



Gender and Justice Commission
Friday, September 25, 2020
9:30 AM – 12 PM
Zoom Webconference



MEETING NOTES

Members & Liaisons Present

Justice Sheryl Gordon McCloud (Chair)
 Judge Marilyn Paja (Vice Chair)
 Lucy Bauer
 Honorable Melissa Beaton
 Judge Anita Crawford-Willis
 Brielle Douglas
 Laura Edmonston
 Judge Rebecca Glasgow
 Ms. Gail Hammer
 Ms. Elizabeth Hendren
 Ali Johnson
 Judge Eric Lucas
 Ms. Erin Moody
 Ms. Riddhi Mukhopadhyay
 Renée Pilch
 Dr. Dana Raigrodski
 Bailey Reese
 Judge Jackie Shea-Brown
 Judge Cindy K. Smith
 Vicky Vreeland

Guests

Chief Judge Michelle Demmert
 Erika Evans
 Kelly Harris
 Jeffrey Keddie
 Ivy-Rose Kramer
 Commissioner Jonathon Lack
 Judge Mary Logan
 Mindy Longanecker
 Michelle Nance
 Mary Ruffin
 Barbara Serrano
 Judge Mindy Walker

Staff

Kelley Amburgey-Richardson
 Cynthia Delostrinos
 Moriah Freed
 Laura Jones
 Sierra Rotakhina

Members & Liaisons Absent

Justice Steven González
 Lillian Hawkins
 Elaine Kissel
 Sal Mungia
 Sonia Rodriguez True

WELCOME AND INITIAL BUSINESS

Welcome and Call to Order

The meeting was called to order at 9:35 AM.

- Justice Gordon McCloud welcomed everyone and invited attendees to introduce themselves.
- One of the things she has missed the most during the pandemic is running into someone spontaneously at a meeting or event and learning something new.
- Members and attendees spent time getting to know each other better through more detailed introductions.

May 29, 2020 Meeting Minutes

The meeting minutes were approved as presented.

COMMITTEE AND PROJECT REPORTS

Race and Criminal Justice Task Force – Erin Moody

Background and First Meeting

- Originally convened in response to former Supreme Court justice comments that people of color are overrepresented in the criminal justice system because they commit more crimes.
- Published first report in 2011. Working on new report for July 2021 which will focus more on policing, arrest stage.
- Recently had first meeting, which was well attended. Much greater representation from county public defender and prosecutor’s offices.
- Meetings will be once a month. Erin Moody attended the first meeting, and the Co-Chairs will discuss selecting a permanent representative from GJC when new members are appointed.

Discussion

- Dr. Raigrodski – any information, interim reports, would be helpful for study.
- Cynthia Delostrinos – great opportunity for Commission to get involved, especially with study looking at women of color, a lot this group could add to that discussion.

ACTION: Co-Chairs select permanent representative to this task force after new members are appointed.

Education Committee – Judge Rebecca Glasgow, Chair

Judicial College

- Commissioner Indu Thomas will replace Judge Anne Hirsch as faculty for 2021, due to Judge Hirsch’s retirement.
- Judge Jackie Shea-Brown will shadow Commissioner Thomas this year and serve as faculty from 2022 – 2024.

SCJA and DMCJA Session Proposals

- We submitted a proposal about changes in DV treatment standards and pilot projects in WA to both conferences.
- Considering a joint proposal with the Interpreter Commission about interpretation during remote proceedings. Judge Glasgow requested input from Commission members about the draft on page 16.

ACTION: Please send feedback via email about the draft proposal as soon as possible.

Proposals are due September 30, 2020.

Incarceration, Gender & Justice Committee – Elizabeth Hendren, Chair

Legal Resource Computer Update

- Minimum security prisons don't have law libraries, don't have access to legal resources for incarcerated litigants.
- At Mission Creek, the Commission advocated for a legal resource computer to be installed. It was not working, but DOC has assured her it is working now.
- Even when working, the computer's usefulness is limited because it only contains a downloaded version of LexisNexis and there are not attorneys or law students there to help during COVID.
- Thinks the time is right for the Commission to circle back with DOC about including online legal resources on the computer. COVID is changing a lot of things and DOC is acknowledging they aren't able to meet people's legal needs. Things that weren't previously allowed are now.
- Justice Gordon McCloud was wondering if we could put helpful links all on one website (rather than requesting the DOC computer link directly to many different websites).
 - Elizabeth Hendren shared that the concern is external links, and she is not sure this would work.
- Laura Edmonston reminded everyone that the State Law Library is a resource for incarcerated litigants. Please include their mailing address. She responds to prisoner mail herself.
- Commission members support starting a conversation with DOC about this.

Impact of COVID-19 on Family Visits

- Attempts at virtual visitation are happening, but families don't have the access they usually do.
- Discussed whether a court could order DOC to make arrangements for family visits in a particular case. DOC is not a party to family law cases, so they have said family court orders don't apply to them. DOC will sometimes engage if it is a dependency case.
- There are some ways to donate resources but there are hoops to jump through.

Access to Justice Issues

- Have provided training in the past at judicial conferences on court access for incarcerated parents.
- Hoping to partner with education committee to put out some sort of guidance for courts about access during COVID.
- Courts are sending notices about hearings via email. Inmates don't have access to email, and are missing their hearings.
- Judge Paja – this is a broader issue about how courts give notice to litigants during COVID. Applies to people who are homeless, don't have internet access at all.
- Discussed whether this is something the Court Recovery Task Force could take up.

