



GENDER AND JUSTICE COMMISSION (GJCOM)

TEMPLE OF JUSTICE – CHIEF JUSTICE RECEPTION ROOM

OLYMPIA, WASHINGTON

FRIDAY, MARCH 13, 2015 (9:30 A.M. – 12:00 P.M.)

MEETING NOTES

Members Present: Chief Justice Barbara A. Madsen, Chair; Justice Sheryl Gordon McCloud, Vice-Chair; Ms. Sara Ainsworth, Ms. Josie Delvin, Ms. Grace Huang, Ms. Trish Kinlow, Ms. Judith A. Lonquist, Judge Richard Melnick, Judge Marilyn Paja, Ms. Leslie Savina, Ms. Gail Stone, Judge Tom Tremaine, 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 Excused: Ms. Laura Contreras, Judge Michael Evans, Judge Judy Jasprica, Professor Taryn Lindhorst, Judge Eric Lucas, Mr. Ron Miles, Judge Mark Pouley, Judge Ann Schindler, Mr. David Ward

Guests: Judge Jim Riehl, Retired; Mr. Jake Fawcett

CALL TO ORDER

The meeting was called to order at approximately 9:30 a.m. Introductions were made.

COMMISSION BUSINESS

Chair Report – Chief Justice Barbara A. Madsen

- January 9, 2015 Meeting Notes

The January 9, 2015 meeting notes were adopted.

- Annual Report

Each attendee has received a copy of the 2014 GJCOM Annual Report. Please peruse at your leisure and if you find any errors, please contact Pam Dittman. We will release the final version by the end of April. In the past we have sent hardcopies to all the legislators, anyone named in the report, and other partners.

Action: Members please provide Pam any feedback as soon as possible.

- Luncheon

This is the second time we have invited state legislators to attend a luncheon reception to learn about the work of the Commission and the impact we make in our courts. As you will see from the agenda, we have asked Judith Lonquist to speak on the gender bias study from 1987 and how it really was the genesis for not only this Commission but also the Minority and Justice Commission. The study needs to be updated and we need to find the money to do this. Grace Huang will speak about the legislation regarding the surrender of firearms and why this was important to the Commission and implementation of this legislation. Judge Tom Tremaine will say a few words about the work of the Tribal

State Court Consortium; and Sara Ainsworth will speak to the legislation and work that has been done around shackling of pregnant women while incarcerated.

- Washington State Center for Court Research (WSCCR)
WSCCR is housed at the Administrative Office of the Courts and they research court-related matters, either to see whether programs are working efficiently or to gather data for other studies that should be done. WSCCR now has a strategic oversight committee which is staffed by the presidents of the associations, a court of appeals judge, the Chief Justice, and Chair representatives from each of the Commissions. The first meeting was held March 12, 2015 and, as a Commission, we need to be thinking of areas where we would like more information or dedicated resources, such as the efficacy of batterer's treatment programs. We would need to submit a fairly defined and detailed description of what we want and the benefit of having this information.

Action: Commission members provide staff with ideas of what you believe would be of benefit to know from a research project.

Staff Report – Danielle Pugh-Markie and Pam Dittman

Activities & Updates

- Enhancing Courts' Response to Adult Victim Sexual Violence Workshop
We hosted the workshop February 9-10, 2015 at the Tukwila Community Center. Through the grant funds, we were able to pay for 24 judicial officers (commissioners, judges, pro tempores) from across the state to attend. Special thanks to the Judge Kimberly Walden and the Tukwila Municipal Court who provided breakfast refreshments and lunch for the attendees. Additionally, a thank you to Trish Kinlow who found and reserved the space for us and who was also on-site. The meeting packets include a copy of the workshop agenda and evaluations of each segment of the program. As you will see, the evaluations were very favorable.

Initially, we had planned to host a second workshop February 12-13, 2015 in Spokane, but because of low enrollment, we cancelled it and invited those who did sign-up for that workshop to attend the Tukwila workshop. Since we have unspent grant funds, we are looking at the next steps to provide the second workshop. We will tweak the second workshop based on the evaluations and faculty feedback from the first one.

Update: The second workshop will be held on August 21-22, 2015 at the Courtyard Marriott, Walla Walla. Registration will be open by the end of April and our grant monitor has accepted our proposal to extend the invitation to judicial officers from Idaho and Oregon. We will use grant funds to assist Washington judicial officers to attend.

