How they will be executed and enforced is an open question.

* Summons have been mailed to juveniles using initials on the summons. The envelope also must be addressed using initials because the Clerk of Court must place an Affidavit of Mailing in the court file. If the summons is returned as undeliverable, which is common, the envelope also is filed in the record.

This coalition of system partners would like to work with the Court to find a path forward. But the problem intended to be addressed by emergency rule-making is not apparent. This group of organizations cannot emphasize strongly enough that the amendments to GR 31 and CrR 2.1 as crafted are unworkable. It is imperative the Court suspend operation of these amendments so the integrity and effectiveness of court orders, record management procedures, and the guarantee of open courts are maintained while these difficulties are resolved.

Please respond so the entities seeking action know the Court hears their concerns. I continue to be available to facilitate discussions.

Thank you -

Judith Ramseyer, Chief
Bench Bar Press Fire Brigade
King County Superior Court
206.477.1605

WA Supreme Court wrong to block access to juvenile records

April 18, 2022

The Washington state Supreme Court Building in Olympia. (Ellen M. Banner / The Seattle Times)

By The Seattle Times editorial board

Rule changes by the Washington Supreme Court — meant to mitigate the harm of the juvenile justice system — will instead interfere with the public's right to know, hinder law enforcement and threaten public safety.

If implemented as is, the court's good intentions unfortunately will cover the tracks of legal system officials who should be held accountable for their decisions.

The changes would limit access to juvenile records online, making them available exclusively at a county clerk's office, and would substitute initials for names in juvenile offender records, according to the proposal made by the Washington State Office of Public Defense and the Minority and Justice Commission.

There is no dispute having a juvenile court record can have lasting consequences, including losing out on jobs, renting a home or joining the military. Doing something dumb as a child — when the brain is not fully developed and impulse control is low — should not follow you for the rest of your life. Lack of equity in the system also means youth of color are disproportionately affected.

Those are unacceptable conditions. Legislators and all involved in the justice system should continue to work to find viable solutions. However, the answer does not lie in making records all but disappear from public inspection before they are sealed.

Removing online records would limit access to those without the means to physically travel to courthouses during the business day and essentially deny access to those with

disabilities or without resources, wrote Kim Allen, president of the Washington State Association of County Clerks, in a letter to the justices.

Even more concerning is the second rule change, which would refer to juvenile offenders by their initials and birth date. This would further deter access and prevent public scrutiny, shielding judges, public defenders, prosecutors and police from oversight.

It would also impede the work of a host of agencies in the criminal justice system, according to a letter sent to the justices by King County Superior Court Judge Judith Ramseyer, who heads the liaison committee of the Bench-Bar-Press Committee. Known as the fire brigade, the group is activated when there is a dispute over access.

Widespread uproar over the court's actions led to a recent meeting with representatives from the media, law enforcement, prosecutors, judges, county clerks and juvenile court administrators.

"Many persons share initials, have hyphenated names or aliases, and also share birth dates. Without full names and birth dates, accurate identification is severely compromised," Ramseyer wrote in her letter. "How, for example, are warrants or no contact orders issued and enforced; sex offender registration; loss of the right to possess a firearm?"

How, indeed?

The Washington Constitution, Article 1, Section 10, says, "Justice in all cases shall be administered openly." But the Legislature has recognized there is a competing interest in juvenile rehabilitation and reintegration, which "constitutes compelling circumstances that outweigh the public interest in continued availability of juvenile court records."

That was the reasoning behind 2014 legislation that made it easier for juvenile records to be sealed automatically, under most circumstances, when the person turns 18 — an important change that removed a significant burden from young people who had gotten their lives back on track.

Lawmakers have since repeatedly rejected efforts to further restrict access to juvenile records.

That activists found a more receptive audience on the Supreme Court does not undermine the fact that these changes — tentatively scheduled to take effect May 3 — are harmful and ill-considered.

That the charge for protecting the public's right to know is falling to lower court officials and municipal leaders is particularly disturbing. Voters should take a dim view of the elected justices' efforts to hide accountability of the organs of the justice system. They should know better.

The Seattle Times editorial board members are editorial page editor Kate Riley, Frank A. Blethen, Luis Carrasco, Alex Fryer, Jennifer Hemmingsen, Mark Higgins, Derrick Nunnally and William K. Blethen (emeritus).

WA Supreme Court should delay controversial juvenile-records rule change to avoid chaos

The Seattle Times

April 29, 2022 at 4:21 pm Updated April 29, 2022 at 4:50 pm

The Washington State Supreme Court justices: Back row from left: Raquel Montoya-Lewis, Sheryl Gordon McCloud, Mary Yu, and G. Helen Whitener; Front row: Susan Owens, Charles Johnson, Chief Justice Steven González, Barbara Madsen and Debra Stephens. (Washington Courts)

By The Seattle Times editorial board

The Washington court system belongs to the people. Voters elect judges, from municipal court to county superior court to appeals court to the state Supreme Court. These are public courts, accountable to the people.

Yet the state's highest court has chosen to implement a sweeping change to the handling of juvenile records that will stir chaos in the legal system, prevent residents from holding their elected judges accountable and even, potentially, smear some of the young people the new rule purports to protect.

So concerned is the Washington prosecutors association that its leaders are recommending members not make any new juvenile filings until they get clearer direction from the court, when the rules are expected to take effect.

Especially troubling, though, is that the court has set the change to occur Tuesday, ignoring entreaties from court officers and open government advocates to hold off. The changes to General Rule 31 and Criminal Court Rule 2.1 were proposed by the state Office of Public Defense and the Minority & Justice Commission.

The rule would eliminate the use of full names of juveniles in the court system; instead they will be identified only by their initials and date of birth.

The goal is an important one: To protect young people from repercussions of their early brushes with the court system. Creative but thoughtful solutions are needed to address the court system, which has disproportionately impacted people of color. But, the justices are plowing ahead with a plan that legal system partners warn will do more harm than good.

The court published the proposed rule in October, inviting written comments. Led by Chief Justice Steven González, the court merely invited written comments, rather than engaging a robust discussion among the community of court officials, prosecutors, defense attorneys and others. On March 31, González was joined by justices Charles Johnson, Debra Stephens, Susan Owens, Sheryl Gordon McCloud, Mary Yu, G. Helen Whitener and Barbara Madsen in signing an order adopting the rule. Justice Raquel Montoya-Lewis did not vote.

The rule, and the court's apparent indifference to discussion with the very people who have to carry it out, has created an uproar. On April 21, association leaders of the state county clerks; superior court judges; district and municipal judges; juvenile court administrators; and representatives of the Washington State Patrol and the Washington Association of Sheriffs and Police Chiefs sent a letter, raising many concerns about how to follow existing law, keep the public safe and meet the justices' intended goals.

Yep, pretty much the folks that keep the wheels of justice moving, are worried about the system functioning. Joining the letter are media representatives, including broadcasters and newspaper publishers, whose charge it is to keep the public informed of the public agencies, including the courts. Their list is long and the full letter is worth reading.

Yet, the days passed with only cricket chirps emanating from the Temple of Justice in Olympia.

On Thursday, Dolly N. Hunt, president of the Washington Association of Prosecuting Attorneys, followed up with another letter. This one implored the justices to pause the rule implementation before Tuesday to prevent any problematic chaos in the system:

“If it is not possible to pause implementation before May 3, we want to let you know that it is our strong recommendation that our members not file any new juvenile cases, pleadings, or documents on the morning of May 3 that may fall
under this rule due to those complications,” she wrote.

The court’s behavior is confounding — and unbecoming of the highest court in the state. Rather than visionary leadership that inspires necessary and righteous reform to embed equity in the court system, this reckless indifference to the concerns of other public officials, including many fellow elected judges, exposes brazen dysfunction at the high court. The lower courts, the state residents and, yes, the young people that these rule changes ostensibly are intended to protect deserve better. A lot better

The court’s conduct should be front and center as voters evaluate supreme court candidates. Justices run for six-year terms. Madsen, Yu and Whitener are up for election this year.

For the sake of the state, the high court should pause implementation of GR 31 and CrR 2.1 changes. Then, a constructive discussion about how to meet intended goals can be had.

For the sake of everyone, justices, do better.

The Seattle Times editorial board members are editorial page editor Kate Riley, Frank A. Blethen, Luis Carrasco, Alex Fryer, Jennifer Hemmingsen, Mark Higgins, Derrick Nunnally and William K. Blethen (emeritus).

Retired Chief Justice: WA Supreme Court should pause juvenile-records rules changes to match state's open-justice values

May 2, 2022 at 11:41 am Updated May 2, 2022 at 12:37 pm

By Gerry Alexander

Special to The Seattle Times

The Washington State Constitution declares: "Justice in all cases shall be administered openly." Ever since popular ratification in 1889, this simple declaration of rights in Article I, Section 10 has protected public oversight of our courts.

The Washington Supreme Court has a long history of enforcing the public's right to an open justice system. It was among the first to televise its hearings, starting in 1995. In 2010, it toughened requirements for when court records can be sealed. In a string of decisions spanning decades, the high court has recognized the need for records and hearings to be open for scrutiny except under rare and compelling circumstances.

Related

WA Supreme Court should delay controversial juvenile-records rule change to avoid chaos

I know the nine justices serving today and believe them to be good stewards of the Constitution, committed to openness as a safeguard against injustice. They have an opportunity to demonstrate that commitment by delaying new rules scheduled to take effect Tuesday until transparency concerns are addressed.

One rule would prohibit using juvenile names in criminal cases, so that all juvenile defendants are identified only by initials. Another rule would prohibit online display of information from court records of juvenile offenses.

The Supreme Court embraced these well-intentioned changes to help juveniles avoid long-term harm from youthful mistakes. Convicted youths have a greater chance of finding jobs and housing, if nobody can find their convictions.

But the reason for open administration of justice is to hold *the courts* accountable. Making all juvenile cases virtually anonymous, while banning online publication of truthful information in juvenile court files, does not promote accountability. If a particular case warrants scrutiny, the media and public would be unable to find it and report on it.

We know that our juvenile justice system has problems. Black and Native American youths are disproportionately referred to courts and are detained longer than white

youths, and overall recidivism rates are higher than in surrounding states, according to the 2020 Washington State Juvenile Justice Report.

Such problems are less likely to be solved if they are abstract. The public benefits from knowing the real, often wrenching stories behind troubling trends. The courts benefit from the public trust that comes from transparency. A delay of the juvenile offender rules will allow a deeper discussion of how to balance the interests of defendants with those of the public. Article I Section 10 demands no less.

Gerry Alexander served on the Washington Supreme Court from 1995 to 2011. He spent nine years as chief justice, the longest period in state history. Now semiretired, he is an arbitrator, mediator and appellate consultant at Bean Gentry Wheeler Peternell PLLC in Olympia.

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May 5, 2022

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Olympia City Attorney
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Re: WASHINGTON COURT RULES

The following rule order was entered following the Court's En Banc Conference:

Order No. 25700-A-1426 – IN THE MATTER OF ORDERS 25700-A-1415 PROPOSED AMENDMENTS TO GR 31—ACCESS TO COURT RECORDS AND CrR 2.1—THE INDICTMENT AND THE INFORMATION; AND ORDER 25700-A-1416 – THE SUGGESTED AMENDMENTS TO GR 31—ACCESS TO COURT RECORDS

Sincerely,

Tera Linford
Senior Case Manager

THE SUPREME COURT OF WASHINGTON

IN THE MATTER OF ORDERS 25700-A-1415 PROPOSED AMENDMENTS TO GR 31—ACCESS TO COURT RECORDS AND CrR 2.1—THE INDICTMENT AND THE INFORMATION; AND ORDER 25700-A-1416 – THE SUGGESTED AMENDMENTS TO GR 31—ACCESS TO COURT RECORDS	**O R D E R** NO. 25700-A-1426

Whereas the Court adopted amendments to GR 31 and CrR 2.1 under Orders 25700-A-1415 and 25700-A-1416 to become effective upon publication pursuant to GR 9(j)(1); and

Whereas the Court discussed at its May 2022 en banc conference requests to delay the effective date in light of concerns raised about implementing the amended rules; it is hereby ordered by a majority of the Court:

(a) That the effective date of the adopted amendments to GR 31 and CrR 2.1 is delayed pending further order of the Court.

(b) The issue is referred to the Supreme Court Rules Committee to recommend next steps.

DATED at Olympia, Washington this 5th day of May, 2022.

For the Court

González C.J.

González, C.J.

From: Ramseyer, Judith <Judith.Ramseyer@kingcounty.gov>
Sent: Friday, May 6, 2022 8:53 AM
To: Gonzalez, Justice Steve; Johnson, Justice Charles W.; Madsen, Justice Barbara A.; Owens, Justice Susan; Stephens, Justice Debra L.; Gordon McCloud, Justice Sheryl; Yu, Justice Mary; Whitener, Justice Helen; Montoya-Lewis, Justice Raquel
Subject: GR 31 & CrR 2.1 Next Steps

Chief Justice Gonzalez and Supreme Court Justices,

On behalf of the coalition of organizations and entities who sought assistance of the Fire Brigade, I want to thank you for pausing the implementation of amendments to GR 31 and CrR 2.1. As you know, unlike appellate courts, trial courts are interdependent on numerous system partners to perform and enforce their work. The issues that have arisen around these rules are a vivid example of this interdependence.

The entities who reached out to you ask that next steps include the opportunity to engage in meaningful dialogue with the Rules Committee and proponents of the amendments. Our collective experiences over the past two years underscore the value of communication and collaboration to foster understanding and respect across the continuum of system partners and court users. If helpful, representatives of these organizations are very willing to help plan for meaningful dialogue.

On a personal note, if anyone has questions or concerns about the role of the Fire Brigade in this process, I would be happy to discuss them with you. Do not hesitate to reach out.

Again, thank you for your action on the Rule amendments.

Judith H. Ramseyer, Fire Brigade Chief
King County Superior Court
206.477.1608

THE SUPREME COURT OF WASHINGTON

IN THE MATTER OF ORDERS 25700-A-1415 PROPOSED AMENDMENTS TO GR 31—ACCESS TO COURT RECORDS AND CrR 2.1—THE INDICTMENT AND THE INFORMATION; AND ORDER 25700-A-1416 – THE SUGGESTED AMENDMENTS TO GR 31—ACCESS TO COURT RECORDS	)	NO. 25700-A-1426 DISSENT TO ORDER

MADSEN, J. (dissenting) – The order entered in the matter of No. 25700-A-1426 is incorrect. A majority of the court (Justice Montoya-Lewis did not sit) voted for the following:

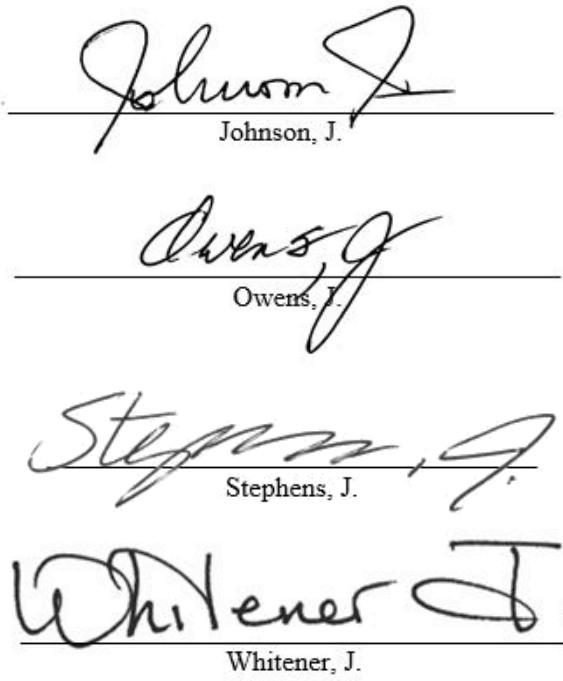
Whereas the Court adopted amendments to GR 31 and CrR 2.1 under Order 25700-A-1415 and 25700-A-1416 to become effective upon publication pursuant to GR 9(j); and

Whereas the Court at its May 2022 en banc conference discussed requests to delay the effective date of the proposed amended rules; it is hereby ordered:

(a) The effective date of the adopted amendments to GR 31 and CrR 2.1 is suspended pending further order of the court.

(b) The issue is referred to the Supreme Court Rules Committee to recommend next steps.

DATED at Olympia, Washington this 6th day of May, 2022.


Johnson, J.
Owens, J.
Stephens, J.
Whitener, J.

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May 6, 2022

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Re: WASHINGTON COURT RULES

The following dissent to rule order 25700-A-1426 was entered today:

Dissent to Order No. 25700-A-1426 – IN THE MATTER OF ORDERS 25700-A-1415 PROPOSED AMENDMENTS TO GR 31—ACCESS TO COURT RECORDS AND CrR 2.1—THE INDICTMENT AND THE INFORMATION; AND ORDER 25700-A-1416 – THE SUGGESTED AMENDMENTS TO GR 31—ACCESS TO COURT RECORDS

Sincerely,

Tera Linford
Senior Case Manager

Protecting the identity of juveniles in court records is key to rehabilitation

May 8, 2022 at 12:01 pm

The Washington State Supreme Court justices: Back row, from left: Raquel Montoya-Lewis, Sheryl Gordon McCloud, Mary Yu and G. Helen Whitener; Front row: Susan Owens, Charles Johnson, Chief Justice Steven González, Barbara Madsen and Debra Stephens.

By Steve González
Special to The Times

Many of the fundamental principles we hold dear are in tension with each other. Courts are often required to resolve such conflicts between competing values.

Our Constitution and long legal tradition require courts to administer justice openly, and without delay. While openness is a fundamental value in our state, this value is not absolute. Our Constitution and long legal tradition also enshrine privacy as a fundamental right. These legal traditions require a balancing act to ensure that both are implemented to the greatest extent possible.

Jury deliberation is an easy example of a procedure in our justice system that is not administered openly. Despite the public interest in the open administration of justice, jury deliberations are confidential to ensure the security and privacy of the jurors. This balancing act is indicative of the decisions that courts must make when implementing such policies.

