



GENDER AND JUSTICE COMMISSION

AOC SEATAC FACILITY

FRIDAY, SEPTEMBER 6, 2019 (8:45 AM – NOON)

JUSTICE SHERYL GORDON MCCLOUD, CHAIR

JUDGE MARILYN PAJA, VICE CHAIR

Agenda

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8:45AM – 9:00 AM CALL TO ORDER & WELCOME

- Welcome Justice Sheryl Gordon McCloud,
Commission Chair
 - Appointment of Judge Jackie Shea-Brown
 - New law student liaisons

- Approval of May 3, 2019 Meeting Minutes 1

9:00 – 10:30 AM COMMITTEE AND PROJECT REPORTS

- **Gender Justice Task Force** Justice Gordon McCloud, Chair **12**
 - Report: Project status Dr. Dana Raigrodski, Vice Chair
 - Presentation: Overview of research, briefing documents Ms. Sierra Rotakhina
 - Research Discussion: Ms. Ophelia Vidal
 - *Do you have feedback on the research materials?*
 - *If the analysis found a gap in the literature, are you aware of field research (policies, procedures, unpublished studies) on the topic?*
 - *If it is a true gap (no research available) can you share anecdotal information on the topic or connect us with others who can?*
 - *Do you have suggestions for pilot projects that would address the bias that we've found, or that we suspect we might find, in these topic areas?*

10:30 AM – 10:45 AM BREAK

10:45 AM – 11:45 AM COMMITTEE AND PROJECT REPORTS

- **Tribal State Court Consortium** Ms. Kathryn Akeah
 - Annual Meeting on 9/22 at 12 p.m.
 - Fall Conference Session - MMIW

- **Education Committee** Judge Rebecca Glasgow, Vice
Chair
 - Annual Fall Judicial Conference
 - New session proposals for 2020



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| <ul style="list-style-type: none"> ➤ Domestic & Sexual Violence Committee <ul style="list-style-type: none"> ➤ New project leads/workgroups ➤ OTSW Bench Card
 ➤ Model Anti-Harassment Policy <ul style="list-style-type: none"> ➤ Request for review
 ➤ HB 1517 Domestic Violence Workgroups <ul style="list-style-type: none"> ➤ First meeting – Sept. 17th | <p>Ms. Erin Moody & Judge Jackie Shea-Brown, Co-Chairs</p>
<p>Ms. Erin Moody
Justice Steven González</p>
<p>Judge Eric Lucas, Co-Chair
Judge Marilyn Paja</p> | <p>57</p> |
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11:45 AM – 12:00 PM CHAIR REPORTS

- | | |
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| <ul style="list-style-type: none"> ➤ Chair Report
 ➤ Vice Chair Report <ul style="list-style-type: none"> ➤ NAWJ Updates: <ul style="list-style-type: none"> ▪ Reception at Fall Conference ▪ NAWJ Conference ▪ President-Elect nominated ➤ WWL Judicial Appreciation Luncheon | <p>Justice Gordon McCloud</p>
<p>Judge Marilyn Paja</p> |
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Gender and Justice Commission
Friday, May 3, 2019
8:45 AM – 12 PM
AOC SeaTac Office
18000 International Blvd., Suite 1106, SeaTac, WA
Teleconference: 1-877-820-7831
Passcode: 904811#

MEETING NOTES

Members & Liaisons Present

Justice Sheryl Gordon McCloud (Chair)
Judge Marilyn Paja (Vice Chair)
Ms. Sydney Bay (UW Liaison, via phone)
Judge Anita Crawford-Willis (via phone)
Ms. Josie Delvin
Ms. Macaulay Dukes (SU Student Liaison)
Ms. Laura Edmonston (Embedded Librarian)
Judge Rebecca Glasgow
Ms. Michelle Gonzalez (WSWC Liaison)
Justice Steven González
Ms. Gail Hammer (via phone)
Ms. Elizabeth Hendren
Ms. Grace Huang
Ms. Annalisa Mai (via phone)
Ms. Heather McKimmie
Judge Rich Melnick
Ms. Erin Moody
Ms. Riddhi Mukhopadhyay
Dr. Dana Raigrodski
Ms. Jennifer Ritchie
Ms. Sonia Rodriguez True (via phone)
Judge Cindy K. Smith (via phone)

Guests

Judge Joseph Campagna
Ms. Jaime Hawk
Judge Maureen McKee
Stephanie Mueller

Staff

Ms. Kelley Amburgey-Richardson
Ms. Cynthia Delostrinos (via phone)
Ms. Moriah Freed
Ms. Sierra Rotakhina

Members & Liaisons Absent

Judge Michael Evans
Judge Eric Lucas
Mr. Sal Mungia (ATJ Board Liaison)
Ms. Vicky Vreeland
Ms. Cassidy Wisley-Paul (SU Student Liaison)

CALL TO ORDER

The meeting was called to order at 8:50 AM

March 1, 2019 Meeting Minutes

The meeting minutes were approved as presented.

Welcome and Announcements

Justice Gordon McCloud welcomed the Commission and several guests. Members introduced themselves.

Justice Gordon McCloud announced that Justice Steven González has been appointed as a Commissioner. In addition, Patty Eakes has resigned as a Commissioner but will remain active with the Gender Bias Study Task Force. Judge Maureen McKee has been selected to serve the remainder of her term.

Ms. Kelley Amburgey-Richardson announced that Ms. Moriah Freed has been hired as the new Commissions Administrative Secretary.

COMMITTEE AND PROJECT UPDATES

Incarcerated Women & Girls Committee – Ms. Elizabeth Hendren & Committee

Yakima Jail Transfers

- Ms. Hendren and Ms. McKimmie provided an overview of the committee’s work on this issue.
- There are only 2 women’s prisons in Washington and they are both overcrowded. The number of women being incarcerated has continued to rise. In response, DOC has been transferring women to the Yakima Jail facility.
- This has been a concern because there is not the same access to education or programming at the jail, and no law library.
- The committee recently learned that DOC will not be transferring women to Yakima who have active legal cases. The DOC Ombuds has confirmed this through regular visits to the Yakima facility.
- This resolves the primary concern for the committee, but they will continue to monitor the situation.

Success Inside & Out Conference

- The conference has been scheduled for October 10-11th at Mission Creek Corrections Center for Women.
- The planning committee met via phone recently, and will be conducting outreach efforts to identify judicial officers from across the state to attend, speak, and facilitate roundtable discussions at the conference.

ACTION: If Judicial Officers are interested in participating, please contact Judge Paja or Ms. Amburgey-Richardson for additional information.

Children of Incarcerated Parents Conference presentation

- Ms. Hendren presented at a recent conference on children of incarcerated parents at UW Tacoma. Her presentation focused on court access for incarcerated parents.

- The conference was a one day event in Tacoma, and participants were social workers and family members without a legal background. There are plans to make it an annual event moving forward.

Liaison & Representative Reports

Washington Women Lawyers – Ms. Jennifer Ritchie

- The WWL Annual Event will be held October 11, 2019 in SeaTac. All upcoming events may be found on the Washington Women Lawyers website: <https://wwl.org/newsevents>
- WWL is considering sharing out a survey about sexual harassment that was developed by another entity. The survey is currently being vetted. If WWL shares it out, data gathered may be helpful for Gender Bias Study.
- WWL submitted an article to the National Conference of Women’s Bar Associations, which is collecting histories of women’s bar associations.

Washington State Women’s Commission – Ms. Michelle Gonzalez

- Ms. Gonzalez is a new liaison to the Commission, in her role as Executive Director of the Washington State Women’s Commission.
- The WSWC is unique because part of its charge is to conduct legislative advocacy and endorse/support bills. This year they prioritized 15 bills, which may be found on Page 13 of the meeting packet. Eleven of the bills have made it to the Governor’s desk for signature.
- The Safety Committee focused on bills related to Domestic Violence and Sexual Assault.
- The WSWC also supported HB 1713, which is focused on establishing best practices for investigating missing and murdered indigenous women. It created two liaison positions at the Washington State Patrol to open communication between WSP and tribes.
 - The WSWC is connected with the Governor’s Office of Indian Affairs about this issue.
 - This is also of interest to the G&J Commission, and an education session is planned for the Annual Fall Judicial Conference on the Crisis of Missing and Murdered Indigenous Women.
 - Judge Cindy K. Smith suggested the WSWC may want to connect with Ms. Anita Lucchesi, a PhD candidate who conducted a recent study of this issue.
- The WSWC’s outreach event with the G&J Commission in January went well, as did the event earlier this week in Tacoma. The next meeting will be in Spokane on July 29, 2019 (Gonzaga Law School) and the last meeting of 2019 will be October 8th (location TBD).

ACTION: Ms. Amburgey-Richardson will distribute the report on Missing and Murdered Indigenous Women, provided by Ms. Hendren.

Law Library – Ms. Laura Edmonston

- Ms. Edmonston highlighted topics of interest from her May News and Literature Recap, including:

- Study and reports of women in legal profession, harassment
- Study on incarcerated women and girls
- If you have topics of interest that you would like to see in the recap or reports that you come across, please share with Ms. Edmonston.
- Dr. Raigrodski proposed making these reports accessible to the public, cataloguing them in some permanent way. The Commission discussed posting them on its website.
- The law library, through Mr. Rob Mead, continues to work with the Commission on the Gender Bias Study. Ms. Sierra Rotakhina will report more on this later in the meeting.
- Library staff are in the process of adding new titles to law library currently. If there are publications of interest, please share them with Ms. Edmonston.
- Ms. Edmonston also recently compiled a timeline of the women's suffrage movement for a presentation that Justice Gordon McCloud is giving. Commission members are interested in seeing the timeline once finalized.

ACTION: Ms. Amburgey-Richardson and Ms. Freed will work on options for making monthly reports accessible to a larger audience.

Law Students – Ms. Macaulay Dukes & Ms. Sydney Bay

- The law student liaisons recently conducted a survey of their peers at all three law schools about their experiences and observations from participating in moot court.
 - Survey revealed that moot court judges continue to make comments regarding apparel, voice, ethnicity, and appearance that show explicit and implicit bias.
 - Ms. Dukes reported that while survey responses primarily highlight gender bias, issues surrounding other bias, such as ethnicity, are also very common.
 - Most people responded yes or maybe when asked if they favored implicit bias training for moot court judges.
 - Implicit bias training should include training on internalized oppression, as survey results indicated some comments were made by women moot court judges.
 - Dr. Raigrodski suggested conducting the survey on a regular basis.
- Ms. Ritchie highlighted the power dynamics between judges and law students, lack of professionalism of comments, some remarks were worse than anticipated.
- Ms. Dukes shared that moot court competitions are exclusively run by students, with volunteer judges being the only other people in the room. Creates a power dynamic where comments cannot be addressed.
- Dr. Raigrodski emphasized the importance of school administration involvement to counteract this power dynamic. It is incumbent on law schools to be involved. There needs to be someone who is in more of a position of power to be an ally, call out bias.
- Commission members discussed development of a feedback form where students could share whether a judge should be invited back or not. This is something that Seattle University has implemented.
- Commission members discussed benefits of allowing judges who made biased comments to learn from mistakes, receive education about appropriate responses.

