



Gender and Justice Commission (GJCOM)

Friday, September 14, 2012 (8:45 a.m. – 12:30 p.m.)

AOC – SeaTac, 18800 International Blvd, Seattle, WA

MEETING NOTES

Members Present: Chair, Chief Justice Barbara Madsen, Vice-Chair, Judge Alicia Nakata Ms. Sara Ainsworth, Judge Stephen E. Brown, Judge Vickie Churchill, Ms. Terri Cooper, Ms. Emily Henry, Dr. Margaret Hobart, Judge Judy Rae Jasprica, Judge Cynthia Jordan, Judge Richard Melnick, Mr. Ron Miles, Judge Mark Pouley, Ms. Leslie Savina, Judge Ann Schindler, Ms. Gail Stone, Mr. David Ward, Judge Chris Wickham, Myra Downing (staff), Pam Dittman (staff)

Guests: Dr. Barney Barnoski, Dr. Tom George, Dr. Sarah Veele

Members Absent: Ms. Laura Contreras, Honorable Ruth Gordon, Ms. Judith Lonquist

The meeting was called to order on September 14, 2012, at approximately 9:00 a.m.

COMMISSION BUSINESS

STAFF REPORT – Myra Downing

- Fall Conference
The Commission is sponsoring/co-sponsoring four sessions at the Fall Conference:
 - Beyond Inclusion: Beyond Empowerment;
 - Immigration Benchguide (Criminal);
 - What Makes it Cultural & How Would You Respond;
 - I Served My Country, Now How Can You Serve Me.
- Tribal State Consortium
The Committee is intending to work with two or three tribal courts through a pilot project.
- Minority & Justice Commission
Work has begun on coordinating the work of the two Commissions. The focus will be on identifying the areas where the Commissions can work together on projects or areas where there is overlap.
- Sponsorship for conference at Gonzaga University, School of Law
The conference organizers have requested a sponsorship from both Commissions.

CHAIR REPORT – Chief Justice Madsen

Callie Dietz, Interim Director, continues to visit courts around the state. As part of the visits, ideas such as regional courts and streamlining of the various Commissions have been discussed.

REPORTS - GUEST PRESENTATIONS

- Studies on DV & Recidivism

Dr. Tom George discussed the recent study and summarized it as such:

Domestic Violence Sentencing Conditions and Recidivism (2010)

This study examined the types of sentence conditions imposed on domestic violence offenders, the combination of conditions that formed offenders' sentences, and the relationship between the type of sentence received and recidivism. Over 100 different types of conditions were used during the study period, which were then reduced to 14 condition categories. Offenders received, on average, over six different conditions. Proscriptions, fines, jail, and probation were the most common conditions imposed, each included in over half of all sentences. The combinations of conditions within sentences were then examined, and ten types of sentences were selected for analysis. Logistic regression was used to predict both domestic violence recidivism and any type of subsequent offense, controlling for a number of offender and case characteristics. Results indicated that, when compared to offenders who received sentences involving only fines and/or proscriptions, those who also complied with either probation, victim-oriented treatment, or probation and treatment had lower odds of committing another domestic violence offense during the five-year follow-up period. Any sentence that included a jail term along with fines and/or proscriptions was associated with higher odds of domestic violence recidivism. Results were similar when examining recidivism in general with one exception; sentences that included anger management interventions were also associated with lower odds of recidivating. Offenders who completed state-certified domestic violence treatment, on the other hand, did not have significantly lower or higher odds of recidivating when compared to offenders who received only fines and/or proscriptions.

Dr. Sarah Veele discussed the recent study and summarized it as such:

Domestic Violence in Washington State: 1999-2010

This study was designed to 1) provide rates of all domestic violence case filings in Washington State district, municipal, superior and juvenile courts from 1999 through 2010, 2) provide rates of all first-time domestic violence (DV) case filings in Washington State for 2004 and 2005, 3) provide summary characteristics of first-time domestic violence offenders and DV events, 4) describe the offending careers of first-time domestic violence offenders in the five years prior to this offense, and 5) describe the criminal trajectory of offenders during the five years after their first domestic violence offense.

Methods: Using statewide data, rates for domestic violence charges and convictions were calculated for 1999-2010. Descriptive analysis of the profile of domestic violence offenders, including their criminal trajectory, and predictors of recidivism are included. **Results:** Conviction rates for domestic violence have decreased over the past ten years and are significantly lower than rates for charges not related to domestic violence. The majority (58%) of first-time DV offenders have offenses pre – and post- their index DV event. A small, but substantial portion of offenders (24%) have no other offenses in the five years before or after their DV event. **Conclusion:** Domestic violence continues to be an issue of concern for the Washington State courts. Further detailed analysis needs to occur to better understand the variability in offender profiles and offense rates.

