



GENDER AND JUSTICE COMMISSION

AOC SEATAC FACILITY

FRIDAY, NOVEMBER 1, 2019 (8:45 AM – NOON)

JUSTICE SHERYL GORDON MCCLOUD, CHAIR

JUDGE MARILYN PAJA, VICE CHAIR

Agenda

Page

8:45AM – 9:00 AM CALL TO ORDER & WELCOME

- Welcome Justice Sheryl Gordon McCloud,
Commission Chair
 - Congratulations to Judge Paja - WWL
2019 CJ Mary Fairhurst Passing the Torch Award
- Approval of September 6, 2019 Meeting Minutes 1

9:00 – 10:15 AM COMMITTEE AND PROJECT UPDATES

- **Immigration Enforcement at Courthouses** Judge Jackie Shea-Brown,
Judge Marilyn Paja, Ms. Riddhi
Mukhopadhyay & Ms. Grace
Huang 10
 - Report from ad hoc committee call
 - Letter in support of expedited timeline
for GR9 petitions
- **Liaison & Representative Reports** Mr. Sal Mungia
Ms. Jennifer Ritchie
Ms. Laura Edmonston
 - Access to Justice Board
 - Washington Women Lawyers
 - Law Library
- **Education Committee** Judge Rich Melnick,
Judge Rebecca Glasgow &
Committee
 - Recent programs
 - Annual Fall Judicial Conference
 - New session proposals submitted
 - SCJA Spring Program
 - Sexual Exploitation in Our
Communities Requires Trauma
Responsive Courts: What Can
Judges Do?
 - Implementing Changes in Weapons
Surrender Laws in Your Jurisdiction
(title tentative)
 - Sex Harassment & Liability (title
tentative)
 - AWSCA Spring Program
 - Sex Harassment & Liability (title
tentative)



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Agenda		Page
<ul style="list-style-type: none"> ▪ DMCJA Spring Program <ul style="list-style-type: none"> • Implementing Changes in Weapons Surrender Laws in Your Jurisdiction (title tentative) • Poverty Simulation (with MJC) 		11
<ul style="list-style-type: none"> ➤ Communications Committee <ul style="list-style-type: none"> ➢ New one-pager for outreach ➢ 3rd Annual Women’s History Month CLE 	Judge Marilyn Paja & Committee	17
<ul style="list-style-type: none"> ➤ Incarceration, Gender & Justice Committee <ul style="list-style-type: none"> ➢ Success Inside & Out report ➢ Legal Resource Computer - MCCCW ➢ New committee name 	Ms. Elizabeth Hendren & Committee	
10:15 AM – 10:30 AM BREAK		
10:30 AM – 11:00 AM GUEST SPEAKER		
<ul style="list-style-type: none"> ➤ Heather McKimmie & Danny Waxwing, Disability Rights Washington <ul style="list-style-type: none"> ➢ Amplifying Voices of Inmates with Disabilities (AVID) Program ➢ Transgender prisoner work 		
11:00 AM – 11:30 AM COMMITTEE AND PROJECT UPDATES, Continued		
<ul style="list-style-type: none"> ➤ Domestic & Sexual Violence Committee <ul style="list-style-type: none"> ➢ Update on weapons surrender projects 	Judge Jackie Shea-Brown, Ms. Erin Moody & Committee	
<ul style="list-style-type: none"> ➤ Model Harassment Policy Committee 	Ms. Erin Moody	19
<ul style="list-style-type: none"> ➤ E2SHB 1517 DV Workgroups <ul style="list-style-type: none"> ➢ Report on first meeting, progress 	Judge Eric Lucas & Judge Marilyn Paja	24
<ul style="list-style-type: none"> ➤ Gender & Justice Study Task Force <ul style="list-style-type: none"> ➢ Report from Advisory Committee and Task Force meetings ➢ Update on pilot project selection 	Justice Sheryl Gordon McCloud, Dr. Dana Raigrodski & Task Force	



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Page

- **Tribal State Court Consortium** Judge Cindy K. Smith, Co-Chair
 - Report back from Annual Meeting

- **Judicial Officer & Law Student Reception** Ms. Vicky Vreeland & Ms. Kelley
Amburgey-Richardson 40
 - Gonzaga – November 15th from 5 – 7 p.m.

11:30 AM – 12:00 PM CHAIR AND STAFF REPORTS

- **Chair Report** Justice Sheryl Gordon McCloud
 - December 18th event for Chief Justice Fairhurst
- **Vice Chair Report** Judge Marilyn Paja 41
 - NAWJ Conference
 - Judge Karen Donohue - new leadership role
- **Staff Report** Ms. Kelley Amburgey-Richardson
 - Recognition
 - Next meeting is January 31, 2020

APPENDIX

- GJCOM Budgets 45
- 2020 Gender & Justice Meeting Dates 49



Gender and Justice Commission
Friday, September 6, 2019
8:45 AM – 12 PM
AOC SeaTac Office
18000 International Blvd., Suite 1106, SeaTac, WA
Teleconference: 1-877-820-7831
Passcode: 904811#

MEETING NOTES

Members & Liaisons Present

Justice Sheryl Gordon McCloud (Chair)
Judge Marilyn Paja (Vice Chair)
Judge Anita Crawford-Willis (via phone)
Ms. Josie Delvin (phone)
Ms. Laura Edmonston (phone)
Judge Rebecca Glasgow
Justice Steven González
Ms. Elizabeth Hendren
Ms. Grace Huang
Ms. Annalisa Mai (via phone)
Judge Maureen McKee
Ms. Heather McKimmie
Ms. Erin Moody
Ms. Riddhi Mukhopadhyay
Dr. Dana Raigrodski
Ms. Jennifer Ritchie
Ms. Sonia Rodriguez True
Judge Jackie Shea-Brown (phone)

Guests

Ms. Ophelia Vidal

Staff

Ms. Kathryn Akeah
Ms. Kelley Amburgey-Richardson
Ms. Cynthia Delostrinos
Ms. Moriah Freed
Ms. Sierra Rotakhina

Members & Liaisons Absent

Ms. Gail Hammer
Ms. Elaine Kissel
Judge Eric Lucas
Ms. Eleanor Lyon
Mr. Sal Mungia
Chief Judge Cindy K. Smith
Ms. Stephanie Verdoia
Ms. Vicky Vreeland

WELCOME AND ANNOUNCEMENTS

Welcome and Call to Order

The meeting was called to order at 8:50 AM

- Justice Gordon McCloud and members gave introductions

ICE Courthouse Arrests – Ms. Grace Huang

- There has been increased civil immigration enforcement at courthouses, and this has become regular activity at some courthouses.

- Chief Justice Fairhurst wrote a letter to ICE expressing concerns regarding access to justice and interruption of routine court matters, such as ticket payments, protection orders, etc. People are scared to go to courthouses.
- There are several proposals to address courthouse arrests in Washington:
 - One proposed Court Rule would make civil enforcement without courts orders not allowed at courthouses in Washington State. They are working to get this court rule passed by October.
 - Another rule would prohibit attorneys from raising citizenship and immigration status questions.
 - A proposed protocol would require ICE to display identification badges and prevent them from making plain clothes arrests. This would ensure people know immigration enforcement activity is happening in the area.
- Groups working on these proposals include the Northwest Justice Project, Washington Defender's Association, Northwest Immigrant Rights Project, and the Access to Justice Board.

ACTION: The proposals are being presented to various Commissions. They are seeking support either by having members join the ATJ workgroups or for GJC to support the proposals.

ACTION: Ms. Mukhopadhyay, Judge Shea-Brown, Judge Paja, and Ms. Huang volunteered to convene an ad-hoc workgroup to discuss the Gender and Justice Commission's support.. They will have a tentative report by the next Commission meeting.

May 3, 2019 Meeting Minutes

The meeting minutes were approved as presented.

Invitation to Co-Sponsor MJC Symposium

- Justice Mary Yu has invited the Gender and Justice Commission to co-sponsor the June 3rd Supreme Court Symposium.
- Gender and Justice Commission members discussed and agreed to co-sponsor the event. The Commissions will work together to determine a topic of mutual interest.

ACTION: Members may send topic ideas to Ms. Amburgey-Richardson or the Chairs. A topic will be chosen by January.

Announcements

Justice Gordon McCloud announced that Judge Jackie Shea-Brown has been appointed to a three-year term with the Commission. She will continue to serve as Co-Chair of the DSV Committee.

COMMITTEE AND PROJECT UPDATES

Gender Justice Task Force – Justice Gordon McCloud, Dr. Dana Raigrodski, Ms. Sierra Rotakhina, Ms. Ophelia Vidal

Introduction

- Justice Gordon McCloud shared that the meeting would be different than usual Commission business meetings. Given the need for input about the Gender Justice Study, the first half will be spent on presenting research and discussion.

Presentation: Overview of Research Briefing Documents

- Briefing documents start on page 12 of the meeting packet.
- Commission members were asked to read the 27 one-page briefing documents ahead of the meeting.
- Ms. Rotakhina and Ms. Vidal highlighted:
 - Which topics have identified bias through preliminary research (11 topics). They noted that there is not a lot of Washington specific research
 - Which topics have a major gap in the evidence (5 topics)
 - Zero topics have found no gender disparities in preliminary research
 - Which topics still need preliminary research by study team (see slide in supplemental materials)
 - Justice González shared that Justice Yu’s winter extern, Ms. Monica Romero, has volunteered to work on the communication barriers topic.
- Dr. Raigrodski recognized that gender bias goes both ways, and some research shows disparities for men.

ACTION: If any Commission members have expertise in topics needing preliminary research, or know anyone with expertise in these areas, please volunteer by emailing Ms. Rotakhina at CNTR-Sierra.Rotakhina@courts.wa.gov.

ACTION: Ms. Huang will distribute studies to Ms. Rotakhina on certain topics mentioned. If other Commission members have relevant existing research, please email Ms. Rotakhina.

ACTION: Ms. Ritchie will talk to Washington Women Lawyers about the women in the legal profession topic and try to find people who can assist in research.

Research Topics Feedback & Recommendations

- Domestic Violence and Sexual Assault Topics
 - In new legislation (SHB 1786) AOC tasked with tracking and reporting firearms surrender data.
 - There are codes in place for tracking this information – more information will be available soon about how it will be reported.
 - There is a need for survivors to be taken seriously. The focus may need to be shifted away from criminal justice system response and more on survivor needs.
 - Mr. Mead has expressed interest in having attorneys with family law expertise review his drafts.

- Family Law Task Force –Ms. Hendren and Ms. Mukhopadhyay are on the task force and could assist in a reach-out.
- Ms. Mukhopadhyay noted that it is very difficult for sexual assault victims to go through criminal proceedings. Outcomes are pretty bad. Gender bias shows in credibility determinations.
 - Credibility cuts across all topics. Could it be addressed within reach rather than being its own topic (currently Topic 2.13)?

ACTION: Judge Shea-Brown, Ms. Rodriguez True, Ms. Huang, Ms. Mukhopadhyay, and Ms. Hendren volunteered to review the full draft.

