



Gender and Justice Commission (GJCOM)

Friday, July 11, 2014, (8:45 a.m. – 4:00 p.m.)

Cedarbrook Lodge
18525 6th Ave South
SeaTac, WA 98188-4251

MEETING NOTES

Members Present: Chief Justice Barbara A. Madsen, Chair; Justice Sheryl Gordon McCloud, Vice-Chair; Ms. Sara Ainsworth, Ms. Josie Delvin, Judge Michael Evans, Dr. Margaret Hobart, Ms. Grace Huang, Judge Judy Jasprica, Ms. Trish Kinlow, Judge Eric Lucas, Judge Richard Melnick, Mr. Ron Miles, Judge Marilyn Paja, Judge Mark Pouley, Ms. Leslie Savina, Ms. Gail Stone, Mr. David Ward, Ms. CaroLea Casa (Student Liaison, University of Puget Sound), Ms. Alexandra Kory (Student Liaison, Seattle University, Law School, Ms. Danielle Pugh-Markie, Supreme Court Commissions Manager, and Ms. Pam Dittman, Program Coordinator

Members Absent: Ms. Laura Contreras, Professor Taryn Lindhorst, Ms. Judith A. Lonquist, Judge Ann Schindler, Judge Tom Tremaine

Guests: Mr. Steven Pepping, Northwest Association of Domestic Violence Treatment Providers

CALL TO ORDER

The meeting was called to order at approximately 8:45 a.m. Introductions were made. The May 9, 2014, meeting notes were approved.

The Gender & Justice Commission (GJCOM) held a full-day retreat to pause and assess where we are with accomplishing work plans and to consider if we need to focus on other areas for the next fiscal year and the next three (3) years.

Below are the ideas which will be used to revise and add to the work plans. Work plans will be revised to expand on deliverables and timelines along with providing a better idea of who is responsible for what (committee members or staff) and a better accounting of actual time spent on tasks by both committee members and staff.

Staff will revise the work plans based on the information captured during the meeting and will then set up conference calls or in-person meetings with each committee chair to discuss and finalize.

Members are reminded to let staff know if interested in any project or committee, so we can add you to the listserv and committee rosters.

Bench Guides

- **Priority:** DV Bench Guide
 - Due August 31, 2014.
 - Need to develop rollout plan.

Who: Grace Huang, Rich Melnick, Judy Rae Jasprica, AOC staff
When: Next 12 months.

- **Priority:** Sexual Orientation Bench Guide
Who: Pam checking in quarterly with Brian Leech from QLaw.
When: Mid-2015.

Custody & Child Welfare

- **Discretionary:** The intent is to start the conversation to understand issues and overlap with child welfare/custody in cases where domestic violence and/or sexual assault have been identified.

Define Project:

- What do judges (new and those on the bench) need to know about the effects of DV on children and how that informs their decisions in custody issues?
 - What is GJCOM's role in how these issues are addressed?
 - Reasonable efforts.
 - Children and family issues.
 - Studies on gender bias and how it affects law/legislation (reference 1997 parenting plan law).
- **Who:** Leslie Savina will convene a brainstorming meeting.
 - **When:** Between mid-September to November to discuss the issue, define the project, and develop goal, objectives, and timeline.

Domestic Violence Work

- **Priority:** Rescission – Follow-up – HB 2777 (look at wording in 10.99.040).
 - Need to follow-up on what has been done and the processes/protocols.
 - Need to get the protocol out, begin the conversation, maybe use the associations and contacts.
 - Need to find out who has implemented and then need measures for those who have implemented something.
 - Create marketing plan for roll-out.

Who: Ron Miles, Rich Melnick, CaroLea Casas

When:

- **Priority:** Conflicting & Duplicative Orders – Follow up – HB 2777

Who:

When:

- **On Hold:** Stalking Order – Follow up. See what the Superior Court Judges' Association (SCJA) is working on.

- **Priority:** Sentencing & Monitoring Project – Contract
 - Contract was extended through September 30, due to data clean up issues.
 - The project is funded through STOP grants.
 - The outcomes will assist with how we respond in the future.
 - May inform the BIP webinar.

