



# GENDER AND JUSTICE COMMISSION

FRIDAY, OCTOBER 20, 2023 (9:30 AM – NOON)

JUSTICE SHERYL GORDON MCCLOUD, Co-CHAIR

JUDGE REBECCA GLASGOW, Co-CHAIR

ZOOM: <https://wacourts.zoom.us/j/82485110759>

PHONE: 253-215-8782 US (TACOMA)

MEETING ID: 824 8511 0759



## Agenda

Page

### 9:30 AM – 9:45 AM: WELCOME AND INITIAL BUSINESS

- Welcome and Introductions – **Justice Sheryl Gordon McCloud**
- Approval of September 1, 2023 Minutes – **Judge Rebecca Glasgow** p. 4

### 9:45-10:30: LIAISON, COMMITTEE AND PROJECT UPDATES

- **Law Student Liaison Updates**
  - Gonzaga University School of Law – *Carly Quast* p. 10
  - Lewis and Clark School of Law – *Katelyn Sundstrom* p. 11
  - Seattle University School of Law – *Renee Larson*
  - University of Washington School of Law – *Julia Davis/Rhea Bhatia*
- **Standing Committee Updates** p. 12
  - Communications Committee – *Laura Edmonston*
  - Domestic and Sexual Violence Committee – *Quinn Dalan*
  - Education Committee – *Judge Rebecca Glasgow*
  - GJ Study Implementation Committee – *Barbara Serrano/Dr. Dana Raigrodski*
  - Incarceration, Gender and Justice Committee – *Elizabeth Hendren*
  - Legislative Committee – *Justice Sheryl Gordon McCloud*
  - Tribal State Court Consortium – *Judge Cindy Smith*
- **Other Liaison Updates and Information Sharing** p. 13
  - Access to Justice Board – *Brynn Felix*
  - Center for Children and Youth Justice – *Rachel Sottile*
  - Minority and Justice Commission – *Judge Bonnie Glenn*
  - Washington State Center for Court Research – *Dr. Arina Gertseva*
  - Washington Women Lawyers – *Irene Motles*

### 10:30 AM – 10:45 AM BREAK

### 10:45 AM -11:50 AM PRESENTATIONS AND DISCUSSION ITEMS

- Washington State Center for Court Research: Race, Ethnic and Gender Disparity in Domestic Violence Charges and Recidivism – *Dr. Karl Jones and Dr. Carl McCurley* p. 14
- Barriers to Appellate Court Access – *Erin Lennon, Sarah Augustine and Francis Adewale*
- 2024 Legislative Session Discussion
  - ✓ Introduction of Legislators Present/Opportunity to Share Plans for Legislation
  - ✓ Commission Priorities and Screening Process
  - ✓ Opportunity for Liaison Information Sharing



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- Crime Victim Services Work Group Introduction – *Laura Jones*

### 11:50 AM – 12:00 PM ANNOUNCEMENTS AND ADJOURNMENT

### APPENDIX

- 2024 Gender and Justice Commission Meeting Schedule

p. 31

**NEXT MEETING: JANUARY 19, 2024**  
Via Zoom

**WASHINGTON STATE SUPREME COURT  
GENDER AND JUSTICE COMMISSION  
2023-2024**

**CO-CHAIR**

**Justice Sheryl Gordon McCloud**  
Washington State Supreme Court

**CO-CHAIR**

**Judge Rebecca Glasgow**  
Washington State Court of Appeals, Division II

**MEMBERS**

**Victoria Blumhorst**  
Spokane Counsel for Defense  
2022 – 2025 (1<sup>st</sup> Term)

**Karla Carlisle**  
Northwest Justice Project  
2023 – 2026 (1<sup>st</sup> Term)

**Professor Lynn Daggett**  
Gonzaga University School of  
Law  
2022 – 2025 (1<sup>st</sup> Term)

**Quinn Dalan**  
Yakima County Attorney  
Services  
2022 – 2025 (1<sup>st</sup> Term)

**Judge Michael Finkle**  
King County District Court  
2023 – 2026 (1<sup>st</sup> Term)

**Lillian Hawkins**  
Court Coordinator  
King County District Court  
2023 - 2026 (2<sup>nd</sup> Term)

**Elizabeth Hendren**  
Sexual Violence Law Center  
2021 – 2024 (2<sup>nd</sup> Term)

**Shannon Kilpatrick**  
Stritmatter Kessler Koehler  
Moore  
2022 – 2025 (1<sup>st</sup> Term)

**Commissioner Jonathon Lack**  
King County Superior Court  
2023 – 2026 (2<sup>nd</sup> Term)  
Revised August 2023

**Irene Motles**  
Washington Women Lawyers  
2023 – 2026 (1<sup>st</sup> Term)

**Javier Ortiz**  
Seacoma Law  
2023 – 2026 (1<sup>st</sup> Term)

**Dr. Dana Raigrodski**  
University of Washington  
School of Law  
2023 – 2026 (4<sup>th</sup> Term)

**Honorable Dave Reynolds**  
Whatcom County Clerk  
2023 – 2026 (2<sup>nd</sup> Term)

**Jennifer Ritchie**  
King County PAO  
2022 - 2025 (3<sup>rd</sup> Term)

**Carlyn Sampson**  
Rebuilding Hope!  
2023 – 2026 (1<sup>st</sup> Term)

**Barbara Serrano**  
Office of the Governor  
2023 – 2026 (2<sup>nd</sup> Term)

**Judge Jaqueline  
Shea-Brown**  
Benton & Franklin Counties  
Superior Court  
2022 - 2025 (2<sup>nd</sup> Term)

**Chief Judge Cindy K. Smith**  
Suquamish Tribal Court  
2022 – 2025 (3<sup>rd</sup> Term)

**Allison Tjsemsland**  
Jenner & Block LLP  
2023 - 2026 (1<sup>st</sup> Term)

**Judge Josephine Wiggs**  
King County Superior Court  
2023 – 2026 (1<sup>st</sup> Term)

**AOC Staff**

**Crissy Anderson, JD**  
Senior Court Program Analyst  
G & J Commission

**Laura Jones, JD**  
Senior Court Program Analyst  
G & J Commission

**Avery Miller**  
Court Program Assistant  
Supreme Court Commissions

**Kelley Amburgey-Richardson,  
JD**  
Manager  
Supreme Court Commissions



**Gender and Justice Commission**  
**September 1st, 2023**  
**9:30 AM – 12:00 PM**  
**Zoom Videoconference**



**MEETING NOTES**

**Members & Liaisons Present**

Justice Sheryl Gordon McCloud  
 Judge Rebecca Glasgow  
 Allison Tjemsland  
 Barbara Serrano  
 Carly Quast  
 Dua Abudiab  
 Elizabeth Hendren  
 Irene Motles  
 Javier Ortiz  
 Commissioner Jonathon Lack  
 Judge Bonnie Glenn  
 Judge Michael Finkle  
 Judge Jacqueline Shea-Brown  
 Karla Carlisle  
 Katy Daley  
 Laura Edmonston  
 Lynn Daggett  
 Rachel Sottile  
 Renee Larson  
 Terry Price  
 Victoria Blumhorst  
 Quinn Dalan  
 Judge Cindy Smith

**AOC Staff**

Kelley Amburgey-Richardson  
 Crissy Anderson  
 Avery Miller  
 Laura Jones  
 Frank Thomas

**Members & Liaisons Absent**

Lillian Hawkins  
 Shannon Kilpatrick  
 Dana Raigrodski  
 Dave Reynolds  
 Jennifer Ritchie

**Guests**

Judge Andre Peñalver  
 Zyreena Choudhry  
 Peter Collins, Ph.D  
 Latricia Kinlow  
 Judge Anita Crawford-Willis  
 Annalise Martucci

## **WELCOME AND INITIAL BUSINESS**

- Justice Gordon McCloud welcomes the Commission to the September meeting, apologies for late-minute change to Zoom, and outlines our five umbrella goals from the 2021 Gender and Justice Study.
  - Data Collection
  - Access to the Courts
  - Mass Incarceration
  - LFOs
  - Judicial/ Legal Education
- Members of the Commission welcome and introductions.
- May Minutes were approved.

## **COMMITTEE AND PROJECT UPDATES**

### **Communications Committee, Laura Edmonston**

- Compiles the monthly news report of studies, articles or other news regarding gender and justice. She has been considering working on something more frequent than monthly and seeing what kind of ideas to put together for increased communication and gain a platform to collaborate on projects.

### **Incarceration Committee, Elizabeth Hendren**

- Update in the meeting materials regarding the implementation work done with DOC, regarding changes in gender responsive programming, parent/child relationships and rights and access to the courts/ representation, visitation, LFOs, etc. DOC has seen a lot of turnover in recent years, especially pilot projects happening in the women's prisons, so meeting regularly with doc on gender issues. They recently put out a GIPA report, which overlaps with many of our own recommendations. Working on legal access issues regarding new phone system to be able to talk to their attorneys and getting legal information onto the new tablet system. Pre-COVID the Committee went into Mission Creek to do a legacy conference for women about to be released, organized by incarcerated women, judges would come in to lead a workshop, discuss how meaningful it was to have interactions with judge. The committee is trying to get it started again, but has proved challenging with the COVID staffing issues. Hoping by next year to be back to a fuller event. Elizabeth will send out information regarding a presentation from outside consultant on the GIPA, and a tour of Mission Creek on September 15<sup>th</sup> in the morning.