- This would depend on the severity of the issue. If comments are well-intentioned but show implicit bias, this is different than more overt issues (e.g., harassment).
- “Judges” are volunteers. We need to recognize the positive nature of the unpaid and time consuming work that they are doing in helping students.
- Any steps we suggest towards correcting problems have to be done in the context of appreciating the fact that the volunteers are donating their time to help students and help the profession. Be appreciative and respectful of the donation the judges are making, and offer feedback, suggestions in that spirit.
- Discuss of training format
 - One-hour, video format
 - Dr. Raigrodski received confirmation from WSBA that the training would be eligible for CLE credit, and it would be eligible for ethics credit. This would incentivize attorneys to participate.
 - Ms. Mukhopadhyay raised the concern that a one-hour video would just be a “check box.” This is not just a problem for law students, but a larger issue of bias in our profession. How can we make implicit bias part of the ongoing learning culture for attorneys?
 - Justice Gordon McCloud suggested talking to organizations that offer CLEs about incorporating implicit bias issues into other training.
- Next steps:
 - Still in brainstorming stage, developing recommendations for training format and Commission involvement.
 - Judge Glasgow requested to be included in ongoing discussion of this project as it intersects with the Education Committee’s work.

Education Committee – Judge Rich Melnick & Committee

Announcements

- Judge Melnick recognized David Ward for his ongoing participation in the Education Committee after finishing his term with the Commission. He has been invaluable, a pleasure to work with, brought issues to our attention for judicial training. He is moving out of state but will still participate in meetings via phone when possible.

Appellate Program

- The recent program on judicial writing and bias was successful. The committee is keeping in mind faculty from this session for future programs.

SCJA Spring Program

- Role and Scope of Title 26 GALs
 - This session was presented to Superior Court Judges earlier this week.
 - It was a short session (75 minutes) at the end of the day and faculty did a good job of engaging participants in hypotheticals and dialogue.

- The focus was on the new GAL training curriculum and identifying and addressing bias in GAL reports.
- Reducing Gun Violence by Upholding Protection Order Related Firearms Laws
 - This session was presented to Judges and Administrators earlier this week.
 - Faculty presented nuts and bolts information on statutes and forms, statistics and suicide prevention, DVPOs and ERPOs.
 - There were three hypotheticals. The one that included a 5th amendment issue prompted questions and discussion. DSV Committee will discuss and consider development of resource, hypotheticals for future trainings.
 - New legislation passed this session that will change firearms surrender processes. This raised questions from participants. A follow-up session or distribution of additional resources may be helpful.
 - The Education Committee will review evaluations when they are distributed and discuss how to address feedback.

AWSCA Spring Program

- Transgender People and the Courts: Ensuring Respect and Fairness was presented to Superior Court Administrators earlier this week.
- Participants were very engaged and receptive. Information presented included practical tips for making the courthouse a welcoming and inclusive space for all court customers.

DMCJA Spring Program

- Neurobiology of Trauma, Sexual Harassment, and Evidence Issues in DV Trials presentations are in progress.
- Judge Paja and Judge Crawford-Willis are working on a resource to accompany the DV Trial session. This will be provided on a USB drive with the full DV Manual to all participants.
- Sponsorship of the Sexual Harassment session was requested by Judge Short (DMCJA Ed. Committee). He reached out to Judge Melnick, who consulted with the committee and Commission Chairs. Trainers will include Reiko Callner, Director of the WA State Commission on Judicial Conduct and attorney Sarah Hale.

Annual Fall Judicial Conference

- The committee, along with partners from the Minority & Justice Commission and the Tribal State Court Consortium, are in the process of confirming faculty for all three sessions and scheduling initial calls.

Future Programs

- The committee is planning ahead and welcomes suggestions for session topics to propose for next year's judicial conferences.

ACTION: Commission members should share ideas for 2020 education sessions with Judge Melnick, Judge Glasgow, or Ms. Amburgey-Richardson.

Communications Committee – Judge Marilyn Paja & Ms. Kelley Amburgey-Richardson

2nd Annual Women’s History Month CLE

- The CLE was held on March 13th. Topics included implicit bias, the jurisprudence of Justice Ruth Bader Ginsburg, and the Equal Rights Amendment.
- Justice Gordon McCloud, Justice Gonzalez, Justice Stephens, and Judge Montoya-Lewis served as judicial faculty.
- Judge Montoya-Lewis’s section on implicit bias was a great introductory program, excellent written materials. This could be a resource for resource for the moot court judge training discussed earlier.
- The full CLE is accessible online for purchase as a recorded webinar.

Biennial Report

- The report is in progress. The Committee will be reaching out to Commission members for assistance with writing/compiling information for certain articles.

GUEST SPEAKER

Stephanie Mueller, Lavender Rights Project

- Commission members were asked to think about what it means to be a transgender woman. There are not many resources for transgender women, or opportunities for transgender women to be in the position of speaking to a group like this.
- Lavender Rights Project is a small organization that provides legal services for trans/queer community.
 - Sliding scale fees, self-help resources and advocacy, community organizing, events.
 - Areas of the law: employment, healthcare, housing, criminal defense, family law, and juvenile court/dependencies.
- Issues for the Commission to consider:
 - Name and gender marker changes
 - A 2016 study found that if trans individuals can get a name change, the risk of suicide decreases by 50%.
 - Each county and court have a different process for this, which creates confusion and barriers. There needs to be a uniform process.
 - Transgender prisoners cannot appear in court to petition for a name change. Where transgender women are placed within DOC is also an issue.
 - Ms. Ritchie raised the issue of transgender prisoners at MacNeil Island who may need assistance.
 - Prison Rape Elimination Act (PREA)

- National Survey – 35% of trans prisoners subjected to sexual abuse (likely underestimated).
- DOC 2017 PREA Report – found 1 instance of sexual assault against a transgender person (reported).
 - Inconsistent with knowledge of violence against trans individuals, likely underreported. PREA reports consistently underreport sexual assaults.
 - Ms. McKimmie reported that Danny Waxwing (Disability Rights WA) is gathering data from transgender prisoners in WA, broader than PREA but may be helpful.
- Several issues:
 - Those who report are sent to solitary confinement for their own protection.
 - PREA reporting options do not encourage prisoners to come forward, so we don't have accurate statistics.
- Washington Law Against Discrimination
 - Gender identity and sexual orientation are two different things.
 - The law places gender identity under the sexual orientation section. Protections are good, but placement creates confusion and could use clarification.
 - Within LGBTQ organizations, the "T" is often not addressed or represented, despite different needs.
- Representation of transgender individuals in professional community
 - Stephanie reported that she has been treated well by clients and professionals as a transgender woman, but does not see trans women represented in law firms, bar associations.
 - Why is this? Is there truly acceptance?

COMMITTEE AND PROJECT UPDATES, CONTINUED

Domestic & Sexual Violence Committee – Ms. Erin Moody & Committee

Committee Project Updates

- Ms. Moody provided an update about the committee's work on DV and firearms surrender projects.
 - Pattern forms changes - waiting for final expert to review draft letter and forms mock-ups before sharing request with the Commission.
 - Judge Shea-Brown has been working on a firearms surrender bench card.
 - The committee needs to review SHB 1786, which passed this session, to see how changes to the law intersect with these projects.

May 22nd Meeting

- The meeting is from 10am – 1pm at the AOC SeaTac office. The Co-Chairs are planning a working meeting and anyone is welcome to attend.
- One thing the committee will be working on is developing hypotheticals for future judicial training.

Model Harassment Policy

- A new workgroup has been formed to continue development of a model policy. This includes Justice González and Judge Beth Andrus. The group has a call scheduled in a few weeks.

Gender & Justice Study Task Force – Justice Gordon McCloud & Task Force

Project Manager

- Ms. Sierra Rotakhina has been selected as the new Project Manager for the study. She brings expertise in public health research and is excited to join the Commission's work.

Study Progress Update

- Ms. Rotakhina has been working with the Task One and Two leads to move the study work forward. She and Dr. Raigrodski have drafted roughly 50 research questions for the empirical and legal researchers. Commission members expressed interest in reviewing these.
- Field research (i.e., information available that may not be a part of a published study) will be gathered to fill in the gaps. Ms. Rotakhina and the Task Force want to leverage the expertise of people already involved with the Commission and will be reaching out for assistance this summer.
- Justice Gordon McCloud is compiling a list of stakeholders to serve on an Advisory Committee for the study.
- Ms. Huang suggested that the Commission identify resources for translating the final report.

ACTION: Ms. Amburgey-Richardson will distribute Ms. Rotakhina's contact information and the research questions to the full Commission.

Tribal State Court Consortium – Judge Cindy K. Smith

Court Rule

- The TSCC proposed a court rule that would allow state and tribal court judges to communicate about cases in certain circumstances. It was posted for comment and a few comments were received. The rule is now with the Supreme Court's Rules Committee and then will go to en banc.

Fall Conference

- Working on session on Missing and Murdered Indigenous Women. Call scheduled next week to determine faculty.

Staffing

- Kathryn Akeah has been hired as the TSCC Court Program Analyst. She has extensive experience working with tribes will be working haltime on grant-related projects, including protection order enforcement.

CHAIR AND STAFF REPORTS

Vice Chair Report – Judge Marilyn Paja

- The Commission’s legislative request to refine the definition of domestic violence for better data collection was incorporated into a larger bill (E2SHB 1517) which passed the legislature. The bill is on the Governor’s desk for signature.
 - The bill also reconvenes the DV Workgroups Co-Chaired by Judge Paja and Judge Lucas for another year of study. The legislature appropriated funding for staff and research support for the workgroups.
 - Commission members suggested that the workgroups include people with expertise on LGBTQ issues.
- Judge Paja also highlighted SHB 1786 which relates to firearms surrender and the formation of an LGBTQ Commission under the Office of the Governor.

Staff Report – Ms. Kelley Amburgey-Richardson

Legislative Update – Ms. Kelley Amburgey-Richardson

- Ms. Amburgey-Richardson has been providing a legislative report each week of session, with bills that may be of interest to the Commission. Fifty-five bills have been tracked this session.
- Session ended on time and the final legislative report has been distributed. Commission members indicated these reports have been helpful.

Public Trust & Confidence Committee PSA

- Cynthia provided an update about this PSA which was supported by all three Commissions.
- The purpose of the PSA is to encourage the public to think of the court as a safe and welcoming place. The script is being developed and it will be presented in English and Spanish.
- Justice Gordon McCloud, Ms. Huang, and others shared concerns about the focus on court safety, given immigration enforcement issues raised by individuals who work with immigrant communities.

