



WASHINGTON STATE SUPREME COURT

**GENDER AND JUSTICE
COMMISSION**

MEETING

FRIDAY, JANUARY 9, 2015

**AOC SEATAC OFFICE, SUITE 1106
SEATAC, WASHINGTON**

**WASHINGTON STATE SUPREME COURT
GENDER AND JUSTICE COMMISSION**

2014-2015

CHAIR

Honorable Barbara A. Madsen
Washington State Supreme Court

VICE-CHAIR

Honorable Sheryl Gordon McCloud
Washington State Supreme Court

MEMBERS

Ms. Sara L. Ainsworth
University of Washington School of Law

Honorable Rich Melnick
Court of Appeals, Division II

Ms. Mirta Laura Contreras
NW Immigrant Rights Project

Mr. Ronald E. Miles
Spokane County Superior Court

Honorable Josie Delvin
Benton County Clerk

Honorable Marilyn G. Paja
Kitsap County District Court

Honorable Michael H. Evans
Cowlitz County Superior Court

Honorable Mark W. Pouley
Swinomish Tribal Court

Dr. Margaret Hobart
The Northwest Network

Ms. Leslie J. Savina
Northwest Justice Project

Ms. Grace Huang
Washington State Coalition Against
Domestic Violence

Honorable Ann Schindler
Court of Appeals Division I

Honorable Judy Rae Jasprica
Pierce County District Court

Ms. Gail Stone
King County Executive's Office

Ms. LaTricia Kinlow
Tukwila Municipal Court

Honorable Tom Tremaine
Kalispel Tribal Court

Professor Taryn Lindhorst
University of Washington

Mr. David Ward
Legal Voice

Ms. Judith A. Lonquist, P.S.
Attorney at Law

Ms. Danielle Pugh-Markie
Manager, Supreme Court Commissions

Honorable Eric Z. Lucas
Snohomish County Superior Court

Ms. Pam Dittman
Program Coordinator



GENDER AND JUSTICE COMMISSION

AOC SEATAC OFFICE, SUITE 1106
 18000 INTERNATIONAL BLVD, SEATAC WA
 FRIDAY, JANUARY 9, 2015 (8:45 A.M. – 12:00 P.M.)
 CHIEF JUSTICE BARBARA MADSEN, CHAIR
 JUSTICE SHERYL GORDON MCCLOUD, VICE CHAIR

Agenda

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CALL TO ORDER – Approve November 14, 2014 Meeting Notes 1

COMMISSION BUSINESS:

Objective: Chair and staff report on past and upcoming activities and interactions that affects the Commission.

- Chair Report Chief Justice Barbara Madsen
- Staff Report Danielle Pugh-Markie and Pam Dittman
 - Activities & Updates
 - IPSA: The Hidden Dimension of DV – Webinar from December 3, 2014 11
 - Enhancing Courts’ Response to Adult Victim Sexual Assault – Feb 9-13, 2015 13
 - Logo Update
 - 2015 Legislative Luncheon
 - Budgets: GJC and Grants 15

GUEST SPEAKER & EXPLORATORY PROJECTS

Objective: Forum for members to discuss items of interest they are involved in or would like the Commission to explore.

COMMITTEE REPORTS:

Objective: Committee chairs will report on progress of work plans, discuss new areas of interest, problems that have arisen, ask for feedback, ask for assistance.

- Communications Pam Dittman for Ron Miles
- Domestic Violence Pam Dittman for Judge Jasprica
- Education Danielle Pugh-Markie for Rich Melnick
 - Judicial College – January 28 (GJC); January 29 (MJCOM & Interpreter Commission)
 - SCJA – April 26-29, 2015: Abusive Litigation Tactics; DV Manual Update/Firearms & CASA
 - DMCJA – June 2015; Session being developed on DV & Firearms
 - Appellate Conference – March 2015; Dana Raigrodski re: Feminist Legal Theory 19
 - Fall Conference – Sessions being developed
- Incarcerated Women & Girls Sara Ainsworth and Judge Evans
- Tribal State Court Consortium Judge Pouley and Judge Tremaine
 - February 25, 2015 Meeting – Suquamish Tribe hosting
- Women in the Profession Judith Lonquist

SUPPORTING MATERIALS / ARTICLES

- WSCCR Order 21
- Federal Way Law Enforcement gets tough on domestic violence 25
- Case tests social media free speech 31
- Work remains on fixing sex trafficking 35
- Revenge porn culprit to serve 1 year in jail 37

ADJOURNMENT



GENDER AND JUSTICE COMMISSION (GJCOM)

AOC SEATAC OFFICE – SUITE 1106
18000 INTERNATIONAL BLVD, SEATAC WA
FRIDAY, NOVEMBER 14, 2014 (8:45 A.M. – 12:00 P.M.)

MEETING NOTES

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

Members Absent: Ms. Sara Ainsworth, Ms. Laura Contreras, Dr. Margaret Hobart, Ms. Trish Kinlow, Professor Taryn Lindhorst, Judge Ann Schindler, Ms. Gail Stone

CALL TO ORDER

The meeting was called to order at approximately 8:45 a.m. Introductions were made. The September 5, 2014, meeting notes were approved.

COMMISSION BUSINESS

Chair Report – Chief Justice Barbara A. Madsen National Association of Women Judges (NAWJ) Conference

The Chief, Justice Gordon McCloud, Judge Paja, and Danielle attended the NAWJ Conference. The content was superb and had amazing presenters. One panel included Anita Hill where she discussed her testifying to Congress during Supreme Court nominations for Clarence Thomas, the sexual harassment that took place, the fallout, the impact, and what has been accomplished since 1991. Additionally, Justice Sonia Sotomayor was the keynote speaker and part of a closing panel on access to justice and implicit bias. Justice Debra Stephens also presented on children and family issues and the emerging laws on international child surrogacy, artificial insemination, and “contractual childbirth.” Other sessions that were also of interest were around immigration and trafficking. For the past few years, the sessions have been more informative rather than providing tools or areas where courts can impact these types of cases.

Other items of interest were several documentaries including *Anita*, and one about the legal process in Mexico called *Presumed Guilty*.” The Mexican documentary really brought home the differences in the United States’ justice system and other countries. Part of the reason for this documentary was there was a contingent of international judges in attendance. Their attendance enhances the learning because you have the perspective of people who are from countries that have vastly different judicial systems from ours. They shared their perspectives on the progress that they felt they have made in their countries. The film on the Mexican system highlighted the Mexican criminal justice system and the role of the judge. The system is much more of an inquisitorial system and trying to convince the judge that there is a reasonable doubt is difficult

as the judge has already done all the research and the investigation into the case, which virtually makes it impossible for an acquittal. This is an important perspective for American judges to see and helps us share and explore alternatives with international judges.

One of the other programs that was very good, but sparsely attended, was a tribal judge presentation regarding a small tribe near Sacramento and their partnership with the local county government. The tribe built a casino in a location the county did not like, which caused a negative dynamic between the tribe and the county. At about the same time, the tribe received funds for a pilot project and chose to partner with the county to build a community center facility and wherein, the county would provide probation services. The tribe is providing treatment services and developing a mental health and a DUI/drug court.