- Topic 1.2 - Communication barriers in relation to child custody proceedings outcomes
 - Ms. Hendren has a colleague who works specifically on this issue and may be able to provide assistance (Ms. Leticia Camacho)
 - There was previously a pot of money through OCLA for representative of immigration women in family law cases, but it is no longer available.
 - Ms. Naoko Inoue Shatz, a lawyer in Seattle and new Interpreter Commission member, may be able to assist in this area.
 - Has Mr. Jim Bamberger’s data been included in research?
 - Not yet. Arina (AOC) was the researcher for this study and may be able to help analyze research. Ms. Delostrinos will look into this.
- Economic and Child Custody Gender Bias in Divorce Since 1989 (page 15)
 - There is an issue with courthouse facilitators being hesitant to capture DV information.
 - Judges need to be better educated on immediate surrender of firearms and other weapons. There is hesitation to exercise immediate surrender when it is needed for someone’s safety.
 - This topic, and other topics, need to address the importance of Indigenous women’s perspectives. There are jurisdictional issues between state, local, and federal law enforcement.
 - Ms. Kathryn Akeah, staff to Tribal State Court Consortium - This topic will be addressed partially at the Missing and Murdered Indigenous Women session at Fall Conference. MMIW is the end result – the issues that lead to this need to be addressed, such as foster care, enforcement, of protection orders, etc., in order to see change.
 - When talking about Indigenous women, we have to acknowledge the history of oppression and colonialism.
 - Ms. Hendren suggested that MMIW become its own research area. Seattle has one of the highest incidents in the country.
 - During recent legislative sessions, bills have passed on this issue. Could legislative testimony captures at hearings fill some of the research gaps?

- Dr. Raigrodski – Currently, this topic is incorporated, but not its own separate topic. Ms. Cynthia Jones conducted the underlying research.
- Focus on women of color, women in poverty
 - Judge Paja noted that the intersectionality of issues of gender, race, etc. should be addressed in the study introduction. How do we recognize the overlap in research areas while maintaining separate research questions?
 - Dr. Raigrodski noted that topics have been artificially separated for research purposes. Welcomes the Commission’s input into how combine topics in pilot projects and the report.
 - Ms. Mukhopadhyay asked whether we could ground the study in the experiences of women of color. Issues are not isolated for people with intersectional identities.
 - Yes, studies are often race neutral but we aren’t doing that. The study is focused on women of color and women in poverty.
 - Justice Gordon McCloud acknowledged that a major issue with 1989 study is that it generalizes the experience of white women as the experience of all women. This needs to be broken down to examine how gender bias manifests for different groups of women.

ACTION: Members may email any relevant studies, field research, or anecdotal research that may be relevant to study areas to Ms. Rotakhina.

Pilot Projects Discussion

- In addition to the research presented, part of the study grant is to choose 2-3 pilot projects for implementation and evaluation.
- Dr. Raigrodski clarified the scope of pilot projects. The Commission has chosen to use a loose working definition, to include both practice pilots and research pilots. The Commission will not take on all pilot projects, but will highlight those not chosen in the final report for future study.
- The WPI Committee may be able to assist with funding for jury-related research or pilots.
- A pilot project needs to be chosen and launched soon to satisfy grant requirements. Several promising proposals have been submitted to choose from now. Over the course of the study, several pilots will be implemented.
- Pilot Project Proposal: Harassment Survey/Model Anti-Harassment Policy – Ms. Erin Moody
 - Pilot proposal specifically focuses on court workplace harassment
 - Proposal references Women on Guard survey tool, which focuses on sexual harassment.
 - Pilot survey would be broadened/adapted
 - Proposal breaks down steps of creating, distributing, crunching numbers, writing report

- Could Supreme Court require court employee to respond? (Like all JIS users).
 - Would not be able to require this as non-unified court system. Could encourage it.
 - Anonymity would need to be ensured
 - Would need to get buy-in from associations.
- If pilot is selected, we would work with survey design experts on issues such as how to obtain a good response rate.
- Pilot Project Proposal: Women in Prison - Ms. Elizabeth Hendren
 - No state specific data on why female prison population is growing.
 - Working with UW professor, PhD candidate, Jennifer Bright (prison classes) to develop and oversee project. Budget request was for a statistician to crunch numbers.
 - Proposes looking at existing court records from specific time periods to identify trends
 - Black Prisoners Caucus at Purdy (WCCW)
 - Looking at the impact of prison infractions on time spent in prison
 - Example: if a PREA report is found unsubstantiated, it is an infraction, and could result in a longer sentence
 - Could the scope further be narrowed to look at specific crimes?
 - Sentencing disparity between similar crimes for men vs women, including racial disparity
 - Identifying long term systemic changes to benefit affected populations.
 - Justice Gordon McCloud noted that the Sentencing Guidelines Commission should have some of the data available.
 - Potential for DOC collaboration – Secretary Sinclair is on the Study Advisory Committee
 - Discussed whether to include data from jails. Focusing just on prison populations at this time.
- What resources would be helpful for outreach regarding the Gender Justice Study?
 - A tool needs to be developed to easily introduce the Gender Justice Study to prospective interested parties.
 - Ms. Rotakhina’s communications tool-kit could be adapted and re-shared to address the needs of the Commission.

Tribal State Court Consortium – Ms. Kathryn Akeah, Court Program Analyst

Annual Meeting

- September 22, 2019 at 12:00 p.m.
- Sheldon Spotted Elk, Casey Family Programs, and Annita Luchesi, Sovereign Bodies Institute, will serve as guest speakers for the meeting

- The meeting will focus on the crisis of missing and murdered indigenous women (MMIW) and girls, and the connections between Indian Child Welfare cases, foster care, and MMIW, and what leads up to MMIW.

ACTION: TSCC Workgroups are starting up again – come to the meeting or reach out to Ms. Kathryn Akeah (kathryn.akeah@courts.wa.gov) if you are interested in participating.

Fall Conference Session

- Topic is Missing and Murdered Indigenous Women
- The Gender and Justice Commission and the TSCC are co-sponsoring this choice session.
- Speakers include Ms. Annita Lucchesi, Sovereign Bodies Institute, Chief Judge Cindy K. Smith, Suquamish Tribe, and Ms. Sharon Jones Hayden, Tulalip Tribes Prosecutor.

Education Committee – Ms. Kelley Amburgey-Richardson

Annual Fall Judicial Conference

- In addition to the MMIW session, the Gender and Justice Commission is co-sponsoring the following sessions with the Minority & Justice Commission:
 - Cruel or Unusual Punishment: Youth, Race, and the Law
 - Bail Reform: Why it's needed and how to do it

New Session Proposals for 2020

- The Education Committee decided on three proposals for SCJA, three for DMCJA, and one for the Superior Court Administrators Conference. These are in progress and will be submitted in the next few weeks.

Domestic & Sexual Violence Committee – Ms. Erin Moody & Judge Jackie Shea-Brown, Co-Chairs

- One of the proposals the Education Committee is submitting for SCJA and DMCJA was proposed by the DSV Committee. The topic is weapons/firearms surrender laws. Panel of judges from jurisdictions that have been conducting compliance review hearings ahead of the passage of SHB 1786 (2019) to show models for implementing the law. Ideally from different parts of the state, mix of legal overview and moderated panel. Proposal also includes small group discussion.
- Working to get bench cards finalized and circulated, along with invitation to attend if conference proposals are accepted. Hoping to get finalized by the end of September. Thank you to Judge Melnick for this suggestion.
- Want to encourage people to submit questions ahead of time about areas of confusion to help shape the session content.

New Project Leads/Workgroups

- At its May meeting, the DSV Committee selected projects to work on, and the Co-Chairs have invited committee members to lead them. Many of these also focus on weapons surrender.

Order to Surrender Weapons Bench Card

- The longer version is in the packet on page 57 of the packet. The one-pager was distributed as a separate handout.
- Judge Shea-Brown, with input from Committee members, has drafted an Order to Surrender Weapons Bench Card and is looking for feedback from the Commission before moving forward.
- Judge Paja thinks this looks really good. Suggested adding that these rules apply in Courts of Limited Jurisdiction as well.

Model Anti-Harassment Policy – Ms. Erin Moody

Request for Review

- The workgroup has a draft policy ready for review, and is looking for reviewers.
- Need it vetted from plaintiff and defense side. In the process of connecting with Carolyn Ladd from Boeing as a potential employer-side reviewer.
- Women’s Commission having public meeting on development of its model sexual harassment policy on October 15th.

HB 1517 Domestic Violence Work Groups – Judge Marilyn Paja

Background and Convening

- With the passage of HB 1517, the DV Perpetrator Treatment and DV Risk Assessment Work Groups are reconvening and must report to the legislature by June 2020.
- Judge Lucas and Judge Mary Logan, Spokane Municipal Court, are Co-Chairing the work groups.
- Laura Jones has been brought on to serve as contracted staff Coordinator again.
- The work groups will meet September 17th from 9am – 12pm at the AOC SeaTac office for their initial meeting. In-person and phone meetings are planned over the course of the project.

Events & Announcements

- Washington Women Lawyers Women’s Law Update CLE and Annual Event will be held on October 11th.
- Vietnamese Bar Association banquet will be held on October 3rd.
- Success Inside and Out – October 10th and 11th. Looking for additional volunteers for some discussion tables. Email Judge Paja or Ms. Amburgey-Richardson if you would like to help.

CHAIR AND STAFF REPORTS

Vice Chair Report – Judge Marilyn Paja

- WWL Judicial Appreciation Luncheon was held recently. Judge Paja attended on behalf of the Commission.
- Judge Paja and Judge Crawford-Willis developed a new DV Trial Mini-Bench Guide as part of an education session at the DMCJA Spring Program. Judge Jack Nevin presented on evidence issues, including Crawford, and shared that the guide is the best resource he has seen nationally on this topic. Ms. Huang noted that it should be added to the DV Manual.

NAWJ Updates

- There will be a reception on the opening night of Fall Conference sponsored by NAWJ
- The NAWJ Conference will be on October 15th – 19th in Los Angeles
 - Justice Madsen purchased a registration at the early bird price and cannot attend. This discounted price is not available anymore. Is anyone looking to attend, but not registered yet? No one else is planning to attend.
 - Discussed possibility of reporting to NAWJ about the Gender Justice Study at the upcoming meeting.
- President-Elect Nominated
 - Judge Karen Donohue, King County Superior Court, has been nominated as President-Elect of NAWJ. If elected, she will be president in 2021.
- The Gender Justice Study was first announced at the 2016 NAWJ conference in Seattle. NAWJ also wrote a letter in support of our grant. Discussed possibility of 2021 conference being held in Seattle. Would be a good opportunity for “unveiling” the report.

The meeting was adjourned at 11:58 am

October 9, 2019

Ms. Shannon Hinchcliffe
Administrative Office of the Courts
1112 Quince St SE
Olympia, WA 98504

Re: Letter of Support for Expedited Rules Process

Dear Ms. Hinchcliffe and the Washington Supreme Court Rules Committee:

The Minority and Justice Commission, Gender and Justice Commission, and Access to Justice (ATJ) Board have become aware that the Supreme Court's Rules Committee will soon be considering two GR9 petitions regarding a new court rule prohibiting civil arrests for persons coming to and returning from Washington state courthouses, as well as a GR9 petition requesting an amendment to RPC 4.4. **We write in support of the proponent's request for an expedited timeline to move the petitions forward.**

The Commissions and Board are aware that federal immigration agents are currently arresting individuals coming to and returning from court. As the GR9 proponents' supplemental materials outline, this is happening at courthouses throughout the state. These actions by federal immigration agents raise serious concerns about access to justice, and as Chief Justice Fairhurst and others have stated, undermine the fundamental mission of our courts.