- The Commissions all provided funding to support the PSA before the specific topic was selected. The Commission should have final review of project – script and video – to determine if its name will be associated with the PSA.

ACTION: Ms. Delostrinos will distribute PSA script for Commission to review.

The meeting was adjourned at approximately 12:00 PM.



Gender and Justice Commission

Gender Justice Study Briefing Documents

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Study Priority Implementation of Domestic Violence and Sexual Assault Laws and the Treatment of Victims since 1989

Status: Legal and social sciences review largely complete. Still reviewing the outcomes of several of the recommendations of the 1989 study and updating information on perpetrator treatment and murdered and missing indigenous women.

KEY FINDINGS

➤ The most recent National Intimate Partner and Sexual Violence Survey (2017) found that in 2010-2012 Washington had the **second highest lifetime prevalence of contact sexual violence** (44.8 percent of women, second only to Oregon at 47.5 percent of women) and rape (25.3 percent of women, again second only to Oregon at 26.3 percent of women) of the fifty states. The national prevalence rate is that 36.3 percent of women have experienced contact sexual violence and 19.1 percent have experienced rape (completed or attempted). Further, it found that Washington had the **fifth highest lifetime prevalence of intimate partner physical violence** (37.5 percent of women) of the fifty states. The national prevalence is 32.4 percent and Kentucky has the highest prevalence rate at 42.1 percent.

➤ Local domestic violence programs served 24,642 victims of domestic violence and their children, with 5,379 receiving emergency shelter in 2017 growing from 21,314 victims and their children in 2013, with 5,599 receiving emergency shelter.

➤ Amendments to both Washington law and court rules as well as federal law have been added since 1989 to require removal of firearms from domestic violence perpetrators, with a 2019 amendment requiring law enforcement to enforce “immediate surrender” (RCW 9.41.80) but this is hampered by the fact that many perpetrators illegally keep weapons. The Washington State Coalition Against Domestic Violence found that firearms were used in 369 of the 678 domestic violence homicides between 1997 and 2014. Fifty-four percent of those perpetrators were prohibited from owning guns.

➤ Since the 1989 study, Washington has been the national leader in the civil commitment of violent sexual offenders for treatment after the end of their criminal sentence starting with the 1990 Community Protection Act.

➤ During the past decade, Washington has been debating the efficacy of domestic violence treatment. There were new DCYF regulations in 2018 about treatment programs and new statutory changes in 2019. The WSIPP criticized the Duluth Model in 2012 drawing a rebuttal from Dr. Anne Granley in Appendix B of the 2016 DV Manual for Judges. On-going questions remain about the best way to treat perpetrators.

➤ More than four in five indigenous women and men experience violence in their lifetime and more than one in three experienced violence in the past year. Indigenous women living on tribal lands are murdered at an extremely high rate of more than 10 times the national average.

IMPACT & SIGNIFICANCE

➤ Washington continues to be a particularly dangerous state in which to be a woman, especially an indigenous woman, despite on-going attention from all three branches of government.

POTENTIAL PILOTS

➤ DV perpetrator treatment – Explore the efficacy of three different therapeutic court approaches (two of which are already being implemented in Washington), and how they could be adapted for jurisdictions with limited resources potentially leveraging data from King County (Laura Jones/David Baker).

➤ Track the efficacy of the “immediate surrender” amendment to see if it increases the number of firearms seized and reduces lethality in domestic violence.

Study Priority: Economic and Child Custody Gender Bias in Divorce Since 1989

Status: Legal and social science review still needs to be completed.

KEY FINDINGS

➤ The 1989 Study examined 700 dissolution cases, 34 survey questions to the bench and bar, and hours of public testimony. It found that women felt unfairly treated in property division during dissolution; that gender bias was evident in maintenance awards; that there was a perception of bias against fathers in custody awards; and, that testimony from mothers about domestic violence and sexual abuse was given less credence by the courts.

➤ Most Washington divorces have self-represented litigants on at least one side. From the years 1995 to 2000, AOC found that 65% of family law litigants were self-represented. That percentage is likely to be higher today. To help address this issue, the courts instituted the family law facilitators program starting in 1993. In 2008, the Washington Center for State Court Research found that 83% of program users say they had more trust and confidence in the courts and over 80% of customers indicated they were satisfied with services even after their court experience.

➤ The 2015 Civil Legal Needs Update found that while 71% of all low-income Washington residents experience at least one civil legal problem, fully 100% of those who have been a victim of domestic violence and/or sexual assault will experience important civil legal problems. Low-income Washingtonians who have suffered domestic violence or been a victim of sexual assault experience an average of 19.7 legal problems per household, twice the average experienced by the general low-income population. Further, if they also identify as African-American, Native American, Hispanic/Latino, LGBTQ; have a disability; or are young, they are more than twice as likely to experience discrimination and unfair treatment than members of the overall low-income population.

IMPACT & SIGNIFICANCE

➤ The impact of poverty, domestic violence/sexual assault, minority status, sexual orientation, and age all can amplify gender bias in family law proceedings.

➤ The reality of self-representation in family law using official forms and courthouse facilitators can still create unfair dynamics when one side is represented by counsel.

OTHER

➤ Additional findings will arise as the review is completed.

POTENTIAL PILOTS

➤ Courtroom5 offers an online self-help platform for pro se litigants in civil cases that includes litigation tools, legal training, and a Q&A forum. Courtroom5 wants to test the hypothesis that services of the type they offer can reduce disparities between genders, economic classes, ethnic groups, age groups, and other demographic indicators. Washington State clerks would distribute Courtroom5 coupons to Washington State civil litigants in family cases. Collect data for intervention and control groups then analyze the data to determine: (1) the impact of the Courtroom5 service on litigants' experiences and outcomes, and (2) the difference in outcome disparity between people of different genders, economic classes, ethnic groups, age groups, and other demographic indicators. (Sonja Ebron)

Study Priority Economic Consequences of Gender Bias in Tort Litigation since 1989

Status: Legal and social science review is complete. I still need to review AOC records and the evolution of SCOMIS to determine whether several of the 1989 goals have been met.

KEY FINDINGS

➤ The 1989 study examined three tort issues, wrongful death awards, loss of consortium awards, and attorney fee awards, for evidence of gender bias. The study used information from Jury Verdicts Northwest, SCOMIS reports, and survey information from the bench and bar. Ultimately, the subcommittee found that “definitive answers are impossible” due to small sample sizes and issues with unreliable data, so they just attempted to identify problem areas for future study.

➤ In 1993, the Legislature amended RCW 4.20.046 to allow recovery of noneconomic damages suffered by the decedent prior to death, a change that increased awards for elders and people without jobs. This change was limited by the holding in *Estate of Otani v. Broudy*, 151 Wn.2d 750 (2004) which held that the Legislature did not intend to including hedonic damages (lost enjoyment of life) for the decedent for the years in which they would have likely lived but for the tortious act.

➤ In loss of consortium cases, the 1989 study found that the “data gives no indication of gender bias in loss of consortium awards.” Since then, the Washington Supreme Court held that the cap on noneconomic damages, codified at RCW 4.56.250, violated the right to a trial by jury. *Sofie v. Fibreboard Corp.*, 112 Wn.2d 636, 771 P.2d 711 (1989). This is significant as many tort scholars note the importance of noneconomic damages for women and elders.

➤ According to the survey for the 1989 study, gender disparity in attorney fee awards in discrimination cases are an “area of substantial concern” especially given the “broad discretion given to the trial judge regarding reduction and enhancement of the lodestar figure.” There are no published Washington or national studies of gender bias in

attorney fee awards nor Washington appellate cases that address the issue.

➤ National scholars have shown gender disparity in tort awards since the 1989 study. Martha Chamallas argues that the use of gender and race specific wage expectancy tables in damages calculations should be unconstitutional because they perpetuate past discriminatory wages to the disadvantage of a protected class. Lucinda Finley analyzed the law of CA, FL, and MD showing that noneconomic damages caps harmed women and people of color because judges and juries often remedy lower economic damage awards due to unfair wage expectancy tables with noneconomic damages. Thomas Koenig and Michael Rustad have a number of articles showing a “his” and “her” tort world based on implicit gender bias, with higher awards for products liability cases involving more male victims than medical malpractice cases involving more female victims.

IMPACT & SIGNIFICANCE

➤ The 1989 study was significantly limited by small sample size (100 for wrongful death) of cases drawn from cases reported by counsel to Jury Verdicts Northwest or pulled from SCOMIS. More study with a valid sample is needed to determine whether gender bias affects tort verdicts and attorney fees in Washington.

OTHER

➤ In 2019, the Legislature substituted the gender neutral terms spouse, siblings, and parent for the gendered terms husband, wife, brother, sister, father, and mother in RCW 4.20.010, 4.20.020, 4.20.046, and 4.20.060.

POTENTIAL PILOTS

➤ Any additional analysis of gender bias in tort verdicts or attorney fee awards will require a careful statistically-valid sampling of Washington case files with multi-variant regression analysis used to determine whether gender and/or race results in lower awards.

Study Priority: Gender Bias in the Treatment of Women in the Courtroom Environment since 1989

Status: The legal and social sciences review is largely complete. Still completing a review of the 1989 recommendations.

KEY FINDINGS

➤ The 1989 study surveyed 1,509 lawyers and 222 judicial officers regarding the treatment of female judges, lawyers, litigants, and employees in Washington courthouses. The subcommittee found that “some aspects of gender bias, as a result of cultural and societal influences, exist in the Washington State Court system” but that “the bias tends to be more subtle than overt and is more a problem of individuals than the system as whole.”

➤ There has not been a subsequent study of the Washington judicial branch since that time, but the 2011 survey of 1,224 Washington Bar Association members noted the on-going problem of continued sexual harassment within the bar targeting younger female attorneys and the LGBTQ community.

➤ Bobbie Liebenberg, former chair of the ABA Commission on Women in the Profession, stated in 2014 that “Surveys report that 50 to 66 percent of female lawyers and 25 to 50 percent of female court personnel have experienced or observed sexual harassment. Almost 75 percent of female lawyers believe that harassment is a problem in their workplaces.”

➤ In 1993, RPC 8.4 (g) was adopted that prohibits “a discriminatory act prohibited by state law on the basis of sex, race, age, creed, religion, color, national origin, disability, sexual orientation, honorably discharged veteran or military status, or marital status, where the act of discrimination is committed in connection with the lawyer's professional activities. In addition, it is professional misconduct to commit a discriminatory act on the basis of sexual orientation if such an act would violate this Rule when committed on the basis of sex, race, age, creed, religion, color, national origin, disability, honorably discharged veteran or military status, or marital status.”