Action: Set up meeting with Department of Social & Health Services (DSH) and discuss their role in BIP monitoring.

Who:

When:

- **Discretionary:** BIP Webinar – much discussion on what perpetrator treatment is in justice system, what is GJCOM's role in answering WSIPP report and encouraging BIP, we may be able to pull some people from national TA providers to assist with development and delivery of webinar, we need to frame the questions (role of BIP, measurement of what does success mean,

not just in answer to WSIPP, but what other research shows), and we should do some sort of multi-level approach of something in-person and webinars

Who: Marilyn Paja (lead), Margaret Hobart, Eric Lucas, Rich Melnick, Grace Huang, Judy Rae Jasprica

When:

- Follow-up on Static Risk Assessment project (check with Judge Wickham).

Education

Have a coordinated approach to judicial officer and court staff education and training.

Action: Set up time to discuss and develop marketing plan/protocol and role of this committee.

Who: Rich Melnick (lead), Ron Miles, Josie Delvin, Trish Kinlow, Grace Huang

When:

Future: Technical Assistance (this needs to be built into our work, but we are not staffed to do this at this time).

- Create marketing plan/checklist with measures and monitoring built in.
 - Does it require a court rule, legislation, stakeholder meetings, road shows, extent of buy-in, etc.
 - Does it require a metric, i.e., do we need to measure something to see if it's working.
- Each committee should have an implementation plan as part of their work plan or as a part of the finished product. Follow up should be built into the implementation plan.
- Communication and marketing plan, followed by implementation plan, and then a follow-up study to see what the practice is and how it affected practice, post implementation.
- Rollout of revised DV Bench Guide.
- Rescission Protocols & Models.
- BIP treatment – do multi-level approach such as session at conference, followed by webinar, etc.
- Abusive Litigation.
- Full Faith & Credit.
- Firearms Surrender.
- Non-consensual pornography.
- King County DV Symposium.
- Fall Judicial Conference – Adverse Childhood Experiences.
- Appellate Conference.
- Judicial College – Annually.
- SCJA, DMCJA, DMCMA, Appellate, Fall (we need a seat at the table),

Even though Administrative Office of the Courts (AOC) staff use Inside Courts to disseminate information on new things like bench guides, webinars, training opportunities, etc., not every court staff person or judicial officer uses Inside Courts. The group discussion included that the Education Committee could be the point of where anything to be distributed or marketed comes through the committee first and then they can work with staff to identify ways to distribute or where follow up is needed. One point of entry is the BJA and the Associations. We have not been interacting with them to the fullest potential, from both the staff and membership connections. There was also discussion from Grace regarding how through WSCADV they can disseminate information, but a piece of the plan/protocol needs to address how to staff and support communities in understanding the roles of different people in the courts, and who the points of contact are. For example, when the model protocol for rescission of PO came out, there was no plan to disseminate into the community (prosecutors, defense, law enforcement, advocates, service agencies, judicial officers, etc.) and no built-in mechanism to follow up to see if anything had been implemented on the local level. We need to build in a technical assistance piece to our work.

Equality in the Legal Profession

Projects:

- 2001 Glass Ceiling Survey – What is needed to make this happen? Is this something that can leverage for partnership with others?
- Use of judicial evaluations in election years – check with Michael Tricky who has been working on this issue.
- Update 1989 Gender Bias report – what kind of money will this take? What kind of RFP?
- Law student reception – October 24, 2014.

Incarcerated Women & Girls

- **Discretionary:** Working with Mission Creek, female, low security corrections center. Gender responsive needs are focused on. Judge Paja and Danielle toured and spoke with staff. One of the main focuses is for the community and the staff to help inmates connect with services for when they are released.

The missing component identified is that there are not any domestic violence services such as safety planning, treatment for both the victims and batterers.

Note: October 10 or 11, Mission Creek is holding a service provider day and if anyone would like to be a speaker...

Who: ICW & DV Committees.

When: In November 2014, discuss how to address the missing DV component.