In light of these serious concerns, it is imperative that our courts explore actions to address these circumstances and help restore confidence in communities that all people can safely access our courts. Should you have any questions about this request, please do not hesitate to reach out to us.

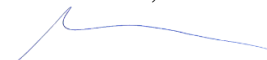
Respectfully,



Judge Helen Whitener
Co-Chair, Minority and Justice Commission



Judge Marilyn Paja
Vice-Chair, Gender and Justice Commission



Salvador Mungia
Chair, Access to Justice Board

DMCJA Education Committee Session Proposal Form

District & Municipal Court Judges' Spring Program

May 31- June 3, 2020

PROPOSAL DEADLINE: September 23 to Maria.Joyner@courts.wa.gov

PROPOSED SESSION TITLE: Poverty Simulation: Bridging the Gap from Misconception to Understanding (<i>tentative</i>)		
PROPOSED BY: Gender and Justice Commission, Minority and Justice Commission CONTACT NAME: Kelley Amburgey-Richardson (G&J Commission Staff) CONTACT PHONE: (360) 704-4031 CONTACT EMAIL: kelley.amburgey-richardson@courts.wa.gov	TARGET AUDIENCE: <input checked="" type="checkbox"/> Experienced Judges <input checked="" type="checkbox"/> New Judges <input checked="" type="checkbox"/> District Courts <input checked="" type="checkbox"/> Municipal Courts	
PROPOSED DURATION: <input type="checkbox"/> 90 Minutes <input checked="" type="checkbox"/> 3 Hours <input type="checkbox"/> Other:	SESSION TYPE: <input checked="" type="checkbox"/> Plenary <input type="checkbox"/> Choice <input type="checkbox"/> Colloquium <input type="checkbox"/> Webinar	IS THERE A LIMIT TO THE NUMBER OF PARTICIPANTS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No The maximum number of participants is 150. For a simulation that size, 25-30 volunteers are also needed. In addition to AOC staff, we hope that judicial officers above the 150-person cap would also serve as volunteers, to allow this session to run as a plenary.
TOPIC AREA: Access to Justice		
REQUIRED COMPONENTS <i>The session must address the following essential areas of information:</i>		
Substantive Knowledge	Administrative/Procedural	Skills, Attitudes & Beliefs
<ul style="list-style-type: none"> Understand poverty as a systemic barrier to access to justice How poverty impacts people's ability to participate in the court process 	<ul style="list-style-type: none"> How administrative and procedural court processes can be changed to provide more equitable access to the courts 	<ul style="list-style-type: none"> Examine personal beliefs about people living in poverty Understand intersectionality between poverty, race and gender
RECOMMENDED FACULTY: Facilitators (2): Judicial officer from one of the Commissions and Commission Staff Volunteers (25-30): Judicial officers who are members of the Commissions, Commission & AOC Staff, and local social service providers.		

Proposals due by September 23, 2019 to Maria.Joyner@courts.wa.gov

DMCJA Education Committee Session Proposal Form

District & Municipal Court Judges' Spring Program

May 31- June 3, 2020

PROPOSAL DEADLINE: September 23 to Maria.Joyner@courts.wa.gov

SESSION DESCRIPTION: Describe the purpose of the session and key issues to be presented. Explain what judicial officers will learn in the course and how the information will apply to their work in the courts (*this information will be included in the program flyer as your session description*).

The Poverty Simulation is an interactive immersion experience that aims at sensitizing participants to the realities of poverty. It seeks to do three things (1) promote poverty awareness through a simulated role-play of a month in the life of a family living in poverty; (2) increase understanding of poverty by unpacking the experience; and (3) inspire local changes by collectively developing ways in which participants can take what they learned and apply it to their current jobs/roles. We plan to incorporate issues of race, gender and gender based violence, language, and cultural barriers to the discussion.

The Commissions recently sponsored poverty simulation trainings for the Clerks Association, and the District and Municipal Court Managers Association line staff regionals. Evaluations were very positive, with the majority of participants indicating the training was effective, and many recommending the training for judicial officers.

LEARNING OBJECTIVES: Describe what participants will be able to do or say as a result of this session.

Participants will:

- 1) Understand the financial pressures faced by low income families in meeting basic needs.
- 2) Understand the difficult choices people with low resources need to make each month when stretching a limited income.
- 3) Understand the difficulties in improving ones situation and becoming self-sufficient on a limited income.
- 4) Understand the difficulties in improving one's situation and becoming self-sufficient on a limited income.
- 5) Identify next steps in their local or regional community.

FUNDAMENTALS COVERED: Describe the case law, best practices, or "nuts and bolts" that will be addressed during the session.

- Best practices to ensure access to the courts for people living in poverty
- Fee waiver rules and procedures (this could be a handout in session materials if it's not covered live in the session)
- How to leverage community resources to increase access to the courts for people in poverty

Proposals due by September 23, 2019 to Maria.Joyner@courts.wa.gov

DMCJA Education Committee Session Proposal Form

District & Municipal Court Judges' Spring Program

May 31- June 3, 2020

PROPOSAL DEADLINE: September 23 to Maria.Joyner@courts.wa.gov

PARTICIPANT RESOURCES: Describe the resources faculty will recommend participants reference when handling the key issues described in this session (*e.g., bench books, checklists, bench cards, websites, organizations, agencies, etc.*).

- Facts around people who are living in poverty in Washington State and nationally
- Statewide resources that are available to court customers in need

PROPOSED TEACHING METHODS AND ACTIVITIES: Describe how the session will be presented to actively engage the audience in the education (*e.g., small/large group discussion, hypotheticals, case study review, role play, lecturette, etc.*).

The Poverty Simulation is a large group immersive interactive experience using role play.

ANTICIPATED COST:

\$2000

FUNDING RESOURCES:

The Commissions will cover all costs.

Proposals due by September 23, 2019 to Maria.Joyner@courts.wa.gov

DMCJA Education Committee Session Proposal Form

District & Municipal Court Judges' Spring Program

May 31- June 3, 2020

PROPOSAL DEADLINE: September 23 to Maria.Joyner@courts.wa.gov

PROPOSED SESSION TITLE: Implementing Changes in Weapons Surrender Laws in Your Jurisdiction (<i>tentative</i>)		
PROPOSED BY: Washington State Supreme Court Gender and Justice Commission CONTACT NAME: Kelley Amburgey-Richardson (Commission staff) CONTACT PHONE: (360) 704-4031 CONTACT EMAIL: kelly.amburgey-richardson@courts.wa.gov	TARGET AUDIENCE: <input checked="" type="checkbox"/> Experienced Judges <input checked="" type="checkbox"/> New Judges <input checked="" type="checkbox"/> District Courts <input checked="" type="checkbox"/> Municipal Courts	
PROPOSED DURATION: <input checked="" type="checkbox"/> 90 Minutes <input type="checkbox"/> 3 Hours <input type="checkbox"/> Other:	SESSION TYPE: <input checked="" type="checkbox"/> Plenary <input checked="" type="checkbox"/> Choice <input type="checkbox"/> Colloquium <input type="checkbox"/> Webinar	IS THERE A LIMIT TO THE NUMBER OF PARTICIPANTS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
TOPIC AREA:		
Weapons surrender statutes and procedures		
REQUIRED COMPONENTS		
<i>The session must address the following essential areas of information:</i>		
Substantive Knowledge	Administrative/Procedural	Skills, Attitudes & Beliefs
<ul style="list-style-type: none"> State of the law on weapons surrender before and after passage of SHB 1786 	<ul style="list-style-type: none"> Procedures mandated by SHB 1786, for law enforcement and for courts 	<ul style="list-style-type: none"> How to meet SHB 1786's requirements using your county's resources
RECOMMENDED FACULTY:		
<p>Faculty will include two or three judicial officers from courts that are already conducting review hearings to follow up on orders to surrender weapons (OTSW) and ensure that respondents comply. This panel of judicial officers would answer questions posed by a moderator about how their courts are currently conducting these hearings and whether they meet the requirements of SHB 1786. The moderator would also provide a brief introduction, explaining the general state of the law before and after the passage of SHB 1786.</p> <p>Potential panel faculty include (<i>faculty are not confirmed</i>):</p> <ul style="list-style-type: none"> Judge Anne Hirsch, Thurston County Superior Court 		

Proposals due by September 23, 2019 to Maria.Joyner@courts.wa.gov

DMCJA Education Committee Session Proposal Form

District & Municipal Court Judges' Spring Program

May 31- June 3, 2020

PROPOSAL DEADLINE: September 23 to Maria.Joyner@courts.wa.gov

- Judge Tanya Thorpe, King County Superior Court
- Judge Jeff Jahns, Kitsap County District Court

SESSION DESCRIPTION: Describe the purpose of the session and key issues to be presented. Explain what judicial officers will learn in the course and how the information will apply to their work in the courts (*this information will be included in the program flyer as your session description*).

This session will address a major recent change in the law on orders to surrender weapons (OTSW): the new requirement in SHB 1786 that all courts hold compliance review hearings after issuing orders. In addition to a brief overview of new requirements, a panel of judicial officers will share existing protocols from different jurisdictions. New practical tools (bench cards) will be provided, and participants will use these during small group exercises to explore how their courts may satisfy their legal obligations within existing resource limits.

LEARNING OBJECTIVES: Describe what participants will be able to do or say as a result of this session.

After attending this session, participants will:

- Understand the basic requirements in SHB 1786 and how those requirements relate to the bench cards distributed prior to and at the session.
- Be able to describe when and where each step on the bench card will (or could) occur within their particular court's docket.
- Have a plan for implementing these changes in the law in their jurisdiction.

FUNDAMENTALS COVERED: Describe the case law, best practices, or "nuts and bolts" that will be addressed during the session.

Nuts and bolts: Participants will learn when and how courts must engage law enforcement when issuing OTSW and assessing respondent compliance. Participants will also learn when a compliance review hearing is required, when courts must consider the criteria for issuing an OTSW, and when courts must issue a search warrant to facilitate compliance.

Best practices: This session will be explicitly sensitive to variations in different jurisdictions' resources. The goal will be to identify requirements in the law, share existing protocols, and brainstorm new ways that courts might satisfy their legal obligations within existing resource limits.

Proposals due by September 23, 2019 to Maria.Joyner@courts.wa.gov

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PARTICIPANT RESOURCES: Describe the resources faculty will recommend participants reference when handling the key issues described in this session (*e.g., bench books, checklists, bench cards, websites, organizations, agencies, etc.*).

The session will reference new bench cards on weapons surrender, which address ex parte, final, and compliance review hearings related to OTSW and incorporate SHB 1786's new requirements. These bench cards will be distributed electronically to potential audience members well in advance of the session. They will also be provided at the session, for use in lecture, discussion, and small group work.

