



Gender and Justice Commission
Friday, November 6, 2020
9:30 AM – 12 PM
Zoom Webconference



MEETING NOTES

Members & Liaisons Present

Justice Sheryl Gordon McCloud (Chair)
Judge Marilyn Paja (Vice Chair)
Dua Abudiab
Honorable Melissa Beaton
Judge Anita Crawford-Willis
Chief Judge Michelle Demmert
Laura Edmonston
Judge Rebecca Glasgow
Justice Steven González
Kelly Harris
Lillian Hawkins
Elizabeth Hendren
Commissioner Jonathon Lack
Judge Eric Lucas
Erin Moody
Riddhi Mukhopadhyay
Sal Mungia
Tess Rabin (UW)
Dr. Dana Raigrodski
Jennifer Ritchie
Bailey Reese (GU)
Sonia Rodriguez True
Barbara Serrano
Judge Jackie Shea-Brown
Chief Judge Cindy K. Smith
Vicky Vreeland

Members & Liaisons Absent

Lucy Bauer (UW)
Brielle Douglas (GU)
Professor Gail Hammer
Ali Johnson (UW)
Elaine Kissel (SU)
Renée Pilch (GU)

Guests

Cheng, Belinda
Couweleers, Jonica
Evans, Erika
Gordon, Kimberly
Gupta, Anand
Kramer, Ivy-Rose
Powers, Anthony
Sigafos, Kate
Keenan, David
Zink, Marla
Ma, Jian

Staff

Kelley Amburgey-Richardson
Cynthia Delostrinos
Moriah Freed
Sierra Rotakhina
Frank Thomas
James Wells

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 introduced new members:
 - Chief Judge Michelle Demmert (Tulalip Tribal Court)
 - Commissioner Jonathon Lack (King County Superior Court)
 - Honorable Melissa Beaton (Skagit County Clerk)
 - Dua Abudiab (WWL)
 - Barbara Serrano (AG's Office)
 - Kelly Harris (Seattle City Attorney's Office)
 - Lillian Hawkins (DMCMA – King County District Court)
- Invited new members to look at list of committees in the packet and find out what interests them.
- Laura Edmonston from the law library puts together a monthly summary of articles that is a good resource as well.
- Announced that Justice González has been elected the new Chief Justice of the Washington State Supreme Court.
 - He will be sworn in January 2021.
 - Justice González will be stepping down from the Commission to focus on his new role.

September 25, 2020 Meeting Minutes

The meeting minutes were approved as presented.

- Any comments, edits, objections? None. Approved.

GUEST SPEAKER

Criminal Justice Equity Tool – Kate Sigafoos, Kim Gordon, Anthony Powers, Belinda Cheng

Presentation of Tool

- Justice Gordon McCloud introduced the guest speakers.
 - Anthony Powers, Kate Sigafoos, and Kim Gordon are collaborating on a project with the Seattle Clemency Project (SCP), many dedicated volunteers from Microsoft, and other criminal justice stakeholders.
 - Kate Sigafoos is a former Kitsap County Prosecuting Attorney and Pro-Tem Judge, now works with Microsoft.
 - Kim Gordon has had a criminal defense practice for the past 25 years and serves on the Sentencing Guidelines Commission.

- Anthony Powers is the Reentry Program Manager for the Seattle Clemency Project. He was also chair of Black Prisoner’s Caucus and is now Chair of the Legal Foundation of WA’s Race Equity project.
- Belinda Cheng is one of their dedicated Microsoft partners.
- Kim Gordon provided an overview.
 - They are building a tool that aims to, “help all criminal justice actors, stakeholders, and the public, get up-to-date data insights on how sentencing decisions vary by judge, county, and demographic characteristics including race, ethnicity, gender, and age.”
 - The idea is to help everyone have real-time access to this information. Has been stopped in the past due to resources.
 - She became aware of the idea when Anthony Powers approached her in June.
 - They now have a tool only 4 months later.
 - Already has 20 years of Caseload Forecast Council (CFC) felony data.
 - Thinks it will really change the way criminal justice system operates.
 - Believes there is something we can do “real time” to change disparities.
 - Wanted a tool where judges, prosecutors, defenders, can measure themselves and others to have a more fair system overall.
- Kate Sigafoos presented on the tool and data.
 - Every year Microsoft has a “hackathon” project and this was selected.
 - There is a lot of support and many people are involved from Microsoft.
 - They are not experts in criminal justice reform.
 - Right now, the tool includes:
 - CFC data, some conviction information, adult felony data.
 - Would like to have it cover the lifespan of criminal justice case/interaction.
 - Looking for GJC to poke holes, share different information we would want, or if it would be better to present information in the tool in a different way.
 - Demonstrated how the tool works and what is included
 - Includes descriptions, link to RCWs, definitions.
 - Outlier cases have been filtered out.
 - The way data came in, could only get limited enhancements.
 - Didn’t include firearms enhancement but they are working on that.
 - Can sort by year, county, offense.
 - Can show percent of people who identify by a certain race next to percent of total population
 - Can sort by year and race to see what happens over time. E.g., if there was a push for reform or a statutory change, can see if data shows it had desired effect.
 - Average sentence range – can look at what judges pick if there is a range.