### **Domestic and Sexual Violence Committee, Quinn Dalan**

- The Committee has been working on Bench Guide updates for the Domestic and Sexual violence chapters. Commissioner Farmer has been hosting Civil Protection Order Forums, to allow Judicial officers to share information. They have been working on compiling a DV resource library. Additionally, there was a survey sent out on protection order dockets to every county and compiling the data, looking at how different counties are enforcing firearm surrender for example, and since WA is a non-unified court system, every court is different and can approach these issues differently. The process is different in each county as well, so filing is different in different counties.
  - Laura updates on the Crime Victim Services Workgroup in the budget bill last session, which is beginning to ramp up. Currently reaching out to stakeholders, the workgroup will be chaired by Judge Jacqueline High-Edward. Avery and Laura will staff and look at need for evidence-based training and developing a plan to standardize access to community based assistance for victims of gender based crimes.

### **Implementation Committee, Barbara Serrano**

- The Committee is working on implementing the recommendations from the 2021 Gender and Justice Study. One of the major recommendations was lack of accurate and complete data collection on what's happening with women in the courts and the legal profession. The Caseload Forecast Council is supposed to be collecting data on demographics in sentencing in felony. The 2021 study found a number of issues with the methodology of this data and the committee has been working with staff members from the CFC. Concurrently, the Committee has asked BJA whether they would agree to move forward with legislation to potentially fix the problem. Also discussing caregiving as a mitigating factor in sentencing and doing away with residential time summary reports in favor of a case sample review. Wanted to raise consideration in Civil and Family Law Committee. The Jury Diversity Bill also included a childcare workgroup, which GJC will be involved with. Another suggestion within the Commission to create a standing committee on data. May end up morphing the GJC Data Subgroup.
  - Commissioner Lack would be happy to serve on a family law committee
  - Javier Ortiz would also volunteer for that committee.
  - Rachel Sottile discusses willingness for CCJY to partner on recommendations from Ch 9 and 10 of the study.

### **Tribal State Consortium Report, Cindy Smith**

- TSCC put on a panel of tribal judges for NCREFC, moderated by Judge Lori K Smith and had judges from different parts of the state.
- Hosted the first regional meeting in Suquamish in June, coming out from the pandemic and had a presentation from WSP who is the tribal liaison with MMIWP.
- Thanks Laura Jones for the Ch 13 DV Bench Guide in Tribal Courts.
- The TSCC is preparing for our annual meeting at the Fall Conference.

### **Legislative Committee, Justice Gordon McCloud**

- Defers to Barbara Serrano on most of their activities.

### **Education Committee, Judge Glasgow**

- Focused on anti-bias and anti-harassment training, working with WSCCR to do a literature review to determine most effective practices in training.
- Additionally, working on training on crafting orders for visitation between incarcerated parents/ children.
- Training on tools to help judicial officers to avoid secondary trauma.

### **Law student Liaison updates**

- Gonzaga, Carly Quast
  - Gonzaga Women's Law Caucus has held a Board of Directors meeting, no general meeting yet. Upcoming club fair with recruitment and then general membership meeting, leadership is working on interconnecting with other clubs on campus. For example, reaching out to Minority/ Diversity clubs to pursue intersectional events. Looking to be more active club on campus, have connected with a few people about presentations, providing information, connections and networking opportunities for students.
- Lewis and Clark, Katelyn Sundstrom
  - First Board of Directors meeting on Monday, no update yet. Working on networking event OWLS—Oregon Women Lawyers, sometime in October.
- Seattle University, Renee Larson
  - Executive Board for Women's Law Caucus at Seattle University has met biweekly all summer to get aligned, wrote new charter, bylaws.
  - Currently, focused on membership and networking, membership was previously open for short period of time, now leaving membership open indefinitely and bringing dues down to 5\$. They will fundraise to fund scholarships in the spring.
  - Welcomed 1Ls last week and gained 26 members.

### **Other Liaison Updates**

- Terry Price, Access to Justice Board: General announcement regarding funding of these programs. Jim Bamberger, Director of OCLA, has announced his retirement, so they are searching for next Director of OCLA.
- Rachel Sottile, CCYJ: seeking to support GJC Implementation Committee especially on work around commercially sexually exploited minors and incarcerated women and girls. Lead partner in Debt Free Coalition, partnered with Berkeley advocacy, working to eliminate youth legal financial obligations.

- Crissy Anderson gives an update for WSCCR for Dr. Gertseva who can't be here today. She has been working with the Commission to contract with a researcher on effectiveness of anti-bias and anti-harassment trainings.
- Dua Abudiab gives an update on upcoming WWL annual event.
- Judge Bonnie Glenn presents on Racial Justice Consortium Action Plan and updates on the recent NCREFC conference. Also discusses youth programming at Echo Glenn and other shared interests with MJC and Access to Justice issues for those who are incarcerated.

**Statewide Jury Summons Demographic Survey Project, Frank Thomas and Peter Collins, PhD, Seattle University School for Criminal Justice**

- Started with paper survey results in 2016 and since then been working to update and expand and learn about the system. The newest iteration is in ESSB 5092 Section 115, Section 3, mandates AOC provide a method for courts to collect electronic information. Primary question is if summoned jurors are representative of the counties they're summoned from.
- Section 1: Basic Methodology
  - Met with each of the courts seeking to collect this data, asked questions about their abilities to collect data. Ongoing data collection ever since. Various courts have jumped in at different time. Over a half-million surveys collected. Demographic variables: Age, employment, income, education, ethnicity, race, gender identity, sexual orientation. Data only includes those who responded to the summons and opted in to the survey.
  - Findings: Black, American Indian, Alaskan Native survey respondents are underrepresented among those reporting to jury summons. On average, jurors have annual levels of income and education higher than average. As income categories increase, the proportion of white survey respondents increase. This iteration of the survey expands on previous ways: it's vastly more robust with nearly a quarter million responses and also in how it explores the attendant socioeconomic challenges to the likelihood of responding to jury summons.
  - 64% of respondents reported a barrier or hardship to participating in jury service. Work and dependent care were the most commonly selected categories and women were substantially more likely to report dependent care needs.
- Section II:
  - The study was able to look in more detail at 4 stages in pierce county, from online check in, reporting to courthouse, voir dire through to assigned to case as sworn juror. Black respondents are underrepresented at every stage, but were more represented at stage 4 than at stage 1.
  - Policy recommendations: continue studying demographics, study demographics of those who don't respond to summons, empirically test the master list of sources as representative of population, pilot increased juror pay, establish mechanism for court communication, fund data gathering on jury selection from summons to seating.
    - Terry Price offers recommendations on sending out jury summons in other languages.



## ADJOURNMENT

For the upcoming Gender and Justice Meeting, the time conflicts with the SeaTac location on November 3<sup>rd</sup>. It will have to be shifted to either the week before or before that, (27<sup>th</sup> or the 20<sup>th</sup>).

Gonzaga University's Women Law Caucus has a busy semester planned. We are hosting a couple of networking events with local law firms and public agencies. We will have our annual Halloween fundraiser, and then we have monthly volunteer opportunities for our members. If you are in need of volunteers in the Spokane area, please reach out to [cquast@lawschool.gonzaga.edu](mailto:cquast@lawschool.gonzaga.edu).

Carly Quast

The Women's Law Caucus at Lewis & Clark is very excited for the upcoming year. So far, we've been able to recruit around 30 new members to join us. As a result, we've put together a mentorship program where upper-division students will advise 1Ls about the ins and outs of the legal community on campus and around the state. Hopefully, this will help Lewis & Clark build stronger relationships with various female and female-identifying members in law around Oregon. Next month, we plan to host the ONLD (Oregon New Lawyers Division) on campus for a networking and salary negotiation event. We expect a large turnout as learning these skills is imperative for female and female-identifying students to learn as we consider future employment. There seems to be a lot of interest in our group and facilitating connections with our community here in Portland, and we're excited to see it grow!

Kate Sundstrom

1. The Communications committee is in the process of phasing out the monthly news and media report and replacing it with a monthly newsletter that involves both gender and justice in the media and the work of the Commission. I will be reaching out regularly to Committee chairs to see if they have any committee news, events or other items to be included in the newsletter.

That being said, if anyone has any updates, news items, project announcements or any other newsworthy bits to include in the upcoming premier issue, please email them to me at [Laura.Edmonston@courts.wa.gov](mailto:Laura.Edmonston@courts.wa.gov).

2. I met with our Gonzaga student liaison Carly last week to discuss additional communications ideas and ways to work with the various law school student organizations. This work is ongoing.

***Laura Edmonston***

**Deputy Law Librarian (Reference)**

**JD Candidate, 2025**

Washington State Law Library

[Library.Requests@courts.wa.gov](mailto:Library.Requests@courts.wa.gov)



The Center for Children & Youth Justice (CCYJ) works to address the following key issues that are relevant to the Gender and Justice Commission:

Ending fines & fees in juvenile courts (Chapter 15 of the G&J Report):

- In 2022, in collaboration with Stand for Children, CCYJ has and continues to co-lead a coalition for Debt Free Youth Justice Washington with over 20 community partners that works to eliminate all fines and fees for young people.
- In 2023, the coalition focused on eliminating legal financial obligations for young people. During the legislative session, HB 1169 was passed to eliminate legal financial obligations for both young people and adults. In addition, the Partnership Council for Juvenile Justice was assigned to study the community compensation fund that could address restitution payments.