➤ Canon 2, Rule 2.3 was adopted in 2011: (A) A judge shall perform the duties of judicial office,

including administrative duties, without bias or prejudice; (B) A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, or engage in harassment, and shall not permit court staff, court officials, or others subject to the judge's direction and control to do so; (C) A judge shall require lawyers in proceedings before the court to refrain from manifesting bias or prejudice, or engaging in harassment, against parties, witnesses, lawyers, or others.

➤ *State v. Burch*, 65 Wn. App. 828 (1992) and later *J.E.B. v. Alabama ex rel. T.B.*, 511 U.S. 127 (1994) banned discriminatory use of peremptory challenges of jurors based on gender.

➤ Female attorneys, especially women of color, may be at a disadvantage in jury trials due to implicit bias by jurors. Alexis Robinson, a jury consultant working on a Ph.D. in experimental forensic psychology in 2001, found that “no previous research has compared the differences in trial outcomes between defendants who have White male attorneys to the outcomes to the defendants who have Black female attorneys. With all other factors being equal, clients of female attorneys and female attorneys of color may be at a distinct disadvantage with White and/or male jurors before any evidence is actually presented.”

IMPACT & SIGNIFICANCE

➤ Structural changes in rules regarding lawyers and judges now provide for complaints based on sexist or racist behavior. It's unclear whether the profession is successfully enforcing these rules.

➤ While explicit bias and harassment based on gender may be declining, both implicit bias and sexual harassment continue to be a problem for women in the judicial system at all levels.

POTENTIAL PILOTS

➤ Designing a survey to yield data on the effectiveness of enforcement of RPC 8.4(g) and Canon 2, Rule 2.3 in reducing harassment on the basis of gender.

➤ Designing a survey, and a plan for administering that survey, to yield data on workplace harassment in Washington State courts. (Erin Moody)

➤ Studying impact of GR 37 banning peremptory challenges based on race. (Ophelia Vidal)

Study Priority 1.1: Litigants financial barriers to accessing the courts such as user fees.

Status: We are looking for someone to complete the legal memo. We have not collected social science on this topic yet other than what was collected during the scoping phase.

KEY FINDINGS



IMPACT & SIGNIFICANCE



POTENTIAL PILOTS

➤ If we do not have sufficient data on gender/race effects on court user fees and costs of lawyers, create data gathering mechanisms.

Study Priority 1.2 Communication Barriers

Status: The legal memo is in progress. We are in the early stages of the social science research.

KEY FINDINGS



IMPACT & SIGNIFICANCE



POTENTIAL PILOTS



Study Priority 1.3 Immigration status barriers that may be preventing complainants and witnesses from coming to court.

Status: Legal memo complete. Social science research and analysis needs to be completed.

KEY FINDINGS

- In 2011, U.S. Immigration and Customs Enforcement (ICE) issued a memo describing its sensitive locations policy. Under the policy, ICE may not engage in immigration enforcement actions in qualifying locations without prior approval. A January 2018 ICE Directive clarified that courthouses do not qualify as sensitive locations.
- Pursuant to the Directive, ICE agents have discretion to apprehend individuals at courthouses, although the agents may not do so indiscriminately. ICE agents should generally limit civil immigration arrests to targeted individuals. Targeted individuals may include immigrants with criminal convictions, gang members, national security or public safety threats, or individuals previously removed.
- Absent special circumstances, “family members and friends accompanying the target alien or serving as a witness” may not be subject to courthouse apprehensions. ICE officers/agents determine on a case-by-case special circumstances.
- Under the Directive, ICE officers should avoid enforcement at courthouses that are dedicated to non-criminal courts, such as family courts.
- In 2019, Washington enacted the Keep Washington Working Act, which establishes a policy to control the amount and type of information that state and local agencies share with federal immigration officials. State and local law enforcement agencies “may not inquire into or collect information about an individual’s immigration or citizenship status, or place of birth, unless there is a connection between such information and an investigation.” No state agency, including law enforcement, may use agency resources to investigate, cooperate with, or assist in civil immigration enforcement.
- In 2018 the Washington State Supreme Court adopted Rule of Evidence 413 to restrict unduly prejudicial evidence from influencing jurors. The rule strictly limits the use of immigration-status evidence in judicial proceedings and indicates that immigration-status evidence should not be admitted, unless one of two exceptions are met. Evidence of a party’s or a witness’s immigration status will be admissible only if such evidence is “an essential fact to prove an element

of, or defense to, the criminal offense.” In criminal cases, such evidence will also be admitted if it is introduced “to show bias or prejudice of a witness.”

- In 2013, the Washington State Supreme Court adopted a formal comment to RPC 4.4(a). Under RPC 4.4(a), an attorney in a civil case may not inquire into a person’s immigration status “when the lawyer’s purpose is to intimidate, coerce, or obstruct that person from participating in a civil matter.” Additionally, RPC 4.4 comment 4 prohibits attorneys from communicating to a party or a witness that “the lawyer will report that person to immigration authorities,” if the purpose of the report is “to intimidate, coerce, or obstruct that person.”
- In October 2000, Congress created the U nonimmigrant visa through the Victims of Trafficking and Violence Protection Act (VAWA). U visas permit victims of qualifying crimes (and their immediate family members) to enter or remain in the US. To qualify for a U visa, individuals must be victims of qualifying criminal activity. Additionally, victims must be considered to be helpful to law enforcement.

IMPACT & SIGNIFICANCE

- Social science research still needs to be completed.

POTENTIAL PILOTS

- The Superior Court or the King County Prosecutor’s Office consider creating an Office of Immigrant Affairs to serve as a center for training and policy-making. See Queens County DA’s office for example.
- Create bench cards to guide judges on the application of local sanctuary laws, Keep Washington Working Act, and ER 413.
- Create Immigrant Rights Advocates to assure clients on their rights and protections.
- CLE trainings on RPC 4.4. and ER 413.
- Training courses for State and local agents on Keep Washington Working Act.
- “Know your Rights” cards in courthouses and other facilities that provide services to immigrant communities. The cards can be translated to several languages, and posted in the court’s website.

Study Priority 1.4 Barriers to Jury Service

Status:

Legal memo and social science research and analysis complete. There are some outstanding legal and social science questions. This needs peer review.

KEY FINDINGS

- The primary barrier to jury service is socioeconomic: people who are low-income, including renters, hourly wage earners, with multiple part-time jobs, and dependent on tips are less likely to both receive jury summons (due to systemic inequities in master lists construction) as well as respond to jury summons.
- The following subpopulations experience disparate rates of poverty: Black, Indigenous, and people of color; working-age women; women in same-gender marriages; transwomen and other transgender populations.
- For each day's attendance, jurors are compensated for mileage and receive from \$10.00 to \$25.00. In 2008, the Washington State Center for Court Research found that increasing compensation from \$10 to \$60 would not impact jury compliance rates. However, the study was limited, with 88% of the study sample being White and 51% having a household income of more than \$50,000 per year.
- In Washington, Black populations are more likely to be disenfranchised from jury service due to disproportional incarceration and felony convictions.
- Federal and state case law has determined that a party cannot exercise a preemptory challenge against a potential juror based on race or sex. The Washington Supreme Court recognized that the *Batson* procedures had not proven strong enough to prevent racial discrimination in jury selection.
- Nationwide, preemptory exclusions are applied disparately, with defense attorneys in civil court concerning family law cases were more likely to exclude men, while prosecutors in criminal cases are more likely to exclude people who are young, male, and Black. The result is more women serving in family law cases and fewer men of color serving on criminal cases. No research was found that indicates greater exclusion of women through preemptory challenges.

IMPACT & SIGNIFICANCE

- Jury diversity is correlated with higher public trust in and perception of general fairness of the legal system, as well as increases the rigor of case assessment and analyses through longer deliberations, discussion of more case facts, fewer inaccurate statements, and more frequent correction of inaccurate statements.
- Gender, age, or socioeconomic status alone are not enough to impact jury decisions. However, juries with jurors of color were less punitive against Black and Latino defendants than all-White juries. Even diverse jury pools (regardless of diversity of seated jury) lessen the conviction gap between black and White defendants

STUDY PRIORITIZATION

- Nationwide, the number of trials – state and federal, criminal and civil, jury and bench – are declining. Since the 1980s, the absolute number of trials has fallen by 60%. The justice system has shifted towards alternative methods of determination. This leads us to the question of the impact of pilots to address gender-based barriers to jury service.

POTENTIAL PILOTS

- If we do not have sufficient data on subpopulation responsiveness to juror summons, and subpopulation impact of court user fees and costs of lawyers, create data-gathering mechanisms.
- Develop child care center and lactation rooms in courthouses for jurors, litigants, lawyers, court personnel.
- Assess the impacts of General Rule (GR) 37 updated in 2017 to increase protections against racially-motivated peremptory challenges.
- Provide education to legal professionals on updated rule GR 37.
- Follow-up on 2008 Washington State Center for Court Research study.

This is a summary of the draft legal memo written by Shelby Peasley in collaboration with Justice Gordon McCloud and the draft social science analysis written by Ophelia Vidal. See the full document synthesizing the legal memo and social science analysis for additional information and the sources for the information included in this brief.

Study Priority 2.4 Civil Proceedings as they Relate to Workplace Sexual Harassment and Discrimination

Status:

Legal memo in progress. Social science research not yet started other than what was identified during scoping phase.

KEY FINDINGS



IMPACT & SIGNIFICANCE



POTENTIAL PILOTS



Study Priority 2.5 Criminal proceedings as they relate to increased criminalization and incarceration of women pre- and post-conviction.

Status: Social science analysis and legal memo drafted. Need to be synthesized.

KEY FINDINGS

- There are numerous contributors to the expanded incarcerated population in the U.S. and in Washington State since the 1980s. Those contributors include a variety of laws increasing confinement for certain behaviors. A few examples are listed here.
- The federal Anti-Drug Abuse Act of 1986 created mandatory minimums. This imposed a sentence for possession of crack cocaine that was 100 times harsher than for possession of powder cocaine.
- In 1981, Washington enacted the Sentencing Reform Act which developed sentence ranges.
- The 1993 Washington State persistent offender law (“three strikes and you’re out”) requires an individual be incarcerated for life without the possibility of parole after receiving 3 consecutive convictions for certain felonies. Some studies show declines in thefts but not murder following 3 strikes laws, while other studies show no deterrent effect.
- In 1995, Washington State passed the “hard time for armed crime” initiative which increased the sentence for committing a felony with a firearm.
- Since 1981 the legislature has adopted a series of enhancements such as for: vehicular homicide; crimes with sexual motivation; “any criminal street gang-related” felony for which the adult involved a minor in committing the offense.
- Laws increasing confinement, pre-trial detention, and monetary bail have increased incarceration. Nationally female incarceration increased over 750% between 1980 and 2017.
- Researchers argue the combination of child-care responsibilities, economic marginality, and domestic violence have encouraged women towards crime or drug dealing to support themselves. Research found that minor probation violations resulting from

conflicts between work, child-care, and probation requirements lead to female incarceration.