- **Action:** Staff – Locate the documentary *Anita* and provide options on ways to use.

Judicial Officer and Law Student Reception

The Commission co-sponsored the 5th Annual Judicial Officer and Law Student Reception on Friday, October 24, 2014, at the Seattle University, School of Law, with special thanks to the Seattle University Women’s Law Caucus, the Washington State Association for Justice, and the NAWJ. Several Commission members were in attendance along with Justices Mary Fairhurst, Sheryl Gordon McCloud, Charles Johnson, Susan Owens, and Debra Stephens.

Once again, Judith Lonquist and Judge Marilyn Paja were able to secure scholarship funds from the Washington State Association for Justice and NAWJ. One-thousand dollar scholarships were awarded to Ms. Amy Larson and Ms. Yessenia Medrano-Vossler. While the attendance was a little low due to being up against the Asian Bar Association’s Annual Dinner, we still had plenty of judicial officers and law students who were able to connect and interact. We did make a promise that for 2015, we will work with Gonzaga to recognize their students.

- **Action:** Staff – work with Commission members and possibly Justice Stephens to determine how to proceed with an event at Gonzaga.

Recruitment of New Members

Judge Anne Schindler, Laura Contreras and Judith Lonquist will be leaving the Commission in June 2015 as their terms are up. We would definitely like to see someone from the lawyer community who has demonstrated background in gender equality issues from the legal profession side. If you have someone in mind that would be great to hear from you. This is an area we need to put more energy into. Justice Gordon McCloud joined the Commission because this is an area she is interested in and needs to continue to be addressed.

- **Action:** Staff and members – provide names of people who may be a good fit with the Commission.

Washington Initiative for Diversity (WID)

The WID has requested monetary assistance from GJCOM to help sponsor their upcoming Judicial Institute. We have supported this training since its inception. The training addresses how to become elected or appointed as a judge and what all is involved in being a judge. This event is a collaboration with the minority bar associations and other entities such as the

GJCOM, Minority and Justice Commission (MJCOM), and the District and Municipal Court Judges' Association (DMCJA) thru its Diversity Committee also support the event. The Chief has been asked to chair the event and has agreed to do so.

Washington Center for Court Research (WSCCR)

A new order was finalized establishing an advisory board and a strategic oversight committee for WSCCR. The GJCOM has a seat on the oversight committee, which will either be the Chair or Vice Chair. The Chief has been in discussions with Judge Schindler, Chair WSCCR board, about concerns that were voiced on the ad hoc nature of how research projects were selected. With the new advisory board and oversight committee, WSCCR can be more deliberate about projects it chooses and also will help with cross-collaboration amongst the entities. This will enable us to have more input on projects, develop best practices for projects we have worked on, measure our success on projects, and provides us another avenue for making sure that when we do provide direction or suggestions to the courts that we can back it up with success through statistical analysis.

Staff Report – Danielle Pugh-Markie and Pam Dittman

- Budgets

In 2015, we have three grants we will be spending down: 1) STOP grant for work related to domestic violence, sexual assault, stalking, and teen dating violence; 2) Courts Training and Improvements grant to provide training to judicial officers on sexual assault; and 3) Grants to Encourage Arrest to coordinate the work of the Tribal State Court Consortium. As a note, the STOP grant had a few changes to it and this year we are required to use a specific amount of funds solely on sexual assault related projects. We were able to get approval to use these funds to supplement and assist with the sexual assault training in the form of scholarships to judicial officers to cover pro tem and/or travel-related expenses.

Additionally, the GJCOM budget of \$150,000 each fiscal year covers not only the work of the GJCOM, but also salaries and benefits for staff. We don't like to say no to projects or programs, but we may have to be a bit more creative in coming up with funding to cover things such as committee work or educational programs that don't fall within the scope of any of the grants. Please communicate your needs to either Danielle, Pam, and/or the Chief and we will work hard to meet the needs.

We are continuing our partnership with the Commission on Children in Foster Care to address domestic minor sex trafficking and have committed to continue to work on projects for incarcerated women and girls. The fiscal year 2015-2016 GJCOM budget, which begins July 1, 2015, will be more positive as we will have finished our funded commitment to the Office of Civil Legal Aid, freeing up \$12,500 in funds for our use.

- Updates

- HB1840 – We continue to work with the Washington State Coalition Against Domestic Violence (WSCADV) on the legislative mandate in HB1840 re: surrender of firearms. We have lined up national technical assistance providers that are willing to work with us, at their expense, when we determine a plan of action. We will be contacting the Washington Association of Chiefs & Sheriffs (WASPC) to

see if there is a way we can partner with them on what they are doing from the law enforcement side of things and how they believe we could assist educating both law enforcement and courts about implementing best practices.

- Sexual assault judicial education – We are continuing to move forward on the judicial education on sexual violence, officially now called *Enhancing Courts' Response to Adult Victim Sexual Assault*. In preparation, we are holding webinar on Wednesday, December 3, 2014 on Intimate Partner Sexual Assault (IPSA). Lynn Hecht Schafran from the National Judicial Education Program will be the faculty and we also partnered with the National Council of Juvenile and Family Court Judges (NCJFCJ) to handle the registration and the technical aspects of the webinar *Intimate Partner Sexual Abuse: The Hidden Dimension of Domestic Violence*. We will be seeking .75 Continuing Judicial Education credits. We will be working with the court administrators to help reach out to pro tem judges also.
- Logos – In July, we looked at several logo submissions, which we decided were not quite what we were looking for. Therefore, CaroLea contacted approximately 55 schools and other entities in September and asked for submittals. We received several more logos from the same student who submitted in July. Commission members looked at all the logos and made several suggestions. It has been decided that Danielle and CaroLea will work with this graphic designer and have her incorporate the suggestions and provide another round of mockups for members to look at.
- Conferences
 - Domestic Minor Sex Trafficking

We were able to send a team of judicial officers to the domestic violence sex trafficking conference in Reno from November 3-5, 2014. Justice Bridge, Judge Serko, Judge Cindy K. Smith, Commissioner Jerri Potts, and Danielle attended. Also, Judge Barbara Mack was in attendance as faculty. One of the highlights of that conference was that at one point judicial officers in the room were really just going back and forth about where each state is at and how they are interacting with their communities and what steps that are being taken on addressing the issue.

One topic discussed was on how to improve standards of care and what that looks like. Our team met up to discuss the Conference and we had a conversation about how to bring pieces of this training to Washington State. There was also a bigger discussion on doing some sort of regional conference with Oregon, Nevada, Idaho, Washington, and Northern California where kids are being trafficked along the I-5 corridor and how we can work together as courts from these various states. The emphasis from the Washington team was making sure we continue the multidisciplinary conversation about this topic and continue to communicate to education communities that this is a problem, how to recognize it, and specific ways stakeholders can address the situation. Many judicial officers indicated they were struggling with some of their colleagues around the issue because there is a belief that this is not happening in their community.

As we move forward, we need to ensure the MJCOM is involved, especially with the work they are doing about the disproportionate number of children of color in the foster system. The other piece of work that was completed this year was from the Attorney General's task force on trafficking. The AGs submitted a report to the Legislature providing information and suggestions of where to go next, especially on the demand-side reduction issue.