PROPOSED TEACHING METHODS AND ACTIVITIES: Describe how the session will be presented to actively engage the audience in the education (*e.g., small/large group discussion, hypotheticals, case study review, role play, lecturette, etc.*).

This session is envisioned as largely collaborative / problem-solving. It will begin with the moderator's brief overview of the law on OTSW, pre- and post-SHB 1786. The moderator will then pose questions to the panel of two or three judges / commissioners, regarding current procedures that meet SHB 1786 requirements. Finally, participants will break into groups to discuss whether / how their courts' current practices must / can change to meet the new requirements.

ANTICIPATED COST:

\$1,500

FUNDING RESOURCES:

The Commission will cover all costs.

Proposals due by September 23, 2019 to Maria.Joyner@courts.wa.gov



Photo: Michal Kalasik / Shutterstock

GENDER AND JUSTICE COMMISSION



About

The Gender and Justice Commission is Chaired by Justice Sheryl Gordon McCloud, Washington State Supreme Court. Judge Marilyn Paja, Kitsap County District Court serves as Vice Chair.

The Commission's 21 members include judicial officers from all court levels and tribal courts, private practice and legal aid attorneys, professors, court staff, representatives from Washington Women Lawyers, disability rights organizations, and advocates for survivors of domestic and sexual violence.

The Commission also counts among its stakeholders liaisons from the Access to Justice Board and local law schools.

History

In 1987 the Washington State Legislature mandated the Office of the Administrator for the Courts initiate measures to prevent gender and bias in the state court system. After two years of research, public hearing and surveys, the Gender and Justice Task Force concluded gender bias does exist in the Washington State court system and described the extent of that bias in its final report Gender and Justice in the Courts, Washington State, 1989.

The Washington State Supreme Court Gender and Justice Commission was established in 1994 and it is one of the last remaining state court entities that is solely dedicated to identifying and addressing gender bias in the courts. The Supreme Court has renewed the Commission every five years since, with the most recent renewal being ordered by the Court in 2015.

Mission

The mission of the Gender and Justice Commission is to identify concerns and make recommendations regarding the equal treatment of all parties, attorneys, and court employees in the State courts, and to promote gender equality through researching, recommending, and supporting the implementation of best practices; providing educational programs that enhance equal treatment of all parties; and serving as a liaison between the courts and other organizations in working toward communities free of bias.



www.courts.wa.gov/genderjustice
CONTACT commissions@courts.wa.gov

Committees

The Gender and Justice Commission's committees, each chaired by Commission members, focus on these four key areas:

EDUCATION

The Education Committee develops education programs for judicial officers, court staff, and justice system partners on the impact of gender on the administration of and access to justice.

INCARCERATED WOMEN AND GIRLS

The Incarcerated Women and Girls Committee works to address issues facing justice involved women and girls, including court access for incarcerated parents.

GENDER JUSTICE STUDY TASK FORCE

The Gender Justice Study is a multi-year project working to determine the impact of gender bias on access to justice, focusing on the intersection of gender and race, poverty, and other identities. Key areas will be targeted with innovative solutions to work towards eliminating gender bias in the courts.

DOMESTIC AND SEXUAL VIOLENCE

The Domestic and Sexual Violence Committee oversees the Gender and Justice Commission's work on court system response to gender based violence, including updates to judicial resources on these issues.

TRIBAL STATE COURT CONSORTIUM

The Tribal State Court Consortium works in conjunction with the Gender and Justice Commission to build relationships with tribal courts and partner in addressing issues of domestic and sexual violence.

COMMUNICATIONS

The Communications Committee promotes the work of the Gender and Justice Commission through publications and outreach events.



I ENCOURAGE ANYONE WHO IS INTERESTED IN ENSURING GENDER EQUALITY IN THE COURT SYSTEM TO REACH OUT TO THE COMMISSION AND BE INVOLVED IN THESE EFFORTS

Justice Sheryl Gordon McCloud
GENDER AND JUSTICE COMMISSION, CHAIR



WORK OF THE COMMISSION

2019 Projects/Key Priorities

- Evaluate the impact of gender bias on access to justice in Washington State and implement new research and pilot projects to address this.
- Conduct outreach to tribal courts to learn about successful protection order enforcement processes and identify gaps. Develop best practice guidance to ensure state and tribal courts and law enforcement comply with full faith & credit.
- Continue working with stakeholders to improve access to the courts for incarcerated parents, a large proportion of which are women, in cases involving their children.
- Develop education for judicial officers and court staff on the court's response to issues of gender bias.
- Prioritize projects that will improve access to justice for women of color and women in poverty.
- Ensure judicial officers have access to timely and updated resources on issues of critical importance, such as domestic violence and sexual harassment.

Key Accomplishments

- Supporting legislation banning shackling during labor for women who give birth while incarcerated.
- Convening stakeholders to address the issue of barriers to court access for incarcerated parents in civil cases.
- Convening multidisciplinary workgroups on domestic violence perpetrator treatment and risk assessment and reporting to the legislature.
- Managing Washington State's Violence Against Women STOP grant allocation for courts, a funding source that supports the Commission's education and resource development to improve the court response to domestic and sexual violence, stalking, and dating violence.



MODEL ANTI-HARASSMENT POLICY

Purpose for Offering Model Anti-Harassment Policy to Washington Courts

The Gender and Justice Commission strongly encourages all courts in the State of Washington to adopt a written anti-harassment policy that informs all of its employees, including Judicial Officers, that harassment will not be tolerated; defines and provides examples of harassment and other prohibited conduct; outlines a procedure for employees to report harassment; and encourages all employees, not just targets of harassment, to report misconduct.

The Commission also encourages all courts to assure that complaints will be handled as confidentially as possible, guarantee that employees who report harassment will not suffer adverse job consequences as a result, and require supervisors or managers within the court to report suspected harassment.

Finally, the Commission asks each court to implement the policy in a meaningful way, ensuring that supervisors and managers become familiar with the policy and review it on a regular basis, and that all employees are regularly trained on its provisions.

While the Commission offers this proposed model anti-harassment policy, it understands that the laws in each local jurisdiction may vary. Each court should review these local laws to ensure that any final policy adopted by your court complies with these legal requirements.

Model Anti-Harassment Policy

Statement of Purpose

The _____ Court (the Court) is committed to maintaining an environment of respect, dignity, and equal employment opportunity for all people who work in the Court. This policy is essential to that commitment, and it is the responsibility of [*supervisors, the Court Clerk, Court Administrator, and Judicial Officers*] and all employees to comply with and promote its provisions. A violation of this policy by an employee or volunteer may result in disciplinary action, up to and including dismissal from employment.

Everyone who works in the Court has the right to fair and equal treatment, regardless of age, sex, marital status, sexual orientation, gender identity, race, religion, creed, color, national origin, genetic information (including family medical history or the results of genetic testing), honorably discharged veteran or military status, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability, unless based upon a bona fide occupational qualification.

Definitions

Harassment is unwelcome language or conduct that targets a person or group of people because of their sex / gender (including pregnancy, gender identity, gender expression, and parenthood), age (40 years of age or older), marital status, sexual orientation, race, religion, creed, color, national origin, citizenship, ancestry, honorably discharged veteran or military status, or disability (actual or perceived), including use of a service animal.

Harassment becomes unlawful when the unwelcome language or conduct becomes a condition of continued employment or is severe or pervasive enough that a reasonable person would consider intimidating, hostile, or abusive.

Harassment can take many forms. Some examples include:

- Offensive jokes, comments about a person's body, degrading language, or slurs;
- Demeaning or sexually suggestive photos or videos shared through social media, email, or text message;
- Unwanted touching, offensive gestures, or blocking a person's movement.

Sexual harassment is a form of harassment that is sexual in nature. Sexually harassing behavior includes, but is not limited to:

- Unwelcome comments, jokes, suggestions, or derogatory remarks of a sexual nature
- Physical contact such as pats, squeezes, deliberately brushing against someone's body, or impeding or blocking a person's normal movement
- Posting sexually suggestive or derogatory pictures, cartoons, or drawings at one's work station or in common areas, or sending them through email or text messages
- Unwelcome sexual advances or pressure for sexual favors
- Basing employment decisions (such as promotions, evaluations, or assignments) or access to court services on a person's acquiescence in the sexually harassing conduct

Harassment can occur in a variety of circumstances. The harasser can be a supervisor, a supervisor in another area, a co-worker, or a non-employee. Anyone can be unfairly affected by severe or pervasive harassment, whether they are the intended target of the harassment or not. And unlawful harassment may occur even if the target or others affected by the harassment do not miss work or lose any wages as a result.

The Court seeks to eliminate all harassing conduct because any act of harassment undermines the integrity and quality of the workplace and is unfair to any employee or volunteer who experiences it. If you are unsure whether conduct or language qualifies as "harassment," you can and should report it.

Retaliation is any action by court personnel that punishes an employee for reporting harassment or discourages employees from doing so. Retaliation will not be tolerated.

Retaliation can include isolation at work, transfer to a less desirable position, demotion in title or job duties, dismissal, discipline, suspension, failure to hire or promote, or negative performance reviews.

A Judicial Officer is anyone who is authorized to perform judicial functions, including an officer such as a magistrate, court commissioner, part-time judge, or judge pro tem.

Procedures for Reporting, Investigating and Resolving Incidents of Harassment

All employees have a responsibility to create a work environment that promotes dignity and respect. That is why the Court expects employees and volunteers to report harassment and retaliation immediately. If you are a supervisor who witnesses or knows about harassing behavior, we expect you to immediately report that behavior and take steps to prevent its reoccurrence. We ask all employees, volunteers, and supervisors to follow the procedures described below, as applicable.

Reporting

If you are an employee or volunteer and you experience harassing behavior, you should tell the harasser to stop, if you are comfortable doing so, and / or immediately report the harassing behavior to *[their] [any] supervisor or [other designated party, such as the Court's HR department, the Administrative Office for the Court, or designated court personnel]*, or any Judicial Officer, either orally or in writing. You should use the same reporting procedures if you experience retaliation.

If you are a supervisor and you become aware of harassing behavior or retaliation, you must take immediate steps to prevent the behavior from reoccurring and must promptly notify *[designated person or office for receiving complaints, e.g., HR department, AOC, or designated court personnel]*. If you fail to do so, you may be subject to corrective / disciplinary action up to and including dismissal. You have this reporting responsibility, even where the alleged harasser is a not a Court employee.

If you experience harassing behavior or retaliation by a Judicial Officer, you may, in addition to following the procedures outlined in this policy, report the behavior to the Commission on Judicial Conduct.

You may also file a complaint with the Washington State Human Rights Commission or the Equal Employment Opportunity Commission.

Investigation

The Court will promptly investigate a complaint of harassment or retaliation under this policy. The object of an investigation shall be to determine (1) whether harassment, as defined in this policy, has occurred; and (2) what corrective / disciplinary action, if any, should be taken.

Scope. Investigations will vary according to the nature and complexity of the underlying complaint. They may be informal or formal, depending on the circumstances, and may include, but are not limited to, interviewing witnesses and gathering relevant evidence. All Court employees and volunteers shall cooperate with investigations conducted under this policy.