- The Anti-Drug Abuse Act 1986 and Omnibus Anti-Drug Abuse Act 1988 removed the consideration of minor children dependent on the defendant and ignore the role of the offender in the crime.
- Women are more likely to commit drug crimes. From 1986-1995 women incarcerated for drug offenses rose 888%. This disproportionately impacts women of color. From 1986-1991 the state female prison populations for drug offenses increased by 828% for Black women, 328% for Latina women, and 241% for White women.
- Nationally, women of color are arrested, convicted, and incarcerated at higher rates than White women despite racial shifts in incarceration over the last seventeen years with White and Hispanic women seeing increasing incarceration rates while Black women have experienced decreasing rates.
- Black females were assigned higher bond amounts than their White female counterparts. However, Black and White women maintained the same probability of pretrial release.

IMPACT & SIGNIFICANCE

- The 1996 Welfare Reform Act, which posits a lifetime ban for those convicted of using or selling drugs on cash assistance and food stamps, impacts women (particularly women of color) more severely since they are more often convicted of drug-related offenses.
- The 1996 “One Strike Initiative” allows Public Housing Authorities to obtain criminal records of all adult applicants and tenants.
- Only 52% of correctional facilities for women provide postsecondary education, continuing the cycle of underemployment and incarceration for women.
- The Adoption and Safe Families Act of 1997 terminates parental rights after a child has been in foster care for 15 or more of the last 22 months. This impacts women with substances abuse issues who typically serve an average sentence of 18 months.

POTENTIAL PILOTS

- Revolving bail fund focused on women/girls.

This is a summary of the draft legal memo written by Judge McKee for topic 2.6 and the draft social science analysis written by Mary Miller. See the full legal memo and social science analysis for additional information and the sources for the information included in this brief.

Study Priority 2.6 Criminal proceedings as they relate to increased criminalization and incarceration of men pre- and post-conviction and the impacts on women.

Status: Social science analysis and legal memo drafted. Need to be synthesized.

KEY FINDINGS

- There are numerous contributors to the expanded incarcerated population in the U.S. and in Washington State since the 1980s. Those contributors include a variety of laws increasing confinement for certain behaviors. A few examples are listed here.
- The federal Anti-Drug Abuse Act of 1986 created mandatory minimums. This imposed a sentence for possession of crack cocaine that was 100 times harsher than for possession of powder cocaine.
- In 1981, Washington enacted the Sentencing Reform Act which developed sentence ranges.
- In 1993, Washington State passed an initiative that created the persistent offender law (“three strikes and you’re out” law) which requires an individual be incarcerated for life without the possibility of parole after receiving three consecutive convictions for certain serious felonies. Some studies show declines in thefts but not murder following 3 strikes laws, while other studies show no deterrent effect.
- In 1995, Washington State passed the “hard time for armed crime” initiative which increased the sentence an individual would receive for committing a felony offense with a firearm.
- Since 1981 the legislature has adopted a series of enhancements such as for: vehicular homicide; crimes with sexual motivation; “any criminal street gang-related” felony for which the adult involved a minor in committing the offense.
- These laws increasing confinement paired with pre-trial detention and monetary bail have increased incarceration rates.
- These laws have disproportionately impacted low-income, African American men who are more likely to be sentenced and to receive a harsher

sentence than other populations. Hispanic individuals, those with less education, and those with lower incomes were also more likely to go to prison and serve longer sentences than their counterparts.

- Pretrial detention accounts for 2/3 of the current jail population and costs detainee’s jobs, housing, custody of children, and freedom; and increases the likelihood of conviction, plea bargaining, longer sentences, and increased recidivism.
- Monetary bail/pretrial detention disproportionately affects Black defendants who make up 43% of pretrial detainee’s despite only constituting 13% of the population. Black and Hispanic defendants are more likely than White defendants to have to pay monetary bail.
- Females odds of incarceration were half that of males, and their sentences were six and a half months less than males on average. White women received the most favorable treatment while Black males received the most disadvantaged treatment.
- For property and drug offenses women were less likely to be sentenced to prison. For violent offending females were no less likely than males to be sentenced to prison time, but women who are sentenced to prison time for violent offending typically receive substantially shorter sentences than men.

IMPACT & SIGNIFICANCE

- The incarceration of men has impacted women, children, parents, and family members through income deprivation; housing and food insecurity; increased likelihood of maternal neglect and harsh parenting; mental health concerns; and increased costs associated with visiting, calling, and supporting an incarcerated partner.
- Women in marriage markets affected by male incarceration have increased their schooling or labor force participation in response to these changes.
- Women of color and low-income women have experienced disproportionate hardship as a result of sentencing disparities that have targeted low-income, African American men.

POTENTIAL PILOTS

This is a summary of the draft legal memo written by Judge McKee and the draft social science analysis written by Mary Miller. See the full legal memo and social science analysis for additional information and the sources for the information included in this brief.

Study Priority 2.7 Criminal proceedings as they relate to exceptional sentence availability.

Status: Social science and legal memo drafted. Need to be synthesized.

KEY FINDINGS

- Washington passed the Sentencing Reform Act (SRA) in 1981 to create accountability/structure while maintaining a level of judge discretion.
- Washington's sentencing statutes provide a standard range for sentencing most crimes. A defendant may not appeal a standard range sentence.
- A judge may depart from a standard range sentence and impose an exceptional sentence. RCW 9.94A.535 lists 11 mitigating factors for reducing a sentence and has an exclusive list of 30+ aggravating factors that could lengthen a sentence.
- All sentencing guidelines must be imposed equally "without discrimination as to any element that does not relate to the crime or the previous record of the defendant." The defendant's personal and unique factors unrelated to the crime, are not relevant.
- A two-part test determines if a factor supports an exceptional sentence. First, a judge may not base an exceptional sentence on factors considered by the Legislature in establishing the range. Second, the "factor must be sufficiently substantial and compelling to distinguish the crime."
- For juveniles, a court must consider the circumstances of the offender's youth. Age in this sense is not a personal factor but is considered on how it bears on the offender's culpability.
- Washington also allows for sentencing alternatives for specific offenders including parents, drug offenders, and sex offenders. These sentencing alternatives are not considered exceptional sentences. The trial court cannot create a hybrid sentence of a sentencing alternative and exceptional sentencing.
- Despite the desired outcomes, studies of exceptional sentencing have found judicial departures from the guidelines have continued gender and race disparities, with White defendants and female defendants being more likely to receive a downward departure compared to their counterparts.
- A judge's subjective determination plays a role. Therefore, every decision is subject to the biases and experiences of the judge and the influences of the community, including during election time.
- A 2003 Washington study of felony convictions from 1989-1992 and empirical support of

national studies indicate female defendants were more likely to receive a downward departure compared to male defendants, with Hispanic males having the worst chance of downward departure. Some research found young African American women were the most likely to receive a downward departure.

- In a study of federal court cases involving drug offenses, researchers found African American and Hispanic females received downward departures more than their male counterparts, however, White males and females received similar sentences.
- One study found Asian offenders were slightly less likely than White offenders to receive a downward departure, but African American and Hispanic offenders were significantly less likely to receive a downward departure.
- Defendants who pled guilty were more likely to receive a lesser sentence. Those with lower socioeconomic position were less likely to receive a downward sentencing departure.
- Existing studies empirically support that females are less likely to have an upward departure than males. Hispanic and African American males had the highest chance of an upwards departure.
- A 2005 Washington study of felony drug offenses found offenders most like the stereotypes of a drug offender (i.e. prior history) received less leniency regardless of race. However, race did influence the stereotype. White drug offenders were classified into categories of seriousness and dangerousness based on factors, whereas, all Black offenders were treated the same regardless of those factors. As a result, Black drug offenders received upward departures despite prior histories except for Black female non-dealers and Black first-time offenders. Downward departures occurred primarily for White drug offenders while the guidelines were enforced for the Black offenders.
- The chivalry/paternalism theory posits that, males, who dominate the justice system, associate females with victims and being nurturing, and are less likely to view women as dangerous/blame-worthy. Females who conform to the "appropriate" gender role are most likely to be given preferential treatment and those who act outside of the role are more likely to be punished.

POTENTIAL PILOTS

- Amend the SRA to allow sentencing judge to consider parenting as mitigating factor.
- Replicate the 2003 Washington study disaggregating the data by race/ethnicity and gender. Consider including misdemeanor crimes.

This is a summary of the draft legal memo written by Brenda Coufal in collaboration with Judge Glasgow and the draft social science analysis written by Sam Tjaden. See the full legal memo and social science analysis for additional information and the sources for the information included in this brief.

Study Priority 2.8: Criminal Proceedings as they Relate to Commercial Sexual Exploitation

Revised Brief (8/29/19). Status: Social Science and Legal research done. Synthesized full analysis in draft

KEY FINDINGS

- Washington State has made progress on issues of human trafficking, CSE and prostitution amongst adult. Various statutes criminalize and apply to prostitution, sex trafficking and CSE.
- With adult victims, use of force, fraud or coercion are required. Absent force or coercion the individual engaged in the exchange of sex is generally criminalized, arrested and charged for prostitution.
- Proposed federal legislation will amend the definition of “coercion” to include supplying drugs to a person, including to exploit the addiction of the person or cause the person to become addicted to drugs.
- Offender fees associated with these crimes are heavily underutilized. Courts, prosecutors and law enforcement not well trained on them.
- The issue of adult prostitution generates much disagreement: (1) viewing all adult individuals engaged in commercial sex as victims/survivors of exploitation versus as sex workers who are voluntarily engaged in the sex industry; (2) debate over legalization and/or decriminalization of adult prostitution
- Many adult individuals in the sex industry have been coerced into prostitution as minors, may be controlled by pimps, experience multiple traumas, and face many barriers to exiting prostitution.
- Poverty, racism, and gender inequality significantly increase vulnerability to CSE. In NY study, victims were primarily women of color (young African American and Hispanic, older Asian), although there is a growing number of transgender women and gay male victims being identified. Buyers almost always men.
- Evidence of gender and racial and gender bias in justice system treatment in WA and nationally. No recent studies found, but court reports indicate that interactions of gender, race/ethnicity, income and adult CSE impact court proceedings.
- Police typically only enforce prostitution laws for street level sex workers--normally women of color, transgender sex workers, and immigrants. This group of sex workers typically experience low socioeconomic position. Many cases later identified as CSE began as low-level prostitution offenses.