Related

Retired Chief Justice: WA Supreme Court should pause juvenile-records rules changes to match state's open-justice values

The principles of open justice and respect for privacy are often in tension. Courts have navigated this tension, in part, by using our inherent power to seal court records or limit access when necessary to protect fundamental interests, such as the fairness of trials, the privacy of children and crime victims, the private personal details of individuals that could be exploited by third parties such as that found in family law cases, and trade secrets that could be misappropriated.

Over the last 20 years, our courts have been working to catch up to the digital age where information is shared with lightning speed and is accessible on every conceivable device. We celebrate these advancements because they in fact provide greater access to knowledge and information. This expansion of access is a laudable goal that our courts have supported and many counties have succeeded in digitizing all records. Access to court records is an important value that promotes transparency and accountability. However, digitized records also challenge us to recalibrate that balance between individual privacy and open records. The fact is, our current laws do not permit open access to all information contained in a court record such as health records, certain mental evaluations and personal identifiers. As this open technology expands, access to sensitive court records requires a reexamination of that balance between privacy and open access.

The issue that has emerged as the subject of The Seattle Times editorial board's recent editorial is about the records of children in our juvenile justice system and implicates two amended court rules. One involves maintaining our existing policy of not posting the records of these children on the internet. We are simply codifying in a court rule the Judicial Information System policy. It is important that the public know that the court file remains open and viewable at the courthouse where the file is maintained and our courtrooms where these matters are adjudicated are open to the public. Again, I point to the balancing that is required and the attempt to limit wide distribution of these records on the internet with the commitment to open courts.

A majority of states provide more protection for children than we do in Washington. We have learned that most children who do bad things can and will, if given a chance, rehabilitate themselves. Having the records of their worst days broadly available on the internet makes rehabilitation harder. It can limit their access to jobs, housing, credit and education. These harms are significant and long lasting.

The second rule at issue is modification of a court rule that would require the use of initials for children in court documents. The initials correspond to birth dates and in many counties, a unique person identifier. The court rule does not modify any state statute or limit information, including the full name that is available to criminal justice agencies in databases used nationally. The contents of this criminal person database is not affected by this rule.

The two rules were proposed by the Office of Public Defense and the Minority and Justice Commission. These rules were adopted after being formally proposed and published for comment; and the ordinary and usual process used in our rule making. Many stakeholders provided feedback. Some opposed the rules. After consideration, this court adopted the rules.

Last week, the court voted to pause implementation of the new rules because several courts and justice system partners have expressed concerns about how implementation should occur.

Some object to the policy underlying the new rules and others simply say it will take more time to rewrite software used to track certain information in the courts. We have heard these concerns and have granted them time to consider next steps by delaying the effective date of the amendments until further order of the court. We referred the issue to our Supreme Court Rules Committee for a recommendation on how to proceed.

I remain in support of the policy behind the amendments to allow the chance for hope and rehabilitation while still holding children responsible for their actions.

As we allow more time for discussion, it is critical for all of us in the judicial community to dispel any misinformation about the rule, the process and the intentions of others. Sometimes, we are asked to do difficult tasks but difficult is not impossible. I trust that our Rules Committee will carefully consider the issues raised and recommend a path forward.

Steve González is chief justice of the Washington State Supreme Court.

May 3, 2022

Honorable Steve González
Honorable Charles W. Johnson
Honorable Mary I. Yu
Supreme Court Rules Committee
Temple of Justice
PO Box 40929
Olympia, WA 98504-0929

VIA EMAIL

RE: GR 9(f)(2) Vetting Process for Rules Changes Prior to Publishing for Comment

Dear Chief Justice González, Justice Johnson, Justice Yu, and Rules Committee Members:

Over the past several years, the adoption of rules proposals has become increasingly complex. While there are a wide variety of factors that have contributed to that complexity, we believe there are three main factors at play. The first is the COVID-19 pandemic and the collateral impacts on our courts. The second factor is the increasingly wide range of groups and individuals suggesting rules amendments and new rules. The final factor impacting complexity is the lack of participation of the Superior Court Judges' Association (SCJA), District and Municipal Court Judges' Association (DMCJA), and Washington State Bar Association (WSBA) in the preliminary vetting process for rules changes prior to publishing for comment as required by GR 9(f)(2).

With regard to the pandemic, trial courts and court users have responded admirably adopting remote hearings and health and safety protocols during this pandemic, and it is understandable that a number of proposals have been presented. With regard to the variety of entities proposing rules changes, the diversity of suggestions and opinions is a valuable resource for trial courts.

The concern we bring to your attention is the absence of involvement of SCJA, DMCJA, and WSBA, in the preliminary vetting process of proposed rules required by GR (9)(f)(2). In bypassing the requirements of the rule, the Supreme Court Rules Committee is missing the opportunity to refine rules proposals and correct substantive challenges before proposed rules are sent for comment. This is particularly important where rules submissions are coming from individuals and groups without substantial experience in drafting rules. Our organizations all have rules committees with extensive drafting expertise.[1]

[1] In addition to WSBA's Court Rules Committee, other WSBA entities are allowed to comment on a proposed rule change under certain circumstances if that WSBA entity's position has been approved through WSBA's Comment Policy. For example, the WSBA Council on Public Defense was allowed to comment on a proposed rule CrR 3.1 and CrR 7.8.

Several recent rules proposals illustrate the need to continue involving our associations in the preliminary vetting. CrR /CrRLJ 3.4 have proven to be very challenging for trial courts to implement and the result has been a patchwork of approaches. Had we been involved earlier, prior to the rule going out for comment, many of the challenges in implementation could have been addressed. The proposed amendments to CrR /CrRLJ 7.8 and the proposed amendments to GR 11.3 are two additional examples of the need to involve our associations in vetting prior to comment. Rule 7.8 poses unique challenges to Courts of Limited Jurisdiction and the proposed amendments to GR 11.3 pose significant concerns for trial courts. These rule concerns affect the public's view of the justice system and impact the experience of court users.

We request the opportunity to meet with you and members of the Supreme Court Rules Committee to further discuss facilitating GR 9(f)(2) related communication.

Sincerely,

Judge Charles D. Short
DMCJA President

Judge Jennifer Forbes
SCJA President

Honorable Brian Tollefson
WSBA President

Cc: Presiding Chief Judge George B. Fearing, Court of Appeals

BJA Strategic Initiative Proposal – Review and Assessment of Court Practices Related to Electronic Home Monitoring (EHM) and Other Jail Alternatives

Submitted By: Judge Willie Gregory on behalf of the DMCJA Diversity Committee; Staff Contact: Cynthia Delostrinos, Associate Director of the Office of Court Innovation (Cynthia.Delostrinos@courts.wa.gov)

Date: April 20, 2022

PROPOSAL

ISSUE

In 2020, after the killing of George Floyd and the community uprisings and calls for justice, of the DMCJA Diversity Committee members engaged in conversations about how courts of limited jurisdiction could do more to address systemic racism that exists within our courts. One issue that was raised by Judge Karl Williams, Pierce County District Court, was the inequity in the availability of Electronic Home Monitoring (EHM) and other jail alternatives when defendants are unable to pay.

EHM and alcohol monitoring programs are tools that courts use both pre-trial and post-sentencing and to serve as a viable alternative to jail. Research has shown that even a short stay in jail leads to significant collateral consequences for an individual such as loss of employment and housing. EHM and other jail alternatives have been effective tools to ensure accountability while preventing negative collateral consequences that result from jail.

Courts' practices around EHM are different in every jurisdiction. In some jurisdictions the cost of EHM is covered by the court. In those jurisdictions, defendants who are unable to pay for EHM are still afforded the option. However, most jurisdictions are not able to pay for EHM and the cost of EHM is placed on the defendant. In those jurisdictions, EHM no longer becomes a viable option when a defendant is unable to pay for the cost of EHM.

The DMCJA Diversity Committee conducted a survey in 2021 on CLJ practices around EHM and other jail alternatives. Fifty-four (54) judicial officers responded, representing 18 different counties. Some of the findings included:

- Most courts (90%) have EHM and other jail alternative programs that they offer. A little over half of courts offer EHM for both pre- and post-adjudication.
- 45% of responding judges place the financial responsibility of EHM on the defendant.
- Majority of the judges reported that defendants are unable to afford EHM.
- Public EHM providers had the more affordable average and median setup costs in comparison to private providers, but majority of courts used private EHM providers.
- There is no standard protocol for assessing a defendant's ability to pay for EHM.

GOAL

The DMCJA Diversity Committee requests the BJA take on this topic as a 2022 Strategic Initiative. The outcome we are hoping for is that the use of EHM and other jail alternatives would be tools that all

courts, and the people who come through them, have access to regardless of their ability to pay. We would like for the BJA to examine this issue further and come up with a statewide plan that assesses the differing practices across the state, costs of implementing EHM and other jail alternatives equally across all jurisdictions, and the ability of those accused of crimes to access those services equitably across the state. We request that the BJA pursue legislative funding opportunities to make EHM and other jail alternatives equally available to all courts and their constituents across the state.

STAKEHOLDERS

- Trial Court Judges and Court Administrators
- Local and statewide legislative and executive bodies
- Community members – particularly those impacted by the criminal justice system
- Victims of crime
- Law enforcement
- Detention System Administrators (i.e., jails)
- Probation services
- EHM Service Providers

ADDITIONAL INFORMATION

Attachments: (1) Court Practices Related to EHM and Other Jail Alternatives: Descriptive Analysis of Survey Results, by Megan Berry-Cohen; (2) Additional Analyses Report – King County, by Megan Berry-Cohen; (3) "*Where you live in WA may determine whether you get stuck in jail before trial,"* Seattle Times Article, April 23, 2022.

Court Practices Related to EHM and Other Jail Alternatives: Descriptive Analysis of Survey Results (4/20/22)

District and Municipal Court Judges Association's Diversity Committee

Megan Berry-Cohen

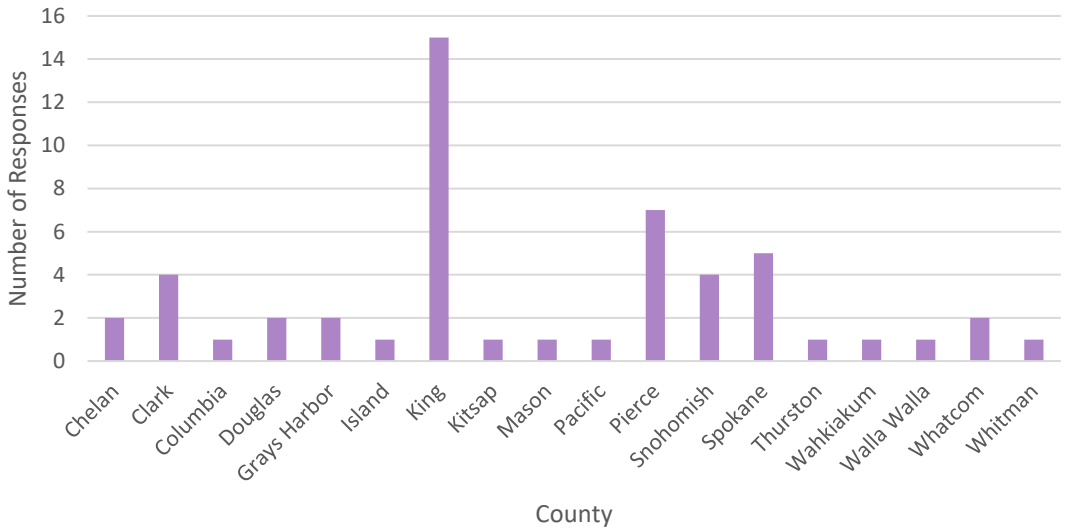
Overview

The District and Municipal Court Judges Association's Diversity Committee developed and administered a survey asking courts across Washington State about their use of electronic home monitoring (EHM) and other jail alternatives. The survey was sent to a sample of municipal and district court judges within each county, with seventy-two judges responding in at least some capacity. The purpose of the study was to establish court practices across the state, exploring EHM and other jail alternatives as a possible equity issue. The end goal is to support a legislative request for funding for courts to provide EHM and other jail alternatives free of cost to those who cannot afford them. The below report includes a descriptive analysis of qualitative and quantitative portions of survey results.

Survey represents responses from fifty-four judges in eighteen different counties[1]

Fifty-four judges representing almost half the counties in the state (46.15%, n = 18) provided answers about their use of jail alternatives[2]. Note that each county could have multiple judges responding – i.e., one county has two different district court judges respond, one county has both a municipal court judge and a district court judge respond, etc. On average, there were three respondents per county.

Figure 1. About three judges per county responded to survey



[1] Counties not represented by this survey include Adams, Asotin, Benton, Clallam, Cowlitz, Franklin, Ferry, Garfield, Grant, Jefferson, Kittitas, Klickitat, Lewis, Lincoln, Okanogan, Pend Oreille, San Juan, Skagit, Skamania, Stevens, and Yakima. Two respondents' counties were not known.

[2] The first version of this report reported responses from 21 counties, however three of those responses only provided information about their county and court type, and not information on electronic home monitoring or alcohol monitoring so they were dropped from the description of respondents.

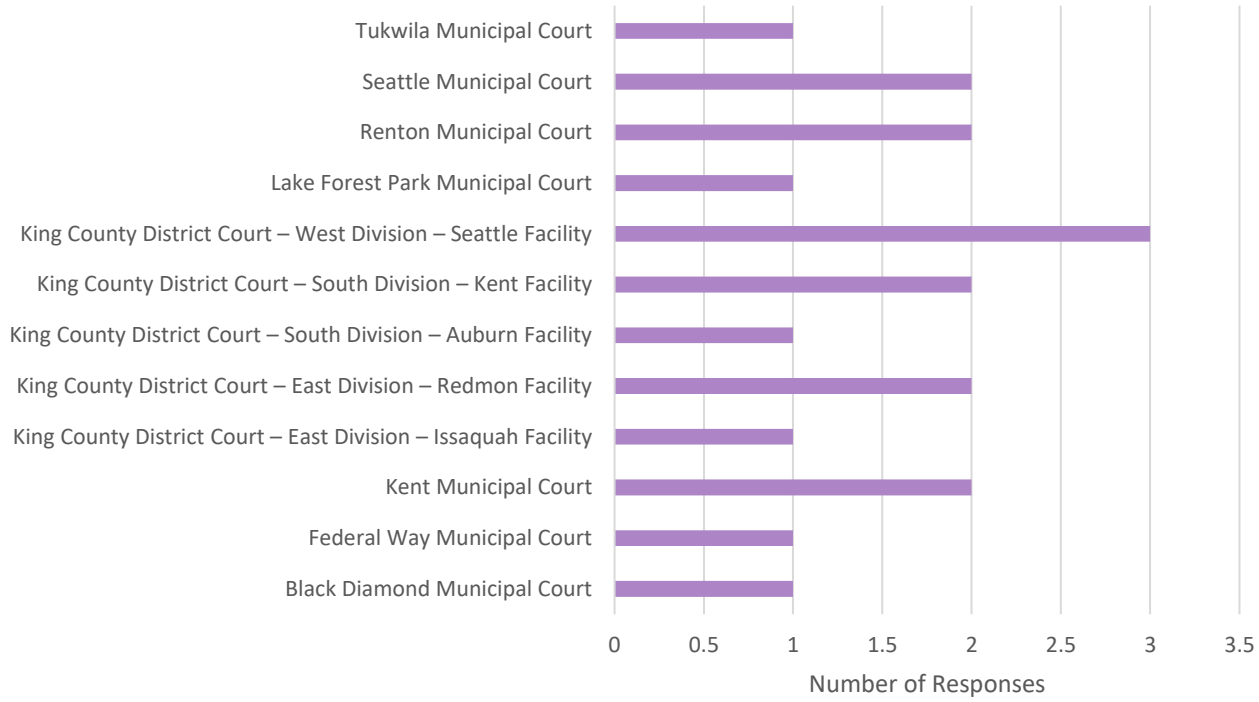
Multiple responses from the same county does not mean all judges reported the same information

Ten counties had more than one judge respond to the survey. However, not all judges from the same county reported the same information. Because questions and analyses took place at the individual judge level and could vary between judges in the same county, all responses were used in analyses.

King County's large numeric representation actually represents twelve municipalities, cities, or districts within King County

While King County had the largest number of responses, there were in fact twelve unique municipalities, cities, or districts within King County that were represented.

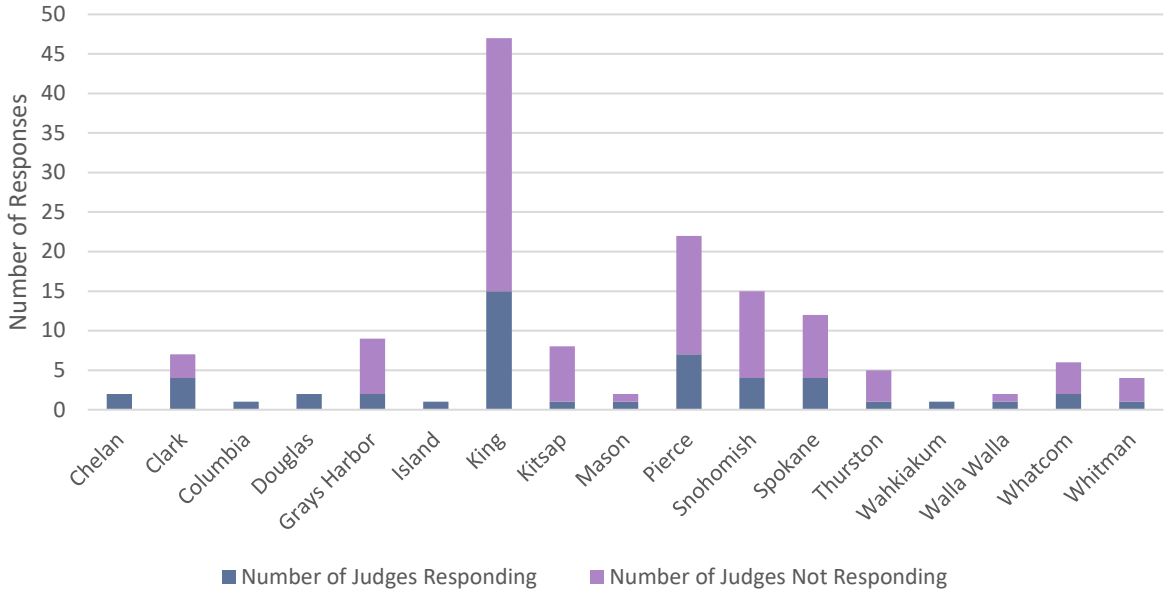
Figure 2. Twelve municipalities, cities, or districts within King County represented



Small response numbers do not mean low response rates

Some counties only had one judge respond, but only have one judge in their jurisdiction, meaning that while the number of responses is low in isolation, it is in proportion to the number of judges in the county. For example, Columbia county only had one district court judge respond, but there is only one district court judge in that county.