Addressing the commercial sexual exploitation of children (CSEC) (Chapter 10 of the G&J Report):

- In 2011 and 2012, CCYJ developed the Washington State Model Protocol for Commercially Sexually Exploited Children and has since supported the implementation of the Model Protocol across Washington. Implementation includes training, technical assistance, supporting regional task forces and screening and data collection.
- Since 2013, CCYJ has supported the staffing of the Washington CSEC Statewide Coordinating Committee and has assumed responsibility for facilitating the Committee as of 2023.

Institutionalizing sexual orientation, gender identity, and gender expression (SOGIE) data collection:

- Since 2017, CCYJ has developed a tool for youth serving professionals to use to talk to young people about their SOGIE and collect SOGIE data.
- CCYJ continues to provide training and technical assistance to the child welfare and juvenile justice systems on engaging youth around SOGIE and SOGIE data collection so that they can better support young people and better understand how SOGIE affects system experiences and outcomes.

# DRAFT

## Race, Ethnic and Gender Disparity in Domestic Violence Criminal Charges and Recidivism, 2013 – 2022

### Key Findings

- Statewide, women’s risk of DV criminal charges was 30% that of men; Native American women were charged at a rate closer to half the rate of men.
- From 2013 to 2022, relative risk of DV criminal charges increased for women of color in multiple counties.
- DV misdemeanor recidivism decreased for men and women statewide; DV felony recidivism decreased for men but increased for women.
- DV recidivism rates departed from statewide trends among Latina/Hispanic, and Native American women.

**Introduction:** Washington’s implementation of a mandatory arrest provision requiring that law enforcement officers make an arrest when responding to domestic violence (DV) incidents has raised concern of disparate impact on “women, people of color, immigrants, those living in poverty, and LGBTQ+ people.”<sup>1</sup> This brief report describes race, ethnic and gender disparities in DV criminal charges and recidivism in Washington between January 2013 and December 2022 to inform development of a Washington State mandatory arrest impact evaluation plan.

**Data:** Washington State Center for Court Research Court Contact and Recidivism Database as of March 31, 2023. Office of Financial Management county population estimates by race and Hispanic origin and gender, 2010-2020.

**Population:** The data include records for all individuals between the ages of 18 and 65 with at least one misdemeanor or felony DV case, including cases with domestic violence as an aggravating factor, filed in Washington between January 1, 2013 and December 31, 2022.

**Analytic approach:** Data represent a time period starting nearly 30 years after the implementation of mandatory arrest and do not include a pre-implementation period as a point of reference. However, they may represent sustained disparate impact for two outcomes of interest, namely 1) gender differences in risk of being charged with a DV offense, and 2) differences in chances of DV recidivism by race and ethnicity and gender.

**Gender differences in risk of DV criminal charges:** The report describes women’s relative risk of DV criminal charges over time by race and ethnicity and across Washington counties, highlighting 1) counties where women’s charge rates are greater than expected given men’s rates, and 2) counties where women’s relative risk of DV charges has increased over time. The

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<sup>1</sup> Washington State Supreme Court Gender and Justice Commission, 2021 Gender and Justice Study (2021). [https://www.courts.wa.gov/subsite/gjc/documents/2021\\_Gender\\_Justice\\_Study\\_Report.pdf](https://www.courts.wa.gov/subsite/gjc/documents/2021_Gender_Justice_Study_Report.pdf)

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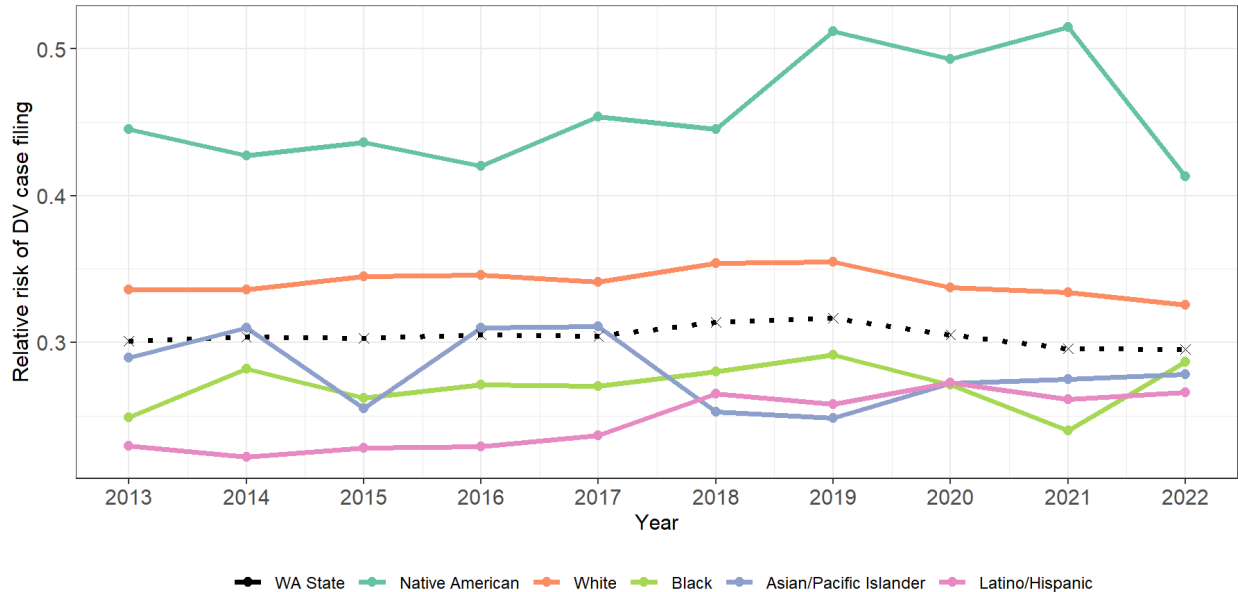
measure's utility as an indicator of unintended net widening from mandatory arrests is discussed.

**DV recidivism trends:** Intended effects of mandatory arrest laws include deterrence as measured by DV recidivism rates. A recent evaluation from Washington State Institute for Public Policy, however, found no evidence of a deterrent effect.<sup>2</sup> This report describes recent trends in DV recidivism by race and ethnicity, gender and county, and considers the utility of DV recidivism as an indicator of disparate impact.

**Results:** Results describe 1) average gender differences in the risk of DV criminal charges, 2) change over time in women's relative risk of DV charges, and 3) change over time in men's and women's rates of DV recidivism, highlighting disparities by race and ethnicity statewide and across counties.

**Average gender differences in risk of DV criminal charges:** Figure 1 shows that, in the ten-year period between 2013 and 2022, women's probability of a DV criminal charge statewide was three-tenths (0.3) of men's, on average. Relative risk of charges varied by race and ethnicity, most notably in the Native American population, where women were charged at a rate closer to half the rate of men (Figure 1).

Figure 1. Overall, women's risk of DV criminal charges was 30% that of men; Native American women were charged at a rate closer to half the rate of men.

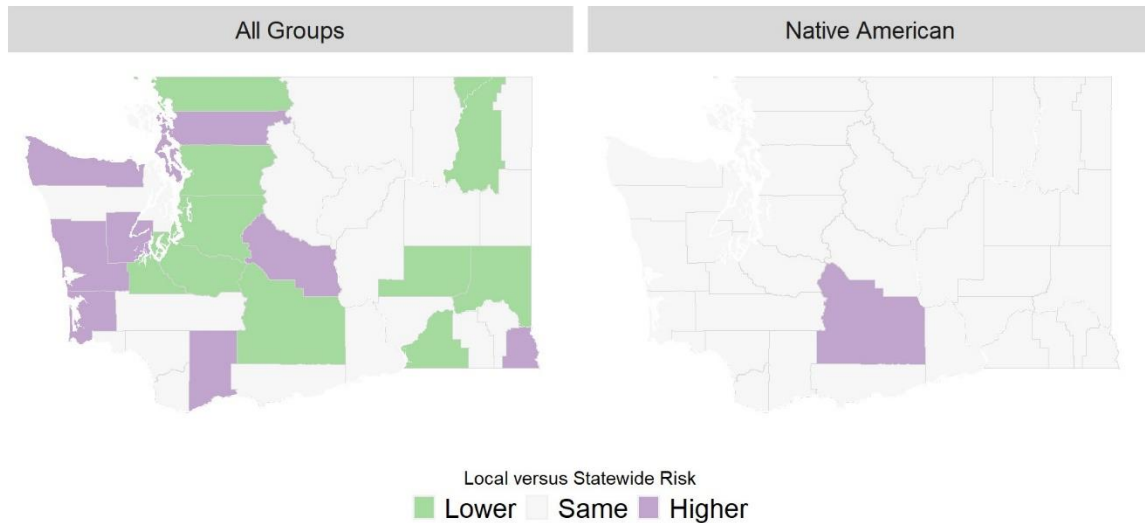


Women's probability of a DV criminal charge relative to men also varied by county. Figure 2 shows counties where women's local relative risk differed from statewide relative risk (i.e.,

<sup>2</sup> Miller, M., & Kelley, K.M. (2022). Mandatory arrest for domestic violence: A systematic review. (Document Number 22-06-1201). Olympia: Washington State Institute for Public Policy

# DRAFT

Figure 2. Women's relative risk was greater than expected in 9 counties; elevated risk among Native American women was characteristic of all counties, but amplified in Yakima County.



county risk was greater or less than 0.3). For example, in Skagit County, the average DV charge rate for women (67 cases filed per 10,000 women) was higher than would be expected given women's relative risk statewide (i.e., 53 cases filed per 10,000 women would be expected if Skagit County's charge rate for women was 70% lower than the charge rate for men).