Task Force Reports – Judge Jackie Shea-Brown

Court Recovery Task Force

- This Task Force is organized under the Board for Judicial Administration, with Chief Justice Debra Stephens and Judge Gregory Gonzales as Co-Chairs.
- There are various subcommittees. Judge Paja is on the therapeutic courts subcommittee and Judge Shea-Brown is on the family law subcommittee.
- Hosted a recent summit where Jeffrey Robinson of the ACLU spoke about racial justice issues during recovery from the COVID-19 pandemic.
- We are at an important crossroads in the courts with COVID. How can we use technology to advance access to justice?
- Judge Shea-Brown will take information shared by IG&J Committee back to the Task Force.

ACTION: Please share ideas or suggestions for other groups the Task Force should contact with either judge participating.

SCJA Unlawful Detainer Work Group

- Judge Shea-Brown is separately involved in eviction relief with the SCJA unlawful detainer work group, which works closely with the Office of Civil Legal Aid (OCLA).
- Working to divert eviction cases from court so they aren't inundated. Working to mediate issues so people can keep their housing or find other housing resources if not.
- New Supreme Court order will pilot this project in seven counties, using CARES Act funding.

Gender Justice Study – Justice Sheryl Gordon McCloud, Dr. Dana Raigrodski, Sierra Rotakhina

Research

- All areas of research are progressing steadily. See report on page 19 of the packet for additional details.

- Highlighted findings from an analysis of jury data.
 - People of color, women of color, LGBTQ people are underrepresented in all jury pools.

Pilot Projects

- Workplace Harassment Survey
 - The tool is almost finished development.
 - Next it will go to a group of pre-testers to help us identify weaknesses in the tool and make modifications as needed before it is administered broadly.
- Mass Incarceration of Women
 - Pilot is using Caseload Forecast Council (CFC) data to look at gender and race data in sentencing.
 - Black and Native American women are overrepresented in all categories.
 - There is an issue with the CFC data, which means they can't do a disproportionality assessment about Latinx women.
 - Justice Gordon McCloud and Sierra Rotakhina are in conversations with the CFC about the issue.
- See Report on Page 16 of the meeting packet for updates about the other pilots.

E2SHB 1517 DV WORK GROUPS

Presentation of Findings and Recommendations

Perpetrator Treatment Report – Judge Eric Lucas

- See detailed power point in supplemental meeting materials on [GJC website](#) [Moriah is uploading].
- Highlights included:
 - An overview of previous recommendations from the 2017-2018 DV Work Groups convening.
 - Need for funding DSHS to train and monitor treatment providers.
 - Innovative work happening in Okanogan County with Judge Charles Short.
 - Recommendation for mandatory training for all criminal justice system professionals about domestic violence.
 - Recommendation to create a statewide information repository because offenders may move counties and a judge in the new county will not know the offender is out of compliance.
 - If someone is being assessed, need to see history to make appropriate decision.
 - Data is important. Refinement of the definition of DV is a first step.

Risk Assessment Report – Judge Mary Logan

- See detailed power point in supplemental meeting materials on [GJC website](#) [Moriah is uploading].
- Highlights included:
 - Discussion of mandatory arrest.
 - This has been a part of our world, but has had unintended consequences.
 - An enormous subject with many nuances.
 - Maximum protection approach of mandatory arrest has had unintended consequence for victims too.
 - Judge Lucas added that the work groups have been discussing mandatory arrest vs. intervention. David Martin and Judge Lucas have each made a proposal. Judge Lucas recommends a model called a secure crisis assistance center.
 - Bias in risk assessment tools is a serious concern.
 - Brandon Buskey, ACLU, presented to the work groups about racial bias.
 - DOC tool is for post-adjudication. Bias issues still there, but different than pre-trial.
 - Need to provide education to police officers. Paramount to us having a more neutral contact on the scene. Right now, only happens at the academy.
 - Collecting lethality assessment data statewide would allow analysis.
 - These are written documents, 12 questions at the scene, kept by law enforcement and in police report.
 - It could and should be available to defense counsel, etc, so they know what was happening at the scene.
 - Information is available, but it is in hard copy and is not very accessible.
 - It would take an enormous amount of personnel to process data and properly get it out. WASPC member of work group reported that it is all they can do to timely respond to public records request.
 - Would be a matter of collecting it up from every separate case to a central place.
 - Need improved data collection and transparency.
 - Proposal to amend CrR 3.2 and CrRLJ to include DV-specific risk factors.
 - Judge Paja will send a copy of proposal to several GJC committees for input.
 - Determine if GJC wants to sponsor or if it would be better brought forward to a different group.

Feedback and Discussion

- Children and DV
 - Discussed when children are present, whether to name child as victim.

- Cautioned that failure to protect is a factor in dependency case. If the child is listed, could impact protective parent's ability to maintain custody of child.
- Chief Judge Smith commented that Tribes have similar issues. People can hop reservations, can hop counties. As we are thinking of this, keep in mind information sharing with Tribes if they are interested. TSCC could be a partner.
- Elizabeth Hendren and Riddhi Mukhopadhyay asked which community groups, victims groups provided input. Was legal aid represented? Yes, legal aid was represented on both work groups.
 - Judge Logan read off list of some participants. Hopefully it was a fairly broad base.
 - Laura Jones will provide full list of participants.
- Judge Paja wants to reiterate how much work the Co-Chairs and members have done, looking forward to presentation to Legislature.
- Co-Chairs commended Laura Jones on her work as coordinator.

NEXT STEPS AND ADJOURNMENT

Adjournment

- In closing, Justice Gordon McCloud reflected on Justice Ruth Bader Ginsburg's passing and her famous friendship with the colleague she disagreed with the most.
- Encouraged members to talk not just with those we agree with, but broadly about gender equality issues.

The meeting adjourned at approximately 12:00 p.m.