



GENDER AND JUSTICE COMMISSION (GJCOM)

AOC SEATAC OFFICE

SEATAC, WASHINGTON

FRIDAY, MAY 8, 2015 (8:45 A.M. – 11:45 A.M.)

MEETING NOTES

Present: Chief Justice Barbara A. Madsen, Chair; Justice Sheryl Gordon McCloud, Vice-Chair; Ms. CaroLea Casas, Ms. Laura Contreras, Judge Michael Evans, Ms. Grace Huang, Judge Judy Jasprica, Judge Eric Lucas, Judge Richard Melnick, Judge Marilyn Paja, Judge Mark Pouley, Ms. Leslie Savina, Judge Tom Tremaine, Mr. David Ward, Ms. Danielle Pugh-Markie, and Ms. Pam Dittman

Excused: Ms. Sara Ainsworth, Ms. Josie Delvin, Ms. Trish Kinlow, Ms. Taryn Lindhorst, Ms. Judith A. Lonquist, Judge Ann Schindler, and Ms. Gail Stone

Guests: Ms. Kelley Amburgey-Richardson, Mr. Jim Bamberger, Ms. Cynthia Delostrinos, and Ms. Elizabeth Hendren

CALL TO ORDER

The meeting was called to order at approximately 9:30 a.m. Justice Gordon McCloud opened the meeting and introductions were made. The March 13, 2015 meeting notes were approved and adopted.

COMMISSION BUSINESS

Chair Report

- March 13, 2015 Meeting Notes
The March 13, 2015 meeting notes were approved and adopted.
- Myths and Misperceptions Video
The Gender & Justice and Minority & Justice Commissions provided financial support to the Public Trust and Confidence Committee to produce a video highlighting Washington's judicial branch and misperceptions about how courts work. The video is nominated for an award. You can view the video at: <https://www.youtube.com/watch?v=vBy43azhWHk>
- Washington Initiative for Diversity (WID) Events
The Washington initiative for Diversity is hosting its 4th Annual Legal Executives Diversity Summit, *The Invisible Power of Bias: Leading with Awareness and Action*, on May 11, and the Commission is again sponsoring this event. The intent of the WID and the Summit is to get the legal community to think about the importance of diversity in law firms and corporate legal environments, and to address the problems with recruitment and retention for people of color and women in those fields. We know from our statistics that these groups leave the profession or leave big law firms and corporate settings at disproportionate rates. Dr. Jerry King will be presenting on issues of diversity and inclusion.

- 35th Anniversary Celebration Northwest Intertribal Court System
The Northwest Intertribal Court System (NICS) is a consortium of tribes in Washington State who have joined resources, share judicial officers, prosecutors, and possibly other court services. Many times we refer to NICS as contracted judges. The Chief was invited to this event and used the opportunity to reach out to tribal judges and tribal council members, and to explain to them the vision for the Tribal State Court Consortium (TSCC) and the commitment of the Commissions and the state judiciary in this endeavor. The Chief thought it was a great celebration attended by 30-40 persons. She was able to have a fantastic conversation with a Council Chairman from the Tulalip Tribe, who was really enthusiastic about the TSCC. I think little by little we are getting the word out about the TSCC. I thought we would be over-burdened with state court participation, but what we have had so far is people attend the annual meeting, at the fall conference, but we don't necessarily get people seeking membership in the consortium.

Staff Report – Danielle Pugh-Markie and Pam Dittman
Activities & Updates

- Staff Transition
Danielle announced that she has taken a new position within AOC. Her official start date was May 1, and she is working with existing staff to transition. The position has not yet been posted. A nationwide search will be conducted. In the meantime, Danielle will be working on several items with all the Commissions including the Judicial Roundtable on Domestic Violence Interventions on June 26, the Enhancing Courts' Response to Adult Victim Sexual Violence on August 21-22, and continuing to take lead on the Tribal State Court Consortium. Since Pam has so much on her plate between the Committees and Commission, staffing the DMCJA Diversity Committee, and picking up slack from Danielle's vacancy, Cynthia Delostrinos has agreed to be the lead for the Commissions' Team. Cynthia is the primary coordinator for the Minority & Justice Commission and staffs the SCJA Equality and Fairness Committee. Cynthia will stay as lead until the Commissions Manager position is filled.