The Commission also had a robust discussion on prosecution around prostitution and that the legislation that was passed about vacating prostitution charges is very narrow and does not apply to most people. Furthermore, one can only vacate one charge and that does not help if you have been charged more than once, which most have been. The discussion led to suggesting education programs that target training where children/adolescents are being charged for other crimes and yet sexual abuse or trafficking is not being identified. How can we introduce the topic and provide practical tools for judicial officers to assist in these matters.

Action: Explore legislative potential fixes, re: vacating of prostitution charges; vacating misdemeanor convictions for juveniles – Senators Jeanne Kohl-Welles and Mike Padden and Representative Tina Orwall are interested in trafficking issues along with former Congresswoman Linda Smith. Work with AOC to see what kind of data is being gathered on prostitution charges.

- Statewide Tribal Domestic Violence and Sexual Assault Conference
The Commission supported and participated in the 2014 Conference focused on domestic violence and sexual assault cases through the tribal lens. This was the first time this Conference had a track that was specifically aimed at court issues and judicial officers. Judges Mark Pouley and Tom Tremaine were able to provide an update on the Tribal State Court Consortium and next steps. Judge Theresa Pouley provided an update on the work the Tulalip Tribe is doing on enhanced jurisdiction provisions under VAWA 2013. Judge Cindy K. Smith, Suquamish Tribe, and Honorable Tammie Ownbey, Pend Oreille County Clerk, presented on the importance of cross-collaboration and full faith and credit.

Guest Speaker & Exploratory Projects

- Model Policy on Rescission or Modification of No Contact Order (NCO)
Judge Melnick and Ron Miles took the lead on following up on the modification/rescission model policy that was part of a 2010 legislative mandate. They have solicited information from the County Clerks, court administrators, and presiding judges on how or if their courts have implemented the NCO rescission/modification policy. Ron mentioned that he was collecting responses from the County Clerks and many of them had not heard of the policy while others have adopted a policy or process and are using the state forms of a variation thereof. We will have more information to report at the next meeting. One thing to note is that most of the courts use a DV advocate to screen or interview the applicant

and the advocate. There is some territorial issues between courts and prosecutors on who should actually be providing this information. One court mentioned that it may put their grant funding into jeopardy, which would delay implementation of a process.

- **Action:** Judge Melnick and Ron Miles to continue the conversation and provide a more comprehensive analysis of how each county has implemented this statute.
 - **Action:** Add the model policy to the forthcoming revision of the DV Bench Guide.
 - **Action:** Send the model policy to defense bar/public defender's office and advocates.
 - **Action:** Re-visit where it is located on AOC and GJCOM webpages.
- Mission Creek Corrections Center Conference
Judge Evans, Judge Paja, and Danielle were involved with this Conference, which was a two-day Conference for about 150 of the incarcerated women at Mission Creek Corrections Center for Women. Everyone has a sentence of four years or less, either originally imposed or remaining on their current sentence and has a low risk assessment in the Department of Corrections' (DOC) assessment system. Mission Creek staff worked with us to add DV and vicarious trauma components to the Conference. Mission Creek has a trauma class that women can take if they choose, which covers some DV issues but certainly not all of them. The program does not cover reentry into the same community, which is of course is one of the big issues for women. As they're released from that community they're going to go back to the same family or relationships, town, whatever they came from, so that may provide opportunities for re-victimization and difficulties in reentering the system. The presentations were very well received and Debbie Brockman, the DV advocate was fantastic. We were able to have three breakout sessions which rotated participants through so everyone was able to hear all the sessions. Ms. Brockman also provided the follow-up discussion from the Girls In Trouble DVD, a story of four young women 16-to-17 years old in the juvenile system. The story speaks about their experience over a period of four years.

Other opportunities we gained are personal contacts with staff to continue discussions on future conferences and issues. One main issue that came up was law library access for the women at Mission Creek. At Purdy, the women apparently have access to a law library but at Mission Creek, they do not. Those incarcerated at Mission Creek are reliant on law students and other volunteers who provide hardcopies of documents and forms.

Justice Owens gave lovely opening remarks wherein she indicated the makeup of the attendees wasn't what she expected as approximately 75 percent of the women were probably under 30 and 90 percent were Caucasian. Justice Owens indicated it didn't meet the pattern she expected. One thought we had, was maybe this is due to the DOC's static risk assessment. One of the issues that the MJCOM raised was about the static risk assessment that was used as a model for the Superior Court Judges' Association (SCJA) static risk assessment and how it is used and applied by judicial officers. Alex and several other law students attended and because of the work that they're doing through Seattle University and the student-run group providing assistance, they were able to assist the women, which was very helpful and comforting.

Judge Evans came and spoke about the Girls in Trouble DVD. He was able to have lunch with several people who expressed their appreciation of our involvement and came away from the whole experience that we are helping build people up and we're giving tools for folks that have troubles in their life and they're not going to be in prison forever. He was able to talk to them about how to deal with getting paperwork that is needed for custody issues and they expressed they were especially grateful for Alex and her cohorts in helping them. Judge Evans indicated he was encouraged by the seminar and that the Commission needs to continue to be involved in this because it's providing people with avenues and a means to deal with their past, and plan for the future.

Other items of interest were attendees are really eager for resources on domestic violence in the Eastern part of the state, how to deal with their legal financial obligations, and how to work through finding housing. Also, there may be a way through the MJCOM to talk about how they work with the population that reenters.

- **Action:** Continue contact with Mission Creek staff.
- **Action:** Preplanning for next year includes a stipend for advocates who are coming to assist with their time and/or travel to/from. We may be able to provide something through STOP grant funds. Invite advocates from other areas that may be interested in attending and providing information on services provided in their counties.
- Fundamentals of Domestic Violence for Lawyers training
Judge Paja provided information about the American Bar Association Commission on Domestic and Sexual Violence training *The Fundamentals of Domestic Violence for Lawyers* who are representing victims of domestic violence in custody cases. Judge James Riehl, retired, is one of the faculty for this training and believes that this would be a valuable training. It may be a training where all we need to do is secure the location and participants and the faculty will be provided for through a national technical assistance provider and be free of charge.

Action: Judge Paja and Danielle will follow up on this training.

Committee Reports

- Communications Committee (Ron Miles, Chair)
As the new Chair, Ron has been working with Danielle and Pam on fine tuning the Committee work plan. The goal is to have a conference call on December 15 at 12:15 p.m. with the Committee members. The Committee is comprised of Judge Lucas, Judge Paja, Ron Miles, Gail Stone, Danielle, and Pam. Our most immediate project is the 2014 GJCOM annual report and having it compiled, drafted, and ready for an early-March release. The plan also has a project to look at the website to keep it up-to-date, vibrant, and relevant.
- Domestic Violence Committee (Judge Judy Jasprica, Chair)
The Domestic Violence Committee as a Committee has not been real active committee-wise as we have been focused on the sentencing and monitoring project with the Center for Court Innovation (CCI). CCI will be conducting site visits the first week of December in district courts of Benton/Franklin, Clark, and Spokane counties.