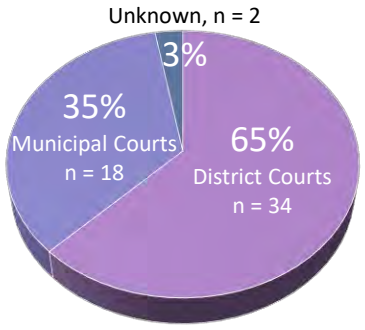
Figure 3. Proportionality of the number of responses per county



Most responding judges come from district courts

In total, 34.60% (n = 18) of the responses came from municipal court judges, and 65.40% (n = 34) of the responses came from district court judges. Two judges (3.70%) did not specify which type of court they were from.

Figure 4. More district court judges than municipal court judges responded



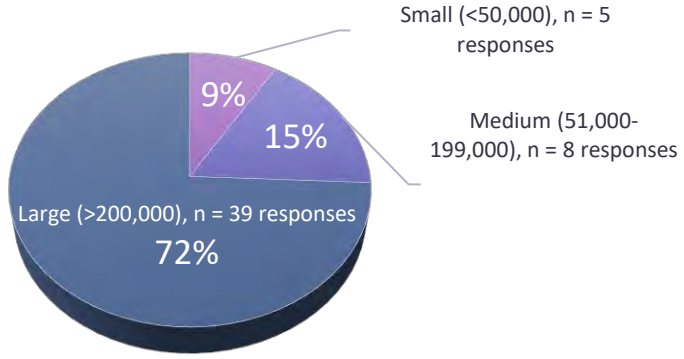
More judges from large-sized counties responded to the survey

Each county's population was used to classify the county as small (populations less than 50,000), medium (populations between 50,000 and 200,000), or large (populations greater than 200,000) for the purpose of analysis[3]. Using this classification system, there are a disproportionate amount of responses from large counties; 39 responses (72.2% of the total sample) came from judges who represent large

[3] 17 counties were classified as small-sized, 12 as medium-sized, and 9 as large-sized.

counties. There were only five responses (9.3%) from judges representing small counties and eight responses (14.8%) from judges representing medium-sized counties.

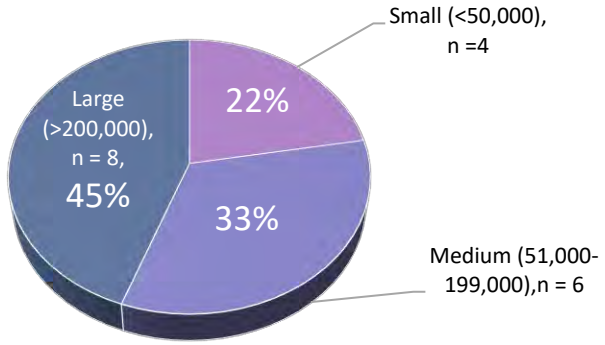
Figure 5. More judges from large-sized counties responded



Regardless of how many judges per county responded, most responding judges come from large-sized counties

These judges represented eight large counties, six medium-sized counties, and four small counties. That is, regardless of the number of judges per county who responded, most responding judges represented large counties. There are more small and medium-sized counties who did not respond to the survey or provide information about their use of jail alternatives.

Figure 6. More large-sized counties represented



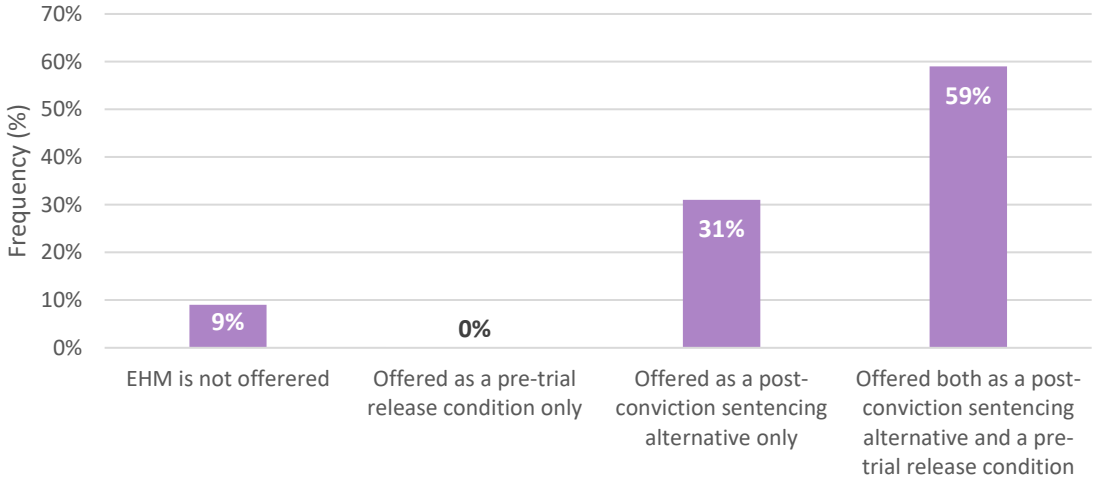
90% of responding courts have EHM or similar monitoring programs

The first portion of the survey asked about courts' and jurisdictions' use of Electronic Home Monitoring (EHM) as a jail alternative. Of the responding judges, only 9.26% (n = 5) explicitly said that their court does not offer EHM. Of those five judges, three respondents are judges in district courts and two are judges in municipal courts. One judge represents a large county, three represent medium sized counties, and one judge represents a small county. Eighteen respondents (25% of the total sample) did not answer if they offer EHM and were counted as missing data in the analyses that follow.

59% of responding courts offered EHM both pre- and post-adjudication

Of the 90.74% (n = 49) responding judges in courts or jurisdictions that do offer EHM, none offered EHM as *only* a *pre*-trial release condition. However, 31.48% (n = 17) offered EHM as *only* a *post*-conviction sentencing alternative. Most commonly (59.26%), courts offered EHM as both a post-conviction sentencing alternative and as a pre-trial release condition (n = 32)

Figure 7. EHM is commonly offered *both* pre and post-adjudication



The majority of EHM service came from private providers

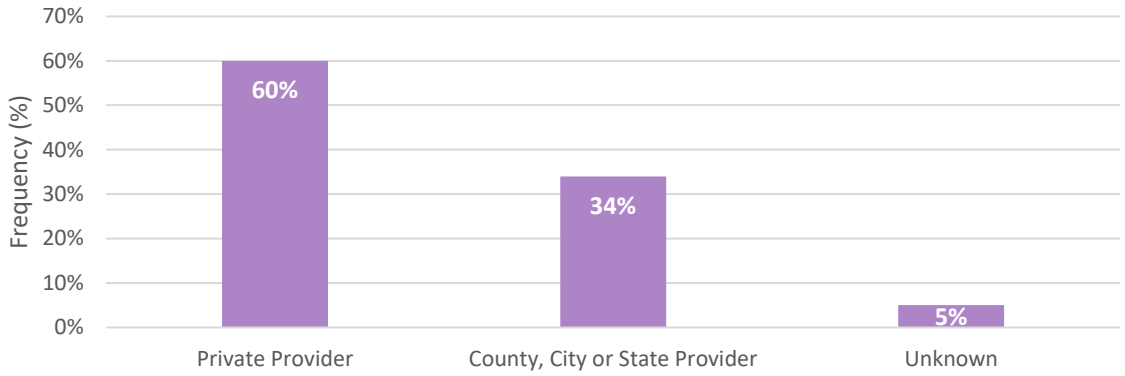
Judges were next asked details about the providers their court uses for EHM service. Forty-six judges listed providers their court uses for EHM service[4]. The three most commonly referenced EHM providers were all private providers: Moon Security (referenced thirteen times), 2 Watch Monitoring (referenced twelve times), and Sentinel (referenced six times). Judges referenced other private EHM providers[5] several times as well (referenced a combined thirteen times). Judges listed county or city EHM providers (e.g., Renton Police EHD Program, Island County Jail) twenty-two times, and referenced statewide EHM providers (e.g., EHM of Washington) three times.

These codes were further collapsed into three groups: private providers (n = 44), county, city, or state providers (n = 25), and unknown providers (n = 4). Private providers are used the most frequently (60.27%), followed by public providers (i.e., county, city, or state providers) (34.25%). Only 5.48% of the sample constituted the use of "unknown" providers.

[4] Each respondent could list up to 3 providers used for EHM. 4 judges additionally listed their EHM provider as "unknown".

[5] E.g., Friendship Diversion Services, "Any private provider"

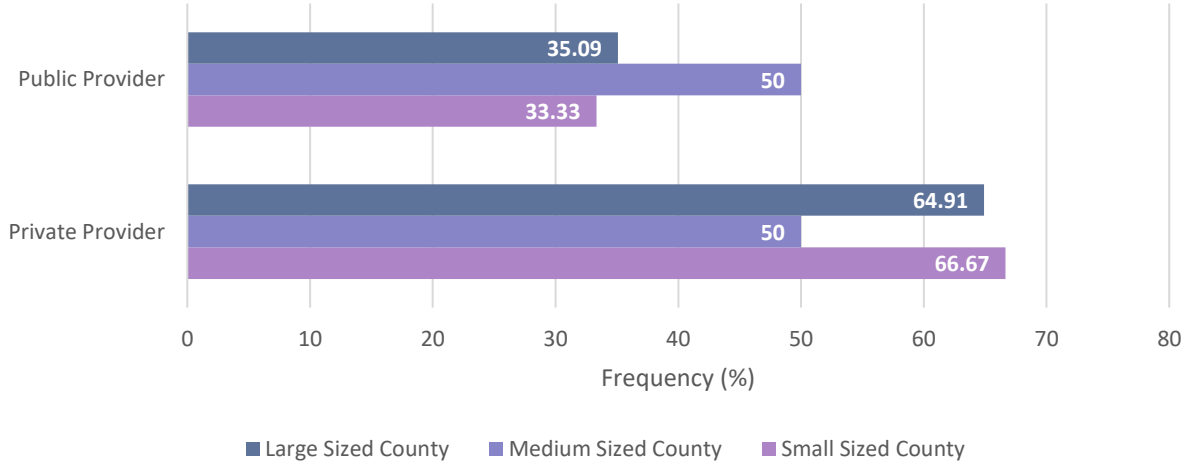
Figure 8. Private EHM providers used most often



Private providers were most common even when broken down by county size

Looking at each sized county and excluding "unknown" for the sake of analysis, Figure 6 shows both small counties and large counties used private providers most frequently (66.67% and 64.91%, respectively). Medium-sized counties used private providers and county, city, or state (public) providers equally as often (50% and 50%, respectively).

Figure 9. Regardless of size, counties used private providers most often

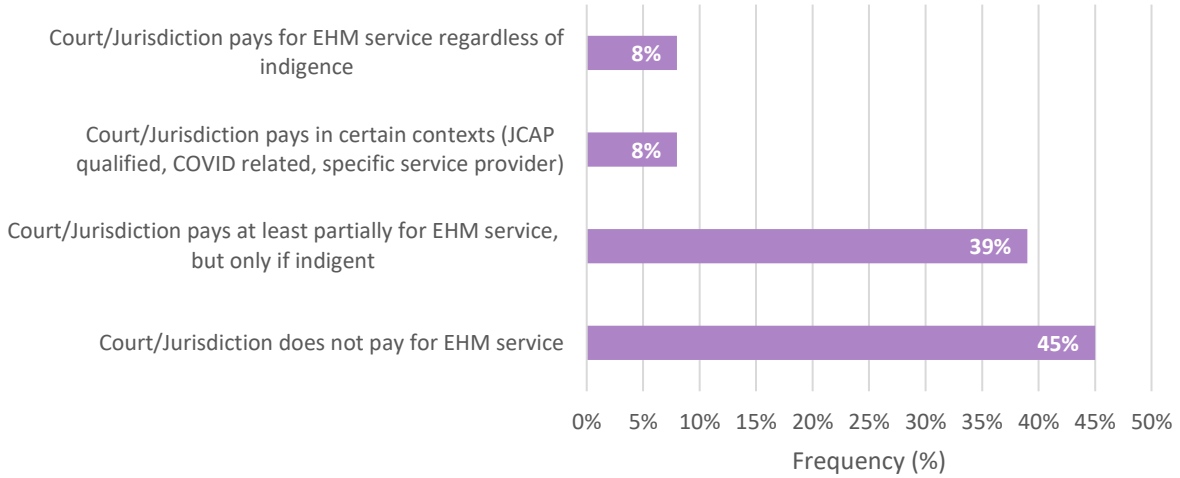


45% of responding judges place the financial responsibility of EHM on the defendant

The next part of the EHM-related questions asked judges, "if EHM is offered, does your court or jurisdiction pay for the service?". Some judges who answered this question included information about indigent defendants, thus the answers were combined with the next question, asking "If your jurisdiction pays for the service, does the defendant have to be indigent to qualify" to better reflect an accurate portrayal of financial responsibility. Almost 45% of responding judges (44.90%, n = 22) are in a court or jurisdiction that offers EHM but the court or jurisdiction does not pay for the EHM service. In those courts or jurisdictions, the defendant bears the financial responsibility for EHM service. Approximately 39% (38.78%, n = 19) of responding judges are in a court or jurisdiction that pays at least

partially for EHM service, but *only* if the defendant is indigent. In addition, 8.16% (n = 4) pay for EHM service in certain contexts; that is if the defendant is JCAP qualified, if it is necessary due to jail COVID restrictions, or if a specific service provider is used. Only 8.16% (n = 4) of responding judges' courts or jurisdictions pay for EHM service regardless of indigence or meeting certain qualifications.

Figure 10. About half of courts do not pay for EHM service



EHM setup costs varied by jurisdiction and by provider

The next portion of the survey relating to EHM use asked judges the associated costs of EHM service. Twenty-seven respondents did not know the daily cost or set up fees for the EHM provider they used.

Public EHM providers had the more affordable average and median setup costs

Overall, the ***average setup cost*** for EHM was $55.53 and the ***median*** (or middle value) ***setup cost*** of EHM was $35.00. The setup costs for EHM ranged from a low of $25.00 to a high of $168.00[6]. For private providers, the average setup cost was $58.30, slightly higher than the overall average setup fee, and the median setup cost was $35.00. For city, county, or state providers (i.e., public providers), the average setup cost was $37.50 and the median setup cost $25.00, both significantly less than the overall average setup fees. Figures 11 and 12 depict these cost differences graphically.

[6] In addition, some respondents noted that EHM participants were required to pay 14 days in advance at setup, meaning the setup cost may be as high as $219.75 in some cases ($55.53 average setup fee + $11.73 average daily cost multiplied by 14 days).

Figure 11. Average setup cost about $55, less for public providers

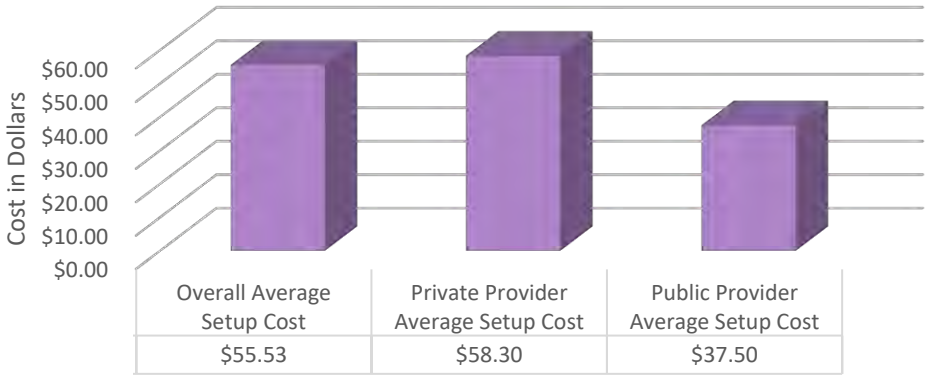


Figure 12. Median setup cost about $35, less for public providers

Public EHM providers also had the more affordable average and median cost per day

The ***average cost per day*** for EHM participants was $14.05 and the ***median cost per day*** for EHM participants was $12.00[7]. The cost per day ranged from $0.00 to $100.00 per day. Because $100.00 per day appears to be an outlier, it was recoded as missing and the average daily cost was recalculated to be $11.73, with a median daily cost of $12.00 and a maximum daily cost of $25.00. The average and median daily costs for private EHM providers were $14.04 and $13.00, respectively. The average and median daily costs for public EHM providers were $8.88 and $10.00, respectively. Figures 13 and 14 depict these cost differences graphically.

[7] Note that some respondents listed the cost per day and setup fees for different *types* of EHM as they differed on cost (e.g., Passive EHM cost $11.75 per day, Active EHM cost $13.00 per day, and Victim Notification and High-Risk DV Monitoring cost $20.00 per day).