What members need to know is that as lead, Cynthia will not be working in the same capacity as Danielle was. The lead position is more administrative to assist with the internal day-to-day operations such as approving leave slips, payments, representing the Commissions in management meetings, etc. Pam will be your one and only staff person for all Commission-related things at this time.

The team approach for the Commissions is to tap into the resources AOC has to assist with our work. For example, using the Public Information team to assist with communications or working with the Associations' staff people on projects. AOC has a lot of really dynamic, excited, and interested managers who work well together and we expect to see more collaboration across the agency.

- SAVIN Link
The Statewide Automated Victim Information and Notification (SAVIN) is a free and confidential telephone and/or web service that allows victims and other concerned citizens to track the custody status of offenders in county and city jails and the Department of Corrections. It is also known as VINELink. Additionally, there is a sub-

system that allows for victims to register to be notified when their protective orders have been served. Both systems are managed through the Washington Association of Sheriffs and Police Chiefs (WASPC). As staff, Pam sits on the advisory board which meets quarterly. The project manager met with Danielle and Pam to discuss the system, and encouraged us to help promote the use of the system through speaking, distributing the brochures, and/or tear sheets. Tear sheets were provided at the meeting. For example, in one court, when a protection order is issued, the tear sheet is now stapled to the signed order given to the petitioner. The petitioner can then set up the notification quickly and easily.

The program person is also working with jails across the state to have the link to VINELink placed on their websites, as it allows for victims to access the information quickly and easily.

Action: Invite Ms. Jamie Yoder to the July Commission meeting to explain more about the program and ways it is being implemented in different counties.

Update: Jamie has agreed to be the guest speaker for the July Commission meeting.

- Bench Guides

The Sexual Offense Bench Guide has a few changes taking place around Chapter 9 and sexual assault protection orders. These changes are due to legislative updates. Laura Jones is managing these changes and the original set of reviewers will review Chapter 9 with an anticipated release date of August.

The DV Bench Guide is in the final review with the copy editor and proofer. It should be ready for release by mid to late summer.

The Sexual Orientation Bench Guide is being revised by QLaw. Judge Melnick and Pam have been in touch with QLaw and they expect to have an updated guide by October.

- Budgets

The Gender & Justice Commission budget is on the verge of being overspent. The GJCOM budget is \$150,000 inclusive of staff salaries and benefits. As the budget shows (included in meeting packet), this leaves approximately \$30,000 to cover travel to/from Commission meetings, projects, etc. Danielle will be meeting with the Chairs of each Commission and AOC management to discuss a better and more equitable solution and distribution of the Commissions Manager salary. Since Danielle is now with a different program, we should be on target and not overspent.

The STOP grant budget is included in the meeting packet. The budget continues to provide an accurate portrayal of the activities STOP funds are supporting. However, we continue to struggle with how best to use the funds specifically required to be used for sexual violence activities. We did receive approval from OVW to use these funds to supplement the OVW grant and training in August if we need to.

GUEST SPEAKERS & EXPLORATORY PROJECTS

- Civil Legal Aid Needs Study – Jim Bamberger

Jim Bamberger is the Director of the Office of Civil Legal Aid, which was created in response to a need to have coordination amongst legal service providers. Jim oversees contracts for the provision of legal services as well as work with the 17 volunteer lawyer programs around the state. He is nationally recognized as a leader in the area of the delivery of legal services.

As you may recall, this is an update to the 2003 Civil Legal Aid Needs study and the project is in the home stretch. We are working with the Social and Economic Research Center at Washington State University to complete the study. The 2014 study shows that victims of domestic violence have a probability of having the highest number of legal problems per capita. There are 1.25 million persons in Washington living at or below 125 percent of the federal poverty guideline. The highest rate of discrimination is experienced by Native Americans, racial and ethnic minorities, and victims of domestic violence, just to name a few. We found tremendous patterns of unfair treatment that people experienced as a result of prior court involvement, bad credit history, or just general credit history, and we are still trying to tease out what that all means. It is clear that there is some very significant underlying policy issues that affect low income people dramatically, simply because they have bad credit or because at some point in their lives they were involved in the juvenile justice, child welfare, or the criminal justice system.