Objectivity. Investigations will be objective and will not be conducted by any person having an interest in the outcome. An investigation may be conducted either by designated court personnel or by an outside entity. In any investigation, both the reporting party and the subject of the report have a right to be timely notified as to (1) the identity of the designated investigator(s) and (2) the outcome of the investigation.

Confidentiality. In any investigation, every reasonable effort will be made to maintain the confidentiality of the reporting party, the subject of the complaint, and any participating witnesses. Absolute confidentiality cannot be guaranteed in an investigation but identifying information will be shared with witnesses and other parties outside the investigating body only on a “need to know” basis.

The Court expects staff and others who learn of a report of harassment to minimize disruption and stress in the workplace by refraining from gossip and speculation about the report, the persons involved, the investigation, or its resolution.

At any time during the process, if the harassment continues, recurs, or if retaliation occurs, you should immediately contact [*the person designated to investigate the incident*].

Resolution

If the Court determines that a report of harassment is substantiated, [*name of decision-maker or decision-making body*] will determine the appropriate corrective / disciplinary action, up to and including dismissal.

After completion of the investigation and necessary personnel action, [*insert designated representative*] may provide follow-up to affected individuals, witnesses, or staff, considering the nature of the conduct and the circumstances of each case.

Prohibition on Retaliation

Retaliation is strictly prohibited. If you engage in retaliation, you will be subject to disciplinary action, up to and including dismissal.

Dissemination and Publication of Policy

A copy of this policy will be disseminated to all Court employees and will be included in the orientation materials given to each new Court employee.

The policy will be published on the Court's website and will be available in paper format from [*insert custodian of policy, i.e., Court Administrator, Court Clerk*].

Training

All supervisors, including [*Court Clerk, Court Administrator,*] and Judicial Officers, must attend training at least once every [*insert number*] years. All other employees must attend training at least once every [*insert number*] years.

For new employees and new supervisors, training should be completed within [*insert time period, i.e., the first month*] of employment or within [*insert time period, i.e., the first month*] of becoming a supervisor.

To: Gender & Justice Commission
Justice Sheryl Gordon McCloud, Chair

From: Laura Jones
Domestic Violence Work Groups Coordinator

Date: October 22, 2019

Re: Progress report- E2SHB 1517 Work Groups

During the 2019 session, the Washington State Legislature passed **E2SHB 1517 – Concerning Domestic Violence**. Part VIII of this legislation assigns the Administrative Office of the Courts, through the Washington State Supreme Court Gender and Justice Commission, with convening statewide workgroups. This is a reconvening of the work groups previously established under E2SHB 1163 in 2017, to follow-up on the reports that those work groups submitted to the Legislature: *Domestic Violence Perpetrator Treatment: A Proposal for an Integrated System Response and Domestic Violence Risk Assessment*.

The work groups reconvened pursuant to this most recent legislation will again be investigating and reporting back to the legislature (by June 30, 2020) on the issues of domestic violence perpetrator treatment and domestic violence risk assessment. The work groups are co-chaired by Judge Eric Lucas of Snohomish County Superior Court, who will be taking the lead on the perpetrator treatment work group, and Judge Mary Logan of Spokane Municipal Court, who will be taking the lead on the risk assessment work group. Ms. Laura Jones has been contracted by AOC to coordinate the work groups.

The first in-person meeting of both work groups was held on September 17, 2019, at the Administrative Office of the Courts' SeaTac Office. There were approximately 40 attendees at the meeting, including Representative Roger Goodman, the prime sponsor of E2SHB 1517 was in attendance to speak about the legislature's interest in these topics.

Future in-person meetings will be held at the AOC's SeaTac Office on November 7, 2019; January 7, 2020; and April 7, 2020. The work groups will also be meeting telephonically on a monthly basis—the DV Perpetrator Treatment Work Group meets the 2nd Tuesday of the month and the DV Risk Assessment Work Group meets the 4th Tuesday of the month. The work group co-chairs and Ms. Jones also hold a weekly conference call.

Attached to this report is a copy of Part VIII of E2SHB 1517, a current participant list for the work groups, and minutes from our September 17th meeting.

- 1 (1) Completion of a risk assessment;
- 2 (2) Participation in the level of treatment recommended by the
3 program as outlined in the current treatment plan;
- 4 (3) Compliance with the contract for treatment;
- 5 (4) Participation in any ancillary or co-occurring treatments
6 that are determined to be necessary for the successful completion of
7 the domestic violence intervention treatment including, but not
8 limited to, mental health or substance use treatment;
- 9 (5) Domestic violence intervention treatment within the purview
10 of this section to be completed with a state-certified domestic
11 violence intervention treatment program;
- 12 (6) Signature of the petitioner agreeing to the terms and
13 conditions of the treatment program;
- 14 (7) Proof of compliance with any active order to surrender
15 weapons issued in this program or related civil protection orders or
16 no-contact orders.

17 **PART VIII - DOMESTIC VIOLENCE WORK GROUPS**

18 NEW SECTION. **Sec. 801.** In 2017 the legislature established two
19 work groups managed by the Washington state supreme court gender and
20 justice commission to study domestic violence treatment and domestic
21 violence risk. The work groups successfully pulled together
22 stakeholders from across the state and published two reports with
23 groundbreaking recommendations. The legislature finds that there is a
24 need to continue the work groups. The work groups shall review best
25 practices for alternatives to mandatory arrest in cases of domestic
26 violence, and the work groups shall monitor implementation of prior
27 recommendations for the purpose of promoting effective strategies to
28 reduce domestic violence homicides, serious injuries, and recidivism.

29 **Sec. 802.** 2017 c 272 s 7 (uncodified) is amended to read as
30 follows:

31 (1) The administrative office of the courts shall, through the
32 Washington state gender and justice commission of the supreme court,
33 convene a work group to address the issue of domestic violence
34 perpetrator treatment and the role of certified perpetrator treatment
35 programs in holding domestic violence perpetrators accountable.

36 (2) The work group must include a representative for each of the
37 following organizations or interests: Superior court judges, district

1 court judges, municipal court judges, court probation officers,
2 prosecuting attorneys, defense attorneys, civil legal aid attorneys,
3 domestic violence victim advocates, domestic violence perpetrator
4 treatment providers, the department of social and health services,
5 the department of corrections, the Washington state institute for
6 public policy, and the University of Washington evidence based
7 practice institute. At least two domestic violence perpetrator
8 treatment providers must be represented as members of the work group.

9 (3)(a) For its initial report in 2018, the work group shall:

10 ~~((a))~~ (i) Review laws, regulations, and court and agency practices
11 pertaining to domestic violence perpetrator treatment used in civil
12 and criminal contexts, including criminal domestic violence felony
13 and misdemeanor offenses, family law, child welfare, and protection
14 orders; ~~((b))~~ (ii) consider the development of a universal
15 diagnostic evaluation tool to be used by treatment providers and the
16 department of corrections to assess the treatment needs of domestic
17 violence perpetrators; and ~~((c))~~ (iii) develop recommendations on
18 changes to existing laws, regulations, and court and agency practices
19 to improve victim safety, decrease recidivism, advance treatment
20 outcomes, and increase the courts' confidence in domestic violence
21 perpetrator treatment.

22 ~~((4))~~ (b) The work group shall report its recommendations to
23 the affected entities and the appropriate committees of the
24 legislature no later than June 30, 2018.

25 (4)(a) For its report in 2019, the work group shall:

26 (i) Provide guidance and additional recommendations with respect
27 to how prior recommendations of the work group should be implemented
28 for the purpose of promoting effective strategies to reduce domestic
29 violence in Washington state;

30 (ii) Monitor, evaluate, and provide recommendations for the
31 implementation of the newly established domestic violence treatment
32 administrative codes;

33 (iii) Monitor, evaluate, and provide recommendations on the
34 implementation and supervision of domestic violence sentencing
35 alternatives in different counties to promote consistency; and

36 (iv) Provide recommendations on other items deemed appropriate by
37 the work group.

38 (b) The work group shall report its recommendations to the
39 affected entities and the appropriate committees of the legislature
40 no later than June 30, 2020.

1 (5) The work group must operate within existing funds.

2 (6) This section expires June 30, ((2019)) 2021.

3 **Sec. 803.** 2017 c 272 s 8 (uncodified) is amended to read as
4 follows:

5 (1) ~~((The legislature finds that Washington state has a serious
6 problem with domestic violence offender recidivism and lethality. The
7 Washington state institute for public policy studied domestic
8 violence offenders finding not just high rates of domestic violence
9 recidivism but among the highest rates of general criminal and
10 violent recidivism. The Washington state coalition against domestic
11 violence has issued fatality reviews of domestic violence homicides
12 in Washington under chapter 43.235 RCW for over fifteen years. These
13 fatality reviews demonstrate the significant impact of domestic
14 violence on our communities as well as the barriers and high rates of
15 lethality faced by victims. The legislature further notes there have
16 been several high profile domestic violence homicides with multiple
17 prior domestic violence incidents not accounted for in the legal
18 response. Many jurisdictions nationally have encountered the same
19 challenges as Washington and now utilize risk assessment as a best
20 practice to assist in the response to domestic violence.))~~

21 The Washington domestic violence risk assessment work group is
22 established to study how and when risk assessment can best be used to
23 improve the response to domestic violence offenders and victims and
24 find effective strategies to reduce domestic violence homicides,
25 serious injuries, and recidivism that are a result of domestic
26 violence incidents in Washington state.

27 (2)(a) The Washington state gender and justice commission, in
28 collaboration with the Washington state coalition against domestic
29 violence and the Washington State University criminal justice
30 program, shall coordinate the work group and provide staff support.

31 (b) The work group must include a representative from each of the
32 following organizations:

- 33 (i) The Washington state gender and justice commission;
- 34 (ii) The department of corrections;
- 35 (iii) The department of social and health services;
- 36 (iv) The Washington association of sheriffs and police chiefs;
- 37 (v) The superior court judges' association;
- 38 (vi) The district and municipal court judges' association;
- 39 (vii) The Washington state association of counties;

1 (viii) The Washington association of prosecuting attorneys;
2 (ix) The Washington defender association;
3 (x) The Washington association of criminal defense lawyers;
4 (xi) The Washington state association of cities;
5 (xii) The Washington state coalition against domestic violence;
6 (xiii) The Washington state office of civil legal aid; and
7 (xiv) The family law section of the Washington state bar
8 association.

9 (c) The work group must additionally include representation from:

10 (i) Treatment providers;

11 (ii) City law enforcement;

12 (iii) County law enforcement;

13 (iv) Court administrators; and

14 (v) Domestic violence victims or family members of a victim.