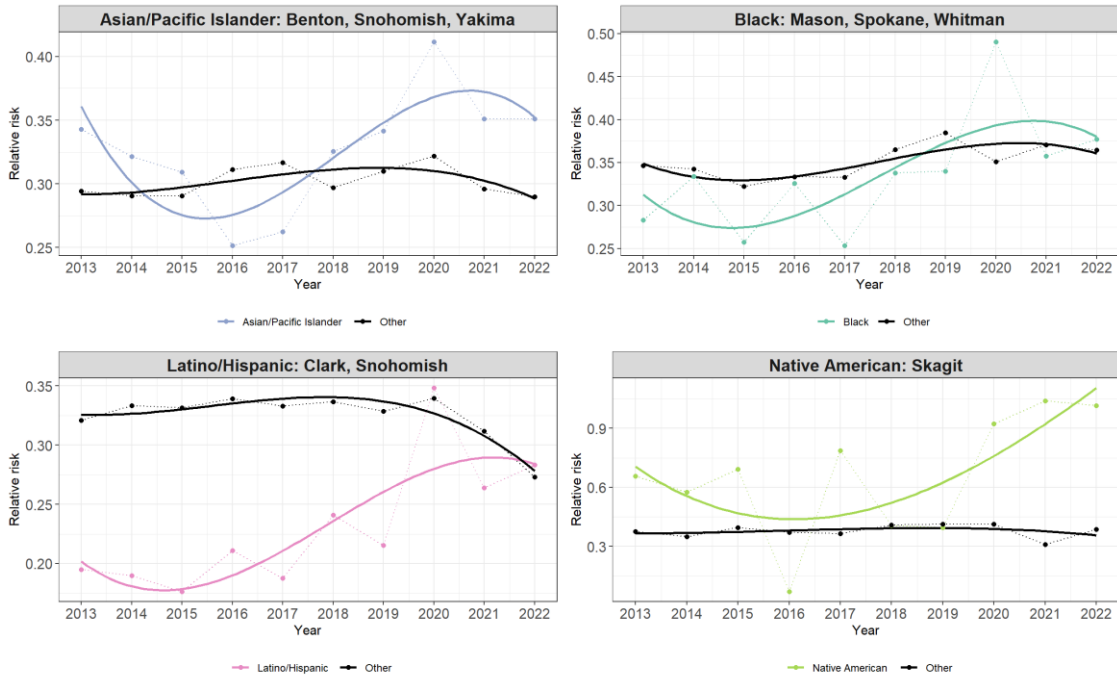
Modeling risk of a criminal charge as dependent on an interaction between gender and race and ethnicity found that the heightened risk of a DV charges among Native American women shown in Figure 1 was characteristic of all counties, but especially so in Yakima County. In contrast with the county's lower than average relative risk of DV charges for women overall, the charge rate among Native American women (113 per 10,000 population) was two times greater than would be expected if relative risk was equal across groups (Figure 2).

**Change over time in women's risk of DV criminal charges:** Although women's relative risk of DV criminal charges was generally static statewide (0.3 the rate of men, on average), charge rates among women of color increased relative to men in multiple counties (Figure 3). For example, Figure 3 shows relative risk of DV charges for Black women in Mason, Spokane and Whitman counties, increasing from 30 women charged for every 100 men charged, on average, in the first half of the ten-year period, to 40 women charged for every 100 men charged, on average, in the latter half of the ten-year period.



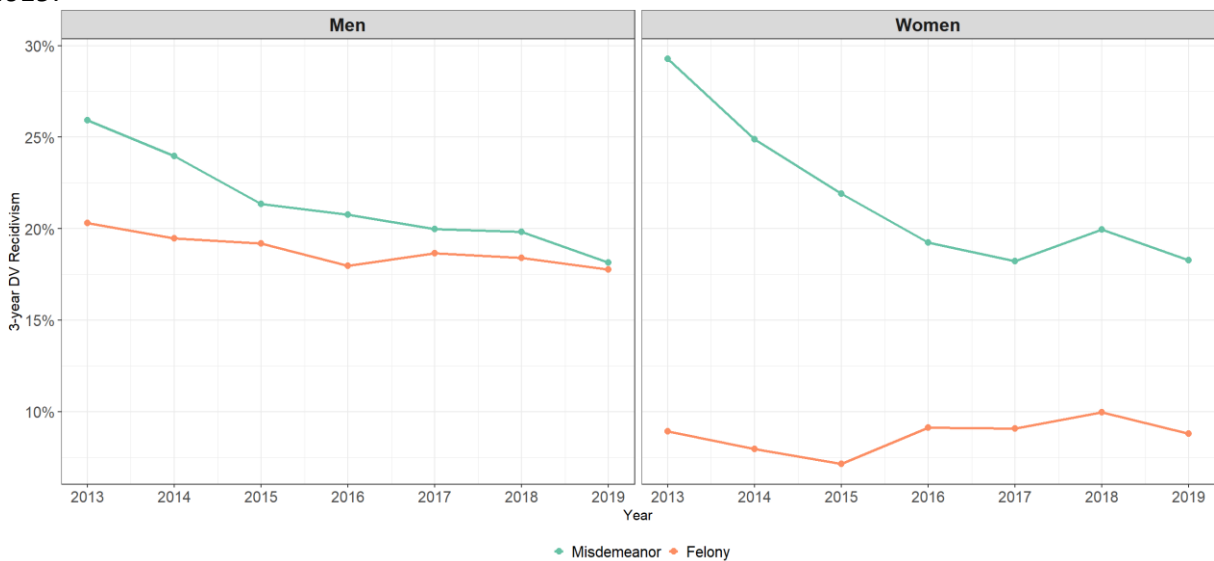
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Figure 2. Relative risk of DV criminal charges increased for women of color in multiple counties, 2013-2022.



**DV recidivism trends.** Between 2013 and 2019, chances of a new misdemeanor DV charge within three years of conviction decreased 6% each year, on average, for men and women statewide. Chances of a new felony DV charge within three years of conviction decreased by nearly 2% each year, on average, for men, but trended slightly upward for women.

Figure 4. DV recidivism trends by race and ethnicity, gender, and new offense severity, 2013-2019.

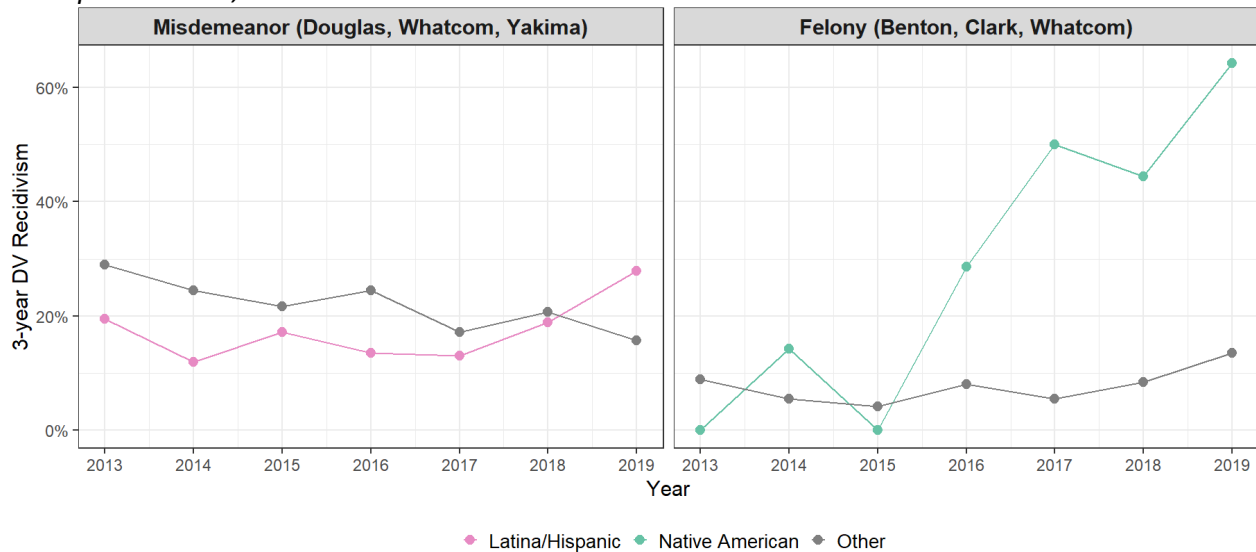


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Although women’s probability of DV misdemeanor recidivism was lower in 2019 (18%) than 2013 (29%), Figure 4 shows a notable inflection point in 2017. A similar inflection point is shown in women’s probability of DV felony recidivism, which started to trend upward in 2016.