Figure 13. Average cost per day about $12, less for public providers

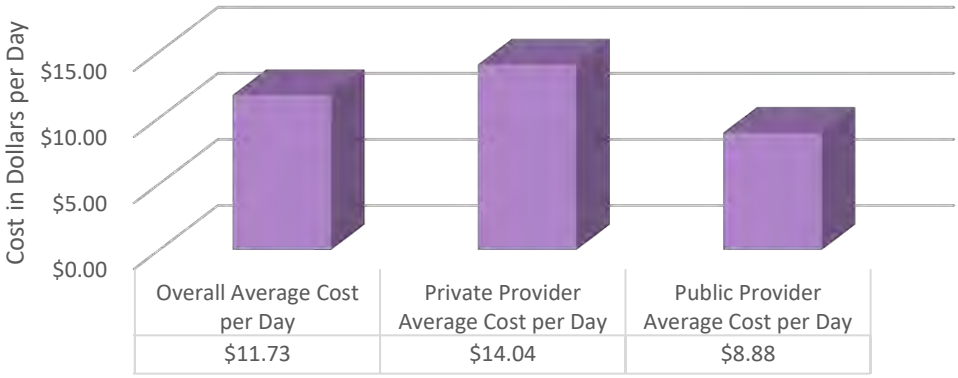
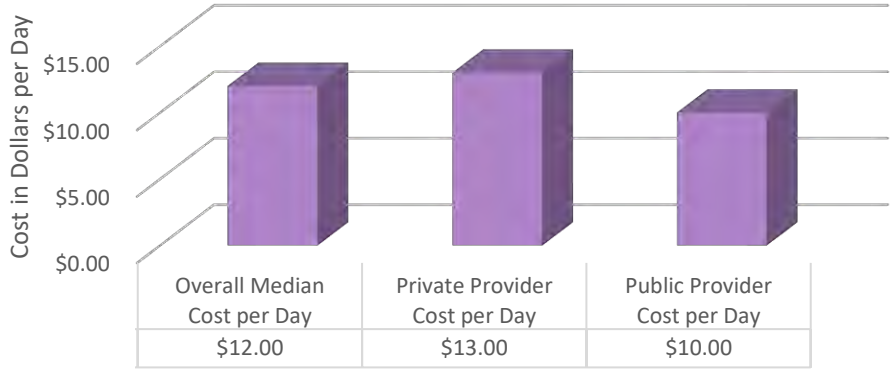


Figure 14. Median cost per day about $12, less for public providers

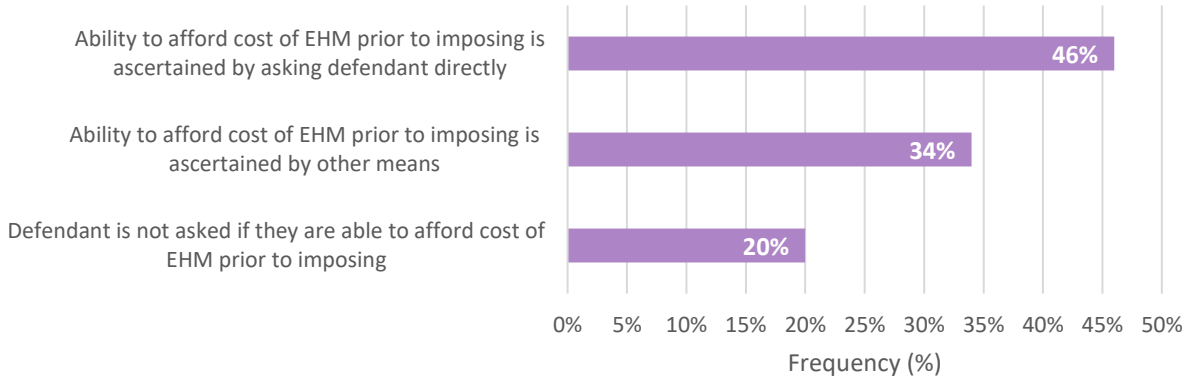


Some respondents noted differing costs per day of EHM for indigent defendants, ranging from a daily cost of $0.00 per day to $7.50 per day. This is approximately 50% less than what the average EHM participant would pay per day.

No standard protocol for assessing a defendant's ability to pay for EHM

The next question asked judges to respond if their courts "ask the defendant if they are able to afford the cost prior to imposing EHM". Of responding judges, 46% (n = 23) do ask the defendant if they can afford the cost of EHM before imposing it. Additionally, 34% (n = 17) of respondents provided a context-dependent response. The most common responses were that the court does not have to ask the defendant if they can afford EHM because the defense counsel broaches the topic (n = 5) or it is discussed at other times in the court process (n = 8) (i.e., detention or probation determines indigent status). Other times the defendant requests EHM themselves, so affordability is not ascertained prior to imposing EHM (n = 2). Overall, up to 80% of responding judges inquire about a defendant's ability to pay in some capacity. However, 20% of responding judges (n = 10) do not assess if a defendant can afford the cost of EHM before imposing it.

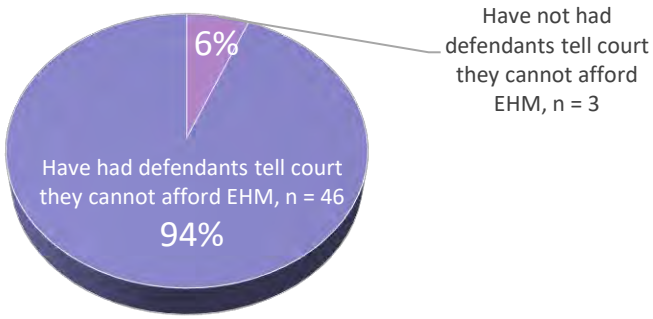
Figure 15. Judges typically ask defendant or use other means to assess ability to afford EHM



Judges: Defendants cannot afford EHM

The overwhelming majority of responding judges (93.88%, n = 46) have had defendants tell them they cannot afford EHM. Only 6.12% (n = 3) of respondents have not had defendants tell them they cannot afford EHM.

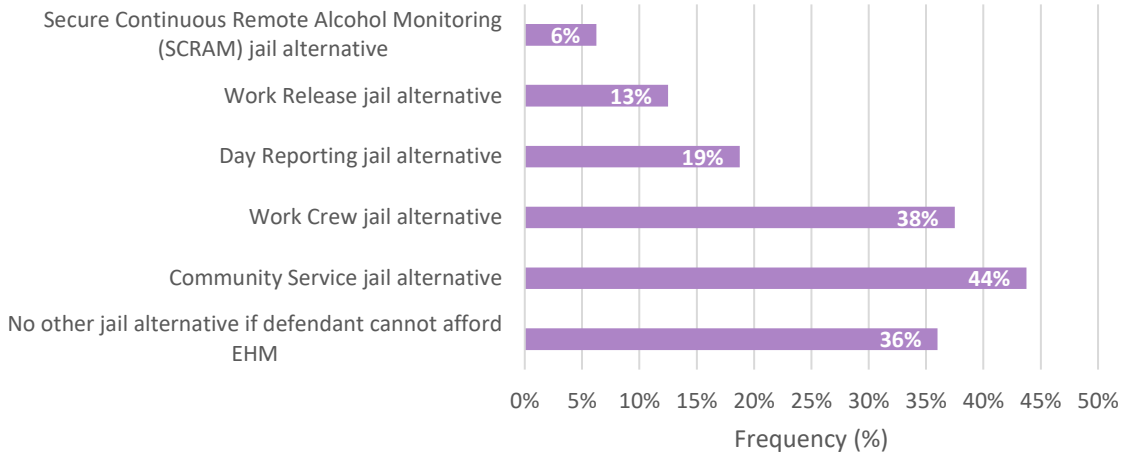
Figure 16. Most defendants cannot afford EHM service



Other jail alternatives possible, but limited currently due to COVID

If a defendant cannot afford EHM, 36% (n = 18) of responding judges do *not* have another jail alternative in lieu of EHM within their court or jurisdiction. However, 64% of respondents (n = 32) have another jail alternative their jurisdiction offers if a defendant cannot afford EHM. The most common other jail alternatives include community service, (n = 14) and work crew (n = 12). Other alternatives mentioned include day reporting (n = 6), work release (n = 4), and SCRAM (n = 2). However, many judges also mentioned that these alternatives are limited or suspended due to COVID.

Figure 17. Community service most common alternative to EHM



Limited data available on 24/7 sobriety programs; only 15% of judges use them

The second portion of the survey asked about courts' and jurisdictions' use of a 24/7 sobriety program. This 24/7 alcohol sobriety program is outlined in RCW 36.28A.330 as a jail alternative or a pre-trial condition of release. Only eight responding judges (14.81%) within five counties[8] offer a 24/7 sobriety program. The average approximate cost per day is $13.50, and the median approximate cost per day is $12.75. One judge's jurisdiction pays for the 24/7 sobriety program service for the defendant, one judge's jurisdiction pays a portion of the fees for indigent defendants, but the majority of courts or jurisdictions that offer the 24/7 sobriety program (n = 6) place the responsibility of payment on the defendant.

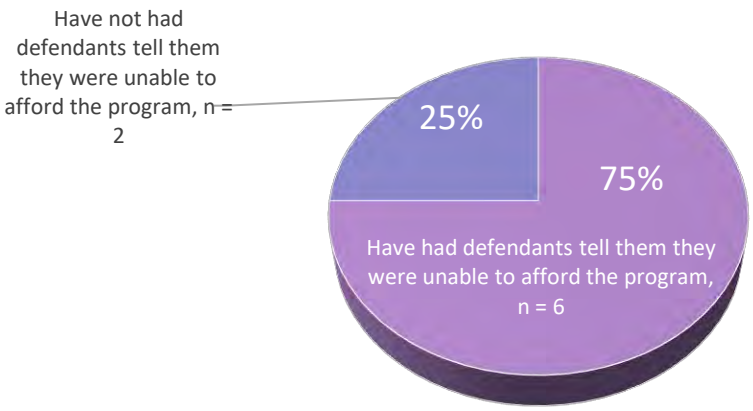
Like EHM, judges say defendants cannot afford sobriety program

Of the eight responding jurisdictions that offer a 24/7 alcohol sobriety program, six have had defendants tell them they were unable to afford the program. Two responding jurisdictions have not had defendants tell them they were unable to afford the program[9]. Five respondents offer other jail alternatives if a defendant cannot afford the 24/7 sobriety program including Secure Continuous Remote Alcohol Monitoring (SCRAM), urinary analysis, mobile alcohol monitoring, and daily personal Breathalyzer tests.

[8] King, Mason, Snohomish, Spokane, and Walla Walla counties

[9] Of note, one of the respondents who has not had defendants tell them they cannot afford the 24/7 program is a jurisdiction that pays for the sobriety program, and one is not a jurisdiction that pays for the program.

Figure 18. Most responding judges have had defendants tell them they cannot afford the 24/7 program



80% of responding judges offer at least one type of alcohol monitoring device

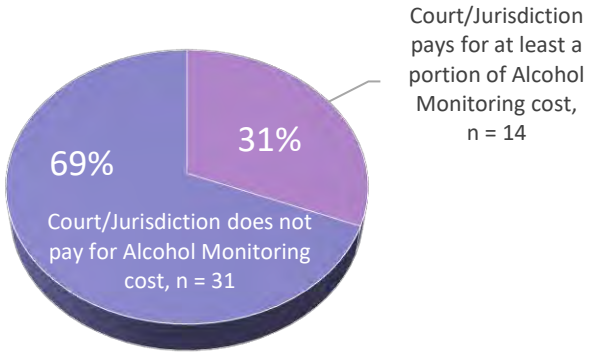
The third portion of the survey asked about pre-adjudication jail alternative alcohol monitoring devices as outlined in RCW 46.61.5055(5)(b). Forty-three responding judges (79.63%) in fourteen counties offer these types of alcohol monitoring devices.

70% of courts place financial responsibility of these programs on the defendant

Judge were asked about the affordability and financial responsibility of alcohol monitoring devices. Specifically, they were asked if their jurisdiction pays for the alcohol monitoring devices and/or if the cost was the defendant's responsibility. Of the responding judges, 68.89% (n = 31) are in a jurisdiction that does not pay for Alcohol Monitoring Devices. Only 6.67% (n = 3) of respondents' are in a jurisdiction that does pay for Alcohol Monitoring Devices. Finally, 24.44% (n = 11) of responding judges are in courts/jurisdictions that pay for at least some of the cost of Alcohol Monitoring Devices, particularly so if the defendant is indigent. Combining the responses that represent paying for at least a portion of Alcohol Monitoring Devices, 31.11% of responding judges' courts/jurisdictions pay for some of the cost of these devices[10].

[10] One judge noted that their only resource for offering the alcohol monitoring devices is treatment sales tax (TST) dollars for mental health and veterans court participants.

Figure 19. Courts do not typically pay for alcohol monitoring devices



The most commonly used device was SCRAM, at $12 per day

The different alcohol monitoring devices used by courts, their average daily costs, and how often they are used are summarized in the table below. The three most common alcohol monitoring devices included SCRAM devices, portable Breathalyzer tests, and transdermal alcohol detectors.

Table 1. Alcohol monitoring device costs range from $3 per day to upwards of $18

Device	Average (Median) Cost per Day	Use (Number of Times Mentioned)
SCRAM (Generally)	$12.09 ($12.00)	18
Portable Breathalyzer Tests[11]	$4.63 ($3.65)	8
Transdermal Alcohol Detector (TAD)	$13.55 ($13.00)	6
SCRAM CAM (Continuous Alcohol Monitoring)	$15.00 ($14.50)	5
Urinalysis Testing[12]	$20.00 per test	5
Smart Start IN-HOM Breath Check with Camera	$3.73 ($3.30)	5
SCRAM Remote Breathalyzer	$12.50 ($12.50)	3
Ignition Interlock	$5.00 ($5.00)	2
Alcohol Sensing Ankle Bracelet	$13.33 ($13.33)	2
BART (Blood Alcohol Real Time)	$6.00 ($6.00)	2
SCRAM Alcohol Monitor and GPS EHM	$18.00 ($18.00)	1
Soberlink	Unknown	1
Sobrietor	Unknown	1

[11] This device has one of the larger ranges in cost per day, with a low of $0.00 per day to a high of $12.50 per day

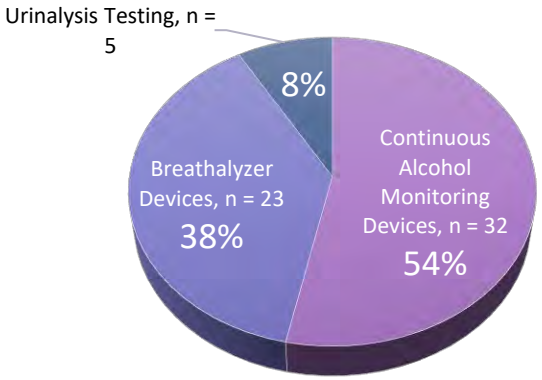
[12] One respondent distinguished between urinalysis ($24) and urinalysis with ETG ($50), but others used ETG and urinalysis interchangeably

Table 1. Continued		
Device	**Average (Median) Cost per Day**	**Use (Number of Times Mentioned)**
Smart Start with Alcohol Monitoring	$15.00	1
Drug Patch	$50.00 per patch	1

54% of responding judges use a type of continuous alcohol monitoring (CAM) device

The list of the above devices was then collapsed into three categories: Continuous Alcohol Monitoring devices (e.g., SCRAM, TAD), Breathalyzer devices (e.g., Soberlink, Interlocks), and Urinalysis testing. The most common devices were continuous alcohol monitoring devices (n = 32), followed by Breathalyzer devices (n = 23), and finally urinalysis testing (n = 5).

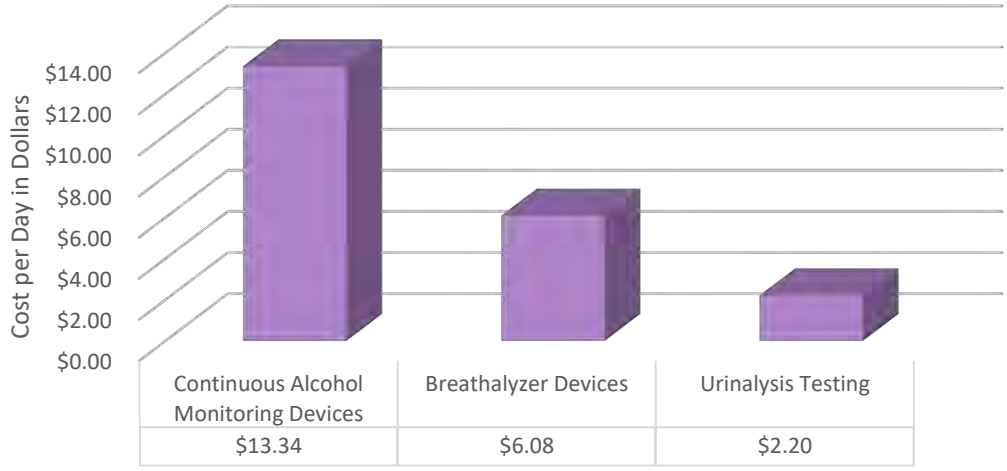
Figure 20. CAM devices most common for alcohol monitoring



While used most often, CAM devices also cost the most per day

The average daily cost of continuous alcohol monitoring devices was $13.34 (median $14.00), the average daily cost of Breathalyzer devices was $6.08 (median $5.00), and the average cost per test of urinalysis testing was $16.53 (median $18.00). Respondents noted that for urinalysis alcohol monitoring, the average number of urinalysis tests ordered was four per month, which would be an average cost per day of $2.20.

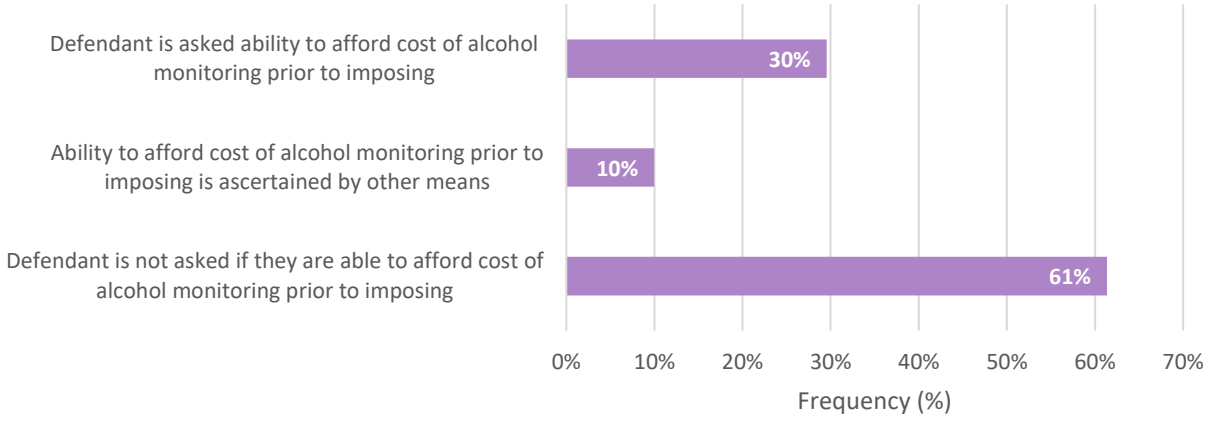
Figure 21. CAM devices have highest daily cost of $13 per day



Responding judges conduct ability to pay assessments for alcohol monitoring 40% of the time; less often than for EHM programs

Thirteen judges' courts (29.55%) do an ability to pay assessment when determining whether a defendant can pay for the alternative alcohol monitoring device. Two judges (4.54%) do not do any ability to pay assessment formally, but informally assess ability to pay by evaluating if the defendant is represented by a public defender and/or considered indigent. One judge (2.72%) stated their court or jurisdiction does not have a policy, and conducting an ability to pay assessment varies from judge to judge. Finally, one judge (2.72%) responded that alcohol monitoring devices are not used for pre-trial, but are requested by the defendant as a sentencing alternative. Overall, 40% of responding judges ascertain a defendant's ability to pay for an alcohol monitoring program, and 61.36% (n = 27) do not.