- Logo Update
Danielle and Pam have been working with Leanne Gan to make additional changes to the logo. New logo options were provided to attendees. A lively discussion followed that included the expressed desire that if the logo includes a mountain, that the image should be of Mt. Rainier or any other Washington mountain; the interlocking GJ needs to include the ampersand since as portrayed it looks like an arrow; some attendees liked the box around the logo, others did not; a discussion of color options. Staff asked Leanne to

provide other options besides the purple to separate the GJCOM logo from AOC's logo and from domestic violence. After group discussion, staff will continue to work with Leanne.

- Budgets

The meeting packet includes the latest budgets for the Commission and the FY14 STOP grant.

- Commissions

- The GJCOM, Minority & Justice Commission (MJCOM), and Interpreter Commission developed sessions for the 2015 Judicial College. We do this every year and the sessions were well received.
- The Commissions are also creating a Commissions brochure, which will provide a broad overview of the MJCOM, GJCOM, Interpreter Commission (IC), and Commission on Children in Foster Care (CCFC).
- The MJCOM and Interpreter Commission are both working on annual reports.
- The GJCOM, MJCOM, and IC have programs at the SCJA and DMCJA spring conferences and the GJCOM and MJCOM have sponsored sessions at the Appellate conference.
- The Minority & Justice Commission (MJCOM) is developing their yearly symposium for the Supreme Court. It will be on Thursday, May 28, 2015 at the Temple of Justice. The topic of the symposium this year is on reentry issues for juveniles.
- The MJCOM is also continuing their work on the Perceptions of Justice report that was released last year. They have sessions at both the DMCJA and SCJA Spring Conferences.
- The Interpreter Commission is working on holding a forum on May 29, 2015 in the Yakima area. The topic of the forum will be on language access issues and will be open to the public. Staff are reaching out to community organizations and stakeholders. Judge Ruth Reukauf from Yakima County Superior Court is helping organize the event.
- The MJCOM and GJCOM submitted a grant application in 2013 to the Law School Admissions Council (LSAC) to look at the youth and justice forums across the state. Margaret Fisher spoke to the GJCOM on this project in 2013 and solicited the support of the Commission if the grant was received. The original application and amount was denied and a pared down version was re-submitted. The application was approved and \$7,500 was awarded to work on this project. This work included evaluating the forums, creating an on-line repository of forum materials, and convening a stakeholders meeting to discuss the programs. Both Commissions also pledged monetary support of \$5,000 for this endeavor. These funds will be out of the 2015-2017 biennium budget.

Action: Judge Paja and Gail Stone volunteered to be the GJCOM liaisons for this project and to attend the stakeholder meeting when it is scheduled.

- Everyone was provided with the report *Black Girls Matter*. There may be some ways that we can use this report to look at the intersectionality of race and gender and in particular through the lens of incarcerated women and girls.

- The MJCOM is beginning to look at post-Ferguson types of issues, which will be the topic of their next meeting on April 10.

Guest Speaker & Exploratory Projects

- American Bar Association (ABA) Commission on Domestic and Sexual Violence - Judge Jim Riehl, Retired

Judge Jim Riehl joined the meeting today to discuss his involvement with the ABA Commission on Domestic and Sexual Violence. The ABA Commission's mission is to increase access to justice for victims of domestic and sexual violence and stalking by mobilizing the legal profession. The ABA Commission provides training nationwide to assist with this and as a former ABA Commission member and GJCOM member, the ABA Commission reached out to me to find out if there would be a way to partner with GJCOM or others to bring this training here May 18-20, 2015. Staff (Pam Dittman) has been working with the ABA Commission to secure the SeaTac Conference Room for this three to four day training. The training is for civil practicing attorneys and covers topics like domestic violence 101, litigation, divorce and child custody issues, etc. The training is interactive with role-playing, lecture, and small group discussions.

Action: GJCOM members suggested hosting an informal reception during one of the evenings of the training where we could chat with attendees about the work of the GJCOM, the importance of these issues, and partnering for future trainings.

Action: Staff contact the WSBA on hosting a CLE on DV, parenting plans, etc.