15 (3) (~~(At a minimum,)~~) (a) For its initial report in 2018, the
16 work group shall research, review, and make recommendations on the
17 following:

18 (~~(a)~~) (i) How to best develop and use risk assessment in
19 domestic violence response utilizing available research and
20 Washington state data;

21 (~~(b)~~) (ii) Providing effective strategies for incorporating
22 risk assessment in domestic violence response to reduce deaths,
23 serious injuries, and recidivism due to domestic violence;

24 (~~(c)~~) (iii) Promoting access to domestic violence risk
25 assessment for advocates, police, prosecutors, corrections, and
26 courts to improve domestic violence response;

27 (~~(d)~~) (iv) Whether or how risk assessment could be used as an
28 alternative to mandatory arrest in domestic violence;

29 (~~(e)~~) (v) Whether or how risk assessment could be used in bail
30 determinations in domestic violence cases, and in civil protection
31 order hearings;

32 (~~(f)~~) (vi) Whether or how offender risk, needs, and
33 responsivity could be used in determining eligibility for diversion,
34 sentencing alternatives, and treatment options;

35 (~~(g)~~) (vii) Whether or how victim risk, needs, and responsivity
36 could be used in improving domestic violence response;

37 (~~(h)~~) (viii) Whether or how risk assessment can improve
38 prosecution and encourage prosecutors to aggressively enforce
39 domestic violence laws; and

40 (~~(i)~~) (ix) Encouraging private sector collaboration.

E2SHB 1517 Work Group Participants

Name	Organization	E-mail	Work Group(s)
Judge Mary Logan, Co-Chair	Gender and Justice Commission / Spokane Municipal Court	mlogan@spokanecity.org	DV Perpetrator Treatment, DV Risk Assessment
Judge Eric Lucas, Co-Chair	Gender and Justice Commission / Snohomish County Superior Court	Eric.Lucas@snoco.org	DV Perpetrator Treatment, DV Risk Assessment
Mark Adams	Northwest Association of Domestic Violence Treatment Professionals / Anger Control Treatment & Therapies	mark@angertreatment.com	DV Perpetrator Treatment
Judge Sabrina Ahrens	Superior Court Judges Association / Pierce County Superior Court	sahren1@piercecounywa.gov	DV Risk Assessment
Kathryn Akeah	Tribal State Court Consortium	Kathryn.Akeah@courts.wa.gov	DV Risk Assessment
Judge Virginia Amato	District & Municipal Court Judges Association / King County District Court	vamato@kingcounty.gov	DV Risk Assessment
Jennifer Ammons	Civil Legal Aid Attorneys / Northwest Justice Project	jennifera@nwjustice.org	DV Risk Assessment
David Baker	King County Prosecuting Attorney	David-PAO.Baker@kingcounty.gov	DV Risk Assessment
Dana Boales	Washington State Office of Legal Aid	dana.boales@ocla.wa.gov	DV Risk Assessment
Kelly Boyle	Washington State Department of Children, Youth, and Families	Kelly.boyle@dcyf.wa.gov	DV Perpetrator Treatment, DV Risk Assessment
Bree Breza	Misdemeanant Probation Association / Airway Heights Municipal Court & Probation	bbreza@cawh.org	DV Perpetrator Treatment
Sophia Byrd McSherry	Washington State Office of Public Defense	Sophia.ByrdMcSherry@opd.wa.gov	DV Perpetrator Treatment, DV Risk Assessment
Jennifer Creighton	District and Municipal Court Management Association / Thurston County District Court	creighj@co.thurston.wa.us	DV Risk Assessment
Theresa Cronin	Minority and Justice Commission / The Law Office of DC Cronin	tk@dccronin.com	DV Risk Assessment

E2SHB 1517 Work Group Participants

Name	Organization	E-mail	Work Group(s)
Dr. Sarah Cusworth Walker	University of Washington Evidence-Based Practice Institute	secwalkr@uw.edu	DV Perpetrator Treatment
Michael Diamond	City of Spokane	mdiamond@spokanecity.org	DV Perpetrator Treatment
Tonya Dotson	Seattle Municipal Court Probation	Tonya.Dotson@seattle.gov	DV Perpetrator Treatment
Judge Adam Eisenberg	District & Municipal Court Judges Association / Seattle Municipal Court	Adam.eisenberg@seattle.gov	DV Perpetrator Treatment
Patrick Gigstead	Kittitas County	Patrick.gigstead@co.kittitas.wa.us	DV Perpetrator Treatment
Dr. Amanda Gilman	Washington State Center for Court Research	Amanda.Gilman@courts.wa.gov	DV Risk Assessment
Dr. Zachary Hamilton	Washington State University	zachary.hamilton@wsu.edu	DV Risk Assessment
Pamela Hartman-Beyer	Washington Superior Court Administrators / Thurston County Superior Court	pam.hartman-beyer@co.thurston.wa.us	DV Risk Assessment
Judge Heidi Heywood	District & Municipal Court Judges Association / Wahkiakum County District Court	heywoodh@co.wahkiakum.wa.us	DV Perpetrator Treatment
Kerry Hills	Pierce County District Court	Kerry.hills@piercecountywa.gov	DV Perpetrator Treatment
Brie Ann Hopkins	Association of Washington Cities / City of Bellevue	bhopkins@bellevuewa.gov	DV Risk Assessment
Jacqueline Jeske	Family Law Executive Committee for Washington State Bar Association / Jeske Dispute Resolution	jjeske@jeskedr.com	DV Risk Assessment
Robert Johnson	A Better Way Counseling	rfjphoto@gmail.com	DV Perpetrator Treatment, DV Risk Assessment
Tamaso Johnson	Washington State Coalition Against Domestic Violence	tamaso@wscadv.org	DV Perpetrator Treatment, DV Risk Assessment
Mark Kucza	Department of Corrections	makucza@DOC1.WA.GOV	DV Risk Assessment

E2SHB 1517 Work Group Participants

Name	Organization	E-mail	Work Group(s)
Commissioner Mary Kuney	Washington State Association of Counties / Spokane County Court Commissioner	mkuney@spokanecounty.org	DV Risk Assessment
Sheila Lewallen	Department of Corrections	srlewallen@DOC1.WA.GOV	DV Risk Assessment
Steven Lewis	Washington Defender Association / Kitsap County Office of Public Defense	smlewis@co.kitsap.wa.us	DV Perpetrator Treatment, DV Risk Assessment
David Martin	Washington Association of Prosecuting Attorneys / King County Prosecuting Attorney's Office	David.Martin@kingcounty.gov	DV Perpetrator Treatment, DV Risk Assessment
Dr. Marna Miller	Washington State Institute for Public Policy	marna.miller@wsipp.wa.gov	DV Perpetrator Treatment
Doris O'Neal	YWCA	doneal@ywcaworks.org	DV Risk Assessment
Carmen Pacheco-Jones	Spokane Regional Law & Justice Council's Racial Equity Committee	Carmen.pachecojones@yahoo.com	DV Risk Assessment
Judge Marilyn Paja	Gender and Justice Commission	MPaja@co.kitsap.wa.us	DV Perpetrator Treatment, DV Risk Assessment
Dr. Karie Rainer	Department of Corrections	karie.rainer@doc.wa.gov	DV Perpetrator Treatment
Judge Kristin Richardson	Superior Court Judges Association / King County Superior Court	Kristin.richardson@kingcounty.gov	DV Perpetrator Treatment
M. Abbas Rizvi	Civil Legal Aid Attorneys / Northwest Justice Project	abbasr@nwjustice.org	DV Perpetrator Treatment
Amie Roberts	Department of Social and Health Services	amie.roberts@dshs.wa.gov	DV Perpetrator Treatment, DV Risk Assessment
Dianna Scott	Grays Harbor County	DScott@co.grays-harbor.wa.us	DV Perpetrator Treatment
Kelly Starr	Washington State Coalition Against Domestic Violence	kelly@wscadv.org	DV Perpetrator Treatment, DV Risk Assessment

E2SHB 1517 Work Group Participants

Name	Organization	E-mail	Work Group(s)
Heather Straub	Washington Association of Criminal Defense Lawyers / Law Offices of Heather R. Straub PLLC	heather@lawyernorthwest.com	DV Risk Assessment
Donna Struthers	Snohomish County District Court	Donna.struthers@snoco.org	DV Perpetrator Treatment
Sharon Swanson	Association of Washington Cities	sharons@awcnet.org	DV Risk Assessment
Meagan Terlep	King County District Court	mterlep@kingcounty.gov	DV Perpetrator Treatment
Angel Tomeo Sam	Spokane Regional Law & Justice Council's Racial Equity Committee	Angel.tomeosam@gmail.com	DV Risk Assessment
Chief Jonathan Ventura	Washington Association of Sheriffs and Police Chiefs / Arlington Police Department	jventura@arlingtonwa.gov	DV Risk Assessment
Judge Patti Connolly Walker	District & Municipal Court Judges Association / Spokane County District Court	pwalker@spokanecounty.org	DV Risk Assessment
Jeremy Young	Spokane County District Court	jayoung@spokanecounty.org	DV Perpetrator Treatment



Domestic Violence Work Groups (E2SHB 1517)
SeaTac Office
18000 International Blvd
Tuesday, September 17, 2019 (9:00 AM – 12:00 PM)

MEETING NOTES

Present: Judge Eric Lucas, Co-Chair; Judge Mary Logan, Co-Chair; Mr. Mark Adams; Judge Virginia Amato; Ms. Jennifer Ammons; Ms. Bree Breza; Ms. Sophia Byrd McSherry; Ms. Theresa Cronin; Ms. Tonya Dotson; Judge Adam Eisenberg; Mr. Patrick Gigstead; Dr. Amanda Gilman; Representative Roger Goodman; Ms. Pamela Hartman-Beyer; Mr. Kerry Hills; Ms. Jacqueline Jeske; Mr. Tamaso Johnson; Mr. Mark Kucza; Ms. Sheila Lewallen; Mr. Steven Lewis; Mr. David Martin; Dr. Marna Miller; Ms. Carmen Pacheco-Jones; Judge Marilyn Paja; Judge Kristin Richardson; Mr. M. Abbas Rizvi; Ms. Amie Roberts; Ms. Dianna Scott; Ms. Kelly Starr; Ms. Heather Straub; Ms. Donna Struthers; Ms. Sharon Swanson; Ms. Meagan Terlep; Ms. Angel Tomeo Sam; Chief Jonathan Ventura; Judge Patti Connolly Walker

By Phone: Judge Heidi Heywood

AOC Staff: Ms. Kathryn Akeah; Ms. Kelley Amburgey-Richardson; Ms. Cynthia Delostrinos; Ms. Moriah Freed; Ms. Laura Jones

Unavailable: Ms. Nora Campos; Ms. Jennifer Creighton; Dr. Sarah Cusworth-Walker; Mr. Michael Diamond; Dr. Zachary Hamilton; Ms. Brie Ann Hopkins; Mr. Robert Johnson; Ms. Doris O’Neal; Dr. Karie Rainer; Mr. Jeremy Young

CALL TO ORDER, INTRODUCTIONS, OVERVIEW OF MEETING PLAN – 9:20 AM:

- The meeting was called to order at 9:20 am by Judge Lucas
- Judge Lucas welcomed participants and provided legislative background:
 - E2SHB 1163 passed in 2017, it was groundbreaking, some of what the bill did:
 - Made repeat Assault 4 DV a felony
 - Required DNA collection for Assault 4 DV
 - Required convening of work groups to address DV perpetrator treatment and risk assessment by Gender and Justice Commission- those reports are why we are here
 - Provided overview of the agenda for the meeting
 - Presented background on the DV Perpetrator Treatment Group from E2SHB 1163
 - Outlined legislative mandate
 - Discussed work group process- system mapping, encouraged participants to review the executive summary
 - Summarized DV Perpetrator Treatment Work Group recommendations- boiled down into six general categories
 - Change from “one-size fits all” to multi-level treatment regime
 - Designate DV treatment as therapeutic court function
 - Statewide information repository- some body of therapeutic court tasked with retaining that information