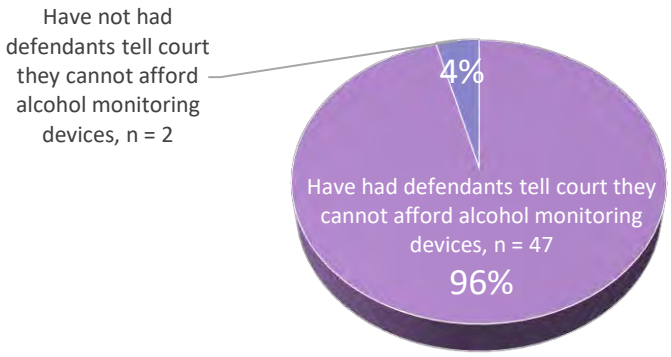
Figure 22. Defendants are often not asked if they can afford alcohol monitoring programs



Again, judges say defendants cannot afford these programs

Forty-seven judges in thirteen counties[13] have had defendants tell them they cannot afford an alcohol monitoring device. Only two responding judges have not had a defendant tell them they cannot afford an alcohol monitoring device.

Figure 23. Most judges have had defendants tell them they cannot afford alcohol monitoring devices



About half of responding courts offer an alternative to alcohol monitoring devices

There are alternatives offered by twenty-three responding judges' jurisdictions (about 45%) if the defendant cannot afford an alcohol monitoring device. These include alternatives such as a declaration of non-driving or random urinalysis tests.

55% of responding judges offer alcohol monitoring post-conviction

Twenty-eight responding judges' courts or jurisdictions (54.91%) offer alcohol monitoring systems such as probation monitoring, urinalysis, or continuous alcohol monitoring devices (e.g., SCRAM) for *post*-conviction sentencing jail alternatives.

More data needed on possible disparate impacts of cost of programs

Only 4.35% (n = 2) of responding judges have done studies in their jurisdiction to see whether a lack of funding for electronic monitoring, sobriety, and alcohol monitoring device programs[14] disparately impact different groups. One of the studies conducted showed that indigent defendants were almost always unable to afford mandatory ignition interlock devices.

Access to at least partial funding for all programs is available less than 50% of the time; dependent on judge, county, and program type

Litigants who cannot afford electronic monitoring, sobriety, and alcohol monitoring device programs have access to at least partial funding in twenty (41.67% of the responding sample) judges' jurisdictions. The funding amount and type does vary depending on the jurisdiction. For example, one judge stated litigants only have access to funding if the court authorizes city pay while another stated they provide

[13] Chelan, Clark, Douglas, Island, King, Kitsap, Pacific, Pierce, Snohomish, Spokane, Thurston, Wahkiakum, and Walla Walla counties

[14] As used exclusively in criminal cases

money for SCRAM or EHM, but not for post-conviction programs ordered, such as domestic violence treatment or substance abuse treatment. Other judges noted that programs like pre-trial supervision are offered at no cost to the defendant, but not all judges use these programs.

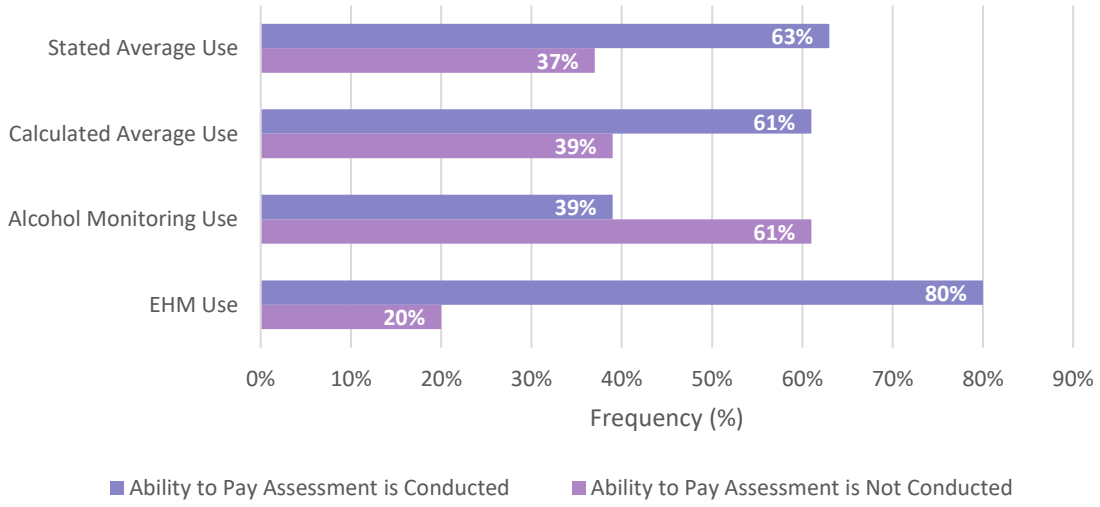
No protocol for conducting ability to pay assessment across all programs

Of the responding judges, 39.53% (n = 17) stated their court does "ability to pay assessment or screen for income qualification" for these programs. In addition, 20.93% (n = 9) provided a context-dependent answer, such as only doing indigence screenings for those who have a public defender or only doing an ability to pay assessment for certain programs and not others. For example, while one jurisdiction only does an ability to pay assessment for MRT and DV programs but *not* EHM, another jurisdiction only does a screening for EHM but *not* MRT and DV treatment programs.

Judges assess defendant's ability to pay about 60% of the time, but less often for alcohol monitoring

Overall then, responding judges conduct an ability to pay assessment up to 63% of the time for these programs (63.41%). This is corroborated by examining the average for screens conducted for both EHM and Alcohol Monitoring programs: 60.64%. However, it is important to note that when looking at the rates of ability to pay assessment or income screens for EHM and Alcohol monitoring separately, 80% of judges conduct an assessment for EHM but only 39% conduct an assessment for Alcohol Monitoring.

Figure 24. Ability to pay assessment more common for EHM, less common for alcohol monitoring programs



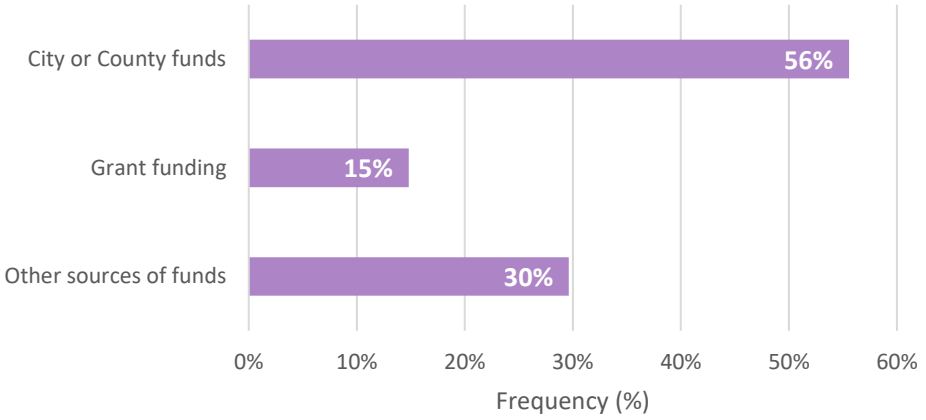
City or county funds provide 56% of support to jail alternative programs

Of the responding judges' jurisdictions that offer at least partial funding to support these programs[15], local funds from their city or county are used 55.56% of the time (n = 15), grant funding is used 14.81% of the time (n = 4), and another source of funding, such as prosecuting authority, private donors, or COVID funds are used 29.63% (n = 8) of the time[16]. One judge also noted that while they do not yet offer

[15] Multiple funding sources could be identified per response, e.g., grant funding *and* city or county funding
[16] No jurisdictions use state funding to support these programs

funding, their court is working to request funding through the CARES/American Rescue Plan Act to develop a county-funded pilot program for pre-trial EHM as an alternative to incarceration for indigent defendants.

Figure 25. The majority of funding for jail alternative programs comes from city or county funds



27% of responding courts fully or partially fund these programs

Of the 43 responding judges, only three judge's courts (7.14%) *fully* fund electronic monitoring, sobriety, and alcohol monitoring device programs. Two judges (4.76%) stated that while their court does not fund these programs, the county or jail does. In some cases, defendants are asked to contribute or reimburse the court (n = 2, 4.76%). Four (9.52%) of the responding judge's courts pay for alternatives to incarceration and post-conviction programs like EHM and abstinence monitoring, but do not pay for sentencing treatment programs. However, at least one jurisdiction *only* pays for sentencing treatment programs.

Government funds most common source of funds, exact budget amounts less clear

Responding judges were unsure of how much is budgeted for electronic monitoring, sobriety, and alcohol monitoring device programs each year, and provided a variety of responses ranging from dollar amounts to types of budgets. Budget amounts and source of funds are summarized in the table below:

Table 2. Large variability in budget amounts, ranging from unknown up to $90,000 in some cases

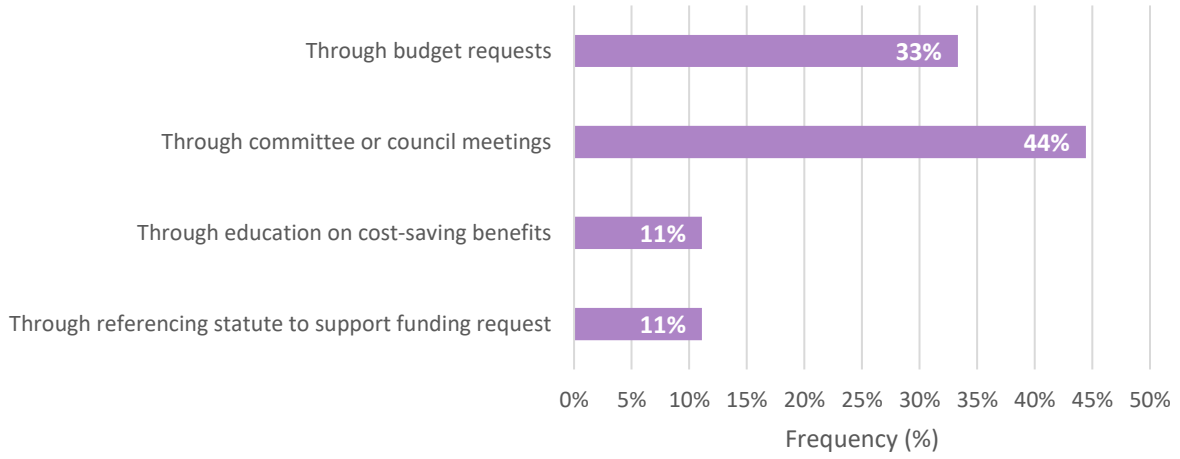
Funding Source	Yearly Budget Amount and/or Descriptions
Government General Fund (n = 10)	Line item budget of $20,000 for pre-conviction supervision and $15,000 for post-conviction supervision
	Comes from budget for SCRAM monitoring and urinalysis
	Line item budget of $90,000 for EHM supplies
	We have successfully educated our Council on the benefits of treatment and alternatives to jail and they have authorized the expansion of our Probation Department to provide programs

Table 2. Continued	
Funding Source	**Yearly Budget Amount and/or Descriptions**
Government General Fund cont.	Line item budget of $20,000 for domestic violence treatment and $120,000 for electronic monitoring programs
	Variable
	Unknown
Grants (n = 4)	100% of the cost
	Unknown
Tax Funds for Treatment (n = 3)	We have successfully educated our Council on the benefits of treatment and alternatives to jail and they have authorized the expansion of our Probation Department to provide programs
	Unknown
Probation Funds (n = 2)	$10,000
	Unknown
Police Jail Budget (n = 2)	Unknown
Trial Court Improvement Account (n = 1)	$10,000
COVID Funds (n = 2)	Unknown
Private Donor (n = 1)	Unknown
CJTA Funds (n = 1)	Comes from budget for SCRAM

The most common way to engage funders was through committee or council meetings

Only nine responding judges (12.50% of the full sample of 72 judges) provided information on how they engaged the funders reported above. Three responding judges engaged their funders through budget requests, four judges engaged funders via committee or council meetings, one judge educated funders on the cost-saving benefits of these programs over detainment in a jail facility, and one judge relied on statutory requirements to support a funding request.

Figure 26. Funding commonly obtained through committee or council meetings, followed by budget requests



Collaborate with the members of the justice system to obtain funding, judges say

Twelve judges from six counties[17] were able to provide tips for other courts who are attempting to get funding for these types of programs. Their various tips and advice are summarized in the table below:

Table 3. Educate and advocate for funds

Advice Category	Example
Work with stakeholders	Work with stakeholders (i.e., defense, prosecutor, city, county, and/or police) to explain cost savings while keeping the community safe as well as discuss the inequity of it.
	Work with stakeholders (i.e., defense, prosecutor, city, county, and/or police) to create a subsidy program
	Get involved with SAMSHA and BJA as they often have grants
Education and data collection on cost-saving benefits	Collect data to present the distinction between the cost of jail versus the cost of the proposed alternative
	Point out that these programs are less costly than jail costs.
	Tell councils you need money for home detention to keep people out of jail when they can serve time at home and show them the difference between the cost for a day in jail and home detention.

[17] King, Kitsap, Pierce, Snohomish, Spokane, and Thurston counties

Table 3. Continued	
Advice Category	**Example**
Get to know council members and work with committees to meet statutory requirements	Use Trial Court money, or ask City/County Council for funding
	Tell councils about RCW 10.21.055 and how you have to put on abstinence monitoring for repeat DUI offenders who do not get their court-ordered IID
	Tell councils your court has more people who are deemed indigent following enactment of RCW 10.101 definitions of indigent.
	Tell councils when you have a DV defendant you want to be able to order a GPS bracelet to protect the alleged victim and if the person cannot pay you don't want to be deterred
Education on social benefits	Point out that persons are presumed innocent, that this is a way to allow them to be released while awaiting trial and continuing to work, care for children, etc. while also ensuring public safety.
	Educate funders that these programs will provide a step forward in creating a more equitable criminal justice system by providing our marginalized minority community groups and those who are economically disadvantaged an alternative to pre-trial and post-trial

In addition, four courts have successful grant applications they could share with other courts. The steps required to obtain the grant successfully can be broken down into an analysis of what funding is likely to be needed, support for funding in the form of a white paper or similar, and submission of an application.

More data needed to show if these programs impact disparate outcomes

Of the responding judges, three judges' courts have examined or have plans to examine the effectiveness and impact of electronic monitoring, sobriety, and alcohol monitoring device programs on disparate outcomes of individuals from marginalized communities. One judge stated that while they do not have a formal study on how these programs impact disparate outcomes, they noticed a reduction in failures to appear when they implemented these programs along with a text reminder system through their credit card payment company. Another judge described the importance of having an outside source to collect and analyze data to ensure data validation. One judge referenced a pilot project aimed at gathering data to analyze the impact of these programs on disparate outcomes.

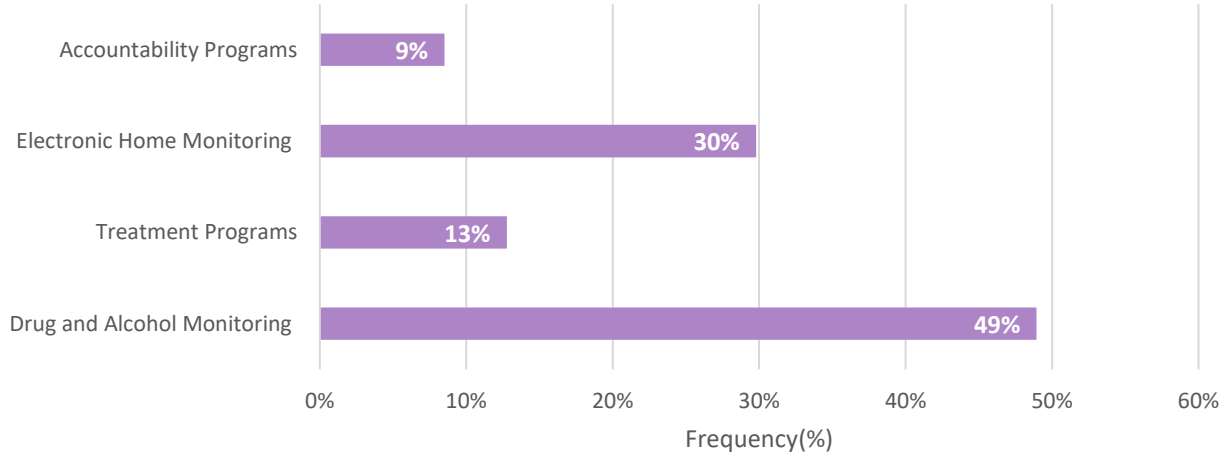
Five judges' courts track costs and potential savings from electronic monitoring, sobriety, and alcohol monitoring device programs.

While one judge stated their electronic monitoring system was designed to allow for data collection and analysis, the remaining judges were unsure of how the cost/saving tracking was implemented[18].