- Some court systems have used diversion programs for victims of trafficking / CSE which allows them to receive resource referrals for assistance.
- Female sex workers and victims are the primary beneficiaries of diversion program. There is no evidence to indicate that male prostitutes or victims of commercial sexual exploitation are diverted.
- Seattle/King County approach: increased accountability for buyers and increased services for survivors rather than prosecuting them. Reversed arrest and charging policies. In few cases where adult engaged in prostitution is charged then it will be in community court with disposition continuum with goal of dismissal after working with services.
- Even if trafficking / CSE adult victims are not charged for the prostitution crimes, they often have co-occurring criminal involvement and they are prosecuted for other crimes such as drug possession or forgery. Kitsap County piloting an adult HT victims’ diversion program.
- There is a gap in research available on adults CSE and what occurs in the courts.

IMPACT & SIGNIFICANCE

- CSE in WA continues to be a significant problem that primarily impacts people and communities who are already vulnerable as a result of poverty, systematic oppression, and previous harm.
- Law enforcement and justice system responses, amplified by racial, gender, and socio-economic bias, continue to contribute to the criminalization and incarceration of vulnerable populations.

POTENTIAL PILOTS

- WA should amend the definition of “coercion” to include supplying drugs and exploiting addiction.
- Expand diversion and/or alternative sentencing options -- maybe scale up Kitsap HT Diversion Program; Statewide application of the Seattle/King County model
- Bias training for police, prosecutors, court clerks and judges to combat racial and gender bias against girls of color, boys, and LGBTQ populations who are victims of commercial sexual exploitation.
- Train judges, court clerks, prosecutors and law enforcement on the fees and seizure associated with CSEC so that they are imposed regularly and consistently. Ensure at least 50% of the fees are allocated to victim services/prevention.
- Better disaggregated data collections on adults CSE and court proceedings

Study Priority 2.9 Shifts in juvenile law focus such as limiting or increasing judicial discretion

Status: The legal memo is in progress. We are in the early stages of the social science research.

KEY FINDINGS



IMPACT & SIGNIFICANCE



POTENTIAL PILOTS



Study Priority 2.10: Effects of treatment for juveniles

Status: Social Science research complete. The legal memo is being drafted.

KEY FINDINGS

- Historically, court-ordered programming and treatment options nationally lack services designed specifically for women. In response to this the U.S. Congress and courts have ordered that female offenders be provided with the “same quality and quantity” of services provided for males.
- However, these mandates only provided women with the same programming men currently have, despite the knowledge that men and women have different pathways to crime and general criminality. Therefore, programming, policies, and services aimed at men currently involved in the criminal justice system fail to identify and adapt gender and culturally responsive programming.
- The majority of the research focuses on sentencing disparities, typically in the length of time an individual is required to spend in prison or jail for an offense, rather than the gender responsiveness of programming.
- The literature also examines the impact of race/ethnicity and gender and juvenile sentencing and opportunities to receive treatment compared with jail or prison time. Research from 2000 found that at that time gender gaps were largest with regard to service opportunities, particularly female juveniles suffering with substance abuse, sexual victimization, abuse or neglect, or delinquency. Further, the researchers found that only half of the sample with female-specified beds had gender specific programming.
- Another study conducted on juvenile court sanctioning found that Black males were more likely to receive punitive sanctions, and less likely than their White counterparts to receive rehabilitation. A 2006 meta-analysis of juvenile sentencing disparities, which analyzed the findings of twenty-six articles, found that a majority of those articles found some race effects in the decision to refer youths to mental health and substance abuse services.

- A 2003 study from Washington State examined alternative provisions as mechanisms for departing from sentencing guidelines based on a sample of 46,552 felony cases. The researchers found that males and people of color were less likely to receive alternative sentences when below the standard sentencing range. Judges in Washington State sentenced below the standard range 85 percent of the time, which increases the disparity for males and people of color.
- This is an area that requires more research. The one article examining this disparity was focused on the structured sentencing provisions in Washington State. As clearly demonstrated the vast majority of the research has focused on the racial and gendered disparities in sentencing length and the decision to incarcerate compared with probation options. While it is clear that racial and gender discrepancies exist in sentencing, it cannot be more than assumed that they also occur in court-ordered treatment options.

IMPACT & SIGNIFICANCE

- There is a gap in the published literature that would allow us to answer the question concerning if the opportunities provided with regard to court-ordered treatment options in Washington State are impacted by gender and/or the intersection of gender with race/ethnicity, income, etc.

POTENTIAL PILOTS

- Identify ways to fill the noted research gap.

This is a summary of the draft social science analysis written by Mary Miller and Sam Tjaden. See the full legal memo and social science analysis for additional information and the sources for the information included in this brief.

Study Priority 2.11: Commercial Sexual Exploitation of Children

Revised Brief (8/29/19). Status: Social Science and Legal research done. Synthesized full analysis in draft.

KEY FINDINGS

➤ Washington State has made progress on issues of human trafficking, CSEC, and prostituted youth, primarily by moving away from criminalizing the youth and towards victim-centered approaches, and by increasingly pursuing and punishing adult exploiters benefiting and facilitating from these crimes.

➤ Various statutes criminalize and apply to prostitution, sex trafficking and CSEC and encompasses crimes in which a youth engages in sexual acts in return for anything of value. If the victim is under 18, force, fraud or coercion are not required, and it does not matter whether the juvenile consented or appeared to consent to the sexual act.

➤ Minors are no longer prosecuted for prostitution offenses in WA. Various 'safe harbor' provisions grant immunity from prosecution or divert prostituted youth to child welfare services.

➤ However, CSEC victims are seen repeatedly in the justice system – they often have co-occurring juvenile criminal involvement and prosecuted for other crimes stemming from their exploitation and poverty. WA no longer arrests minors for prostitution, but they are getting arrested for drug possession, trespass, shoplifting, etc.

➤ Offender fees associated with these crimes are statutorily mandated but heavily underutilized. Courts, prosecutors and law enforcement not well trained on them.

➤ CSEC is difficult to track and therefore study. WA data varies but there is effort to disaggregate by important subpopulation categories, such as gender, race, sexual orientation, and transgender status.

➤ Strong evidence of gender and racial and gender bias in WA and nationally. Numerous studies have shown gross disparity in the impact of this issue on people of color, particularly African American, Native Americans, Latino/a, Multi-racial, and LGBTQ.

➤ Girls of color particularly exploited as well as likely to be involved in the justice system as a result (especially black girls).

➤ Boys constitute over 25% of commercially sexually exploited children but often remain invisible in justice system and victim services response, training, etc'. Boys who are commercially sexually exploited, particularly by male clientele, face additional gender/sexuality bias in the justice system.

➤ Risk factors associated with commercial sexual child exploitation include family poverty, family and personal trauma, unstable housing, foster care, and low access to resources such as education. Past sexual abuse and child welfare system involvement appears to be biggest risk factors.

➤ LGBTQ minors are at increased risk for commercial sexual exploitation due to increased risk of homelessness.

➤ Complicated legal jurisdictions between states and tribal governments leaves Indigenous girls vulnerable to CSEC and with fewer legal protections.

IMPACT & SIGNIFICANCE

➤ CSEC in WA continues to be a significant problem that primarily impacts people and communities who are already vulnerable as a result of poverty, systematic oppression, and previous harm.

➤ Law enforcement and justice system responses, amplified by racial, gender, and socio-economic bias, continue to contribute to the criminalization and incarceration of vulnerable populations and diverts resources away from tackling root causes associated with CSEC.

POTENTIAL PILOTS

➤ Decriminalize youth prostitution altogether.

➤ Divert CSE youth for other crimes out of justice system altogether and into social services that address root causes that led to victimization and utilize harm-reduction approaches.

➤ Bias training for police, prosecutors, court clerks and judges to combat racial and gender bias against girls of color, boys, and LGBTQ populations who are victims of commercial sexual exploitation.

➤ Train judges, court clerks, prosecutors and law enforcement on the fees and seizure associated with CSEC so that they are imposed regularly and consistently. Ensure at least 50% of the fees are allocated to victim services/ prevention

➤ Enhance disaggregated data collection.

This is a summary of the draft legal memo and analysis written by Dr. Dana Raigrodski and summary of the social science sources compiled by Ophelia Vidal. See the full documents for the information included in this brief.

Study Priority 2.14 Acceptance of women in legal and judicial communities

Status: The Task Force determined that this topic does not need a legal memo. We are in the early stages of the social science research.

KEY FINDINGS



IMPACT & SIGNIFICANCE



POTENTIAL PILOTS



Study Priority 2.15 Court personnel practices and procedures, including their application to GALs and guardians

Status: The legal memo is in progress. We are in the early stages of the social science research.

KEY FINDINGS



IMPACT & SIGNIFICANCE



POTENTIAL PILOTS



Study Priority 2.16 Representation of women as ADR neutrals

Status: Legal memo and social science research complete and synthesized. There are some outstanding legal and social science questions. This needs peer review.

KEY FINDINGS

Mandatory Arbitration

➤ Washington enacted legislation in 1979 requiring mandatory arbitration of certain civil actions in counties with a population of more than 100,000. Mandatory arbitration was designed to take relatively simple cases off the superior court's docket and resolve them quickly and inexpensively.

➤ A mandatory arbitration case is adjudicated by an arbitrator drawn from a pool of Washington attorneys who have volunteered. An arbitrator must be an attorney in good standing admitted to the WSBA for at least five years, or a retired judge. They must complete at least 3 approved CLEs on serving as an arbitrator. The superior court judge in any county may choose to waive these requirements for those who have acted as an arbitrator five+ times previously. Parties may stipulate to a non-lawyer arbitrator.

➤ The parties may select an arbitrator by stipulation. If an arbitrator is not chosen by stipulation within 14 days after a case has been placed on the calendar, the court must promptly select an arbitrator.

Mandatory Mediation

➤ Mediation process in domestic relation (e.g. dissolution) is statutorily governed. State and local rules can also require mediation. The mediation requirement may be waived by the court in cases involving domestic violence (DV) or in other cases upon a showing of good cause.

➤ Washington's Uniform Mediation Act governs cases where mediation is required by statute, court or agency rule, or where the case is referred to mediation by a court, agency, or arbitrator. Under that statute, a mediator may be professional staff of a family court or mental health services agency, or may be any other person or agency designated by the court.

➤ In 1993, Washington enacted mandatory mediation in all causes of action for damages stemming from health care claims. In these cases a mediator shall have experience related to actions arising from health care injuries, and be a member of the WSBA for at least 5 years or a be retired judge. The parties may stipulate to a nonlawyer mediator. Attorney mediators must have 6+ hours of CLE mediator training and have acted as a mediator in at least 10 cases (3 of which were medical malpractice).

➤ Courts maintain a register of attorneys who have volunteered as mediators. The courts will designate a mediator if the parties are unable to agree.