Update: The report was released and can be found at: <http://ocla.wa.gov/wp-content/uploads/2015/06/CLNS14-Executive-Report-05-28-2015-FINAL1.pdf>

- Re-entry Project – Elizabeth Hendren

Elizabeth Hendren is with the Northwest Justice Project. Elizabeth started a nonprofit called the Incarcerated Mothers Advocacy Project, which was a joint Seattle University and University of Washington project. Elizabeth works with women coming out of prison and jail and conducts a monthly prison clinic at Mission Creek Corrections Center. Women in prison are the fastest growing prison population, and if you include the jail population, the number would be just over 200,000 women who are incarcerated every year in both prison and jail. We incarcerate more people per capita than any other country in the world. The only other countries that even come close are Uganda and Russia.

Elizabeth's presentation covered a myriad of data and obstacles women face in and out of prison. Some of the highlights were:

Women of color, especially African American and Latina women are incarcerated at higher rates than white women. In terms of domestic violence, the numbers vary widely and we don't have any number specific to Washington; but nationally, as many as 90 percent of incarcerated women are survivors of DV and/or sexual assault. Most women have been victimized, and most have been victimized on numerous occasions. Many grew up in abusive households, ran away, lacked family support, which makes them more susceptible to abusive relationships, and they end up in this perpetual cycle of violence, which a lot of times puts them into situations where they start engaging in criminal activity.

Nationally, the majority of women (50 percent) are incarcerated for drug and or property offenses. Washington numbers are consistent with this trend as well. While they are two different crimes, many times property offenses are fueled by addiction, so they are very connected to drug offenses. When we talk about women in prison, a lot of the problem is they don't fit the model of the perfect victim. They didn't respond like we would like people to respond to DV by calling the police. However, the reality is that a lot of times when people are surviving horrific experiences they are not always perfect in that situation. One study has found that approximately 74 percent of women in substance abuse treatment have experienced sexual violence. Another study found that 90 percent of women in drug treatment experience severe DV from a partner during their lifetime. New studies are starting to look at, including studies by Stephanie Covington, the connection between trauma that results from DV and sexual abuse in an attempt to numb that trauma, either with illicit substances or studies done on affluent women who are drinking a lot or are misusing opiates or sleeping pills.

The greatest needs are multi-disciplinary, with needs for treatment for addiction, trauma recovery, education for jobs, coping mechanisms, and parenting skills. They need opportunity to grow and learn to make changes in their lives. However, the current focus and goal of our justice system is control, not change. When you take into account the histories of trauma and violence that women experience and put them into the criminal justice system, women disproportionately continue to be victimized sexually once they are in prison, and that is something we know happens across the board. Even if they are not further victimized in that concrete way, arguably, just the experience of being in prison when you are not allowed to make any decisions controlling your life, the whole system is based on just following orders and not asking why. There are a lot of people who have written very eloquently about how the experience perpetuates the victimization and the powerlessness that a lot of women had experienced throughout their lives. A lot of literature and data talks about it in terms of overcoming adverse childhood experiences. More training about prison responsiveness is needed if we are going to incarcerate people, and training on how to create environments that actually help women with this history of trauma and addiction grow and change so they don't continue committing crimes when they are out. There is motivation to work on this. Even if you don't care about the women at all, there is the issue of the children left behind and the impact that this has on them. The last numbers that we had in 2011 and 2012 were that 28,000 children in Washington had an incarcerated parent that they reported. It is worth noting that there is a lot of underreporting in terms of incarcerated parents. A lot of incarcerated parents have had very negative interactions with systems, and children don't want people to know their parent(s) may be incarcerated. We don't have a clear picture of how many children of incarcerated parents there are. What we do know is that there are at least a lot of them.

There are huge access to justice issues, and as a result, people end up basically in these situations where the only advice they are getting on family law issues is from their public defender. Women incarcerated at the Washington Women's Corrections Center in Purdy have access to a law library, which helps. However, the minimum security camp at Mission Creek does not have access to a law library, which presents a problem. Some ideas for areas to help address these problems are to work with the Department of

Corrections (DOC) to set up kiosks in the prisons that would provide a one-directional portal (i.e, no access to the internet) to things like court forms; provide more frequent transportation from Mission Creek to Purdy for legal library access; and provide trauma-informed support groups to address the underlying issues of things like DV, SA, drug and alcohol addiction, etc.