- Data collection is critical because trying to establish evidence-based system
- Reliable funding scheme for court-ordered treatment needed
- Training for professionals should be conducted on a regular and ongoing basis
- Discussed mandate of the ESHB 1517 DV Perpetrator Treatment Work Group:
 - Provide guidance and additional recommendations with respect to how prior recommendations of the work group should be implemented;
 - Monitor, evaluate, and provide recommendations for the implementation of the new WAC re: DV treatment;
 - Monitor, evaluate, and provide recommendations on the implementation and supervision of DV sentencing alternatives in different counties to promote consistency; and
 - Provide recommendations on other items deemed appropriate.
- Presented background on the DV Risk Assessment group from E2SHB 1163
 - Mandate included many detailed directives- identify how risk assessments can best be used, including evaluating it as an alternative to mandatory arrest, in the context of criminal and civil proceedings, and eligibility for diversion/sentencing alternatives
 - Summary of recommendations of the DV Risk Assessment Group
 - Require use of tools that rely on actuarial risk assessments with the highest degree of predictive accuracy, validated in Washington
 - Need to collect accurate WA state data- refine DV definition
 - Assessment needs to be ongoing, risk of lethality changes based on factors such as employment, custody, etc.
 - Tool for law enforcement to use at the scene to assess lethality
 - Need to fund the research
 - Need to evaluate implicit bias
 - Need for tool that could be used by victims and/or victim advocates
 - Firearms review calendar
- Discussed mandate in E2SHB 1517- refines the tasks for the risk assessment work group
 - Review mandatory arrest laws and whether they should include a risk assessment as part of the arrest process
 - Implementation/monitor previous recommendations
 - Monitor and review development of WSU's development of risk assessment tool for DOC
- ▷ Discussion of administrative items
 - Additional in-person meetings of both work groups to be held at AOC SeaTac facility on:
 - **Thursday, November 7, 2019**
 - **Tuesday, January 7, 2020**
 - **Tuesday, April 7, 2020**
 - Deadline for submission of reports to legislature is **June 30, 2020**
 - Monthly conference calls starting in October
 - DV Perpetrator Treatment calls the 2nd Tuesday of the month: 12:30 pm – 1:15 pm

- DV Risk Assessment calls the 4th Tuesday of the month: 12:30 pm – 1:15 pm
- List serv
- OneDrive for work group resources, information

ADDITIONAL BACKGROUND PROVIDED— 9:45 AM:

- ▶ Representative Roger Goodman:
 - Author of 1163 and 1517- thrilled to see so many perspectives represented on the work group
 - Culture change is key
 - Recommendations that we make will go back to him, actionable items for legislature
 - The effective date was pushed out on many sections of E2SHB 1517 to have more information before ramping up treatment-oriented policy change
- ▶ Tamaso Johnson- Public Policy Director for Washington State Coalition Against Domestic Violence (WSCADV):
 - WSCADV has been conducting the DV fatality review for 20 years- it has statewide perspective on some of the ways that our system is failing victims and survivors around the state
 - One thing very clearly reflected in the text of the bill is the emphasis on *effective solutions* to reduce DV
 - What is almost universally expressed by victims and survivors is that they want the behavior to change and DV to stop
 - Systems and statutes that we have in place now are the product of a different time. Work Group can be part of the effort to pave the path about where we need to go
- ▶ Amie Roberts, Department of Social and Health Services (DSHS):
 - She has been involved with revising the Washington Administrative Code (WAC) on DV treatment, chaired the advisory committee on DV intervention
 - Timeline
 - During her first year on the job she conducted 41 investigations, 34 of which had findings
 - June 29, 2018- new WAC took effect. Providers had six months to come into compliance- hasn't been very long
 - Provided map of providers by county in Washington: Several (14) counties do not have a treatment provider
 - Mentioned funding to HCSATs to develop DV Perpetrator Treatment Curriculum
- ▶ David Martin, Washington Association of Prosecuting Attorneys (WAPA) / King County Prosecuting Attorney's Office:
 - His office handles 1,300 DV felony prosecutions per year
 - Heavy focus on working with victims- partnerships in the community, with civil legal aid, Survivor First

- Optimistic for the future- Washington is leading, so many areas of the country are trying to innovate and to find what works for people, evidence-based, similar problems around the country
 - One of the biggest focuses of his unit is firearms response
- ▶ Additional introductions from Judge Paja, Vice-Chair of the Gender and Justice Commission; Judge Logan and Judge Lucas (co-chairs)

WORK GROUP PARTICIPANT INTRODUCTIONS—10:05 AM:

- ▶ Went around the room and asked participants to identify themselves, including their name and entity they are representing, which work group they anticipate participating on, whether they participated previously, and what they hope to see the work groups accomplish.
- ▶ This list includes the information recorded re: what participants hoped to accomplish:
- Review of mandatory arrest
 - When we look at overall impact of DV, identify services for survivors
 - Programs for DV perpetrators that involve trauma work
 - Culture change
 - Identify tools to help offenders change their lives- external controls not as effective
 - Ensure that services for DV perpetrators are provided in a way that is fair and consistent across the state
 - Balanced approach to mandatory arrest
 - Ensure appropriate treatment options available, match offenders with those
 - More resources needed in Eastern Washington for treatment
 - Look at implicit gender bias too
 - Look at impact on families, integrate resources
 - Take policies/guidelines/recommendations and make them work at a grassroots level
 - Real conversation about how to balance addressing risk and safety as well as disproportionality and criminal justice reform
 - Availability of treatment resources where someone can access them
 - Address removal of children due to DV in the family when victim has not had a role in harming the children
 - Assist administrators with funding
 - One stop/one door avenue for people coming into our system.
 - See more access for DV perpetrators
 - Focus on how our recommendations will play out on the ground to improve safety
 - Review data to get a sense of the scope of the problem
 - Firearms surrender process
 - Take care of the whole family
 - Break systematic and financial barriers to access certified treatment- consistent throughout the state
 - Identify a tool that can differentiate between high and low risk offenders
 - Access to care/funding. DV is only treatment not covered under state medical, doesn't fall under Medicaid

- Usable tool that is as short as possible to promote wider use within the system
- See program bounce watched more closely
- Are we tapping into resources for/working with military offenders?
- More funding for service providers
- Risk assessment tool that is consistent and easily accessible to judges, give assurance that when sending someone to treatment it will have an effect

BREAK—10:58 AM:

RECONVENE TO WORK GROUPS BREAK OUTS—11:10 AM:

DV Risk Assessment Work Group (Discussion led by Judge Logan)

- Encouraged people to review the Beyond the Algorithm resource from the Center for Court Innovation- emphasis is that “business as usual” is not working
- Is it possible to have an ASRA (Adult Static Risk Assessment)-like tool: accessible to prosecutors, judges, and defense attorneys?
- Need to consider the intersectionality of race and poverty
- WSCRR to conduct literature review of existing risk assessments
- Would like to see information passed along/built on throughout the process that is based on good science and good data, asks the right questions
- WA is not a unified courts system. Only unifying thing for many years is computer system, monitored by AOC. Some courts using own private systems, only providers some data to other courts’ systems.
- Whatever work we do, if we want it to be useful across the state, make sure that have good research to back it up. Look at risk through equity lens.
- Cautious approach: determine scope of what we’ve been asked to do, be cognizant of time frame
- This group might identify critical points at which risk assessment useful, what risk are we identifying? Once we have that timeline, figure out which ones we are going to work on.
- Consequences of mandatory arrest- Mr. Tamaso Johnson to assist with identifying some research
- Is LAP useful? Recent experience that DV coordinator conducting follow-up is often receiving opposite answers from questions asked by law enforcement at the scene

DV Perpetrator Treatment (Discussion led by Judge Lucas)

- Threshold question: How the work group will operate. Whole group instead of subcommittee because of the interconnected nature of the problem. Therapeutic courts model/entity/information repository/funding scheme all are interwoven.
- Discussion about establishing Therapeutic Courts Commission ordered through Supreme Court or Legislature
- Possible priority areas identified
 - Propagate evidence-based DV treatment statewide- done in new WAC, not fully implemented
 - Design DV treatment as a therapeutic court function- structure to be selected by the local jurisdiction
 - Enable therapeutic courts to function as statewide information repository

- Monitor system's performance by enabling ongoing data collection
- Create a reliable funding scheme for court-ordered treatment
- Provide training and resources to professionals working in the area of DV
- Work group participants encouraged to send in their recommendations for priority areas, continue discussion on the list serv
- Work Group participants determined (after having a low-hanging fruit discussion) that first priority is establishment of training protocols for DV Professionals

WORK GROUPS REPORT BACK AT 11:57 AM AND THE MEETING ADJOURNED AT APPROXIMATELY 12:07 PM.

Please Join Us

8th Annual Judicial Officer & Law Student Reception

Please join us for the 8th Annual Judicial Officer & Law Student Reception which provides the opportunity to meet, mingle, and support the professional development of women who will be entering the legal profession. In addition, two scholarships will be awarded.

Friday, November 15, 2019
5:00 p.m. to 7:00 p.m.

Gaffney Room - Volkar Center
Gonzaga University School of Law
721 N. Cincinnati St
Spokane, WA 99202

RSVP Requested:

<https://www.surveymonkey.com/r/GonzagaReception>

For more information, contact:

Moriah Freed

Moriah.Freed@courts.wa.gov

Hosted by:

- Gonzaga University School of Law, Center for Professional Development & Women's Law Caucus
- National Association of Women Judges
- Washington State Association for Justice
- Washington State Supreme Court Gender and Justice Commission

Washington State Supreme Court Gender and Justice Commission

COMMISSION MEMBERS

October 16, 2019

Honorable Sheryl Gordon McCloud, Chair
Washington State Supreme Court

Honorable Marilyn G. Paja, Vice Chair
Kitsap County District Court

Honorable Anita Crawford-Willis
Seattle Municipal Court

Honorable Josie Delvin
Benton County Clerk

Honorable Michael H. Evans
Cowlitz County Superior Court

Honorable Steve González
Washington State Supreme Court

Ms. Gail Hammer
Gonzaga University School of Law

Ms. Elizabeth Hendren
Northwest Justice Project

Ms. Grace Huang
API Institute on Gender-Based Violence

Honorable Eric Z. Lucas
Snohomish County Superior Court

Ms. Annalisa Mai
King County District Court

Ms. Heather McKimmie
Disability Rights Washington

Honorable Rich Melnick
Court of Appeals, Division II

Ms. Erin Moody
Attorney

Ms. Riddhi Mukhopadhyay
Sexual Violence Legal Services

Dr. Dana Raigrodski
University of Washington School of Law

Ms. Jennifer Ritchie
Washington Women Lawyers

Honorable Cindy K. Smith
Suquamish Tribal Court

Ms. Sonia M. Rodriguez True
True Law Group. P.S.