IMPACT & SIGNIFICANCE

➤ Our research so far did not yield Washington specific data. However, existing research and scholarship on gender bias and ADR suggests issues that are likely to exist in Washington as well.

➤ Most studies on if gender of an adjudicator affects the outcome/process do not find significant differences except in certain gender-salient areas (e.g. family law, civil rights and discrimination, employment, criminal law, and domestic violence, and sometimes in cases involving medical, physical, or emotional harms), though not always in the expected direction. However, in asylum cases, people had 44% greater likelihood of being granted asylum if the judge was female. It is hard to study mediation/arbitration, partially because most is confidential and not captured in reported decisions.

➤ In areas such as international commercial arbitration or the appointment of special master/mediators for federal courts and mass and class action litigation, women are significantly underrepresented as dispute managers.

➤ Research found that some parties indicated a preference for judges, mediators, etc. to match the parties' gender, or race/ethnicity. Researchers argue that ADR does not lead to equitable agreements and it disempowers women who face power imbalances.

➤ DV cases can be particularly disempowering for survivors. Studies estimate that over 1/2 of cases referred for divorce, custody, or visitation mediation involve issues of DV even if they are not labeled as DV cases. Mediators often push parties towards compromise/joint custody without considering the impacts of DV. Mediators should be able to identify cases involving abuse; understand the dynamics of DV; seek to provide a balance of power if mediation proceeds or decide when mediation is not appropriate.

➤ Power imbalance in sexual harassment cases or created when one spouse has more economic resources can have similar impacts. ADR can also marginalize women's legal issues. Therefore, mediator sensitivity to women's issues is crucial.

➤ Both male and female mediators can exhibit explicit and implicit gender bias. Judges should be aware of the potential for gender bias and should ensure that the systems to which they refer litigants, such as mediation, treat women fairly.

POTENTIAL PILOTS

This is a summary of the draft analysis of the legal and social science sources written by Dana Raigrodski (social science sources compiled by Sara Bensley). See the full document synthesizing the legal memo and social science for additional information and the sources for the information included in this brief.

Study Priority 3.1: Legal Financial Obligations

Status: Social Science research complete. The legal memo is being drafted.

KEY FINDINGS

- The criminal justice system has several types of Legal Financial Obligations (LFOs), some that release a defendant from jail (bail), fines, victim restitution, and court fees to name a few.
- Studies from 2010 and 2016 found that there is little information about the imposition of monetary sanctions and little data to examine how frequently monetary sanctions are imposed or the impact of LFOs.
- In Washington State the average individual with a felony owed for court, supervision, and extra fees approximately \$2,500, with the median being \$1,110.
- Monetary sanctions disproportionately impact people of color, men, and low-socioeconomic individuals. These disproportionate effects seem to stem from the use of monetary bail impacting pretrial release, child support, court fines, and restitution. Furthermore, research indicates that these disparities were not due to legal differences across cases.
- National research indicates that bail amounts are set higher for Black and Hispanic males than their counterparts; and that male offenders received higher bail amounts than their female counterparts. More females were released on non-financial release and were able to make bail than their male counterparts.
- Hispanic individuals received higher fees and fines than White defendants even when accounting for offense type and seriousness of offense scores. Convictions involving male defendants receive higher fees and fines than those involving females.

IMPACT & SIGNIFICANCE

- LFOs increase debt; reduce income; limit access to resources (e.g. housing); and increase the chance of continued criminal justice involvement.
- Most of the research has focused on monetary bail. While other forms of LFOs are discussed briefly, equity impacts have not been examined.

- The inability to post bail has further financial ramifications (e.g. loss of employment and housing). Those held in pretrial detention are more likely to plead guilty and accept a plea deal. This leads to a disproportionate number of males, Hispanics, and Blacks, with criminal records and the consequences (e.g. social exclusion, lack of employment, housing, and public assistance).

- Researchers argue that fines have been used to reinforce racial stratification; particularly, due to judge discretion in when to sentence fines and how large the fines will be. Similarly, restitution and court fees both allow for large discretion upon sentencing.

- 2017 research found that only 8% of formerly incarcerated males were up to date on their child support, with more than half owing over \$5,000 dollars.

- Another form of legal fines and fees are surcharges and assessments, which can be added to other fines and fees already being applied.

- Washington legislation has been passed to reduce the negative effects of LFOS with four results: 1) LFOs are structured around crime seriousness and the ability of the offender to pay, 2) interest accrual has been repealed, 3) annual interest rate on LFOs has been reduced by 50% to 6% interest annually, and 4) allowing the court the ability to modify or convert these LFOs if an offender's financial situation changes and they can no longer be successful with their current plan.

POTENTIAL PILOTS

- Gather data on outsourcing of debt collection throughout Washington State courts.
- Consider addressing inequities caused by outsourcing, such as (1) whether steps (perhaps by court rule) should limit judicial debt collection to the judicial branch; (2) whether state law should cap fees imposed by local ordinances.
- Should the Sentencing Guidelines Commission address LFOs and propose LFO ranges?
- The lack of data on monetary sanctions have led to the use of survey data and automatic court records. Incomplete court records do not allow researchers to examine the full issue. A database of this information would allow for examination of the equity impacts of LFOs.

This is a summary of the draft social science analysis written by Mary Miller. See the full analysis for additional information and the sources for the information included in this brief.

Study Priority 3.2: Collateral consequences for incarcerated parents.

Status: Social Science research complete. The legal memo is being drafted.

KEY FINDINGS

- There is a gap in the published scientific literature that would allow us to determine if the collateral consequences faced by incarcerated parents upon reentry is impacted by gender or the intersection of gender with race/ethnicity, etc. It would be logical to assume that based on the overrepresentation of African American males incarcerated, African American fathers would be the most impacted by collateral consequences. However, it cannot be empirically proven or verified due to a lack of evidence supporting this statement.
- Since the 1970s, the United States rates of imprisonment and the overall prison population has continually increased as a result of the punitive based criminal justice policies, an era in Criminal Justice referred to as the “Get Tough on Crime” movement.
- Researchers estimate that nationally approximately 50% of inmates have children under the age of 18 years, with 45% in the same household pre-incarceration. Over 2 million children have an incarcerated parent who will leave prison and attempt to reintegrate back into the community, facing formal policies, provisions, laws, and social barriers that prevent or make it difficult to successfully reintegrate. For young children, the likelihood of having a parent in prison is 7.5% for African American households, 2% for Hispanic households, and 1% percent for White households.
- Existing literature has focused on how incarceration status and the resulting consequences disproportionately impact men of color (particularly African American men of low socioeconomic position) and their families due to their vast overrepresentation in the prison population.
- The few studies that do study the collateral consequences of mass incarceration are focused on the impact of parental incarceration on familial relationships and child welfare. Within that literature, there has been a focus on how parental incarceration impacts the future delinquency of children.

- Most of the research within the Criminal Justice System has been more focused on men, as they make up most of the prison population.

IMPACT & SIGNIFICANCE

- There is a gap in the published literature. Research is needed that specifically analyzes if the collateral consequences incarcerated parents face during reintegration impacts them differently based on gender.

POTENTIAL PILOTS

This is a summary of the draft social science analysis written by Sam Tjaden. See the full legal memo and social science analysis for additional information and the sources for the information included in this brief.

Study Priority 3.3: The burden of mass incarceration on remaining heads of households

Status: Social Science research complete. The legal memo is being drafted.

KEY FINDINGS

- The incarceration of parents impacts the remaining parent, their children, parents, and other family members as it creates lost wages, economic hardships, housing and food insecurity, extra costs, concerns with child support and supervision, and health concerns.
- Research shows that the impact of mass incarceration differs for the households dealing with paternal incarceration compared to those dealing with maternal incarceration. While research investigating the effect of maternal incarceration is limited and studies comparing maternal/paternal incarceration even more so, there exists a large body of work examining the impact of paternal incarceration.
- The research has focused entirely on the impact of incarceration on women, as the head of household or the effect of her incarceration on the household. So it is not possible to determine the impact of incarceration on male heads of households.
- Research has found that female heads of households are directly impacted by incarceration. Women of color, primarily African American women who come from low socio-economic backgrounds, are the most impacted due to disproportionate incarceration of men of color. Removal of the male from within the family creates a single parent household led by the mother in most cases.
- Paternal incarceration is associated with the use of food stamps and Medicaid/SCHIP as a result of lower income and higher financial need.
- In addition to the financial hardships the mothers face from the loss of income, they also gained extra costs in the process. Partners of incarcerated individuals reported spending, on average, \$300 a month to maintain their relationship.
- Research shows that having an incarcerated parent increased the likelihood of a mother showing physical aggression towards their children.

- Another source of strain caused by paternal incarceration is the need for childcare which is often expensive and extended family are often required to step in to provide aid.
- Maternal incarceration is not as well studied as paternal incarceration. The few studies that examined the effect of maternal incarceration on the remaining heads of households found that the incarceration of women has a much higher and unique consequence on the children/community. Little information is given on caretaker demographics. If the parents are not living together prior to incarceration, children typically reside with the mother.
- Maternal incarceration often results in instability of housing and guardianship. As a result, the head of household is typically a grandparent, relative, or friend, which can create another set of financial hardships as they are less likely to qualify for aid. While 42% of incarcerated African American mothers had children in the custody of their grandparents, in only 17% of cases, the children lived with their father.
- Children are more likely to be placed in foster care when their mother is incarcerated versus when their father is incarcerated. This is four times more likely to occur for African American families. Prolonged foster care may result in incarcerated mothers losing custody of their children and having their parental rights terminated by the state.
- In the sole comparison study of parental incarceration and the effect of the incarceration on the family a 2012 study from Arizona. It found parental incarceration had a negative effect on the lives of most caregivers (58%). For families dealing with paternal incarceration, 67% reported a negative effect, while 46% of the families with a maternal incarceration reported negative effects. Based on these findings, families were more impact by a paternal incarceration. In the case of paternal incarceration, 70% of the participants were the other parent. In the case of maternal incarceration, 61% of the respondents were grandparents. Apart from the mother and father, little is known about the other caretakers, including gender.

IMPACT & SIGNIFICANCE

- There is a gap in the published literature.

POTENTIAL PILOTS

This is a summary of the draft social science analysis written by Sam Tjaden. See the full legal memo and social science analysis for additional information and the sources for the information included in this brief.

Study Priority 3.4: The availability of gender responsive programming and use of trauma informed care in DOC and court ordered programs

Status: Social Science research complete. The legal memo is being drafted on programming in DOC. We still need someone to look at programming in court ordered programs for the legal memo.