- Can sort by gender – male or female only. This is based on data they get. CFC data doesn't have gender neutral or transgender as a category. If they can get it, they will include it. And they want to do that.

Discussion

- Justice Gordon McCloud provided an overview of the issue with the way CFC categorizes data on Latinx people.
 - They are aware of this. They are trying to obtain other data sources to include. CFC data was what they were able to get access to during the hackathon.
 - GJC doesn't have a data source to recommend for this. We may be looking at what to do to fix data issues like this.
- Once we start to see how this data can be used, hopefully we can all prioritize how to get it.
- The disproportionality view does not include gender (only race, county, and year). Could that be added?
 - Yes, they have the data and can add it back in. Done!
- Elizabeth Hendren recommended removing the term “offender” as DOC is moving away from using this term.
- Justice Gordon McCloud noted that data issues may require legislation to standardize how data is collected from the ground up.
 - Presenters noted that they have a legislative team they are working with.
- Riddhi Mukhopadhyay asked - once this is out of the Microsoft development sphere, who will be responsible for maintenance/oversight?
 - Planning to house this in a separate nonprofit.
 - Goal to not rely on government resources – this is one of the reasons this has never happened in the past.
- Chief Judge Demmert would like to know how Tribal Courts can access this data.
 - They have a goal to expand to new members.
- Justice González noted that the term Hispanic is problematic.
 - Wonders if they could use Latino or Latinx instead?
 - CFC data is the issue – CFC treats ethnicity as race and has no option for multiracial people.
 - He would like to be included in these conversations.
- Frank Thomas noted via chat that it would be beneficial if the dashboard was also searchable across jurisdictions.
 - For example, disproportionality ratios over a certain rate, or sentences above a certain percentage.
- Marla Zink recommended via chat that the tool include bail data/amounts.
 - The data can be difficult to come by, but it would so great to have it available centrally and sortable.

- Barbara Serrano asked via chat if there was any consideration to expanding this to include sentencing data for misdemeanors.
 - It would be invaluable in informing the public discussion regarding bail reform.
 - Yes, Kate Sigafos responded that expanding to misdemeanors is absolutely a goal.
- Judge Paja cautions against use of data to detriment of judge.
 - Judges are constrained by statutory sentencing ranges and how offenses are charged.
 - Wonders how to include the role that prosecution or plea bargaining has. Look at the data point list and include all players that impact sentencing decision.
 - Presenters noted they could put something more in the framing to reflect this reality.
- Judge Crawford-Willis is working on a related study with Harvard University.
 - Wondered about capacity to include CLJs.
 - Goal is to start with felonies and end with CLJs.
- Judge Lucas thinks this is very relevant to DV Work Groups.
 - Work Groups recommended a centralized information repository in order to facilitate correct handling and intervention in DV.
 - This tool overlaps with DV workgroups legislative recommendations.
 - He would like to be involved in the development of this tool.
- Does the case number link to the case file?
 - No, this is something team talked about early on.
 - They are trying to be intentional about not having another spot an individual would have to have their name removed from a database after incarceration.
- They are interested in what data points they can get courts, prosecutors, etc., to collect in the future.
- Cynthia Delostrinos thanked presenters via chat and noted that this helps to show us what is possible to do with the data we have.
- Justice Gordon McCloud noted that GJC would like to stay in touch about this. Interested to hear if they will propose legislation regarding data collection.

COMMITTEE AND MEMBER REPORTS

Self-Represented Litigants Work Group

- Professor Gail Hammer had a conflict and was unable to attend the meeting.