Action: Danielle indicated she and Judge Elizabeth Berns are part of the planning committee for the DV Symposium held in Seattle each year. (The GJCOM provides monetary assistance through STOP grant funds for judicial attendance at this conference.) They are working with the committee on holding a pre-conference CLE for attorneys, including family law attorneys, specifically on all things domestic violence.

Update: The ABA Commission chose to hold the training on the East Coast and will work with staff on hosting the training here in Washington in late 2015.

- Update on HB 1840 – Surrender of Firearms – Jake Fawcett
Jake Fawcett works for the Washington State Coalition Against Domestic Violence (WSCADV) and partnered with the GJCOM last year after the passage of HB 1840 to work on the implementation of the new changes in the law around the surrender of firearms with protection orders. The passage of this law aligned state law with federal law on restrictions on firearms possession for somebody who has been a respondent to a protection order. One of the problems we have seen is that even when people are ordered to remove firearms, there was no enforcement of this order and it relied on voluntary release of weapons. The passage of this bill allows for law enforcement to immediately respond and remove firearms. There are still gaps such as how quickly people must surrender their firearm(s), how is the court following up on the surrender, how law enforcement is involved, etc.

As a preliminary step, the GJCOM assisted WSCADV with holding two forums (Eastern and Western Washington) with advocacy agencies, prosecuting attorneys, sheriffs and police chiefs, and others. The forums included brainstorming and breaking down the

process of each stage of protection orders to see how the surrender process actually works, what is done to follow up on the compliance, who's in charge of noticing whether the person has complied or not, how the notification works, people's roles and responsibilities when dealing with non-compliance, and each entity's role. There still needs to be statewide coordination in order to make this work, including work on individual local level with coordination and collaboration among courts, advocacy agencies, law enforcement, prosecuting attorneys, etc.

One example we have heard of is that in Spokane County law enforcement has taken a proactive role and set up a database that tracks orders to surrender weapons and compliance. The courts and law enforcement are working together on this.

Challenges:

- One main question that arose is the biggest challenge in actual enforcement is that there no mechanism in most courts on the civil side to monitor compliance with the order and there is nothing to trigger somebody to go back and look as to whether a person has complied with the order to surrender weapons. This places the burden back on the victim or respondent.
- Another thing we heard about was that the King County Prosecuting Attorney's Office declined to require the certificate of surrender on grounds of 5th Amendment privileges against self-incrimination because it would be testimonial in declaring in court that you possessed a weapons when you are not allowed too.
- The order provides a timeframe to surrender, but who enforces that? If it were a civil case with lawyers, for example, somebody would be filing a motion for contempt perhaps, but is the court supposed to bring in the contempt or undertake that role absent something else?
- Violations may also carry civil or criminal penalties, and what are those penalties? There could potentially be a violation for not complying with the order, not notifying the court if you did comply, or possessing a firearm when you are not supposed to have one.
- There are funding and technical concerns as well.
- Training for all parties and the best way to do that.

Action: Staff will help facilitate contact between Jake and others for training.

Action: Staff will work with Jake on identifying next steps.

Action: DV Committee to take this project on as part of their work.

Action: Josie Delvin will make contact with the Clerks and Trish Kinlow will make contact with Administrators to discuss ways to have this information presented at upcoming conferences.

Committee Reports

- Communications Committee (Ron Miles, Chair)
Pam Dittman reported for Ron Miles who was unable to make this meeting.
 - Annual Report
Everyone has a copy of the annual report.
 - Mission Statement

One of the other projects that the Communications Committee also talked about is resurrecting the work Ron started in 2012 on revising the Mission and Vision to be more concise and easier to convey. We will continue to work through this and plan on presenting options to the Commission in the future.

- Domestic Violence Committee (Judge Judy Jasprica, Chair)

Judge Jasprica was unable to attend.

Update: The DV Committee has scheduled an in-person meeting for Friday, April 24, 2015 from 9:00 a.m. to noon at the Tukwila Municipal Court.

- Modifications/Rescissions – Judge Rich Melnick

As part of the 2010 legislation on duplicative and conflicting protection orders, there was a piece to put into place a way for victims to request modifications or rescissions of protection orders. A model policy/protocol was written and distributed in 2011 and can be found on the GJCOM and Courts websites.

Judge Melnick and Ron Miles surveyed the court administrators and clerks to find out which courts have something in place for modifications and rescissions of protection orders.