EHM and drug and alcohol monitoring programs work, but need increased funding

Finally, judges could list up to four separate programs they use that lack funding and were asked to identify the programs they felt were most needed and/or beneficial to fund. Twenty judges listed an average of 2.25 programs (median = 2 programs identified). Drug and alcohol monitoring programs (e.g., SCRAM, urinalysis) were identified most often as crucial programs in need of funding, followed by electronic home monitoring programs (e.g., EHM). Treatment programs (e.g., mental health programs, substance use programs) and accountability programs (e.g., domestic violence monitoring programs, procedural due process, and accountability programs) were also mentioned as crucial programs in need of funding.

Figure 27. Drug and alcohol monitoring, EHM programs need funding most



Small and medium-sized courts along with district courts focused on basic needs that work: EHM and drug and alcohol monitoring

Of those judges who identified drug and alcohol monitoring as a program that needed funding, fifteen were from large counties, one from a medium-sized county, and one from a small county. Twelve were from district courts and five were from municipal courts.

Of those judges who identified electronic home monitoring as a program that was in need of funding, eleven were from large counties, one from a medium-sized county, and one from a small county. Ten were from district courts and three were from municipal courts.

Of those judges who identified treatment programs as something that needed funding, all four were from large counties. Two were from district courts and two were from municipal courts.

[18] No responding judges have financial impact reports for electronic monitoring, sobriety, and alcohol monitoring device programs that they could share with other courts.

Of those judges who identified accountability programs as in need of funding, all three were from large counties. One was from a district court and two were from municipal courts.

Figure 28. Small and medium counties only identified EHM and drug and alcohol monitoring programs

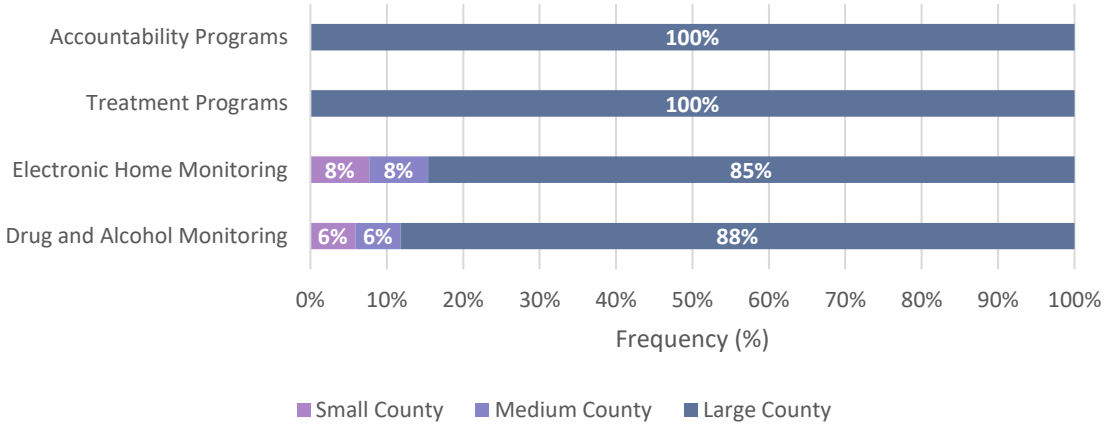
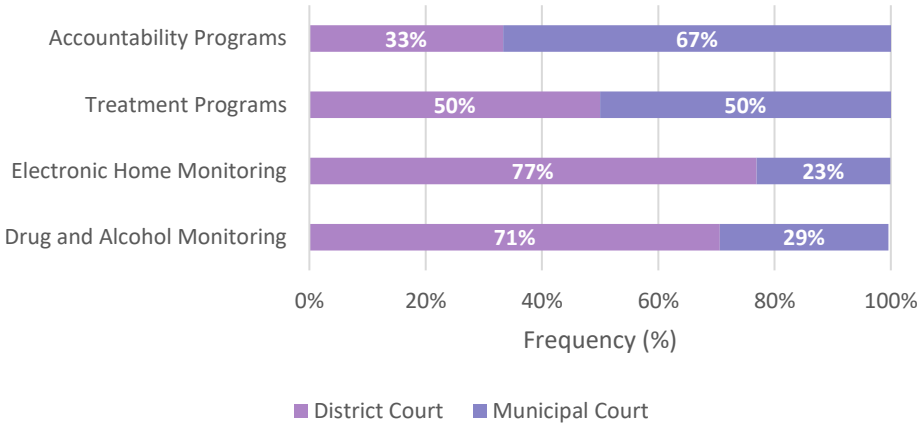


Figure 29. District courts identified EHM and drug and alcohol monitoring programs more often



Judges: These programs work, more funds for these programs can reduce use of jail

The last survey question asked judges if they believed any of the monitoring programs used in their jurisdiction reduced the jail population. Of the forty judges who answered the question, thirty-six responding judges (90%) believe some of the monitoring or programs used in their jurisdiction help reduce the jail population. The most commonly referenced programs they felt were most effective included electronic home monitoring (EHM) (n = 28) and pre-trial alcohol and drug monitoring (n = 23). Other programs such as specialty courts, probation sanctions, domestic violence GPS, work crew, and community service were also mentioned as beneficial programs in reducing the jail population[19].

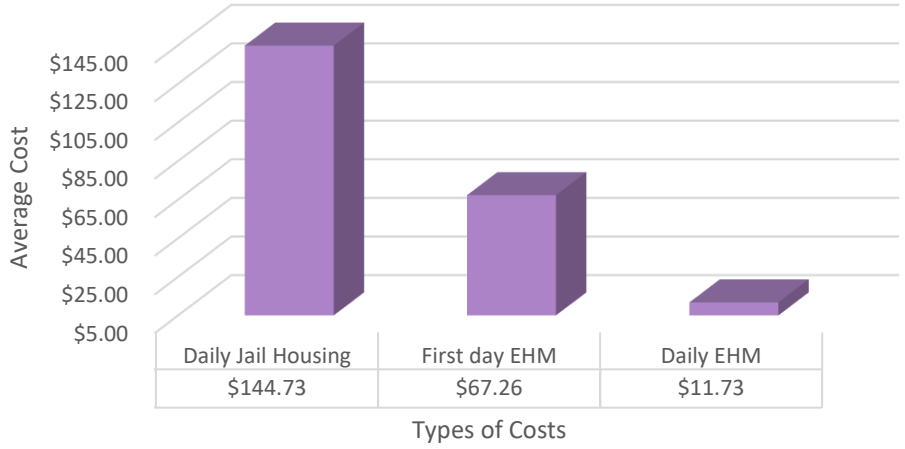
[19] Some judges also noted that programs such as work crew were since eliminated, even though the judges felt they helped reduce the jail population.

Daily cost to house an individual in jail is between 2.15 and 12.34 times more expensive than costs of EHM.

To better conceptualize the costs associated with EHM, a cost comparison using data from two jail facilities[20] in Washington state was conducted. The average daily cost to house an individual at one of these jails is $144.73. The average daily cost for an individual on EHM is $11.73, with an average setup cost of $55.53. Essentially then, the first day of EHM costs on average $67.26, and the subsequent daily cost of EHM is $11.73 per day.

Therefore, it is on average $77.47 more expensive to house an individual in jail than to pay for the setup costs and first day of EHM. It is on average $133.00 more expensive than the subsequent daily cost of EHM. In other words, the daily cost of jail is 2.15 times higher than the setup and daily cost of EHM, and 12.34 times higher than the subsequent daily cost of EHM.

Figure 30. EHM is more affordable than jail housing



Recommendations and Conclusions

Identifying areas of improvement

Many judges spoke to the successes of these jail alternative programs, but also identified areas of improvement. For example, one judge pointed out that, "*EHM does reduce jail population, however some people have no location at which to stay for EHM",* identifying other service needs in addition to providing EHM service. Another noticed that "*both pre and post-conviction provides substantial jail reduction. However [our court has] found that defendants on pre-trial alcohol monitoring tend to drag out their cases longer (the tougher cases) and therefore they rack up expenditures*".

Hard to obtain support for creating or continuing these programs

Another judge identified the difficulty of obtaining support for these programs, stating that they *"have tried to get a 24/7 program started but cannot get the jail to have a meaningful conversation about it".*

[20] Clark County Jail ($157.62 daily cost per individual) and South Correctional Entity (SCORE) facility ($131.84 daily cost per individual)

Perhaps the education of service providers, funders, and other entities in the criminal justice system about these programs will help courts and jurisdictions obtain support for these programs. Others referenced the discontinuation of programs that had previously helped to reduce the jail population (i.e., work release, community service) or interruptions in service due to COVID.

Judges point to the importance of data and evidence-based practices

Multiple judges pointed to the importance of evaluating the effectiveness of these and other types of jail alternative programs. One judge stated that they believe "*any alternative to jail sanction that follows best-practices and evidence-based programs and therapies [has] the capacity to reduce [the] jail population. While [our court does] not have current statistics, we do know that more people comply with their [electronic home detention] sanction as they are allowed to continue with their pro-social behaviors*". Another judge referenced a recently completed evaluation that determined *"Community Court has an overall impact of reducing recidivism by 15%; the [county's] DUI Court has also had highly successful results with their participants. [In addition] our VET court has resulted in successfully high rates of non-re-offending criminal justice involved veteran participants*". However, only three courts in this sample are looking at how electronic monitoring and alcohol monitoring programs are impacting disparate outcomes. More research is needed across the state to answer this question and ensure these programs are operating as intended to keep individuals out of jails.

Conclusion

Within courts of limited jurisdiction (e.g., District and Municipal courts), a defendant has a 90% likelihood of having EHM available to them as a jail alternative, a 15% likelihood of having a 24/7 sobriety program available as a jail alternative, and an 80% likelihood of having an Alcohol Monitoring program available to them as a jail alternative. Other key takeaways and summaries from this project are included below.

Private providers' frequent use and increased costs difficult for defendants' to absorb

The most common EHM providers are private contractors (60%), and this is especially true for both small-sized and large-sized counties (with an approximate use of 65%). However, these private providers have the highest average setup cost ($58.30 as compared to an overall average of $55.83) and the highest daily costs ($14.04 as compared to an overall average of $11.73). Public providers cost 64% less to setup and 63% less on average per day than private EHM providers, but are used less than half of the time. For alcohol monitoring, urinalysis testing was the most affordable type of monitoring device at $2.20 per day, but could cost more depending on the test ordered or the frequency of testing. The most expensive alcohol monitoring devices were drug patches (at $50 per patch) and combined forms of monitoring (e.g., alcohol monitoring and GPS). For both jail alternative programs, these costs are typically absorbed by the defendant. For EHM, 45% of jurisdictions place the financial responsibility on the defendant, and for alcohol monitoring, 69% of jurisdictions place the financial responsibility on the defendant.

Consistency in conducting ability to pay screens needed

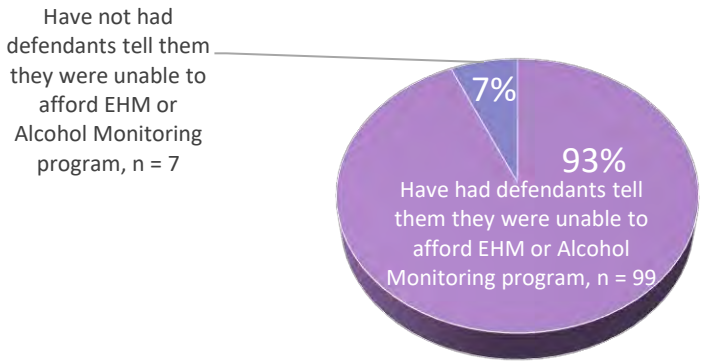
Ability to pay screens also differ greatly by jurisdiction. For example while one jurisdiction only does ability to pay screenings for MRT and DV programs, another jurisdiction only does a screening for EHM

but *not* MRT and DV treatment programs. One responding judge additionally stated their court or jurisdiction does not have a policy, and conducting an ability to pay assessment varies from judge to judge.

More data is needed to understand the impact of a lack of funding

Since the majority of courts have not done studies in their jurisdiction to see whether a lack of funding for electronic monitoring programs, sobriety programs, and alcohol monitoring device programs disparately impact different groups, this is an area of development. This survey does make clear that many different devices and services are being used for EHM and alcohol monitoring programs, and these devices and services vary in cost and availability. This could in fact represent an underlying equity issue, in that a defendant who is unable to pay for these devices or services cannot take advantage of them. Looking at all three programs (EHM, 24/7 alcohol, and alcohol monitoring), an overwhelming percent of judges have had a defendant tell them they cannot afford one of these programs (93.4%).

Figure 31. Regardless of program, defendants cannot afford it



County size impacts likelihood of defendant absorbing financial responsibility for these programs

If a defendant is sentenced in a small-sized county, they will most likely not have the option to use a 24/7 sobriety monitoring program, they will have a 25% likelihood of the court or jurisdiction paying for their EHM program if they cannot afford it, and no likely option for the court or jurisdiction to pay for their alcohol monitoring program if they cannot afford it. If a defendant is sentenced in a medium-sized county, they have a 50% likelihood of the court or jurisdiction paying for their EHM program if they cannot afford it, and no likely option for the court or jurisdiction to pay for their alcohol monitoring program or 24/7 sobriety monitoring program if they cannot afford it. Lastly, if a defendant is sentenced in a large-size county, they have a 58% likelihood of the court or jurisdiction paying for their EHM program if they cannot afford it, a 20% likelihood of the court or jurisdiction paying for 24/7 sobriety monitoring, and a 42% likelihood for the court or jurisdiction to pay for their alcohol monitoring program if they cannot afford it.

More data is needed, especially from small and medium-sized counties

Finally, while this report and data represent an important starting point in understanding how courts and jurisdictions use various jail alternatives, it is hard to make generalized recommendations, particularly for small and medium-sized counties when they are underrepresented in the survey.

Increase capacity to track and assess jail and alternatives

Overall, the judicial branch needs increased capacity to track and assess the use of jail and alternatives. Courts need internal capacity and the AOC needs the research capacity to support the local development and review of data.

Additional Analyses of Court Practices Related to EHM and Other Jail Alternatives: Descriptive Analysis of King County

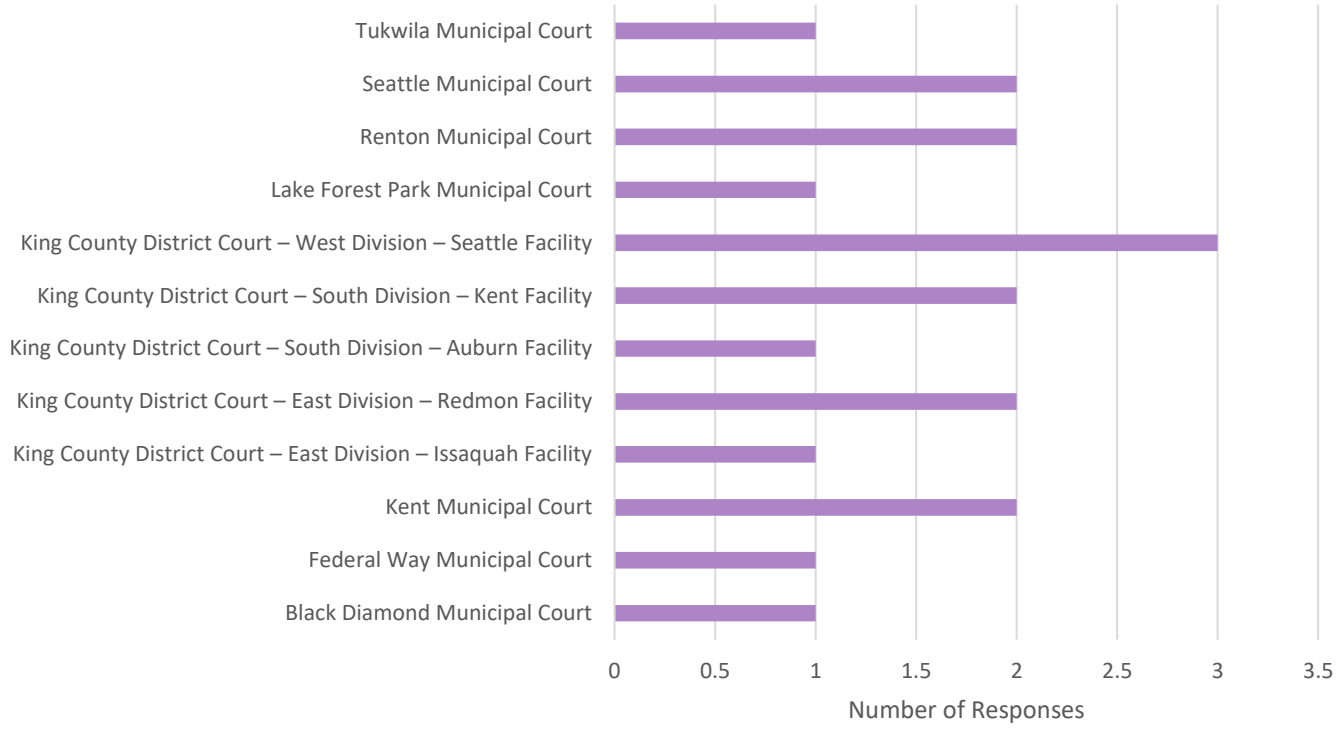
Overview

This report represents the results of the additional analysis undertaken of only King County respondents. When applicable, the results of King County respondents are compared to the results when all counties were included in analyses. Note that not all analyses were able to be completed due to a smaller sample size or ability to extract meaningful results from such a small subset of respondents.

Survey represents twelve unique municipalities/cities/districts in King County[1]

Within King County, there ten responses from municipal court judges and nine from district court judges. Looking at each municipality/city/district, there are responses from twelve unique municipalities/cities/districts in total in King County.

Figure 1. Twelve municipalities, cities, or districts within King County represented



[1] Note that in analyzing only King County data, there were two blank responses that were tied to two full responses – that is it is likely two judges started the survey then left it, and when they came back to the survey, it erroneously counted it as two responses. This only affects the number of responses and courts, which has been updated in the full report to reflect that there were in fact fifteen responses from King County out of the fifty-four respondents from eighteen counties that provided answers in at least one section of the survey.