E2SHB 1517 DV Work Groups – Judge Eric Lucas, Chair

Reports Submitted to Legislature

- Justice Gordon McCloud thanked Judge Lucas and Judge Logan for co-chairing and Judge Paja contributed immensely as well.
- Reports were submitted on October 30th to Legislature and Governor Inslee. They are uploaded to GJC website's [legislative page](#).
- This was the second iteration of the work groups. There were certain mandates from the legislature. The co-chairs and work groups were trying to stay within those and also solve problems.
- Issued a number of recommendations.
 - A number of commissioners were involved in recommendations.
 - A big issue continues to be need for data collection and analysis.
 - Another is training. There were changes made in E2SHB 1517 but people don't know about them.
- Looked at bias in risk assessment up front and had a presentation from the ACLU. Rejected one size fits all risk assessment.
- Were asked to look at mandatory arrest. Work groups recommended additional study, which report addresses in detail.
- Judge Paja noted that Judge Lucas, Judge Logan, and contract staff Laura Jones did a fabulous job managing stakeholders, integrating recommendations, reporting to legislature, during a very challenging year.
- The work groups expect to present to the Legislature during the 2021 session.
- Riddhi Mukhopadhyay asked if there were ongoing opportunities for input.
 - Yes, please send any questions or comments to Co-Chairs or staff.
 - Kelley Amburgey-Richardson also noted upcoming presentation to DSV Committee would be an additional opportunity for discussion.
- Dr. Raigrodski noted relevance to Gender Justice Study and the need for ongoing information collection and data.

Presentation to House Public Safety Committee

- The work groups have been asked to present to the committee by Rep. Roger Goodman. This will likely take place during Legislative session.

Task Force & Miscellaneous Reports

King County District Court Training – Lillian Hawkins

- In every position she has had, she has always been vocal about equity. She is focused on equitable customer service in the courts. Part of this is bringing in trainers.
- She missed last meeting because she was helping to facilitate cultural competence training with Dr. Caprice Hollins, who is an amazing facilitator.
- Previously, District Court had a 3-day intensive training conducted by Dr. Heather Hackman.

- Focused on whiteness, white privilege.
- Mandatory for judges to attend.
- First time their court has talked about race as a court together.
- How do we talk about race? How do we assess impact of racism in our organization? How do we address it?
- Feedback was that some people wanted to do further work, some people weren't interested, didn't get it.
- Wrote a grant to get Dr. Hollins to come do a follow-up training.
- Dr. Hollins has four pillars: awareness, knowledge, skills, action and advocacy.
- This training focused on awareness and knowledge combined.
 - How do we learn about each other, understand where other people are coming from?
 - What were the messages you received about race growing up? From whose perspective?
 - Training was transformational for a lot of people. Have skills to work forward even if uncomfortable.
- So important for any court staff to have training on this.
- Will be doing a mandatory implicit bias training for their court next week.
- Gave a shout out to presiding judges, making it a priority for court to attend.
- Judge Crawford-Willis's court has also worked with Cultures Connecting (Dr. Hollins). Several other GJC members and Kate Sigafos from Microsoft recommended her.
- Lillian Hawkins is working with DMCMA to expand this type of training.
- Riddhi Mukhopadhyay recommended via chat that this type of training be statewide and mandatory.

Court Recovery Task Force – Judge Marilyn Paja

- See report in supplement (emailed 11/3).

NAWJ Virtual Conference – Judge Marilyn Paja

- See report in meeting packet on page 8.

DSV Committee – Judge Jackie Shea-Brown and Erin Moody

Planning December Meeting

- The DSV Committee plans to meet the morning of Monday, December 7th via zoom.
- They have asked the co-chairs of the DV Work Groups to present, in order to learn more about how the committee might help implement the work groups' recommendations.

Incarceration, Gender & Justice Committee – Elizabeth Hendren, Chair

Remote Hearings with Incarcerated Litigants

- At the recent IG&J Committee meeting, discussed putting together a one-pager/bench card of tips for courts to ensure access.
- Is pulling together the pieces for this, more pieces than anticipated. Will have a draft in near future for Commissions feedback.

Revisiting Legal Resource Computer/Kiosk Website Access

- At the recent IG&J Committee meeting, discussed interest in revisiting what resources are included on the legal resource computer at Mission Creek.
- In the past, DOC has been resistant to allowing internet access. They are changing policies now, allowing access to college courses online and other things due to COVID, and may be more receptive.
- Working with NJP's legal media team to see if any other states are trying to resolve these legal access issues with kiosks.
- Working with Susie Leavell from DOC on how to frame this in the most positive and persuasive way.

TSCC – Chief Judge Cindy K. Smith

Protection Order Enforcement Survey

- The TSCC is implementing a survey to Tribal Courts, Tribal DV advocates, Tribal law enforcement about what happens with Tribal Court protection orders.
- Set to go out this week. Will find out what personal outreach might be needed.
- Are they entered in the system? Are they enforced?
- This will help inform future work between Tribal and state courts in this area.