Local drivers for statewide trends impacted women of color in multiple counties (Figure 5). For example, chances of DV misdemeanor recidivism for Latina/Hispanic women diverged from other populations in Douglas, Whatcom, and Yakima counties in 2017. Native American women’s probability of felony recidivism started to diverge from other groups in Benton, Clark, and Whatcom counties in 2015.

Figure 4. Local departures from statewide DV recidivism trends impact women of color in multiple counties, 2013-2019.



**Limitations.** Analyses of gender differences in DV criminal charge rates and trends in DV recidivism by race and ethnicity and gender found significant departures from statewide trends across groups and locales. Results, however, represent a ten-year period starting nearly 30 years after implementation of mandatory arrest laws and are not necessarily indicative of disparate impact. Additionally, group differences in the likelihood of DV charges are based on court case filings and may not represent disparities in calls for service or arrests. Recidivism findings do not account for post-conviction movement (e.g., incarceration, mortality, migration) or variation in treatment availability or assignment.

**Summary.** Statewide trends in DV criminal charges since 2013 indicate that women are generally charged with domestic violence offenses in Washington at a rate 70% lower than that of men. Relative risk of being charged with a DV offense is significantly higher, however, among Native American women. Furthermore, there are multiple counties where women’s risk of being charged with a DV offense is significantly higher than the statewide average. Similarly, statewide trends in DV recidivism since 2013 vary significantly by race and ethnicity, gender, and locale. For instance, while likelihood of DV felony recidivism has decreased among men, rates have increased among women, particularly among Native American women since 2015.

# Race, Ethnic and Gender Disparity in Domestic Violence Criminal Charges and Recidivism, 2013 – 2022

Karl Jones, PhD, MSW

Washington State Center for Court Research



## Background:

- Mandatory arrest provisions implemented in 1984 require officers to make an arrest when responding to a DV incident.
- 2021 Gender and Justice Study raises concern of disparate impact on “women, people of color, immigrants, those living in poverty, and LGBTQ+ people.”
- Do court data indicate net-widening?
- Are court data consistent with a deterrent effect?

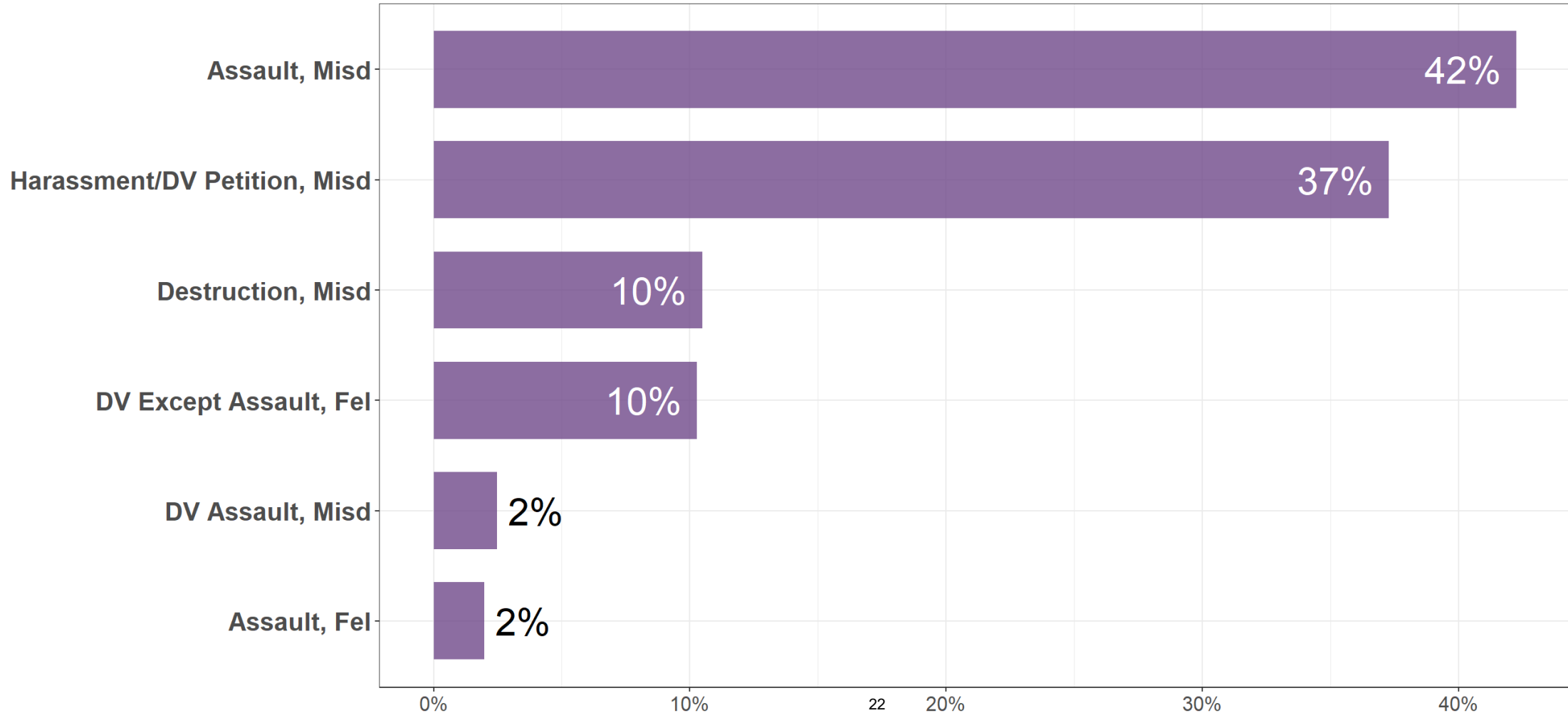
## Data sources:

- AOC Court Contact and Recidivism Database (CCRD)
- Washington State Office of Financial Management population estimates

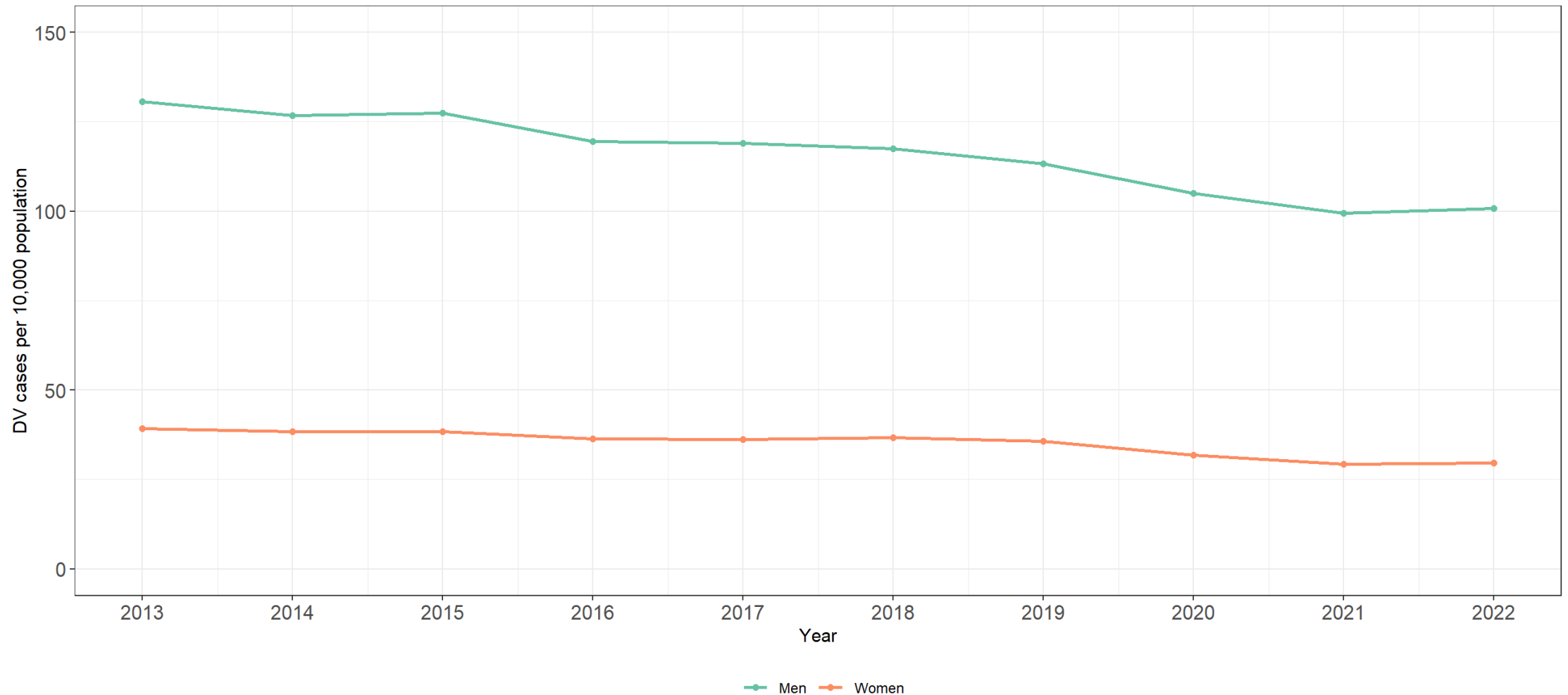
## Definitions:

- *Charges*: Any charge related to domestic violence prevention or associated with domestic violence as an aggravating factor regardless of disposition.
- *Recidivism*: Any new domestic violence charge filed within three years of a conviction or deferred sentence on a previous domestic violence offense.