Ms. Victoria L. Vreeland
Vreeland Law PLLC

Honorable Judge Tamila E. Ipema
President, National Association of Women Judges
1001 Connecticut Avenue NW, Suite 1138
Washington, DC 20036

Re. Washington State Gender Bias Study

Dear President Judge Ipema and Members of the NAWJ Board:

In 2016 the Washington State Supreme Court's Gender & Justice Commission announced the commencement of a Gender Bias Study at the Annual Meeting of the NAWJ in Seattle. In 2018 we sent a letter to then NAWJ President Justice Tanya R. Kennedy acknowledging this early support of NAWJ and thanking the organization for further support of our successful grant application to the State Justice Institute (SJI).

This Washington State Gender Bias Study will review and update the recommendations of our 1989 Gender and Justice in the Courts report, and work with research experts from the Washington State Law Library, the Washington State Center for Court Research, the University of Washington School of Law, and the Washington State University to gather and analyze data. We have enlisted legal and academic subject matter experts to collaborate on this work to ensure that the Gender Bias Study will consider both the published literature, unpublished documents and lived experience. We anticipate final selection of priority areas for the report and ultimately the selection of pilot projects to be implemented as early as 2020.

Today we want to advise you of the progress that we have made since our last report. With the SJI grant of \$150,000, and matching funds from the State of Washington Administrative Office of the Courts, we have hired a professional project manager and moved forward on Phases 1 and 2 of our Gender Bias Study. Our goal now is to continue to analyze the existing evidence, identify areas where research and evidence may be lacking, and then implement and evaluate pilot projects to address bias in key targeted areas. The larger aim of course is to serve as a national model for new approaches to eliminate gender bias in the state courts. Twenty-seven (27) study topics have thus far been identified and are listed on the attached page.

October 16, 2019
Page 2

Thanking the NAWJ is not the only purpose of this letter. If any member of the NAWJ leadership or Board have input for us, wish to offer additional studies for our consideration, or suggest research capability, please reach out to me or to Judge Marilyn Paja, Vice Chair of the Gender & Justice Commission. We greatly appreciate the early and continuing support of the NAWJ in this endeavor.

Sincerely,

A handwritten signature in black ink, appearing to read "Sheryl Gordon McCloud". The signature is fluid and cursive, with the first name "Sheryl" being the most prominent.

Justice Sheryl Gordon McCloud, Chair
Gender & Justice Commission
Washington State Supreme Court

ATTACHMENT – LIST OF PRIORITIES AS OF 9-18-2019

1. Gender impact of barriers to getting into court, including:

- Litigants' financial barriers such as user fees, costs of legal representation, childcare and travel to and from the courthouse.
- Litigants' communication barriers in matters such as obtaining domestic violence protective orders, participating in family law hearings, and interacting with GAL and CASA representatives.
- Immigration status barriers that may be preventing complainants and witnesses from coming to court.
- Barriers to jury service such as low juror pay, lack of childcare, etc., that contributes to lack of diversity in juries.

2. Gender impact in court proceedings and court workplace, including:

a. Gender impact of substantive legal doctrines in civil proceedings as they relate to:

- Violence; domestic violence and sexual assault.
- Family Law including divorce, maintenance, property division, custody, and child support.
- Economic consequences including fee awards and wrongful death.
- Workplace sexual harassment and discrimination.

b. Gender impact of substantive legal doctrines in criminal proceedings as they relate to:

- Increased criminalization and incarceration of women pre- and post- conviction.
- Increased criminalization and incarceration of men pre- and post- conviction and the consequences for women.
- Exceptional sentence availability.
- Commercial sexual exploitation.

c. Gender impact of substantive legal doctrines for juveniles as they relate to:

- Shifts in juvenile law focus such as limiting judicial discretion.
- Effects of treatment.
- Commercial sexual exploitation of children.

d. Treatment of lawyers, litigants, judges, and court personnel:

- Courtroom treatment of litigants, legal professionals, jurors, and other court personnel.
- Credibility of women in the courtroom.
- Acceptance of women in legal and judicial communities.
- Court personnel practices and procedures, including their application to GALs and guardians.
- Representation of women as ADR neutrals.

3. Impact of Gender Bias on Consequences After Leaving the Courthouse including:

- Legal financial obligations.
- Collateral consequences for incarcerated parents.
- The burden of mass incarceration on remaining heads of households.
- The availability of gender responsive programming and use of trauma informed care in DOC and court ordered programs.
- The consequences of sexual assault in jail or prison.
- Treatment of domestic violence perpetrators.
- The impact of a criminal background on access to services.

From: [Ipema, Tamila](#)
To: [Amburgey-Richardson, Kelley](#)
Cc: [nawj@nawj.org](#); [Marilyn Paja](#); [Hon. Karen Donohue](#); [bdsouza@orleanscdc.com](#); [pribose@gmail.com](#); [Laurie Denham](#)
Subject: Re: Letter from WA Gender & Justice Commission
Date: Wednesday, October 16, 2019 3:31:09 PM

Dear Kelly,

What an awesome accomplishments. Congratulations. Thank you so much for writing to me. On October 18, 2019, I will step down as the NAWJ president. So I have copied the incoming President Judge Bernadette D'Souza and Judge Karen Donohue, the incoming President-elect, who is also from Seattle, on this email. And of course, we all know and love judge Paja who is a devoted member and previous board member of NAWJ. She is also copied on this email. Gender bias issues are in the forefront of NAWJ's fight for justice and we would love to assist you in any way we could.

Thank you and best wishes!

Tamila Ipema

Sent from my iPhone

On Oct 16, 2019, at 11:18 AM, Amburgey-Richardson, Kelley <Kelley.Amburgey-Richardson@courts.wa.gov> wrote:

Dear Judge Ipema:

Please find attached a letter to the National Association of Women Judges from Justice Sheryl Gordon McCloud, Chair of the Washington State Supreme Court Gender and Justice Commission.

Sincerely,

Kelley

Kelley Amburgey-Richardson, J.D.

Senior Court Program Analyst

Washington State Supreme Court Gender and Justice Commission

Administrative Office of the Courts

(360) 704-4031 | kelley.amburgey-richardson@courts.wa.gov

<NAWJ Letter from GJ 2019.pdf>

Gender & Justice Commission
Budget July 1, 2019 - June 30, 2020

Commission Expenses		FY 19
Meetings		
	Commission meetings	\$5,500
	Committee meetings (in person)	\$2,500
General Operating Expenses	Printing, conference calls, supplies, equipment, etc.	\$2,500
Staff Travel	Travel to non-grant sponsored events	\$1,000
Education Programs		
	DMCJA Conference (Poverty Sim - tent.)	\$1,000
	Fall Conference	\$3,000
	Appellate Conference	\$1,500
Sponsorships/Events		
	Judicial Officer & Law Student Reception	\$3,000
	Women's History Month CLE	\$1,500
	Mission Creek - Success Inside & Out	\$2,000
	Tech Law Summit for Girls	\$1,000
Projects	Gender Bias Study project manager, contracted research, travel (SJI Grant Cash Match)	\$15,000

Starting Budget	\$50,000
All Allocated Commission Expenses	\$39,500
<i>Unallocated</i>	\$10,500

Updated 10.24.2019

STOP BUDGET FFY18

January 1, 2019 - December 31, 2019

Total = \$149,418		\$89,651 <i>(max amt)</i>	\$59,767 <i>(min amt)</i>
		Statewide	Tribal Courts
Salaries & Benefits	Staff	\$39,651	\$40,589
Staff Travel & Development	Staff to attend meetings, local/national conferences & training events	\$1,500	\$1,178
Committee Meetings	Support travel-related & pro tem costs for in-person Committee mtgs DSV Committee; TSCC Planning Committee	\$2,000	\$1,000
Scholarship Support	Scholarships for judicial officers & court staff to attend trainings. <i>Enhancing Judicial Skills in DV (All Judicial Officers)</i> <i>Continuing Judicial Skills in DV (All Judicial Officers)</i> <i>NCJFCJ National Conference (All Judicial Officers)</i> <i>Women are Sacred Conference (Tribal Courts)</i> <i>National Indian Nations Conference (Tribal Courts)</i>	\$10,000	\$10,000
Education Programs	Monies for support of educational sessions <i>Judicial College (January 2019)</i> <i>SCJA Spring Conference - 1 session (April 2019)</i> <i>DMCJA Conference - 3 sessions (June 2019)</i> <i>TSCC Regional/Annual Meetings (September 2019)</i> <i>Fall Conference - 1 session (September 2019)</i>	\$2,500 \$2,500 \$9,000 \$2,500	\$7,000
Projects & Resources	Bench Guides & Cards (SV, DV)	\$8,500	
Requests	Requests from others for support <i>DV Symposium (Judicial Officers & Court Personnel)</i>	\$10,000	
Legislative Requests	<i>Supplement HB 1517 legislative allocation (Project Coordinator)</i>	\$1,500	
SUB-Totals per portion of grant		\$89,651	\$59,767
Total		\$149,418	

09.25.2019

Gender Justice Study - SJI Project Grant
Budget July 1, 2018 - June 30, 2021 (tent.)

Expenses		FY 19 - 21
Project Manager	Contracted services (Sierra Rotakhina)	\$140,000
Travel	Task Force, Advisory Committee, staff, and pilot project-related travel	\$10,000
Social Science & Legal Research	Contracted services:	
	Washington State Law Library (ProQuest)	\$9,724
	UW Law Library	\$4,684
	WSU Researchers (Sam Tjaden, Mary Miller)	\$19,000
	UW Public Health Researcher (Ophelia Vidal)	\$9,500
	<i>Additional Researcher (TBD)</i>	\$9,500
Pilot Projects	Contracted services funds for: <i>Implementation of 2-3 pilot projects</i> <i>Data collection and evaluation</i>	\$97,000

Starting Budget	\$300,000
All Allocated Project Expenses	\$299,408
<i>Unallocated (contract funds)</i>	\$592

Updated 10.22.19

E2SHB 1517 DV Workgroups
Budget July 1, 2019 - June 30, 2020

Commission Expenses		FY 20
Travel	Work Group meetings	\$1,000
Goods & Services	Pro tem, printing, refreshments	\$4,638
Project Coordinator	Contracted services (remainder on STOP)	\$50,000
Research	WSCCR Sr. Researcher staff time	\$32,124
Capital Outlays	Per JIN request/budget allocation	\$7,930

Starting Budget	\$95,692
All Allocated Commission Expenses	\$95,692
<i>Unallocated</i>	\$0

Updated 09.24.2019

Gender and Justice Commission Meeting Schedule

2020

**Meetings are held at:
AOC SeaTac Office
18000 International Blvd
11th Floor, Suite 1106**

**Meeting Day & Time:
Friday (unless noted) 8:45 AM to Noon**

2020

- January 31
- March 27
- May 29
- September 25
- November 6

AOC Staff: Kelley Amburgey-Richardson, Senior Court Program Analyst,
Gender & Justice Commission
kelley.amburgey-richardson@courts.wa.gov
360.704.4031

Cynthia Delostrinos, Supreme Court Commissions Manager
cynthia.delostrinos@courts.wa.gov
360.705.5327

Moriah Freed, Supreme Court Commissions Admin. Secretary
moriah.freed@courts.wa.gov
360.705.5214