December webinar

- The TSCC is planning a webinar for December 4th. The topic is bias against Native women and how courts can respond.
- The speaker is Alexandra Liggins. She was supposed to speak at the TSCC Annual Meeting and is adapting her materials for the webinar format.
- Limited to 20-25 people.
- May also have virtual Annual Meeting in the New Year.

Gender Justice Study

Discussion Items

Topic 1.3: Immigration status barriers that may be preventing complainants and witnesses from coming to court – Riddhi Mukhopadhyay

- Draft of this section is on page 12 of the packet.

- Sierra Rotakhina and Kat Goering did a lot of the background data gathering.
- Some issues identified:
 - Gender nonconforming, trans immigrants
 - Family and custody
 - DV/SA
 - Remote interpretation. Immigrant litigants are dropping off because they don't know they need to return to court.
- COVID-19 has highlighted even more disparate impacts. Should we be including this in every chapter or have its own chapter?
 - Elizabeth Hendren has this question as well.
 - Dr. Raigrodski noted that with COVID, there isn't lot of data yet and we don't have capacity to gather it ourselves.
 - We can encourage data collection and analysis in our report.
 - And will address COVID in overarching executive summary.
 - Have discussed a few different topics and whether they should be their own sections or be incorporated.
 - Prosecutorial discretion – should be its own.
 - COVID – should be incorporated into each to the extent known/possible.
- Curious about resources, research that Commission members may be aware of that could help. Incorporating on the ground knowledge is part of the vision.
- At the end, identified legislation and rule changes.
 - Trying to address the fact that courts have a responsibility to immigrant litigants.
 - Unintended consequences of ER 413 – sometimes passage of the law is not the victory, the implementation is.

Discussion

- Erin Moody had a question about race data. It adds up to 100%, when in reality it adds up to more (people have multiple identities). Understands limitations of census data. Is anyone aware of other models that capture intersection of multiple identities?
 - Sierra Rotakhina noted that one of the things we are struggling with is using research where data methodologies are not the best.
 - Highlighting limitations.
 - But could we try to find good models to highlight?
 - Judge Paja – wonders if there is a national organization we could reach out to about this.
 - Sierra Rotakhina – there are national organizations in different sectors, but they are siloed.
 - She will look into what the organizations are and whether there is an opportunity to reach out to them.

- Riddhi Mukhopadhyay noted that we could put in a section about data not capturing people’s identities.
 - This is an issue throughout – data is missing, is over inclusive or under inclusive.
- Erin Moody asked about the highlighted section on page 17 – what is the goal?
 - It’s a summary of a very interesting case.
 - Reads like trans identity is “adjudicated” in immigration court.
 - Riddhi Mukhopadhyay saw it as an opportunity to highlight WA immigrant experiences in court.
- Judge Paja asked via chat whether the section will include the work done by the ad hoc committee about immigration enforcement actions in court facilities. GJC partnered with WADCL and others.
 - Yes, she will incorporate this.
- A lot of bench guides try to address immigrant issues. Needs to map this out how to connect that information.
- Send feedback to: riddhi@svlawcenter.org

Study Report Structure – Dr. Dana Raigrodski and Justice Sheryl Gordon McCloud

- See Dr. Raigrodski’s power point [supplement] for details about the proposed structure.
- The pillars are:
 - Gender and barriers to access to justice in the courts
 - Gender-based violence and exploitation
 - Children, families and the courts
 - Gendered impact of increased criminalization and incarceration
 - Gender, work, and the courts
- This is a data-based, professional report. We still want to use stories to bring in the voice of people who have been engaging with the system.
- Some topics fall into multiple pillars. Please share if you think they fit better somewhere else.
- If we go ahead with this structure, we are open to suggestions for titles.
- Chief Judge Demmert – why is the section is called sexual exploitation and not trafficking?
 - Dr. Raigrodski and Judge Mack and are considering terminology and will discuss this.
 - Some of the naming has proven challenging.
- We are showing disparities in the report. It is also potentially an opportunity talk about how bias operates.
 - E.g., there is research that found that if you tell people African Americans are disproportionately represented in the justice system, people conclude that is because they commit more offenses, not because of bias (confirming their racist beliefs).

- Riddhi Mukhopadhyay recommends consistently highlighting the experiences of women of color. This was the intent of the study and it is important to reiterate throughout.

NEXT STEPS AND ADJOURNMENT

Next Steps and Adjournment – Co-Chairs

- Encouraged new members to get in touch with Kelley Amburgey-Richardson or committee chairs to learn more about committees so they can choose which to join.
- Next meeting is January 22nd via zoom.

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