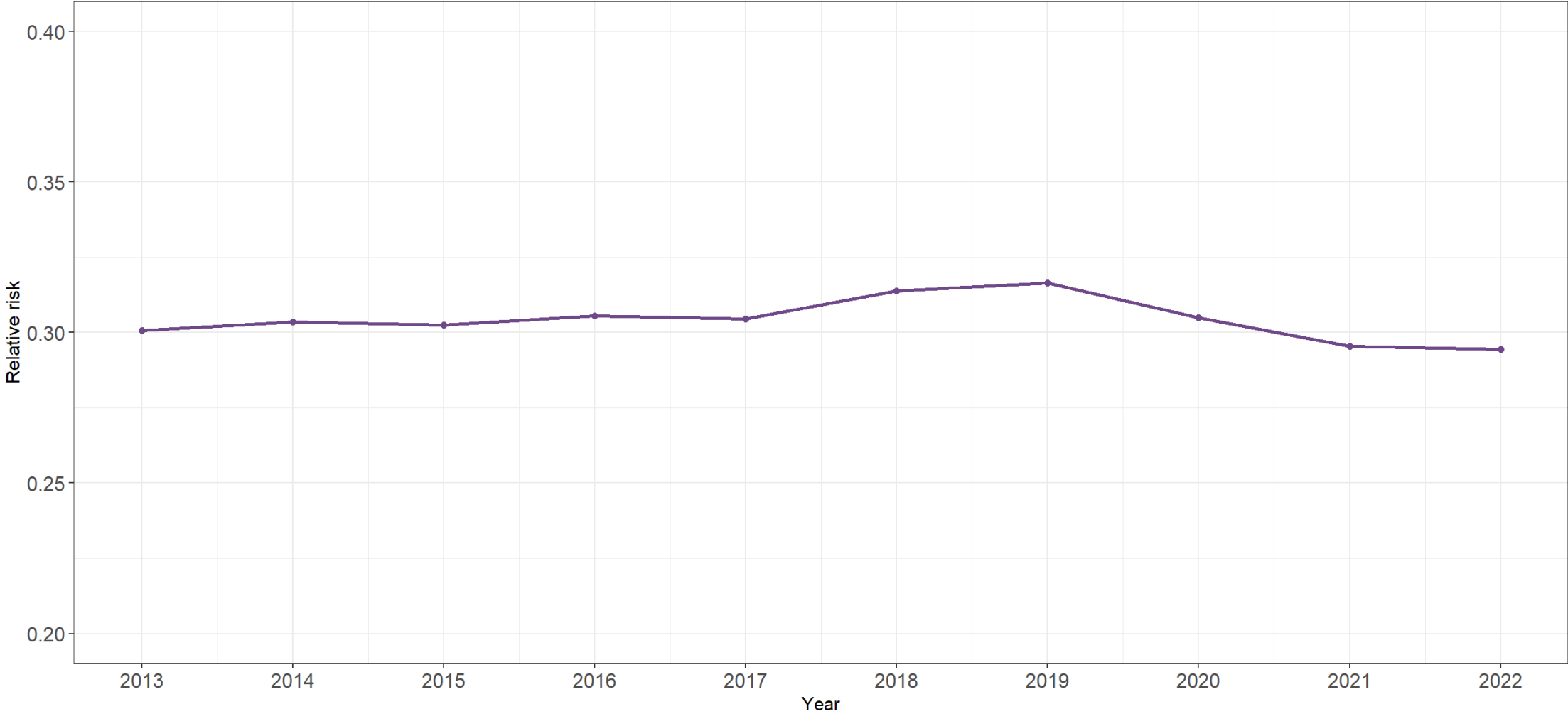
Assault in the 4<sup>th</sup> degree and protection order violations were the most frequent charges filed between January 2013 and December 2022.



Per 10,000 population, there were 30 fewer men and 10 fewer women charged in 2022 than 2013 ( $\approx -25\%$ ).

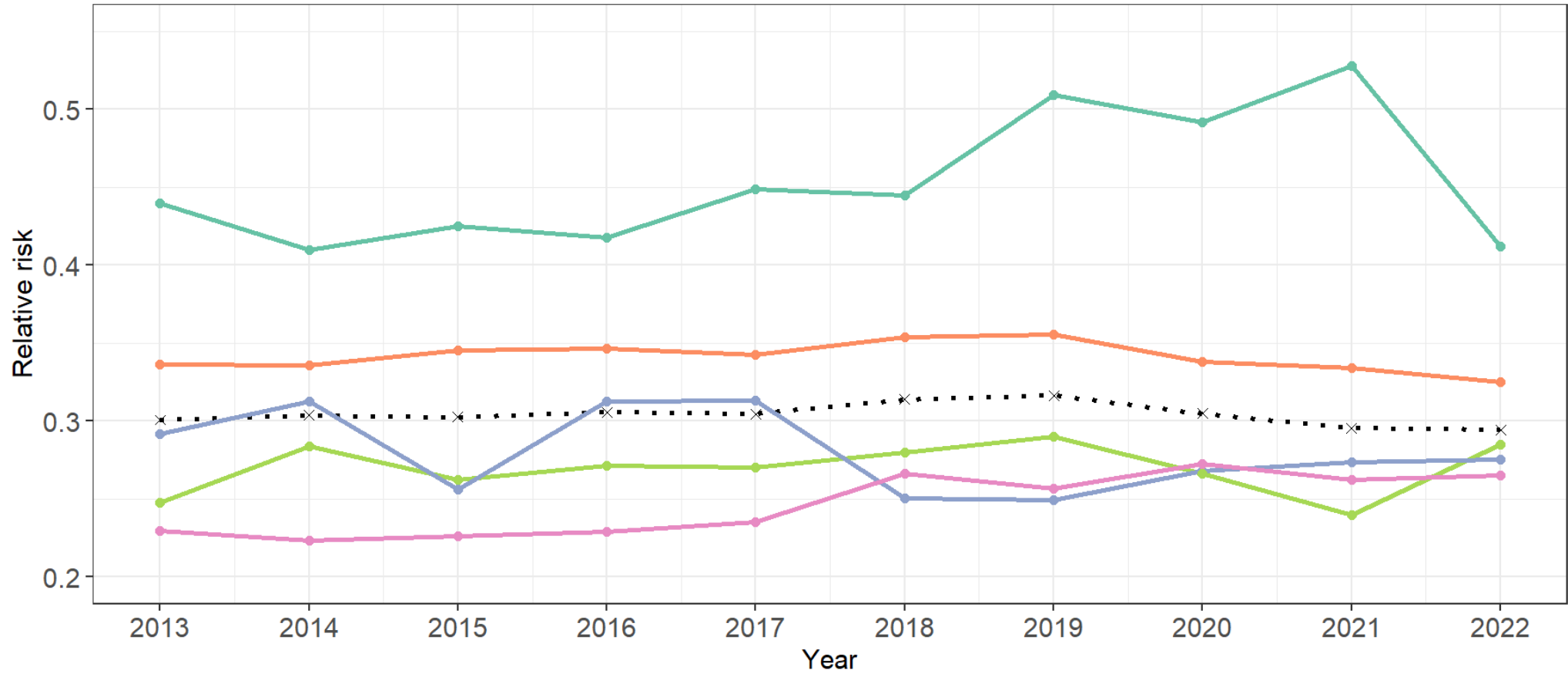


Statewide, women's risk of DV charges was about 30% that of men.





In Washington's Native American population, women's risk of DV charges was about 40% to 53% that of men.