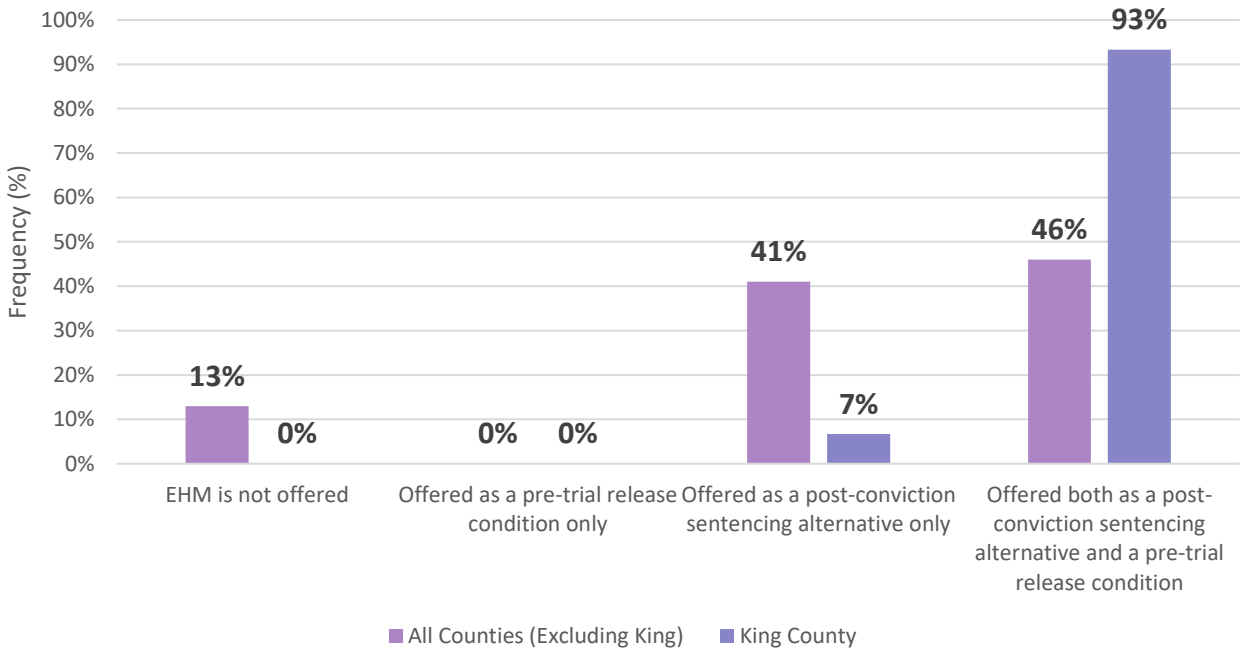
All responding judges in King County use EHM

The first portion of the survey asked about courts' and jurisdictions' use of Electronic Home Monitoring (EHM) as a jail alternative. None of the responding judges in King County explicitly stated their court does not offer EHM. However, four judges did not respond and are counted as missing data in the analyses that follow.

Responding judges in King County are most likely to offer EHM both pre- and post-adjudication

Of the responding judges in King County, one uses EHM post-conviction only (6.7%), and fourteen use EHM both pre-trial and post-conviction (93.3%). The graph below compares these rates of use to an analysis of all counties except King.

Figure 2. In King County, it is less common for EHM to not be offered and less common for it to be offered post-adjudction only

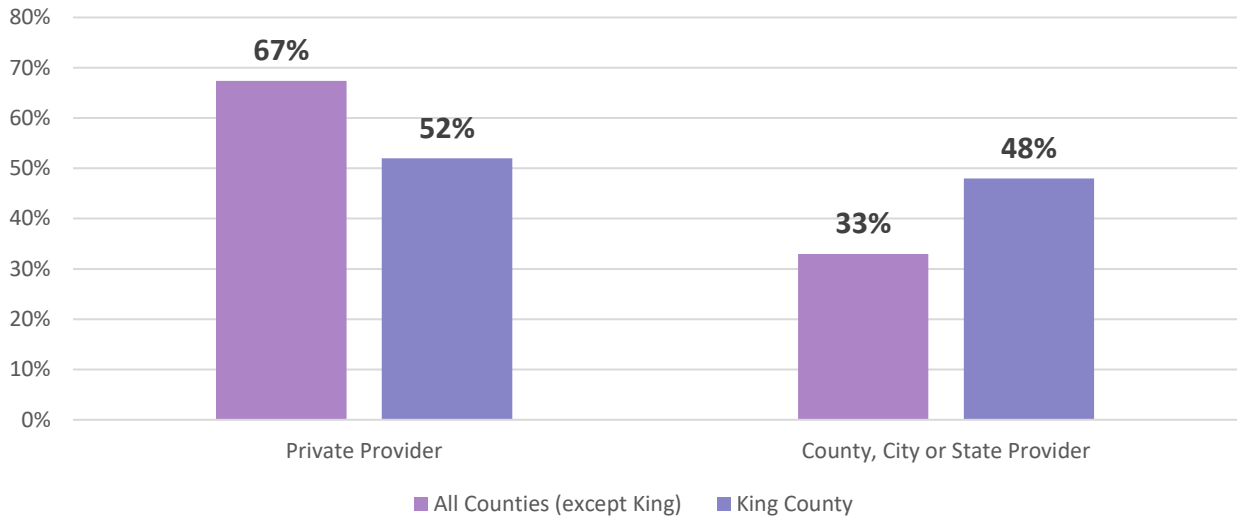


EHM service in King County likely to come from both private and public providers

For King County respondents, private EHM providers (e.g., 2 Watch Monitoring, "other" private providers) were referenced thirteen times, and public EHM providers (e.g., Renton Police EHD Program) were referenced nine times. Additionally, three judges listed *both* private and public providers[2]. King County used private providers (52%) and public providers (i.e., county, city, or state providers) (48%) with about the same frequency. A cost comparison of providers within King County was not able to be conducted due to small sample size and little variance in private and public provider use.

[2] Each respondent could list up to 3 providers used for EHM.

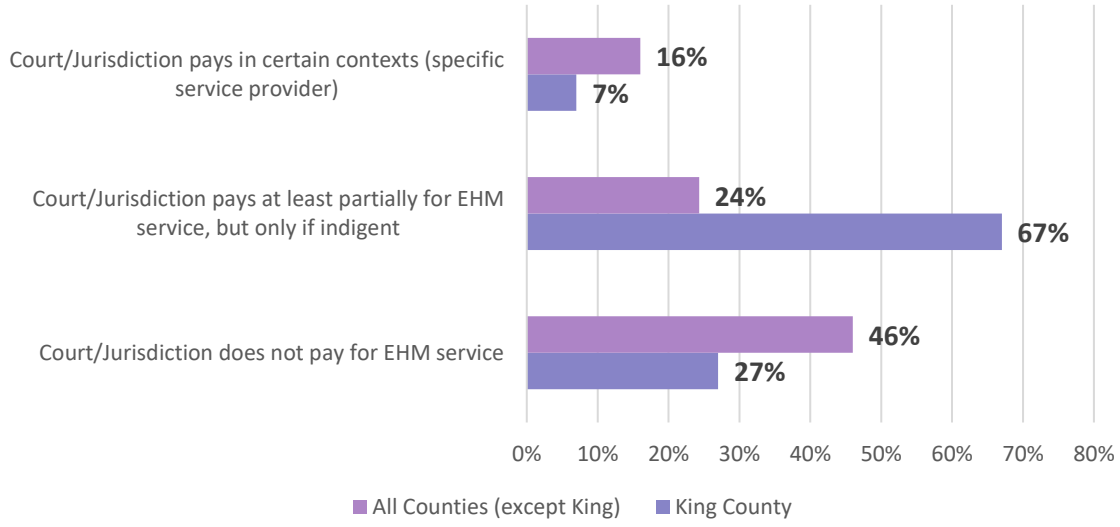
Figure 3. King County uses public providers more often than other counties, about same rate as private provider use



26.7% of responding judges place the financial responsibility of EHM on the defendant

As compared to the 46% of responding judges in counties other than King, only 26.7% of responding judges in King County offer EHM but do not pay for the EHM service. Sixty-seven percent of responding judges' jurisdictions within King County pay at least partially for EHM service, but *only* if the defendant is indigent. In addition, 27% pay for EHM service in certain contexts; that is if a specific service provider like Kent Corrections is used.

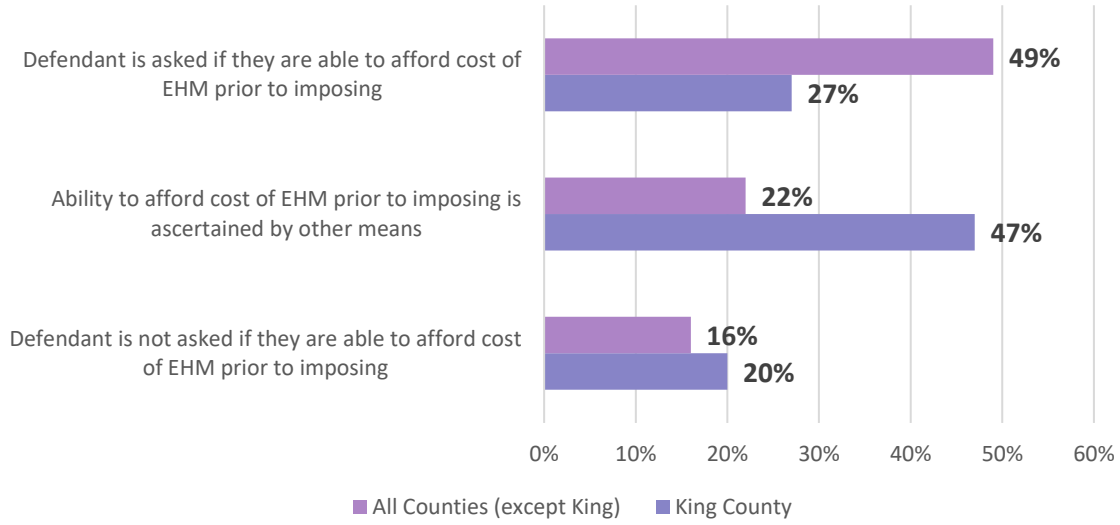
Figure 4. King County jurisdictions are more likely to pay at least partially for EHM service when the defendant is indigent



No standard protocol for assessing a defendant's ability to pay for EHM

The next question asked judges to respond if their courts "ask the defendant if they are able to afford the cost prior to imposing EHM". Of responding King County judges, 26.7% (n = 4) ask the defendant if they can afford the cost of EHM before imposing it. Additionally, 46.7% (n = 7) of King County judges provided a context-dependent response such that the court does not have to ask the defendant if they can afford EHM because it is ascertained by other means (i.e. probation, detention staff). Only 20% of responding judges in King County (n = 3) do not assess if a defendant can afford the cost of EHM before imposing it.

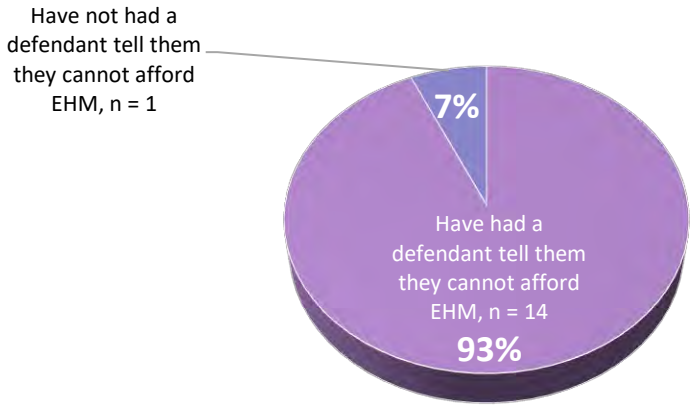
Figure 5. King County jurisdictions more likely to use other means to ascertain ability to pay for EHM



Judges: Defendants cannot afford EHM

The overwhelming majority of responding judges in King County (93.3%, n = 14) have had defendants tell them they cannot afford EHM. Only 6.7% (n = 1) of King County respondents have not had defendants tell them they cannot afford EHM. These percentages are very similar to the percentages in all counties other than King (96.88% have and 3.12% have not)

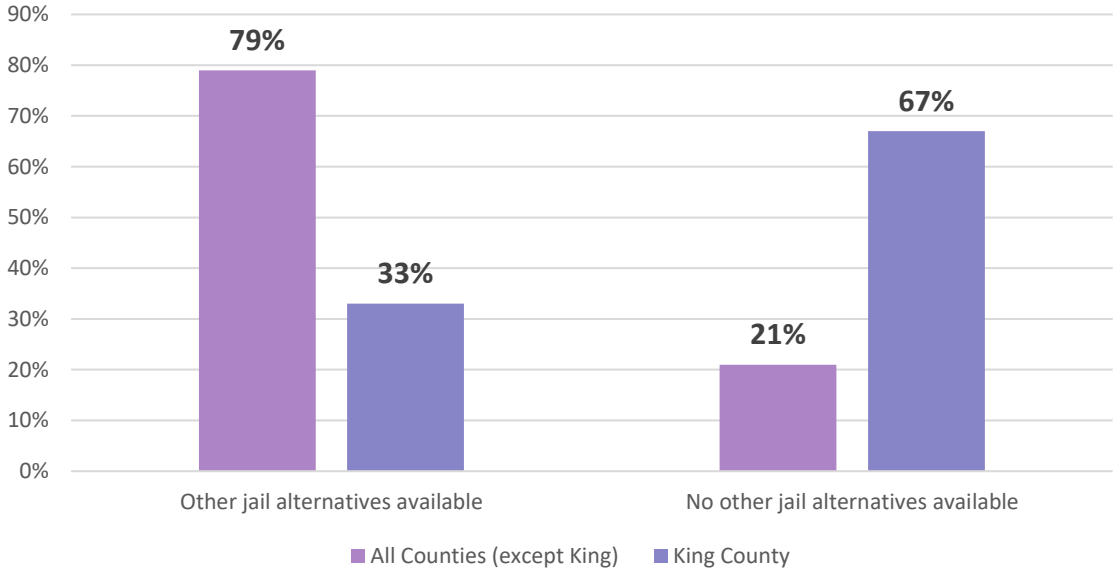
Figure 6. Most responding judges in King County have had defendants tell them they cannot afford EHM



Less common for King County to have jail alternatives

If a defendant cannot afford EHM, 66.7% (n = 10) of responding judges in King County do *not* have another jail alternative in lieu of EHM. Only 33.3% of respondents (n = 5) have another jail alternative their jurisdiction offers if a defendant cannot afford EHM.

Figure 7. King County has less other jail alternatives available



Very limited data available on 24/7 sobriety programs; only 3 responding judges in King County use them

The second portion of the survey asked about courts' and jurisdictions' use of a 24/7 sobriety program. This 24/7 alcohol sobriety program is outlined in RCW 36.28A.330 as a jail alternative or a pre-trial condition of release. Only three responding judges in King County (20%) offer a 24/7 sobriety program.

This is in line with the frequency of use by all other counties excluding King – only four judges outside of King County offer a 24/7 sobriety program.

86.7% of responding judges in King County offer at least one type of alcohol monitoring device

The third portion of the survey asked about pre-adjudication jail alternative alcohol monitoring devices as outlined in RCW 46.61.5055(5)(b). Within King County, thirteen responding judges (86.7%) offer these types of alcohol monitoring devices. This is slightly higher than judges use of alcohol monitoring devices in counties other than King (75.7%).

Responding judges in King County conduct ability to pay assessments for alcohol monitoring 33% of the time; less often than for EHM programs

In King County, four judges' (33.33%) do an ability to pay assessment when determining whether a defendant can pay for the alternative alcohol monitoring device. Nine (66.67%) do not conduct an ability to pay assessment for alcohol monitoring devices.

66.7% of responding judges in King County offer alcohol monitoring post-conviction

Ten responding judges' in King County (66.7%) offer alcohol monitoring systems such as probation monitoring, urinalysis, or continuous alcohol monitoring devices (e.g., SCRAM) for *post*-conviction sentencing jail alternatives. Only five (33.3%) do not.

Summary

There are a few differences between King County and all other counties when it comes to jail alternatives. For one, there were no responding judges who did not offer EHM, and judges in King County were more likely to offer EHM *both* pre and post-adjudication. Defendants in King County tell judges they cannot afford EHM at about the same rate as in all other counties, but responding judges in King County were more likely to pay at least partially for EHM service when the defendant was indigent. However, respondents from King County noted less other jail alternatives available for those who cannot afford EHM. There is still limited data on 24/7 sobriety monitoring, and about the same rate of offering alcohol monitoring devices.

Law & Justice

The Seattle Times

Where you live in WA may determine whether you get stuck in jail before trial

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1 of 5 | Amber Letchworth became a criminal justice reform advocate after arrests a decade ago left her stuck in jail, causing her to lose her housing. (Erick Doxey / InvestigateWest)

By Wilson Criscione

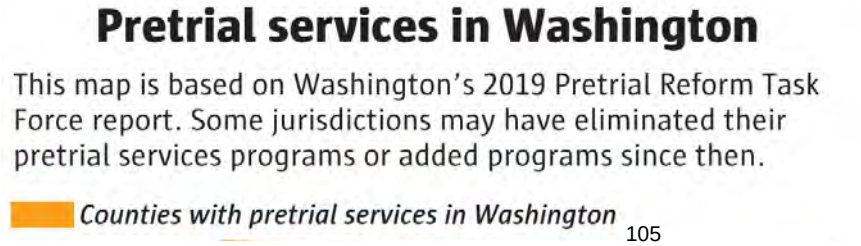
InvestigateWest reporter

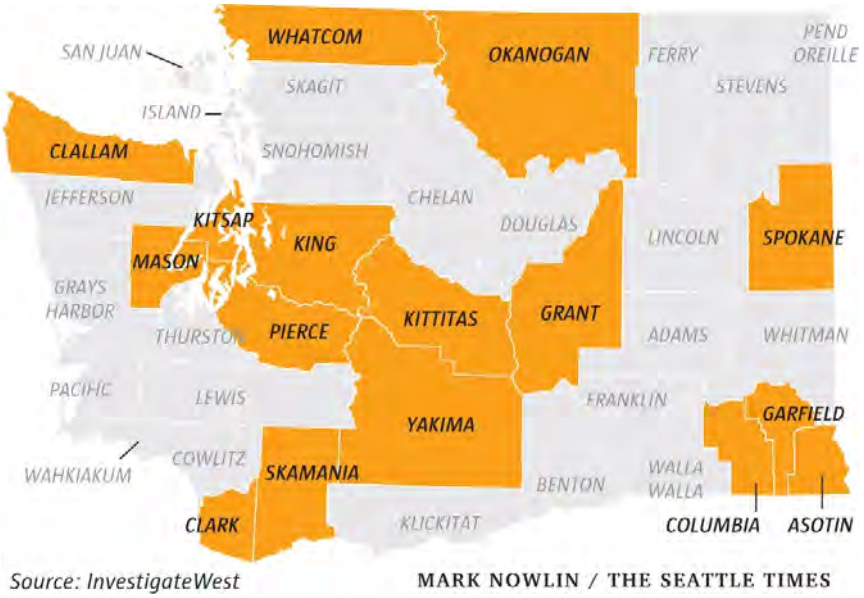
First in a series

This is the first story in a new series by InvestigateWest exposing how the justice system in Washington differs in life-altering ways across the state.