- Education Committee (Judge Rich Melnick, Chair)
Danielle Pugh-Markie presented on behalf of Judge Melnick who was unable to attend. The meeting packet included evaluations from GJCOM-sponsored sessions at Fall Conference. The sessions were well received and we added a session on ICWA as part of the Tribal State Court Consortium meeting. Judge Theresa Pouley and Commissioner Michelle Ressa were faculty for that session. Dr. Chris Blodgett and Judge Melnick were faculty for the “Adverse Childhood Experiences, Understanding Risk and Responses to Child Trauma” and Mr. Khatib Wahid presented “Race: The Power of an Illusion,” which was cosponsored by the MJCOM.

Next step is to have a discussion about trauma-informed courts and how exposure to violence is particularly problematic and, in particular, how women are deemed culpable for exposing their kids to trauma. The discussion should include practices that support resiliency and how to support women in particular because they’re generally the ones raising children. The question then becomes how to provide a session or training for judicial officers on what is a trauma-informed court, how does the judicial officer provide that, and are there any judicial officers who have explored or implemented practices.

“Race: the Power of an Illusion” was an excellent program. It included a film that discussed real estate, “redlining,” and how the GI bill contributed to that practice. The seeds of today’s racial segregation in the housing market was laid out with the disproportionate opportunities for buying housing that African American GI’s had after they came back from the World War II. The Supreme Court is proposing it to be shown as part of their employee training. We will need to continue the discussion and also tie in much of the implicit bias information we have received from Dr. Kimberly Papillon and also the work done by Judge Kevin Burke on bias in judicial decision making.

Session proposals were due for DMCJA and SCJA. We submitted proposals on domestic violence and the surrender of firearms and abusive litigation. The abusive litigation proposal was accepted for SCJA and DMCJA has held a 90-minute spot for GJCOM. Staff will work with the Education Committee to formulate a session for DMCJA.

- Incarcerated Women & Girls (Sara Ainsworth, Chair)
Sara was unable to attend today so Pam provided an update. Members received a notice about a meeting that is being held on November 18, 2014, in regards to a proposal by the Department of Social and Health Services (DSHS) to revise RCW 13.34.180, re: termination of parental right. This language was just added in 2013, so it is surprising that DSHS is proposing to remove the language as it was designed to promote reunification of families and to ensure that the incarcerated parents don’t lose their children automatically because of incarceration.
- Tribal State Court Consortium (Judge Mark Pouley and Judge Tom Tremaine)
We held a meeting at Fall Conference and have continued to make progress. We will be holding a series of meetings with tribal and state court judges beginning in 2015. The first meeting will be hosted by the Suquamish Tribe and Judge Cindy K. Smith is working with us to facilitate that meeting. The meeting at Fall Conference included a very good discussion on the makeup of the Consortium and how to go forward. We have had a lot

of support and really good support from state courts, but we've not had a real good traction in the tribal setting, so this was a nice opportunity to have a more concentrated tribal audience. Pam please take a look at the following: Two of the main challenges we face are getting tribal court judges' participation because a lot of tribal court judges are contract judges and not employees and understanding and navigating the relationship of tribal court judges with their government and getting permission to participate in this type of thing. Two of the main challenges we face are getting tribal court judges' participation – a lot of tribal court judges are contract judges and not employees and understanding and navigating the relationship of tribal court judges with their government and getting permission to participate in this. We will be working with Affiliated Tribes of Northwest Indians to help garner support and get us on their meeting agenda to discuss our work and solicit input and assistance. We will be able to present them with the concept and where we're going and what the planning looks like and see about doing a resolution in support of the Consortium.

- Women in the Profession (Judith Lonquist, Chair)
Judith reported that the Committee has not been overly active. A new Chair needs to be determined as Judith's term will end in June 2015. The two items of interest are judicial evaluations and the 1989 Study and Glass Ceiling Survey.
- Miscellaneous – DV Bench Guide Update (Grace Huang)
Grace thanked everyone for assisting and contributing to the revision of the DV Bench Guide. It is with the copy editor and should be completed by the end of the year. There are a few appendices including recent litigation.

The meeting was adjourned at approximately 12:10 p.m.

**Intimate Partner Sexual Assault: The Hidden Dimension of Domestic Violence
Webinar – December 3, 2014**

Presenter: Ms. Lynn Hecht Schafran

42 persons participated
17 Superior Court judicial officers
5 District Court judicial officers
14 Municipal Court judicial officers
6 staff/faculty/GJCOM Members
5 pro tem judicial officers from all court levels

5 persons completed the on-line evaluation.

How will you use the information presented?

- It really comes down to what we all use in the practice of law - Issue identification. If you are not aware of the symptoms of IPSA, you may not recognize it in a fact pattern presented to you.
- Be aware of the issue and sensitive to the concerns of the parties. (2)
- Heightened awareness when evaluating claims of IPSA.
- Figuring out how to make it feel "safe" for victim to share this information.
- To be mindful of those DV victims who come before and alert to the hidden issues that the PC statement may not contain.
- Training

What other information related to IPSA would be useful to you?

- Ideas about how to elicit this info in a safe way for victim during court proceedings.

Additional Comments

- Format was great and convenient for those who have a jam packed schedule.
- Frustrating that when tried to log in, message was that meeting was full. Ended up calling toll-free number and listening in, but would have been nice to have the PowerPoint slides in front of me. Overall, a good presentation.
- Would like to see a handout summary of warning signs to have on the bench.
- The presentation was informative.

Enhancing Courts' Response to Adult Victim Sexual Violence Workshop

Register Now!

<https://www.surveymonkey.com/s/SATraining2015>

Workshop covers offender behavior, the neurobiology of trauma, vicarious trauma and self-care, how language impacts perceptions of sexual assault, judicial leadership, and jurisdictional and procedural practices in adult sexual assault cases. Local and national experts.

Two Locations

Day 1: 8:00 a.m. to 4:30 p.m.

Day 2: 8:00 a.m. to Noon

February 9-10, 2015
Tukwila Community Center

February 12-13, 2015
Spokane Public Health Building

For more information contact:

Danielle Pugh-Markie at danielle.pugh-markie@courts.wa.gov

SCHOLARSHIPS AVAILABLE!

CIEs Pending.

Sponsored by: The Washington State Gender & Justice Commission through Grant No. 2013-FL-AX-0008 awarded by the Office on Violence Against Women, U.S. Department of Justice. (OVW, DOI)