COMMITTEE REPORTS

There was a discussion about needing clarification on the roles of each committee, its members, its chair, and the administrative role of the staff person supporting the committee.

- Are the Committees policy-oriented with staff doing the bulk of the administrative work?
- Who is making decisions and in what capacity?
- Who is doing what work?
- Who is ultimately responsible for whatever tasks set out?
- Is it providing input or doing?
- Lines are blurred at times between staff and members.

In the past, we worked under ad hoc committees to meet the needs of projects or work that was assigned and people volunteered as needed. Under previous leadership, we started working under standing committees and now we have a blend between ad hoc and standing. The problem with this approach is sometimes one committee has too much on its plate and priorities shift. The other thing is we haven't been working under standing committees long enough to figure out if this approach is working well or not.

In the BJA, the Chief has asked each Committee to draw up a charter so there is an understanding of why each Committee is in existence, what the work is of each of the committees, and what are the goals, deliverables, timelines, and accomplishments. We need to look at the Commission work plans and see if they will help delineate roles and responsibilities.

Action: Staff will look into roles and responsibilities and provide something to the members for discussion with the goal to have written roles and responsibilities.

- Communications - Judge Marilyn Paja, Chair
Ron Miles was the Chair of this Committee, but due to health reasons, Ron has resigned from his seat on the Commission and a new Chair is needed. Judge Paja indicated she would step in as Chair.

Some of the projects this Committee is responsible for is the annual report, website updates, mission/vision statement, Commission logo, and the roll out of plans for new resources such as bench guides or other tools (i.e., a marketing strategy).

- DV Committee – Judge Judy Jasprica, Chair
The DV Committee didn't meet for a bit while we were waiting for some word on the CCI Report. This doesn't mean other things haven't been going on behind the scenes, such as work around batterers' intervention programs. We held an in-person meeting last month and had a very ambitious agenda. We will be meeting again after today's GJCOM meeting.

- CCI Report
We have been waiting anxiously for the report from CCI as to the effectiveness of sentencing in DV cases. We had the opportunity to review the draft report (not for release) to discuss and determine next steps. We are realizing the report doesn't provide as clear direction on what we should be doing as we had hoped it would.
- Modifications/Rescissions
We are waiting for a link on the GJCOM website that will take persons to the Modification/Rescission forms. Once that is completed, Judge Melnick inquired into whether the Commission, under the Chief's signature, could send a letter to all the courts with a copy of the model policy, forms, and links, and let them know the Commission (members/staff) is available to provide technical assistance.

Update: The GJCOM website has been updated to provide persons separate links to different forms pages:

http://www.courts.wa.gov/programs_orgs/gjc/?fa=gjc.Resources&parent=res

- Judicial Roundtable
The Judicial Roundtable on Domestic Violence Interventions in Washington State is scheduled for Friday, June 26. A list was compiled of judicial officers from across the state from each county, and all court levels, including tribal judges. The intent of the roundtable is to provide the opportunity for open dialogue and to listen to what is happening around the state regarding DV interventions.
- HB1840 re: Surrender of Firearms
Jake Fawcett made a separate presentation to the Committee. From that, two sub-groups were formed. One will be to look at education on the provisions of this legislation and the other is to assist with the logistics to provide the education (e.g., stakeholder roadshows across the state). Judge Riehl, who is now retired and invested and committed to this cause, has agreed to participate in these roadshows to provide a consistent message and voice.
- Education – Judge Rich Melnick, Chair
 - Appellate Conference
Dr. Dana Raigrodski, University of Washington, School of Law presented on feminist legal theory. The evaluations are provided in your meeting packet. They are favorable considering we had a few logistical problems with the PowerPoint presentation. It was mentioned that Dr. Raigrodski brought an important perspective to this conference that had not been heard before. It is a challenge to present to this level since appellate judges apply and think about the law from a different perspective, a feminist perspective was interesting.
 - SCJA Spring Conference
The evaluations have not been released yet, but we had two sessions. The first session included a brief update on the DV bench guide and then focused on HB1840. Grace provided the updates to the bench guide and focused some time on dependency caseloads and then on evidence case law. Grace also talked a bit about HB2777, which passed in 2010, and how everybody is supposed to have a

policy on allowing victims to be able to petition to have their orders amended or dismissed. We wanted to tie the presentation into all the things the Commission has done and is doing in relation to the domestic violence bench guide.