Ten years ago, while driving to her nephew's birthday party, Amber Letchworth was pulled over by an Asotin County sheriff's deputy near the town of Clarkston. Letchworth says at the time, she was a 20-year-old college student in the midst of a mental health and addiction crisis following the death of her grandmother. On the floor of the car, the deputy found a dirty baggie. It contained meth.

Letchworth was taken to Asotin County Jail, in the southeast corner of Washington. She stayed there for the next couple weeks, unable to pay for bail, and with no access to pretrial services that exist today in many other jurisdictions meant to keep unconvicted defendants out of jail.





In that short amount of time, she lost her housing and access to a car. Feeling the pressure to get out of jail quickly, she pleaded guilty to the felony drug possession charge — a charge that's since been vacated due to a state Supreme Court decision in 2021 that ruled Washington's felony drug possession statute was unconstitutional.

It spurred a downward spiral for Letchworth. She was homeless when she left the jail, and as her drug and alcohol addiction issues worsened, it led to more arrests and more jail time.

Today, Letchworth is a law school student at Gonzaga University, co-founder of the Revive Center for Returning Citizens and a legal liaison for I Did the Time, an advocacy group working to help former inmates. But she still wonders how those dark years of her life would have been different if after that arrest, she had been let out of jail, able to keep her housing and referred to mental health or addiction treatment.

"What if I would have gotten pretrial services the first time?" she asks.

Letchworth is part of a movement of advocates, judges and public defenders in Washington pushing to release more defendants from jail while they await trial. They argue that alternative measures such as drug and alcohol testing, electronic home monitoring, and referrals to behavioral health treatment can help lift those accused of crimes out of the legal system. Law enforcement and prosecutors have been slow to embrace the idea, fearing that people released from jail while awaiting trial will commit more crimes in the community.

As it is now, the availability and cost of these pretrial services in Washington depends heavily on where an alleged crime occurs. Many rural counties in Eastern Washington and along the Olympic Peninsula don't have a pretrial services program at all, filling their jails with defendants awaiting trial. Among those that do have such programs, most jurisdictions contacted by InvestigateWest require the accused to pay fees associated with their pretrial release — a barrier that disproportionately punishes poorer defendants and prevents some from being released from jail.

It's what Ali Hohman, director of legal services for the nonprofit Washington Defender Association, calls "justice by geography."

"Where you're at in the state will dictate your bail amount, and it will dictate your ability to access pretrial services," Hohman says.

Growing movement

The movement to eliminate geographical barriers in bail and pretrial reform extends far beyond Washington. But as other states have led the way in upheaving their systems, Washington has been slow to follow suit.

New Jersey passed a law in 2017 that essentially eliminated cash bail, which forces defendants to post a certain amount of money set by the judge for their release. Despite concerns that released defendants would commit more crimes and skip court dates, the data indicates that hasn't happened. Recidivism and court appearance rates have stayed consistent. And

importantly for reform advocates, fewer defendants are stuck in jail just because they can't afford bail. Since then, other states like Illinois have eliminated cash bail while creating a statewide centralized pretrial services office.

That's the kind of model that may allow defendants in Washington's rural counties to still have access to pretrial services, says state Rep. Roger Goodman, D-Kirkland. But right now, Washington is only in the beginning stages of exploring such options, says Goodman, who has served as chair of the House Public Safety Committee and has pushed for reform.

"We are by no means a model or a showcase for how pretrial services should be provided," Goodman says. "We really don't have a robust system of pretrial services in our state compared to some other states."

Right now, Washington gives local control to jurisdictions to attempt their own reforms. Yakima County in 2016 began releasing low-risk offenders while providing pretrial services, and a study on the program found similar results to what New Jersey found: More people were released, there was less racial disparity in those kept in jail, and most did not go on to commit new crimes.

Other jurisdictions don't have the resources to create those programs. Several years ago, the Legislature commissioned a task force to examine the issue. It released a report in 2019 that found gaps in the availability of pretrial services, most notably that 21 counties had no pretrial service programs at all.

Even where pretrial services existed, jails were still filled with people awaiting trial. Nationwide, two-thirds of all local jail inmates were awaiting trial, according to federal statistics, and Black and Native American people were jailed at much higher rates than white people. But in Washington's largest counties, pretrial defendants in 2019 made up an even larger portion of the jail population. More than three-quarters of people in jails in King, Pierce and Spokane counties were there for a crime they hadn't been convicted of, indicating pretrial reform efforts were still in early stages.

Those figures have been dramatically altered during the pandemic, with jails releasing defendants to prevent COVID-19 outbreaks. King County, for instance, has mostly stopped jailing people accused of misdemeanors. Seattle and King County have since seen a small increase in crime, particularly violent crime, but those are trends in line with the rest of the country.

Advocates and public defenders like Hohman hope that the pandemic forcing counties to release people from jail shows that pretrial reform is possible.

"The world didn't go to hell in a handbasket," Hohman says.

"Piecemeal" approach

Rural counties have struggled to manage pretrial services during the pandemic.

Of the counties identified as having pretrial programs by the state task force report in 2019, some of those contacted by InvestigateWest have lost those programs entirely. Asotin County Superior Court where Letchworth was jailed started a program to monitor defendants released pretrial several years ago, but County Clerk McKenzie Campbell says it was manned by one person who left the position months ago.

"I don't believe it's being actively offered to people," Campbell says.

Less populated counties that do have a pretrial services program still face logistical challenges. Okanogan County District Judge Charles Short says if someone charged with a DUI is released on the condition that they receive alcohol monitoring, they may not be able to afford the testing device.

"We're dealing with a lot of people that don't have a lot of income. That can create an issue if they're required to do alcohol monitoring or electronic home monitoring," Short says.

And if the defendants don't have transportation, they may have difficulty making court dates, especially in an expansive county like Okanogan in North Central Washington. It could take hours for those on the outskirts of the county to make it to the courthouse. The county started offering remote hearings during the pandemic, but Short notes that many Okanogan residents don't have internet access.

In Whitman County, District Judge John Hart says he can release someone under the condition that they get an alcohol ankle monitor, but the company that sets them up is in Spokane County, so it costs extra due to transportation costs. That can be prohibitive for low-income defendants. Ideally, Hart hopes, that's a cost that the government can pay for.

"I believe it's both a worthy allocation of resources, but also an important one to make sure an individual's released on the least restrictive alternative affording them and those around them safety," Hart says. "It's also cost effective."

The pretrial task force report recommends that the government bear the cost of services rather than the accused. Some jurisdictions do cover those costs, either in full or in part. In Seattle Municipal Court, there is no cost to the accused person for pretrial services unless they need a device under electronic home monitoring or alcohol monitoring, in which case the court will subsidize the cost for low-income defendants.

The city of Spokane, through money that comes from grants, funds services such as alcohol or home monitoring. Spokane Municipal Judge Mary Logan, who was on the statewide task force, says it can cost more than $100 per day to keep someone in jail, so funding a home monitoring device for $14 per day is well worth it.

But with each jurisdiction left to make these decisions, the current "piecemeal" approach to pretrial services across the state is inevitable, she says. And county leaders may not be on board with reforming the system in the first place, fearing it will result in dangerous offenders being let out on the streets with no consequences.

"All of a sudden politics gets involved," Logan says.

Going forward

When the pretrial task force report came out in 2019, it made a series of recommendations on top of the idea that governments should bear the cost of pretrial services.

It also recommended that courts set up reminders for defendants to reduce their risk of missing court dates, that courts make more referrals to mental or behavioral health treatment, and that courts consider transportation support for defendants to make appointments.

But at the time, the report didn't make waves across the state.

"It really just put into black and white what I always suspected with the justice by geography," says Hohman, with the Washington Defender Association, an organization advocating for public defenders. "There wasn't any sort of collective change in the winds from what I could tell."

Jaime Hawk, legal strategy director for the Washington Campaign for Smart Justice at the ACLU of Washington, authored a report in 2016 calling for major changes to the pretrial system. The report argued that pretrial detention not only harms those who are jailed in their personal lives, but makes them more likely to be convicted of low-level misdemeanors because they feel more pressure to take a plea deal and get out.

"As a former public defender, when my clients were released pretrial and I was able to work with them and their families, and they were able to keep their jobs and housing … my ability to get a better outcome for them was nine times out of 10," Hawk says.

Hawk says she's working with academic researchers to figure out what can be learned from keeping misdemeanor defendants out of jail during the pandemic. But for now, she feels confident in her position that counties should be offering pretrial services that are paid for by the county, not the defendant.

"There's a lot that can be done at the county level," she says.

Goodman, the Kirkland lawmaker, calls the recommendations from the task force in 2019 "anemic." He thinks that as long as there isn't a unified court system and pretrial services program in Washington, you're going to see disparities across jurisdictions.

But a statewide change like that could take years, Goodman says. There's still more data to study on what programs are most effective. Judges, he says, are "arguing with themselves" over who's to blame for confining too many people in jail.

"As far as any reform of pretrial policy, we are a ways away," Goodman says.

That change, however, can't come soon enough for people like Letchworth. While she's been able to move on from her arrests in Asotin County a decade ago, she still works with people every day who could benefit from a pretrial system that doesn't default to jailing them.

"The people that need the services the most," Letchworth says, "are denied from the gate."

Anushuya Thapa contributed to this report.

Wilson Criscione: *wilson@invw.org; Wilson Criscione is a reporter with InvestigateWest (invw.org), an independent news nonprofit dedicated to investigative journalism in the Pacific Northwest.*

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To Our Partners in Justice at AOC:

As judges and administrators of Courts of Limited Jurisdiction, and AOC's partners in ensuring accessible, equitable, and inclusive justice in our State, we are writing to urge AOC to integrate one of the most impactful digital tools available, OCourt (or programs that offer similar efficiencies), into the upcoming implementation of Enterprise Justice.

As joint stakeholders in promoting accessible justice, AOC and Courts of Limited Jurisdiction have demonstrated an ongoing commitment to innovating the way in which our communities interact with the justice system. We both recognize the value of strategic changes designed to improve the delivery of technology to meet the changing needs of our community. Our Courts of Limited Jurisdiction fully support the move to an updated CLJ-CMS program and look forward to implementing a seamless transition of products to provide the best resources possible to those whom we serve.

The COVID-19 pandemic was an instructive experience for the way in which AOC and Courts of Limited Jurisdiction deliver services to justice partners, fellow stakeholders, and individuals experiencing the justice system. The pandemic has shown the importance of providing on-demand access to digital documents, the ability to capture electronic signatures, and the functionality of emailing court documents and orders to all court participants. OCourt has been a key component in providing these services to the communities our Courts of Limited Jurisdiction serve.

An additional lesson learned was the critical role virtual platforms play in ensuring access to justice for the most vulnerable members of our community. Zoom courtrooms have become the norm, and justice partners from court staff, prosecutors, defense attorneys, and interpreters have become adept at facilitating virtual appearances and in educating clients and other court participants in navigating remote courtroom appearances. As a result, court appearance rates have improved, victims have been granted increased and safer access to court hearings, and communities traditionally disproportionality impacted by the justice system have been able to appear for court with fewer punitive consequences. Products such as OCourt were an integral solution that allowed our courts to seamlessly transition to this remote environment.

Despite its devastating impact to our local and global communities, the lessons learned from the coronavirus pandemic have dramatically increased access to justice, while reducing failures to appear. Because products, such as OCourt, are accessible on most smart devices individuals have gained greater accessibility to our courts. For example: individuals from communities of color have been able to attend court hearings with a decreased fear for their safety, low income persons have been able to attend court without taking a day off from work to address a hearing that could be managed with a 10 minute virtual appearance, individuals lacking stable housing can appear for court without shame or discomfort of their physical appearance due to lack of basic hygiene resources, and persons caring for children or elderly family members can appear for court without the prohibitive costs of care.

For the public we serve, the decision to come to court is not an easy one. In an all-digital courtroom, attending court becomes less an obstacle and more a right. The OCourt platform is a critical component of ensuring this right of access continues. Today, 40 jurisdictions operate using OCourt (see Appendix A: Current OCourt Integrated Jurisdictions). These jurisdictions selected OCourt intentionally, as an effective tool to improve court efficiency, collaborate with other jurisdictions, and improve access to justice. The development of the OCourt platform has been the result of multi-jurisdictional collaboration.

At every step in the process of developing OCourt we have endeavored to ensure that the program was compatible with the resources provided by AOC with a continuing goal of bringing our courts into the future and beyond. The OCourt platform was developed in partnership with CodeSmart, Inc. (now Omiga Solutions) to implement a program which included a calendaring system and electronic document library that integrated with JIS (see Appendix B: OCourt Development Background). The electronic library currently has 67 documents, most of which mirror the current version of the Washington State Pattern Forms. This system promotes transparency by providing a live document that allows all parties to simultaneously access and edit documents. OCourt also allows remote signature capture and works in conjunction with each jurisdiction's digital document storage system to create an all-digital court process. The e-forms are interactive with JIS, collapsible and the crowning achievement of the program.

Each of our jurisdictions has made a significant investment in time and money to create an all-digital process. Our local governments have not anticipated the loss of these programs and are consequently not budgeted to cover the costs associated with returning to a more traditional process that lacks the transparency OCourt can provide. Removing access to the OCourt system would create a significant and negative impact to our all-digital courtrooms and result in a devastating loss to accessible justice in our respective communities.

We are requesting, as our partners in justice, that AOC use whatever resources are available to integrate the OCourt platform, or similar technology, into the upcoming implementation of Enterprise Justice. As custodians of public resources, we share a commitment to being fiscally responsible to the public by integrating a proven document generation platform along with the new case management system to ensure the best use of public funds.

We encourage and welcome persons not familiar with an all-digital court process to visit one of our jurisdictions. We are also available to answer any questions that you may have. Thank you for your time and consideration and we look forward to serving our communities with a continued partnership dedicated to accessible justice.

Respectfully Yours,

Judge Kara Murphy Richar

John Olson

Bonnie Woodrow

Tracy Jeffries

Pauline Freund

Kevin G Ringus

Gail Cannon

Sally Jacobsen

Lisa Leone

Not Available

Jennifer Johnson

Michael Frans

N. Scott Stewart

L. Stephen Rochon

Kristi Schorn

Krista White Swain

Tracy Flood

Stephanie Metcalf

Dawn Williams

Robert Hamilton

Lisa Mansfield

Shelly Undlin

Deana Wright

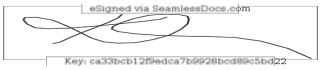
Joanna Daniels

Valerie Bouffiou

Katheryn Seymour

LaTricia Kinlow

Krista White Swain



Kelley Olwell

Sonia Ramirez

Linda Hagert

Maryam Olson

Andrea Beall

Debra Lev

Ellen Attebery

Darlene Peterson

Judge Sandra Allen

David Larson

Tiziana Giazzi

Appendix A:
Current OCourt Integrated Jurisdictions

Today, the following 40 jurisdictions operate utilizing OCourt technology:

Renton	Marysville
Seatac	Lake Stevens
The Port of Seattle	Kent
Des Moines	Maple Valley
Normandy Park	Issaquah
Bremerton	North Bend
Lakewood	Snoqualmie
Steilacoom	Duvall
DuPont	Black Diamond
Lynnwood	Enumclaw
Tukwila	Bonney Lake
Yakima	Sumner
Puyallup	Eatonville
Milton	South Prairie
Kirkland	Yelm
Hunt's Point	Olympia
Medina	Buckley
Clyde Hill	Woodinville
Yarrow Point	Bellingham*
Fife	Federal Way*

*Jurisdictions scheduled to onboard with OCourt programs in 2022.

Appendix B:

OCourt Development Background

The design concept for OCourt began in 2013, when three, south King County municipal courts (Renton, Tukwila and SeaTac) decided to combine TCIA funding to develop and implement an enhancement to JIS to increase court efficacy and help court and justice partners (staff, prosecutors, defense attorneys and interpreters) navigate and process case workloads more efficiently, eliminate redundant data entry, and reduce routine errors and staff data entry time while creating a progressive and innovative all-digital platform. This began a labor intensive, costly, but tremendously valuable process.

The initial, three jurisdiction stakeholders partnered with CodeSmart, Inc. (now Omiga Solutions) to design, develop and maintain a program which included a calendaring system and electronic document library that integrated with JIS. Today, the electronic library built upon this model currently contains 67 documents. These documents have been created to mirror current versions of the Washington State Pattern Forms and are able to be updated with expedited efficiency in response to legislative, procedural, or caselaw changes.

OCourt also allows remote signature capture and works in conjunction with each jurisdiction's digital document storage system to create an all-digital court process. All e-forms generated within the program were created to be interactive with JIS, are collapsible, and the crowning achievement of the program.

In the three years following the initial implementation of OCourt, Omiga Solutions enhanced the technology and efficiencies of the platform and developed several additional programs to help our courts process their workload more productively. For example, the CollectR program posts third-party payments (collections, online payments, UP program, etc.) into JIS, eliminating staff receipting time and data entry errors. Omiga also offers a jury management program (OSummons), that provides an efficient and streamlined jury selection process. These programs are intuitive, easy to use and can be implemented quickly. Feedback from stakeholders regarding their ease of use has documented positive user experiences, accurate data recording, and a preference for expanded implementation of OCourt.

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