Gender & Justice Commission
Proposed Budget July 1, 2014 - June 30, 2015

Projected Spending	Starting Budget = \$150,000	Projected	Spent
Salaries & Benefits	Staff (1.0 FTE: Manager, 0.3 FTE Program Coordinator)	\$119,084	\$53,795
Commission Meetings	Travel-related costs for members & staff (lodging, per diem, mileage, airfare, etc.) (Sept, Nov, Jan, March, May)	\$5,500	\$4,577
	Retreat - July 11, 2014 (Facility only)	\$4,282	\$4,282
General Operating Expenses	Printing, conference calls, supplies, etc.	\$2,575	\$964
Travel & Training	Registration Fees, Travel-related costs		\$5,010
Staff Continuing Education	Local and National conferences Fall 2014, SCJA 2015, DMCJA 2015 (costs <i>not</i> captured under other grants)	\$1,500	\$646
Committee Work			
	Communications Annual Report work is captured under staff time & general operating expenses for printing & mailing	\$0	\$0
	Domestic Violence Captured under FFY14 STOP Grant Funds	\$0	\$0
	Education Committee SCJA Spring Program Proposals Abusive Litigation (costs captured under FFY14 STOP funds)	\$0	\$0
	DMCJA Spring Program Proposals Domestic Violence Sessions (costs captured under FFY14 STOP funds)	\$0	\$0
	Fall Conference 2014 Race: The Power of an Illusion	\$1,100	\$1,100
	Appellate Conference 2015 Feminist Legal Theory	\$1,000	
	Incarcerated Women & Girls Stakeholder Mtg - July 31, 2014	\$1,250	\$921
	Tribal State Court Consortium Fall Conference 2014 Mtg 2015 work captured under GTEA	\$1,250	\$1,786
	Women in the Profession Judicial Officer & Law Student Reception	\$0	\$0
Initiatives/Sponsorships	Mission Creek Event (October)	\$100	
	WA Initiative for Diversity - Judicial College	\$1,000	\$1,000
	OCLA Civil Legal Needs Study	\$12,500	\$1,868
	CSEC Training - August 2, 2014	\$1,260	\$1,592
	Sponsorship - CZ Smith	\$500	\$500
		\$152,900	\$78,040

updated 01.05.2015

STOP BUDGET FFY14

Proposed Budget January 1, 2015 - December 31, 2015

Projected Spending	Total = \$133,192	\$98,266	\$34,926
		DV Projects	SA Projects
Salaries & Benefits	Staff (Program Coordinator = 0.35 FTE)	\$23,178	\$9,926
Supplies, Copies, Printing		\$1,500	
Staff Training & Education	To attend local and national conferences and training events	\$7,688	
Contracts	PSC14119 - Center for Court Innovation re: Sentencing & Monitoring Project (<i>carry over from FFY13</i>)	\$10,000	
Judicial Officer Training & Continuing Education	Scholarships for judicial officers to attend local and national conferences & training events as related to DV/SA		
	Enhancing Judicial Skills in DV (\$2000*4)	\$8,000	
	Continuing Judicial Skills in DV (\$2,000*3)	\$6,000	
	NCJFCJ National Conference (\$3200*5)	\$16,000	
	Supplement SA judicial officer training		\$15,000
Education Proposals	SCJA Spring Program Proposals		
	Abusive Litigation	\$1,500	
	Firearms Surrender	\$1,500	
	DMCJA Spring Program Proposals		
	Domestic Violence Session	\$1,500	
Proposed Work	Other work re: implementation of HB1840	\$10,000	
	Surrender of Firearms		
	King County DV Symposium	\$5,000	
	Undetermined	\$6,400	
	Working with Tribal courts on SA issues		\$10,000
	Totals per portion of grant	\$98,266	\$34,926
	Total Grant	\$133,192	

Updated 1.5.2015

Funds Managed by the Gender & Justice Commission

	GJCOM	STOP FFY14	SA Grant	GTEA Grant
Salaries & Benefits	\$119,084	\$33,104	\$10,674	\$2,160
Supplies, Copies, Printing	\$2,575	\$1,500	\$3,470	\$0
Travel (staff, consultant, members, attendees)	\$9,055	\$22,688	\$25,056	\$0
Consultant contracts	\$14,250	\$40,000	\$10,800	\$0
Education Sessions Support	\$2,286	\$14,500	\$0	\$0
Committee Work Support	\$1,250	\$1,500	\$0	\$0
Other Goods & Services	\$1,500	\$19,900	\$0	\$17,840
Totals	\$150,000	\$133,192	\$50,000	\$20,000
				\$353,192

Fiscal Year Periods

- GJCOM - July 1, 2014 thru June 30, 2015
- STOP FFY14 - January 1, 2015 thru December 31, 2015
- SA Grant - October 1, 2013 thru September 30, 2015
- GTEA Grant - October 1, 2013 thru September 30, 2016

Updated 1.5.2015

Dana Raigrodski
Executive Director, Global Affairs
Law Lecturer & Director, General LL.M. Program

Dr. Raigrodski is a Lecturer and Director of the General LL.M. Track at the University of Washington School of Law. She is also the Executive Director of Global Affairs at the Law School, overseeing international exchange and collaboration, the Visiting Scholars Program and the Summer Institute in Transnational Law and Practice. Dr. Raigrodski holds an LL.B magna cum laude, Tel Aviv University; LL.M. with distinction, and SJD from Tulane University.

Dr. Raigrodski has practiced law for the Israeli Defense Forces Military Advocate General Staff Command in Tel Aviv, serving as a military prosecutor and legal counselor. Professor Raigrodski teaches Comparative Legal Studies, Graduate Writing and American Legal System and Method and her scholarship and research interests examine human trafficking, constitutional criminal procedure, feminist legal theories and jurisprudence, and law and development.

She is a member of the New York Bar and the Israel Bar.

NOV - 6 2014

Ronald R. Carpenter
Clerk

THE SUPREME COURT OF WASHINGTON

IN THE MATTER OF THE ESTABLISHMENT OF)
THE WASHINGTON STATE CENTER FOR)
COURT RESEARCH)
_____)

ORDER
NO. 25700-B- 551

WHEREAS, the Washington State Constitution establishes the judicial system as an equal, independent branch of government;

WHEREAS, preserving the independence of the judicial branch requires that the judiciary develop and adopt policies based upon informed, independent, and empirical research;

WHEREAS, informed, independent, and empirical research enables the judiciary to analyze and improve court operations, processes, and programs to ensure equal justice, and participate as an equal partner in government affairs;

WHEREAS, the Administrative Office of the Courts, pursuant to statute, is required to “compile statistical and other data and make reports of the business transacted by the courts” and “examine the administrative methods and systems employed in the offices of the judges, clerks, stenographers, and employees of the courts and make recommendations, through the chief justice, for the improvement of the same”;

WHEREAS, the Supreme Court and other judicial branch leaders rely upon informed, independent, and empirical research to reach major policy decisions;

WHEREAS, there is a need to recognize the value of independent judicial branch research that is conducted by the Washington State Center for Court Research as an integral function of the judicial branch;

699/145

WHEREAS, there is a need to provide for a mechanism to evaluate and respond to executive and legislative branch research affecting the operation of the judicial branch;

Now, therefore, it is hereby

ORDERED:

That a Washington State Center for Court Research, within the Administrative Office of the Courts, is hereby established to provide informed, independent, and empirical research for the judicial branch to improve equal administration of justice by conducting research necessary to analyze court operations, processes, and programs; by facilitating strategic planning and the adoption and implementation of Board for Judicial Administration resolutions; by communicating research findings to the judicial branch; and by reviewing and commenting on court system related research conducted by the legislative and executive branches.