Judge Chris Wickham then directed the conversation to HB1840 re: surrender of firearms and protection orders. We started off with a bit of discussion about some of the cases that ended up in the news because of DV and protection orders, and how certain cases don't impact the immediate litigants but can have a larger impact on the community. The presentation provided an opportunity to ask about what has been or is being implemented in response to this legislation in communities across the state. Approximately 5 of 80 judicial officers responded that they knew of something or were part of something that was happening. After that, we asked folks in the same room how many of you actually know when you issue a protection order what law enforcement does with that order and what happens afterwards? Again, about 5 of 80 raised their hands to indicate they understood what happens after the order leaves court. We had people break up into discussion groups around other questions on how do you figure out whether or not your order has been complied with, whether the firearms are actually surrendered, and some other questions.

It was apparent that there needs to be more information provided on HB1840, and we promised that we would do more in the future around sharing best practices and information about what is happening around the state. On a separate note, at the national level there are folks who are also convening a workgroup because several states have passed similar laws in the last two years. This group is looking at what other states have been doing and how they are dealing with some of the constitutional and process issues around the question of when one admits to a court that they still have a firearm, whether or not that violates ones constitutional rights. There are all sorts of issues that come up in this context to try and sort out how people have deal with these issues. Judge Wickham was invited to be a part of the national group and we will touch base with him to ensure we are kept apprised of what is happening.

The second session was on abusive litigation and David Ward and Judge Joan DuBuque, Ret. were the presenters. This session was also well-received and interactive. Hypotheticals and small group discussions were used to assist with the conversation.

- DMCJA Spring Conference
Gael Strack will be speaking on Strangulation. Gael is the CEO for the National Family Justice Center Alliance, which provides technical assistance to over 100 existing and pending Family Justice Centers across the world. Gael is also the foremost expert on strangulation and co-authored several articles on this topic.
- Fall Conference
The planning for this conference has been a bit different this year as we are partnering with the AJA on it. We will be holding a Tribal State Court Consortium meeting at the conference on Sunday, October 4. The conference is from October

4-7 in Seattle. We are still working on the budget around the conference and what will be paid for.

- Tribal State Court Consortium – Judges Mark Pouley and Tom Tremaine
Judges Pouley and Tremaine have continued to do outreach to other tribal judges regarding the TSCC. We have completed one regional meeting, are on the agenda to present to the Northwest Tribal Court Judges Association, and will be holding a meeting at Fall Conference.

We also have been working with AOC on a website for the TSCC. We have a mock up that is a start. The plan is for the website to be housed as a separate page under the programs/organizations and not on inside courts. We will be holding a conference call or meeting to flesh out more of the website and information needed on it.

- Incarcerated Women & Girls – Sara Ainsworth, Chair
Sara was unable to attend, but we had a great presentation from Elizabeth that shows the intersections of where this Committee is already addressing some needs.

Action: Pam will follow-up with Sara to schedule a conference call or discuss next steps.

- Membership
This Committee is comprised of the Chairs of the other Committees and the Commission's Chair and Vice Chair. We have several vacancies that need to be filled.

Action: Staff will follow up with prospective members: Jim Bamberger, Rita Bender, Sonia True, Kelley Amburgey-Richardson, someone from the Superior Court Administrators, and possibly someone from the treatment community (Dr. Chris Blodgett), and also check in with Dr. Lindhorst.

Action: Staff will set up a conference call with Committee members to discuss the openings.

Update: A message was released to the Superior Court Administrators asking if anyone was interested. At this time, no one was willing to commit and it was agreed that we will work with the head of that group to disseminate information or get input.

Meeting Adjourned at approximately 12:15 p.m.