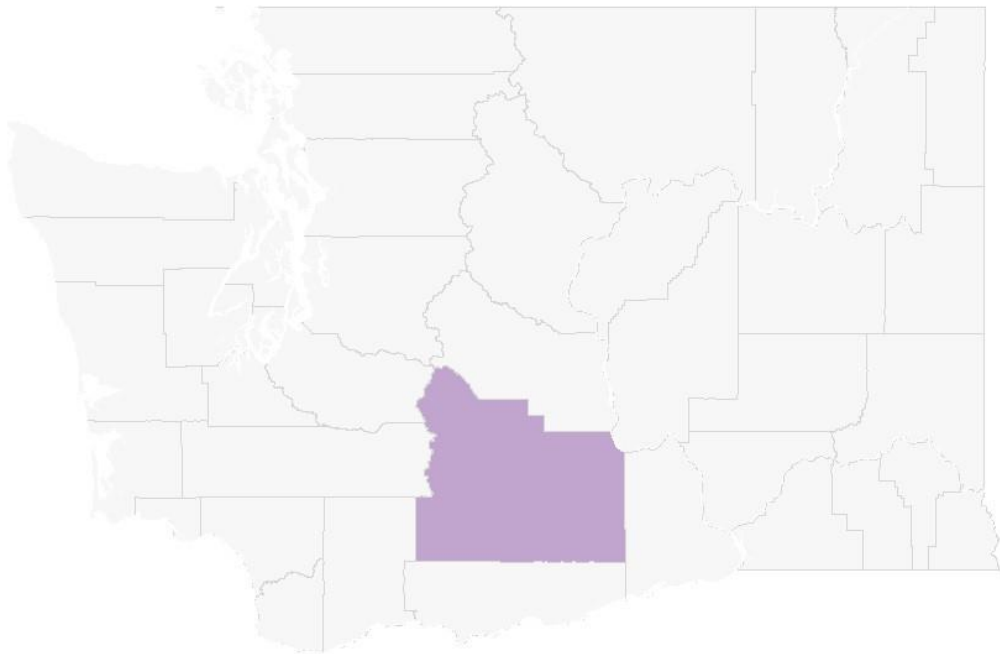
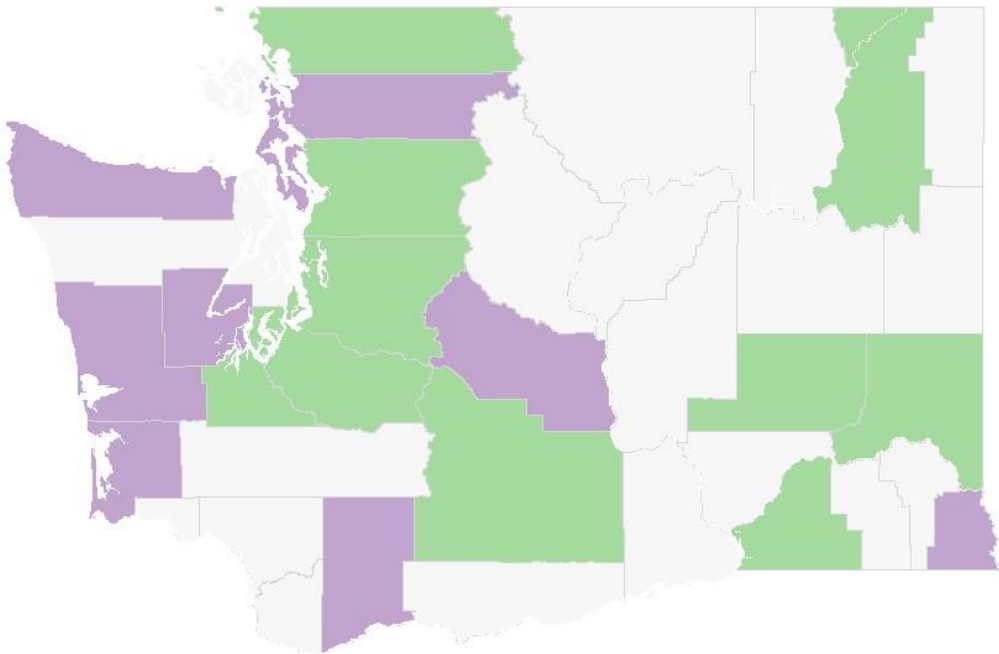


— Group    ··· State    —●— WA State    —●— Native American    —●— White    —●— Black    —●— Asian/Pacific Islander    —●— Latino/Hispanic

Women's relative risk was greater than expected in 9 counties. Native American women's relative risk was comparatively high across the state, but amplified in Yakima County.

All Groups

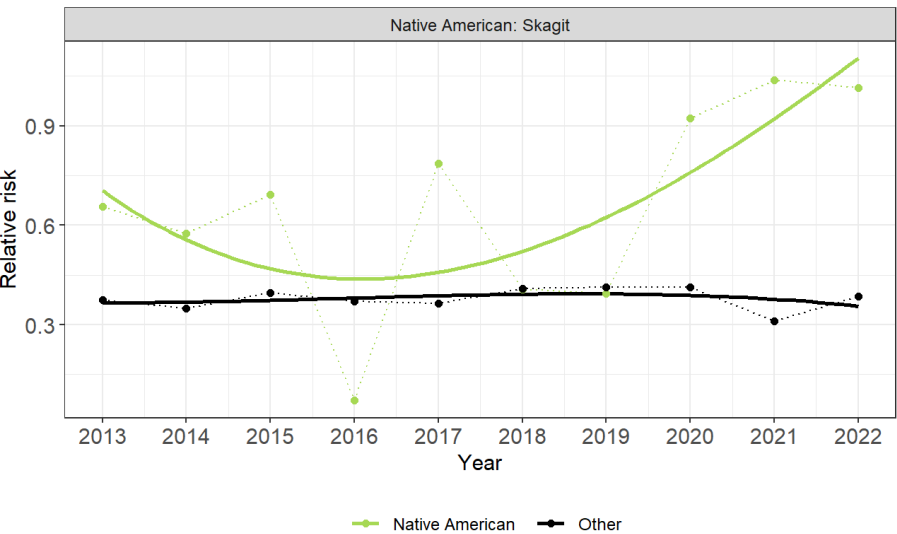
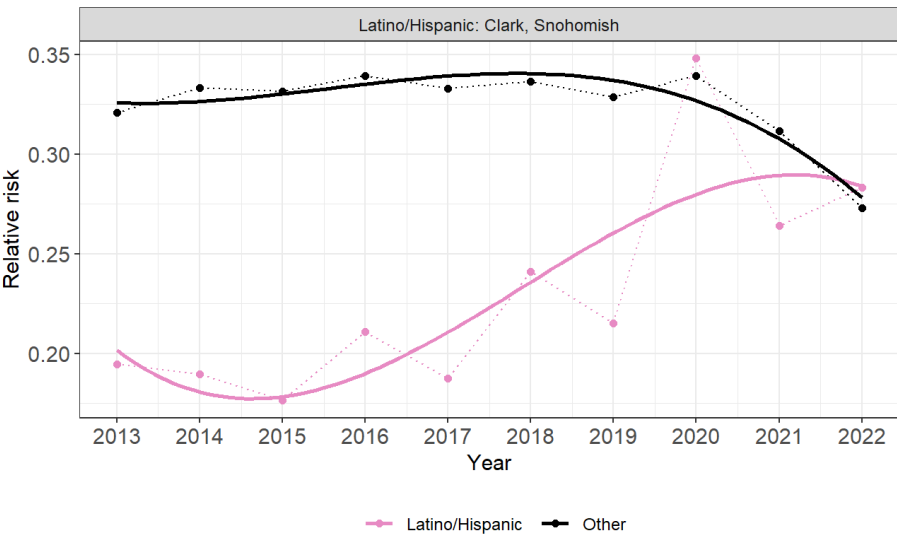
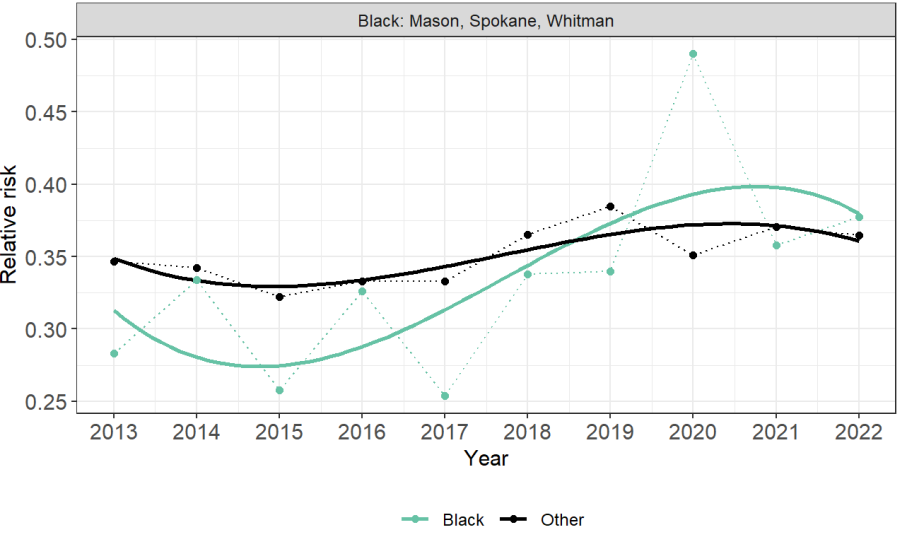
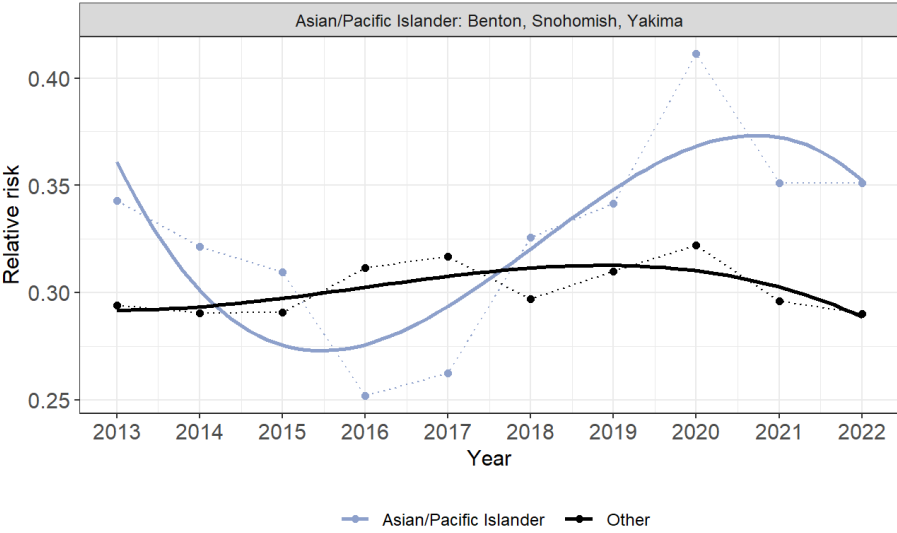
Native American