Action: (DV Committee)

It was proposed that a small group get together with Dr. Veele-Brice and Dr. George and discuss what data are needed for collection and what is needed in new case management system. Work with Dr. George and Dr. Veele-Brice on how to look at "success" other than just through recidivism rates.

- Risk Assessment Update
Dr. Barney Barnoski updated the members on the DV Risk Assessment project in Thurston County. The project received STOP Grant funds for implementation. Two main questions were addressed: How much burden is this process placing on law enforcement? Does this process take more time?

Dr. Barnoski expressed a few extra check boxes were added to the domestic violence incident form and that law enforcement was already completing much of the information. Now the information is making its way to the judicial officials to enable them to make better informed decisions.

COMMITTEE REPORTS

- DV Committee
 - Meeting with WSIPP. Judge Wickham, Myra Downing, and Chief Justice Madsen met with Steve Aos and Marna Miller from WSIPP regarding WSIPP conducting a statewide study to assess recidivism by DV offenders and the collaboration with the Commission.
In preparation for the meeting, the DV Committee conducted a series of conference calls with national experts on batterer intervention. Questions asked were: 1) Is recidivism a good measure for identifying the effectiveness of batterer intervention programs? 2) How does judicial leadership impact batterer intervention? 3) How does one define effective batterer treatment? 4) What is the role of a coordinated community response in batterer intervention? and 5) What are other sentencing options if not batterer intervention?
The parties will be meeting again to discuss the findings of the conference call.
 - Coordinated Community Response Training, September 24. The Thurston County Superior Court received STOP Grant funds to assist with a training event for judicial officers, GALs/CASAs, attorneys, and court staff. Thurston County Superior Court worked with the National Council of Juvenile and Family Court Judges (NCJFCJ) for materials and speakers. The event will held at the Labor & Industries Building in Tumwater, Washington.
 - Intersection of DV and Family Law and the Practice of Law, November 28. The Commission is working with the WSBA to present a CLE to assist attorneys in recognizing domestic violence issues. The event will be held at the WSBA-CLE Conference Center at Century Square, Seattle, Washington.
 - Protection of Juvenile Information in an NCO. Shannon Hinchcliffe brought a question to the Commission regarding the Law Enforcement Information Sheet (LEIS). From the discussion, the LEIS is not used by all courts and can be filled out by law enforcement, the court, a clerk, prosecutors, etc. The LEIS is not a public record.

Action:

Shannon and Terri Cooper will discuss ideas or areas on how to work with the LEIS.

- Immigration
 - Benchguide Update and Educational Program. Judge Schindler expressed that both the civil and criminal Immigration benchguides will be completed by the end of October. A session is planned for the Fall Conference.
- Human Trafficking, October 13
The Chief Justice is co-chairing a summit on human trafficking which is co-sponsored by the American Bar Association, and both the Gender & Justice and Minority & Justice Commissions. The summit will discuss domestic and international trafficking and labor and sex trafficking.

- Legislative Committee
 - The Senate Human Services Commission is discussing rules of evidence. Kevin Black has sent out a survey to group members.

Action:
Myra will send message to Kevin Black asking him to forward the survey onto all GJCOM members.

- Goodman Workgroup is continuing to look at potential changes to the domestic violence, sexual assault, and anti-harassment law.

Action:
Provide Representative Goodman with priorities of the GJCOM DV Committee.

- Proposed Rule Change Regarding Changing Pattern Form
Judge Nakata discussed a matter with regards to the CR stating that when there is a change to a pattern form, there needs to be some sort of notification to the judicial officer and other parties as to what the change was. People remove non-applicable language from forms all the time. Provide direction on forms to notify what language was removed. This would not require a new CR. Should this wait as the plain language forms are being drafted?

Action:
Question posed: Should there be a rule change and if so, what?
Judge Melnick will draft language that addresses GR17 and attorneys notifying judicial officers.

NEW BUSINESS

- Spring Conference Proposals
What is an issue where only impact is judicial?
- Coordinating Educational Programs with Other Entities
Discussion brought up questions such as:
 - What does coordination or collaboration?
 - How do we pool resources, both monetary and people?
 - Where do the projects intersect?
 - How do we communicate amongst the various groups what projects each group is focused on and how we can work together?

There was discussion of having a joint meeting between the two Commissions or at the very least have the co-chairs of each Commission attend another's meeting and ask how we can be of help to each other.

Action:
Judge Nakata will draft a short survey for Commission members and send to Myra for distribution.
Propose a joint meeting and/or co-chairs to attend each other's meetings.

Meeting concluded at 12:45 p.m.