Results indicated:

- The survey indicated there are 65 district and municipal courts and 26 superior courts with no written policies or processes put into place.
- There is a court rule (CR) directly contrary to the statute. The CR says requests to extinguish or modify a no contact order may only be made by a party to the case, which is directly contrary to the legislation and both came out at the same time.
- For those without policies, they are using the standard forms.
- Several Clerk's offices have not modified their own internal policies on how to process these requests.
- The public, judicial officers, and attorneys don't seem to know about this law and if they do, the courts or clerks may not know of it.
- Some courts require the victim to see an advocate prior to submitting the form or attend a special class indicating you understand the ramifications
- Placing the burden on the victim to provide a questionable number of copies of the order

Action: The DV Committee will add to their in-person meeting agenda to make action plan of next steps on how to address the model protocol.

- Education Committee (Judge Rich Melnick, Chair)

- Superior Court Judges Spring Conference

- Abusive Litigation Session

David Ward and Judge Joan DuBuque, Ret., are the faculty. The session is being developed, but we expect it to be interactive and bring in realistic hypotheticals.

- DV & Firearms

Grace Huang will present on the DV manual update/firearms session and Danielle is working with Judges Anne Hirsch and Elizabeth Berns on the firearms piece for that session. We will be co-sharing that session with an update about Court Appointed Special Advocates (CASA), which Danielle is getting more information on what that entails to see how we can dovetail our sessions into that.

Update: It was determined to de-link the session and through STOP grant funds, a standalone, 90-minute choice session is being developed. Grace and Judge Chris Wickham will be the presenters.

- District and Municipal Court Judges' Spring Conference
We are working with Gael Strack to develop a session on strangulation in regards to domestic and sexual violence. STOP grant funds will cover the cost of the honorarium.
- Appellate Conference
Dr. Dana Raigrodski, University of Washington School of Law, will present on Feminist Legal Theory.
- Fall Conference
Will be a joint effort with the American Judicial Association (AJA) and is being held October 4-7, 2015 at The Sheraton Seattle. Danielle is working with the AJA to develop sessions on cultural competency in terms of domestic violence, the language of violence, and intimate partner sexual assault. We will also be holding a Tribal State Court Consortium type of event at the conference.
Update: The TSCC has scheduled their meeting for October 4, 2015 from 9:30 a.m. to 11:30 a.m.
- Incarcerated Women & Girls (Sara Ainsworth, Chair)
We collected responses to our second public disclosure request following up on the 2010 shackling legislation asking what policies and processes had been put into place. The legislation distinctly required jails and correctional facilities to provide notice to inmates and to staff. The Washington Association of Sheriffs and Police Chiefs along with the Department of Corrections developed model policies, posters, and brochures for facilities to modify and use. There are still facilities that do not have these policies in place, but many did ask for the information and Pam Dittman forwarded the information to them and put them in touch with WASPC or DOC to get more information if needed.

Recently the Correctional Association of New York, which is an advocacy group for incarcerated women and girls, released a report finding much like we did that there's real lag in following the policy. (<http://www.correctionalassociation.org/press-release/correctional-association-releases-5-year-study-of-reproductive-healthcare-for-women-in-new-york-prisons>) It is an easy read and there may be some areas we can emulate on what they have been doing on shackling.

Action: Invite Elizabeth Hendren to GJCOM meeting to present on her work at women's prison in Purdy and work being done on reentry. Staff will contact.

- Tribal State Court Consortium (TSCC) (Judges Mark Pouley and Tom Tremaine)

We had our first regional meeting on February 25, 2015, which was hosted by the Suquamish Tribe. We had great participation by those who attended. It was eye-opening on both sides of how things are done and the differences between not only the state and tribal courts, but between the different county courts. The program was engaging and provided for good open and honest conversation.

For the future, we need to provide a much longer lead-time and notification as many of the tribal courts are small and the judicial officers are contracted and may only come in a few times a month. We are working on having Judge Tremaine, Judge Pouley, and/or Danielle Pugh-Markie to present at the Northwest Tribal Court Judges Association meeting on the TSCC. The intent would be to let tribal judges know what we are doing, get buy-in, etc.

- Women in the Profession (Judith Lonquist, Chair)
Judith reported that she is meeting with Sharon Armstrong later in the month regarding judicial evaluations/questionnaires and will provide an update at the next meeting.

The meeting was adjourned at approximately 12:15 p.m.