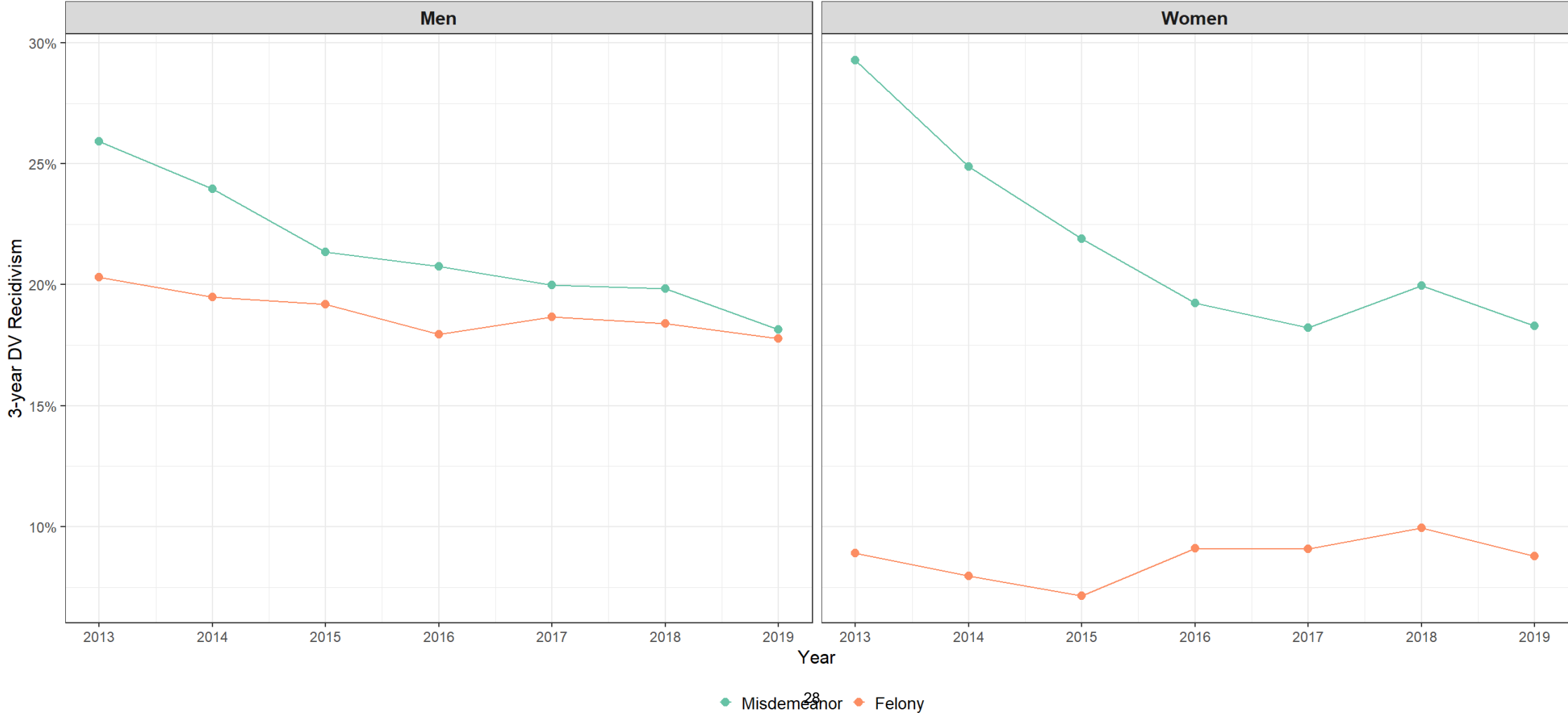
Local versus Statewide Risk

Lower Same Higher

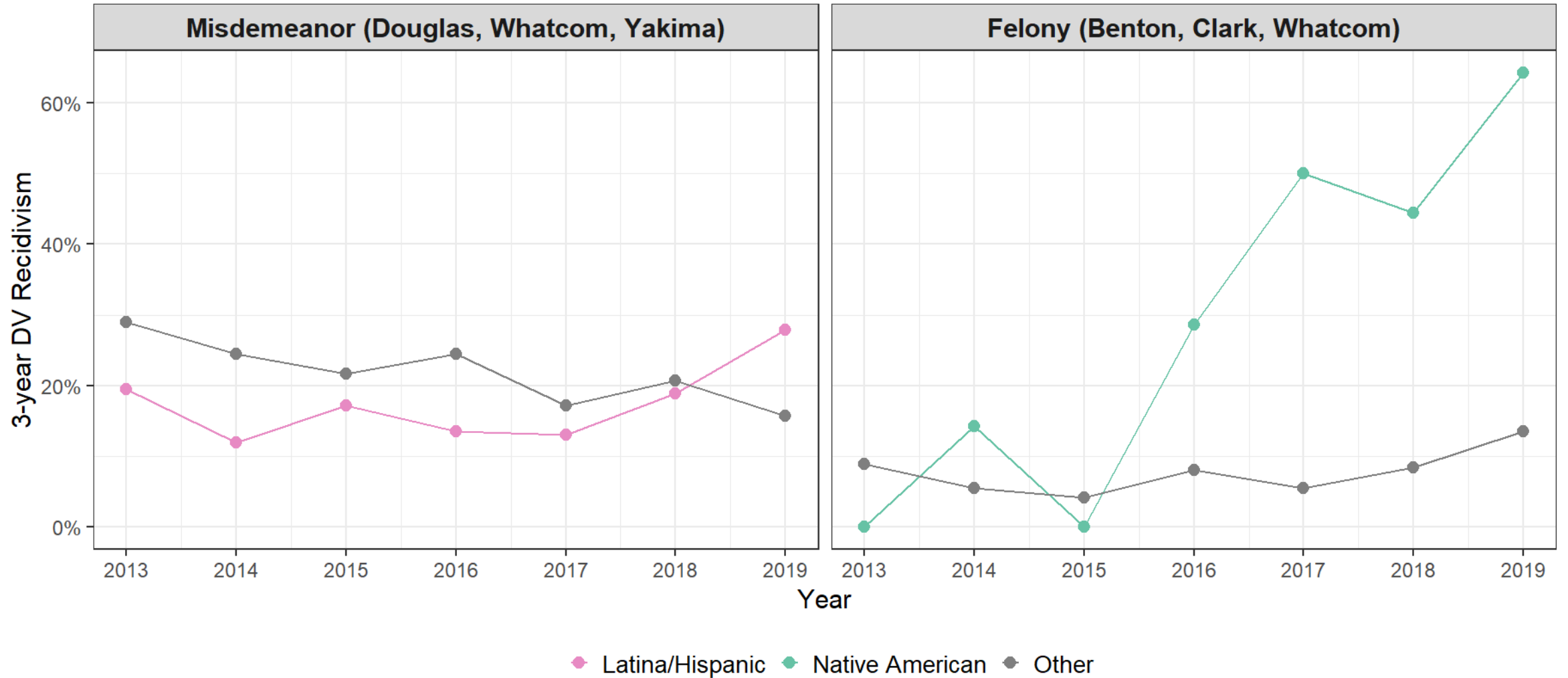
Although generally static statewide, relative risk of DV charges increased for women of color in multiple locales.



Statewide, chances of a new misdemeanor DV charge decreased for men and women. Chances of a new felony DV charge decreased for men, but increased for women.



# Local drivers of statewide trends involve women of color.



- Do court data indicate net-widening?

Increased relative risk for women of color in a locale may indicate disparate impact of indiscriminate arrest when responding to DV incidents.

- Are court data consistent with a deterrent effect?

Multiple factors affect reoffending; however, increases in recidivism are not consistent with a global deterrent effect.

# Gender and Justice Commission

## 2024 Meeting Dates

Virtual Meetings held via Zoom Videoconference

Contact Avery Miller ([Avery.Miller@courts.wa.gov](mailto:Avery.Miller@courts.wa.gov)) for Zoom access information.

Date	Time	Location
January 19th	9:30 AM – 12:00 PM	Zoom Videoconference
March 1st	9:30 AM – 12:00 PM	Zoom Videoconference
May 10th	9:30 AM – 12:00 PM	In-Person AOC SeaTac Office
September 13 <sup>st</sup>	9:30 AM – 12:00 PM	In-Person AOC SeaTac Office
November 8th	9:30 AM – 12:00 PM	Zoom Videoconference

Please contact Crissy Anderson with any questions at (360) 764-3198 or  
[Crissy.Anderson@courts.wa.gov](mailto:Crissy.Anderson@courts.wa.gov).