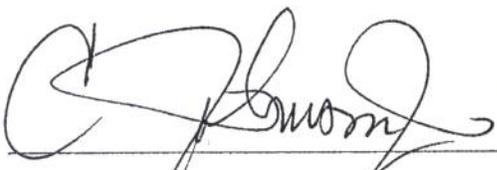
That an advisory board for the Washington State Center for Court Research is established by the Supreme Court. The advisory board shall provide guidance to the Center on implementation of research projects, and facilitate coordination and communication with stakeholders. The chief justice of the Washington Supreme Court shall appoint the members of the advisory board and designate the chair of the advisory board from among the members, all of whom shall serve for three-year staggered terms. Membership of the advisory board shall include:

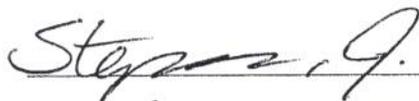
- Appellate Court Judicial Officer (1)
- Superior Court Judicial Officer (1)
- District or Municipal Court Judicial Officer (1)
- Superior Court Administrator (1)
- Juvenile Court Administrator (1)
- District or Municipal Court Administrator (1)
- Academic Researcher (2)
- Executive Branch or Legislative Researcher (1)

That a strategic oversight committee for the Washington State Center for Court Research shall be established to meet annually to set priorities for research projects. Additional meetings shall be scheduled at the request of the advisory board chair. The chief justice of the Washington Supreme Court shall appoint the members of the oversight committee and designate the chair of the committee from among the members. The chief justice shall designate the term for the oversight committee members. Membership of the advisory board shall include:

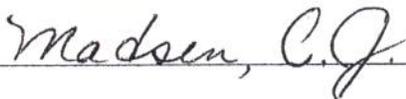
- Chief Justice of the Supreme Court (1)
- Current Superior Court Judges Association President (1)
- Current District and Municipal Court Judges Association President (1)
- State Court Administrator (1)
- Judicial Information System Committee Chair (1)
- Commission on Children in Foster Care Co-Chair (1)
- Gender and Justice Commission Co-Chair (1)
- Minority and Justice Commission Co-Chair (1)
- Interpreter Commission Chair (1)
- WSCCR Advisory Board Chair (1)

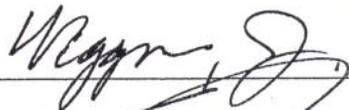
DATED at Olympia, Washington this 6th day of November, 2014.


Fairhurst, J.

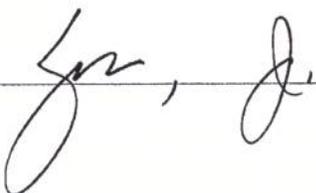

Stephens, J.


Owen, J.


Madsen, C.J.


Wynn, J.


Gertz-McClellan, J.


Lee, J.

Federal Way law enforcement gets tough on domestic violence

November 20, 2014

Federal Way Mirror

by RAEHEL DAWSON, Federal Way Mirror Reporter

Nov 19, 2014 at 11:14AM

Editor's note: This is the second story in the Mirror's three-part In Her Shoes series on domestic violence. To learn how the city handles domestic violence prevention and the treatment options available to offenders and victims, read our last installment of the series in the Nov. 21 issue.

A 3-year-old boy told police he saw his dad try to kill his mom on the night of March 4 in the WinCo Foods parking lot.

“He put the gun next to her, but the bullet got stuck so he pulled her head onto the steering wheel,” the boy told an officer trained in child interviews.

The family was sitting in a car that evening after his mother, a 35-year-old woman from Federal Way, picked up her 36-year-old boyfriend of five years, her son's father.

He had been drinking at a friend's house, the police report states.

On the way home, the two got into an argument about the woman's alleged drug use and supposed affair. He told her to pull over so he could get food for the boy but instead he grabbed her by the hair and pulled her head to his lap.

“He told her that he was going to kill her and told her that he had his gun with him,” the police report states. “He went on to say that he had already killed someone today [sic] and he was not afraid to do it again and was not scared to go to jail.”

The man then punched her side of the face while the boy screamed, “Don't kill mommy.”

But his father drew a small silver handgun, pointed it at his mother and pulled the trigger.

When the gun didn't shoot, he hit her forehead with the gun's cylinder.

The woman was able to escape after he was distracted by a noise.

Police found the man hiding under a trash compactor after he saw officers and fled.

The woman told police "she believed she was going to die and was scared out of her mind."

He had threatened her since the beginning of their relationship, she said, even strangling her. But "this time it was real."

"Domestic violence calls are one of the most dangerous calls police officers respond to," said Federal Way Chief of Police Andy Hwang in an interview, adding that those calls require at least two or three officers and the situations are often highly emotional.

Federal Way police respond to more than 2,000 domestic-violence-related calls each year and the issue is "consistently in the top five calls for service each month," Hwang wrote in an email.

He said the crime is sometimes difficult to deter because it happens behind closed doors but the impact can be most profound.

"Children growing up in homes where violence exists are abused and neglected at higher rates," he said. "They are also the most likely to perpetuate violence in their intimate relationships when they get older. Among other things, household violence is often a learned behavior."

But Federal Way is leading the way when it comes to punishing offenders who commit domestic violence in front of children.

In 2006, the Federal Way City Council adopted two amendments to city code, which made domestic violence in front of children and strangulation a gross misdemeanor. Any person convicted of either crime would have to spend 30 days in jail, minimum, as well as possibly face other conditions of the law.

"It's a Federal Way homegrown ordinance, it's not state law," said Federal Way Judge David A. Larson about the domestic violence in front of a child law.

The city partnered with the South King County Community Network to look at the effect on children when they witness or perceive domestic violence in the home.

“Research shows that children who witness domestic violence often suffer severe emotional and developmental difficulties similar to children who are direct victims of abuse,” city documents state.

While some cases may be obvious, many have their own unique challenges.

As officers interview each person involved in the dispute, their job is to determine the primary aggressor.

Sometimes police will hand out a pamphlet in cases of verbal domestic violence; cases of physical assault are handled on a different level.

“We have to make an arrest if the crime occurred within a four-hour period,” Hwang said. “Generally one of the parties will be arrested.”

Police have to err on the side of caution, Hwang added, because even if there’s no visible injuries but someone’s alleging assault, the intent of the law is to prevent further violence.

“Where somebody could make a false allegation, that’s where the training and expertise of officers comes in,” he said. “Officers are in a tough situation.”

If an arrest is made at the scene, the suspect is held without bail until they see a judge.

Suspects arrested for a felony have their cases heard in King County Superior Court, while the Federal Way Municipal Court judges hear misdemeanor and gross misdemeanor cases.

Someone charged with a misdemeanor can face up to 90 days in jail with a \$1,000 fine and a gross misdemeanor conviction will be up to 364 days in jail, a \$5,000 fine and five years of probation for each crime. Felony sentences are broken into different classes and can vary in length or severity based on the suspect’s “offender score.”

After a suspected abuser sees a judge for his or her arraignment, they may be let go on personal recognizance with conditions or bail is imposed.

Although the defendant has a right to a speedy trial, Larson said there are waivers and it can often take longer for more investigation time.

If the suspect chooses not to plead guilty, a trial date is set, a jury is chosen and prosecutors have the burden of proof to prove the suspect is guilty beyond all reasonable doubt.

Federal Way domestic violence prosecutor Pauline Freund has worked for the city for seven years.

“I worked in a shelter in Chicago for a little while,” Freund said. “It’s always been an issue I’ve felt very strongly about. Luckily, I don’t have a personal experience, I just think that everyone deserves to be safe in their own home.”

But it appears many people aren’t safe in their own homes, nor do they strive for that safety.