- **Priority:** Shackling
 - Completed a follow-up in 2013 to see if jails and Department of Corrections (DOC) had any incidents of shackling and what they were.
 - In process of completing follow-up request to see which jails and DOC have implemented policies.
- **When:** Will have finished report by November
- **Priority:** Access to Justice for Incarcerated Women & Girls
 - Hold stakeholders meeting on July 31 to provide atmosphere to discuss problems, barriers, and solutions to access to justice for incarcerated women and girls when it comes to parental rights and custody.

When: July 31, 2014, and follow up to specifics to be outlined after meeting

Who: Committee members.

Legislation

- HB1840 – Surrender of Firearms.
- Non-consensual pornography.
- BIP (See discussion from Guest Speaker section, below).

Sexual Assault Work

- **Mandatory:** This is grant-funded work to develop and deliver a sexual assault judicial curriculum by October 2015. We held a planning meeting in April 2014. The curriculum has been developed. We are planning to hold training in Western and Eastern Washington the week of February 9-13, 2015.

Who: Danielle and Pam.

When: Week of February 9-13.

Tribal State Court Consortium

- Have \$20,000 grant. Work to be completed by September 2016.
- Need staff assistance.
- Need to target specific areas that should be addressed.
- Educations efforts:
 - Roundtable meeting – August or September.
 - Fall conference – evening education session on ICWA.
 - October 23-24, sponsored by WomenSpirit. GJCOM supporting up to \$5,000 for printing, flash drives, registration fees and/or travel for judicial officers.

Guest Speaker

Steven Pepping, President, Northwest Association of Domestic Violence Treatment Professionals (NWADVTP)

In response to the 2011 report released by the Washington State Institute of Public Policy (WSIPP) regarding the effectiveness of domestic violence treatment, the NWADVTP worked with the GJCOM to form a response to that report and to identify other areas where the GJCOM and the NWADVTP can collaborate. The NWADVTP consist of professions from certified DV treatment programs. They are not a regulatory body and cannot mandate treatment providers or programs.

With the assistance of GJCOM and using information provided by the Center for Court Innovation (CCI), a survey was developed and distributed to all certified domestic violence treatment professionals to help provide a better picture of what treatment looks like in Washington State, including the type of treatment model and use of risk assessments. The results of the survey were compiled into a report with recommendations, which the NWADVTP is taking seriously and using as lead in to discussion around standardization and philosophies for treatment programs.

As such, our first step is to conduct three, one-day trainings around the state addressing recent legislation, how DV treatment providers are perceived, how to employ the recommendations from the survey, and learning how to present accurate information regarding treatment to judicial officers and others. Trainings have been scheduled for August 8 in Burien and October 18 in Yakima. The last date and location is to be determined.

The programs are certified and recertified through DSHS who does not have the staff time to do this. Furthermore, the Washington Administrative Code (WAC) outlines that there is supposed to be an advisory committee convened, which has not happened since the creation of the WAC, 15-years ago.

The discussion lead to how we can continue to work on offender accountability and what that looks like.

Actions:

- Collaborate and develop a forum for a larger dialogue where all systems (treatment providers, judicial officers, advocacy agencies, etc.) can come together to transform and reevaluate how we think about accountability for perpetrators.
- What and how can we structurally support DV treatment providers in our state? What does that look like?
- Representative Goodman is discussing putting forward legislation in January creating a domestic violence group and while we would like to support this, we would like to see how that group will differ from others, and will the treatment providers be part of the table and equal partners. We need support and assistance with having funded oversight, in the correct agency, that looks at the

bigger picture of how treatment intersects with all the systems, collecting, data, and helping find and obtain grants to assist with getting people into treatment.

- Assist with identifying ways to beef up the existing WAC which governs and regulates the programs.
- Set up a meeting with DSHS, Jennifer Struss and/or Kevin Quigley to discuss treatment providers and how to make this a prioritization within their agency.
- Look into asking about a judicial ethics opinion or a court rule that has to do with whether a judicial officer can provide discretion in where a perpetrator is sent. For example, the issue is that if there is a “bad” provider and DSHS is slow to respond or not respond at all, why should a person continue to use that provider. Can a judicial officer say here’s a list and choose one or here’s a list of treatment providers we approve of and, if that is the route, would that be tortious interference.