“My number one challenge is getting victims to cooperate,” she said. “I’ve heard statistics of 60 to 80 percent — my experience is about 60 percent — of victims recant [their statements] or refuse to cooperate.”

Her second challenge is the jury.

“Jurors don’t want to believe it’s happening,” she said. “I think, as people, everyone wants to believe we’re safe in our own home.”

Freund gets around eight to 10 new cases a week. The cases are divided into traditional power/control domestic violence between people in relationships and others, such as child abuse, elder abuse and a roommate spat, which are lumped together in another category.

Freund handles the first category.

“It’s interesting here because we have such a diverse population,” she said, noting the high population of immigrants and people with varying socioeconomic statuses in Federal Way. “But the experience of women and the stories they tell us are similar across the board.”

Although Freund prefaces that she’s not a psychologist, an “overwhelming amount” of the victims she sees blame themselves.

“My intent is to hold perpetrators accountable and provide for maximum victim safety,” she said.

And if a suspect is found guilty, prosecutors and defense lawyers will negotiate a recommended sentence but ultimately it's up to the court.

Larson said sometimes abusers go straight to jail but often they'll get a suspended sentence. This is a deferred amount of jail time in lieu of conditions that must be followed. If the perpetrator breaks these conditions, they'll go straight to jail.

But the conditions can sometimes be challenging — especially when it comes to the no-contact order.

Per federal law, the convict will be prohibited from possessing any firearms, they may have to undergo drug or alcohol evaluations if that's a motivating factor in the abuse, and often, they have to abide by a no-contact order or a restraining order.

“The decision about a no-contact order for judges is the most complicated things we do,” Larson said. “First of all, you're telling people to stay away from each other that potentially want to be together. And the primary thing you're looking at is if you do lift the no-contact order, that there's not going to be any more issues.”

He said there's a concern that if the victim doesn't want the no-contact order, he or she may not call police again.

Larson said because “every case is as individual as a fingerprint” it's important to look at each risk factor and characteristic as a judge.

About six or seven years ago, a woman was killed at the Calgary Lutheran Church while she was in a counseling session with her husband.

The husband got up to leave and he shot his wife, Larson said.

“Just look at his criminal history and tell me how anybody would predict he would shoot his wife,” Larson said. “Then you've got on the other side of the spectrum, somebody with five or six domestic violence violations that may never get past a push or slap. And then you have the person that, hypothetically, the worst they have had is maybe a traffic ticket and they end up killing their family. How can you as anybody, let alone a judge, figure out which cases are going to be dangerous and which cases aren't?”

Larson said the way to try and figure it all out is through training, education and not simply going through the motions.

“If you care about this stuff, it can be very challenging,” he said. “If you’re just thinking you’re up there on the bench, checking boxes, then it’s easy but I’m not a box checker.”

The judge’s motto is “no repeat customers,” which is also the goal of probation.

“One time I was at Federal Way High School speaking to some students and they said, ‘Well, you don’t handle very important cases do you?’” Larson recalled.

“And I said, ‘I was a civil lawyer before I became a judge and my cases were complex litigation involving 25 or more parties, I managed 15,000 lawsuits nationwide and everything else, I mean, I get complex litigation.’”

“My response was, ‘Actually they’re the most important cases because I can reach somebody before they graduate to felonies. I can try to work with somebody because at the entry level court, this is where we get people so they don’t go on further and do worse things, whether it’s a traffic offense, whether it’s a crime, this is an opportunity and most of our ‘customers’ are between 18-25 and that’s all crimes, not just domestic violence. And if we can reach people and get them to stop doing what they’re doing, then we’ve accomplished something.’”

RAECHEL DAWSON, Federal Way Mirror Reporter

rdawson@fedwaymirror.com or 253-925-5565, ext 5056

Case tests social media free speech

By Robert Barnes of The Washington Post

- As of Monday, November 24, 2014

WASHINGTON — About a week after Tara Elonis convinced a judge to issue a protective order against her estranged husband, Anthony, her soon-to-be ex had this to say:

“Fold up your (protection order) and put it in your pocket

Is it thick enough to stop a bullet?”

Anthony Elonis didn’t deliver the message in person, by phone or in a note. Instead, he posted it on his Facebook page, for all to see, in a prose style reminiscent of the violent, misogynistic lyrics of rap artists he admired.

In its first examination of the limits of free speech on social media, the Supreme Court will consider next week whether, as a jury concluded, Elonis’ postings constituted a “true threat” to his wife and others.

The issue is whether Elonis should be prosecuted for what he says was simply blowing off steam — “therapeutic efforts to address traumatic events,” as his brief to the court says — because what matters is not his intent but whether any reasonable person targeted in the rants would regard them as menacing warnings.

Parties on both sides of the groundbreaking case are asking the court to consider the special qualities of social media. In this rapidly evolving realm of communication, only the occasional emoticon may signal whether a writer is engaging in satire or black humor, exercising poetic license, or delivering the kind of grim warnings that have presaged school shootings and other acts of mass violence.

Elonis, who has already served prison time for his Facebook posts, and some of his supporters say the court must look beyond incendiary content to discern the writer’s intent.

“Internet users may give vent to emotions on which they have no intention of acting, memorializing expressions of momentary anger or exasperation that once were communicated face-to-face among friends and dissipated harmlessly,” said a brief filed on Elonis’ behalf by the Student Press Law Center, the Electronic Frontier Foundation and the writers organization PEN.

Domestic violence experts, on the other hand, say social media has become a powerful tool for dispensing threats.

Victims of domestic abuse, according to a brief filed by the National Network to End Domestic Violence, “have experienced real-life terror caused by increasingly graphic and public posts to Facebook and other social media sites — terror that is exacerbated precisely because abusers now harness the power of technology, ‘enabling them to reach their victims’ everyday lives at the click of a mouse or the touch of a screen.’ ”

The case carries wide First Amendment implications for free-speech rights and artistic expression. Briefs laden with the F-word and vulgar references to the female anatomy attempt to provide a crash course on Eminem and Wu-Tang Clan for the justices, whose tastes lean more toward Wagner and Puccini, and illuminate what some scholars say are the misunderstood storytelling attributes of rap.

Solicitor General Donald Verrilli Jr., representing the government, offered a basic primer on social media in his brief to the court. “Facebook ‘friends,’” he explained, “generally will have access to each other’s posts and will also see each other’s new content as part of a live newsfeed.”

A number of people watched Elonis’ newsfeed with growing alarm during a two-month period in 2010. His wife had left with their two children, and Elonis, then 27 and working at Dorney Park and Wildwater Kingdom amusement park in Allentown, Pennsylvania, grew increasingly despondent and angry.

He was fired after co-workers interpreted one of his Facebook postings as a threat to them. He responded: “Someone once told me that I was a firecracker. Nah, I’m a nuclear bomb and Dorney Park just f----- with the timer.”

Elonis’ lawyer in the Supreme Court case, Washington attorney John Elwood, noted for the court that the posting was “followed by an emoticon of a face with its tongue sticking out to indicate ‘jest.’”

In other postings, Elonis suggested that his son dress as “Matricide” for Halloween, with his wife’s “head on a stick” as a prop. He pondered making a name for himself by shooting up an elementary school and noted that there were so many nearby to choose from — “hell hath no fury like a crazy man in a kindergarten class.”

There was much more. But Elwood’s brief noted that Elonis created a rapper-sounding pseudonym — “Tone Dougie,” a combination of his first and middle names — for his screeds and sprinkled the postings with references to his “art” and First Amendment speech rights.

True, the language of the posts was violent, the brief notes, but the same is true of his hero Eminem, who frequently rapped about violent fantasies about his ex-wife.

Some courts require prosecutors to show that a defendant intends to make good on warnings in order to obtain a conviction for communicating “any threat to injure the person of another.”

But most do not, and the judge in Elonis’ case instructed jurors that the government had to prove only that a reasonable person would view the postings as “a serious expression of an intention to inflict bodily injury or take the life of an individual.”

The U.S. Court of Appeals for the 3rd Circuit upheld Elonis’ conviction, and he served more than three years of a 44-month sentence before his release from prison.

The Supreme Court has never given a clear answer as to whether intent must be proven. Elwood said in an interview that one of the things that makes this case important is that there is no way in social media to pick up the “cues and signals” that would indicate whether a speaker is serious or joking, threatening or hyperbolic.

Verrilli argued in his brief that this language means only that such statements are a “type” of true threat, not the only type.

“A bomb threat that appears to be serious is equally harmful regardless of the speaker’s private state of mind,” Verrilli wrote, adding: “Juries are fully capable of distinguishing between metaphorical expression of strong emotions and statements that have the clear sinister meaning of a threat.”

The case, *Elonis v. U.S.*, is scheduled for oral arguments December 1.

Editorial: Work remains on fixing sex trafficking enforcement

Washington is at the forefront of a movement to end sex trafficking, but its laws must be better enforced and communities more attuned to the signs a child is being exploited.

Seattle Times Editorial

November 9, 2014

WASHINGTON boasts some of the nation's strongest laws against sex trafficking of children. That's why it's one of only three states in the country to earn an "A" grade from Shared Hope International, which last week released its annual report card analyzing each state's existing rules.

Protecting children from being sold for sex is something state legislators agree on. They have made it a felony for adults to traffic, sexually abuse, communicate electronically for sexual purposes or view pornography depicting anyone under 18.

Yet, this illicit trade thrives. In King County alone, hundreds of underage sex workers are active each night. Only a fraction of buyers and traffickers are ever caught and brought to trial.

Shared Hope International President Linda Smith, whose anti-trafficking organization is based in Vancouver, says better enforcement of Washington's current laws is necessary. However, enforcement will likely remain a challenge until there is more training for communities and law-enforcement officials to detect the signs of a commercially sexually exploited child. Signs of trouble might include running away from home and missing school.

Police officers, prosecutors and sheriff's deputies working in Seattle and King County in recent years are making a point to treat girls found working in prostitution as the victims they are rather than as criminals.

That mindset must continue to spread statewide. Prostitution is not a victimless crime. Real-life survivor stories tell us many are lured into the commercial sex trade as young as 12, when they are especially vulnerable to influence by people posing as boyfriends or protectors.

“We need to train the folks who come in contact with these children on a daily basis to recognize them, advocate for them and connect them to services,” says King County Juvenile Court Judge Barbara Mack, who presides over cases involving trafficked youth. “Once you start seeing the warning signs, it’s pretty easy, but people don’t want to believe that these children are being trafficked.”

Lawmakers should heed Mack’s advice to provide such training to school counselors, teachers, hospital workers, shelter staff, community organizations and social workers — as well as law-enforcement officers throughout the state.

Washington might get top marks for crafting anti-sex-trafficking legislation, but it can’t effectively enforce those rules unless more victims are found and rescued.

Editorial board members are editorial page editor Kate Riley, Frank A. Blethen, Ryan Blethen, Jonathan Martin, Thanh Tan, Blanca Torres, Robert J. Vickers, William K. Blethen (emeritus) and Robert C. Blethen (emeritus).

The Seattle Times

Winner of Nine Pulitzer Prizes

Local News

Originally published December 13, 2014 at 3:19 PM | Page modified December 14, 2014 at 11:03 AM

'Revenge porn' culprit to serve 1 year in jail

In the first case of "revenge porn" to be prosecuted in King County, a 31-year-old Seattle computer technician was sentenced Friday to a year in jail after he pleaded guilty to charges involving naked photos of four women that he posted online.



A King County Superior Court judge wasn't moved by claims Jeremy "Silo" Walters didn't intend for his four victims to be humiliated and embarrassed after he posted naked photos of the women — one of whom he'd never met — on two different websites in a bizarre case of revenge porn.

Judge Samuel Chung, who said one of the sites was "too vile" to describe in words, said Walters, 31, knew he was inflicting "maximum trauma" on his victims "while he hides behind the anonymity of the Internet."

Chung sentenced Walters to an exceptional sentence of one year in the King County Jail on Friday, denying defense requests that he serve 45 days or be allowed to serve some of his time on work release.

"He stole something that did not belong to him," Chung said of photos Walters stole from the women. The judge calling the computer technician "a cyber predator" who committed "evil and callous" crimes.

Walters, the father of a 2-year-old daughter, pleaded guilty earlier this week, on the eve of his trial, to first-degree computer trespass, a Class C felony, and four counts of cyberstalking, which are gross misdemeanor charges. He was ordered to report to the jail on Jan. 12 to begin serving his sentence.

Senior Deputy Prosecutor Gary Ernsdorff told the judge the case against Walters was the first instance of "revenge porn" ever prosecuted in the county.

All four of Walters' victims addressed the court, telling the judge of the terror and humiliation they suffered and the impacts on their personal and professional lives after Walters anonymously posted naked photos of them on myex.com and Craigslist, then sent links to their friends and family.

Walters' wife spoke on his behalf, something Ernsdorff said surprised him, since she was granted a protection order against Walters earlier this year after he threatened to send naked photos of her to her employer.

One woman's explicit photos were stolen when she hired Walters in June 2011 to move data from an old computer to a new one, she told the judge. More than two years later, she began receiving phone calls from Walters, who threatened to rape her and who sent her naked photos to her loved ones.

She said she has lost business contacts because of the photos, and her grandmother refused to speak to her until recently. She paid \$800 to have the photos removed.

The second victim is the fiancée of one of Walters' friends. Photos were also stolen from her computer. She came forward after news accounts about the first victim, and she helped police identify a third woman, who dated Walters six years ago.

"Jeremy deliberately posted these photos of us to destroy us for no reason," the second victim said. "He absolutely hates women."

The fourth victim never met Walters. Her father hired him for computer work, and after a dispute between the two men, Walters hacked into the man's daughter's accounts, posted topless photos of her on Craigslist and later bragged about it on Facebook, the judge was told.

Walters posted the daughter's phone number along with an ad seeking sex with older men, and she received so many texts and phone calls she had to shut her phone down.

"I've never run into him in the grocery store; I've never cut him off on the freeway," she said, calling his conduct "disgusting."

Walters, who appeared flushed but otherwise didn't react to the women's remarks, told the judge, "I can't say sorry enough."

Sara Jean Green: 206-515-5654 or sgreen@seattletimes.com



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