KEY FINDINGS

- Washington State DOC programs for both male and female inmates appears to largely focus on parenting and successful familial relationships to decrease recidivism. There do appear to be several gender responsive programs, some of which deal with the trauma that may have contributed to their pathway to incarceration.
- However, the largest number of programming does not focus on trauma or gender responsiveness but instead focuses on improved parenting. For example, Boy Scouts Behind Bars, Emotional Coaching, Girl Scouts Beyond Bars, Inside Out Dads, Long Distance Dads, Parenting Inside Out, Parent/Teacher Conferencing, Partners in Parenting, Preparing for Release (focuses on returning to family type environment), Read to Me Daddy/Mommy, Residential Parenting Program, Strength in Families.
- Two of these programs are specifically designed for women; the Residential Parenting Program, which allows women who are pregnant to keep their children with them after birth with the stipulation that they have sentences under 30 months. This allows mothers to bond with their new babies and retain custody while incarcerated. Another gender-specific program is Moving On, which focuses on addressing the risk factors that can lead women to criminal activity and hopes to provide resources and knowledge to reduce recidivism.
- When examining culturally appropriate programming, there is a long list of different religious, spiritual, and cultural programs offered to those incarcerated in Washington. For example: Asian Pacific Islander groups, African American history, CeAtl Tonalli Aztecan group, Hispanic cultural heritage, Hinduism, Christian Science, and Native American/Tribal.

- Washington also provides therapeutic and support programming. For example, Thinking for Change is a program designed to restructure inmates cognitive behavioral thinking. This allows for them to expand their social skills, learning, and the use of problem-solving. Another program is offered to sex offenders, both male and female, where they participate in group therapy (separated by gender) that helps the individuals understand their thoughts, feelings, and behaviors that led to their offending.
- There are other programs offered that attempt to reach veteran populations, those in violent relationships, recovering from drugs/alcohol, bettering romantic relationships, yoga, and further their education.
- The majority of Washington prisons operate a dog program, which through evaluations, has been shown to reduce the number of serious infractions, violent infractions, grievances filed, and sanctions.
- Thinking for Change, Alternatives to Violence, Sex Offender Treatment Program, and the Freedom Project may address trauma that leads to criminal activity and could possibly account for the varied pathways that lead to criminality between men and women.
- When examining court ordered classes the amount of information is very limited. Typically only a one-page flyer describing the policy and an outline of the classes. Therefore, it is hard to assess the gender responsive, culturally appropriate and trauma-informed nature of these classes. However, they touch on topics such as anger management, domestic violence, drugs and alcohol, divorce, parenting, criminal behavior modification, theft, and family violence.

IMPACT & SIGNIFICANCE

- The literature on DOC and court ordered programming almost exclusively researches the efficacy of the intervention. These evaluations do not examine if there is gender equity (or racial equity, etc.) in who is selected and/or allowed to participate. Further research is needed determine if there are gender, etc. disparities between those who are assigned to court ordered and DOC programs.

POTENTIAL PILOTS

This is a summary of the draft social science analysis written by Mary Miller. See the full legal memo and social science analysis for additional information and the sources for the information included in this brief.

Study Priority 3.5: The consequences of sexual assault in jail or prison.

Status: Legal memo and social science research complete. These components need to be synthesized.

KEY FINDINGS

- Sexual assault and sexual harassment in jails, prisons, and detention facilities is the focus of multiple statutes, official policies, and case law.
- The first stated purpose of the 2003 federal Prison Rape Elimination Act (PREA) is to “establish a zero-tolerance standard for the incidence of prison rape.” The statute requires data collection and provides states grants to develop policies/procedures.
- As a result of PREA, prisons, jails, and detention facilities in Washington issue annual reports on efforts to comply along with statistics on the number of complaints that are sustained (i.e., proven), unsubstantiated (i.e., unproven), and unfounded (i.e., determined to be false). Washington statistics reflect that very few of the complaints made are sustained.
- If an inmate has been sexually assaulted the perpetrator could be charged with a sexual offense. Washington also has specific laws pertaining to sexual misconduct perpetrated by an officer, staff member, or contractor of a correctional facility against an inmate. Custodial Sexual Misconduct in the First Degree is when an officer, staff member, or contractor has sexual intercourse with an inmate, and has the actual or perceived ability to influence the terms, etc., of incarceration or supervision (maximum term five years in prison). Consent of the victim is not a defense. Custodial Sexual Misconduct in the Second Degree involves sexual contact rather than sexual intercourse (maximum term is 364 days in jail).
- Civil actions may also be pursued. An inmate may seek damages in federal court if the inmate can demonstrate a violation of their civil rights. Damages for mental or emotional injuries cannot be sought without a showing of physical injury, or “the commission of a sexual act.” For sexual abuse or harassment falling outside these definitions, an inmate could seek damages in state court under tort law.
- Despite protections against sexual abuse, incarcerated people and advocates report experiencing a culture of sexual abuse in prisons.

- Male sexual assaults have received less focus than female assaults, in part due to statistics indicating female inmates are at higher risk. However, sexual assaults across genders are underreported and males are even less likely to report. Only an estimated 22% of male sexual assault victims and 34% of female victims report. Some correctional staff will not respond to reports, or will even participate in assault.

IMPACT & SIGNIFICANCE

- Inmates who are sexually assaulted often suffer from severe emotional and physical trauma such as bruising, PTSD, the contraction of sexually transmitted diseases, and suicide. Inmates who are sexually assaulted will often lose status within the prison hierarchy, increasing the risk of further assaults.
- While both genders experience trauma, males appear to report more serious emotional responses to assault. Research found that a male victims reported having suicidal thoughts, attempting suicide, and having become violent, being concerned about their sex-role reputation, fear of AIDS, feelings of hatred, and being physically injured a higher rate than females.
- Victimized male and female ex-offenders report higher rates of depression, hostility, drug use, and committing criminal acts after release compared to non-victimized ex-offenders. This increases the risk of recidivism. However, when comparing the impact of male and female victimization on post-release drug use and crime, only the male had a significant finding.
- While research did find empirical support for the consequences of sexual assaults being impacted by gender, there are limitations with these findings such as depending on self-report and small samples, specifically for the females, which can skew results. No research found indicates if the intersection of gender with race/ethnicity, etc. causes a different level of trauma.
- A 2000 survey of correctional officers found they had difficulty determining what was rape and they had contradictory beliefs about homosexuality and prostitution. Overwhelmingly responses indicated the perception that rape required use of force. However, some correctional officers also recognized other coercive means as being rape as well. They were less likely to perceive homosexuality assaults as rape.

POTENTIAL PILOTS

This is a summary of the draft legal memo by Jennifer Ritchie and Andrea Vitalich and the draft social science analysis by Sam Tjaden. See the full legal memo and social science analysis for additional information and the sources for the information included in this brief.

Study Priority 3.7: The impact of a criminal background on access to services

Status: Social science research complete. The legal memo is being drafted.

KEY FINDINGS

- Over half of released offenders will be reincarcerated within 3 years of release from a correctional facility. In order to be successful upon release, the ex-offender must be able to provide for themselves and for their families.
- Having a criminal history creates barriers preventing them from obtaining the opportunities and services needed to live outside the correctional facilities. For example, their criminal history can negatively impact their ability to receive financial aid, bar them from obtaining public housing, cause them to be screened out of private housing, prevent them from gaining a license, and can limit their employment opportunities
- There is a gap in the literature researching if criminal background effects access to services and opportunities differently by gender. The existing literature for the impact of criminal records in the obtainment of services and opportunities is focused primarily on released male ex-offenders with minimal studies focusing the experiences of female ex-offenders.
- One of the few studies involving female ex-offenders found they reported difficulty gaining access to public housing, employment, and health care, public services like food stamps, and financial aid based on their criminal record. As a result, they had experienced repeated episodes of homelessness and were dependent on organizations like food pantries to meet their needs.
- African American males, who often come from low socio-economic backgrounds and are overrepresented among returning offenders, are therefore disproportionately impacted by these barriers to opportunities post-release.
- One's status as an ex-offender makes the procurement of a job or gaining a fair pay difficult due to background checks conducted by employers. This increases the risk of recidivism. Making the ability to obtain employment more complicated, forty-five states

in the U.S. have policies that give employers the right to not hire or fire an employee based on a criminal history.

- In a survey of 619 employers in Los Angeles, over 40% reported that they would not hire someone with a criminal background and approximately 30% stated hiring an ex-offender would be dependent on the crime. Research does indicate that the ability to check for criminal background negatively impacted ex-offenders.
- According to multiple studies, being a person of color combined with the criminal background does reduce the likelihood of gaining successful employment. However, one 2006 study found that the use of background checks resulted in African Americans being hired at a higher rate than when background checks were not completed.
- A noticeable area of study missing the literature has to do with the impact of criminal background on Native Americans and Hispanics as there is no mention made of either groups. While the limited literature available suggests that females and male ex-offenders have the same issues in obtaining services and opportunities, it cannot be empirically proven. Due to a lack of studies that compare the impact of criminal background on male and female ex-offenders, it is unknown if there is a difference in access to services and opportunities.

IMPACT & SIGNIFICANCE

- There is a gap in the literature exploring if there is differential impacts in access to services based on gender.

POTENTIAL PILOTS

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This is a summary of the draft social science analysis written by Sam Tjaden. See the analysis for additional information and the sources for the information included in this brief.

Gender Bias Study Research Questions

1. Gender impacts of barriers to getting into court

1.1 Litigants' financial barriers such as user fees, costs of legal representation, childcare and travel to and from the courthouse.

Task 1 Research Questions

LEGAL REPRESENTATION, CHILDCARE, AND TRAVEL:

Research questions:

- 1.1.1 Describe the current status (e.g. legal changes from 1989) of the below recommendations related to costs of legal representation, childcare, and travel to and from the courthouse.
- 1.1.2 Have these changes (or lack of changes) had differential impacts by gender? Describe.
- 1.1.3 Have these changes (or lack of changes) differently impacted specific subpopulations (e.g. women of color, American Indian/Alaska Natives, or people living in poverty)? Describe.

Applicable recommendations from 1989 report:

For the Legislature: Develop more programs for free or low-cost counsel and use of expert witnesses in family law areas.

For the Legislature: Immediately address the need for reasonably affordable quality day-care for working parents. Consider incentives for public and private sector employer sponsored daycare facilities.

For Judges, the Legislature, County Government, and the Bar Associations: Address the barriers to court access which may significantly bar meaningful and equal participation by litigants, including:

- a. The lack of adequate legal assistance in family law matters;
- b. The high cost of attorney's fees;
- c. The lack of alternative methods for addressing marital dissolutions;
- d. The lack of child care at courthouses; and
- e. Transportation difficulties for litigants in getting to the county courthouse.

Task 2 Research Questions

USER FEES:

Research questions:

- 1.1.4 Do user fees create a financial barrier to accessing the courts that has disproportionate impacts by gender and/or the intersection of gender with race/ethnicity, income, etc.? Describe.
- 1.1.5 If the evidence indicates user fees create a financial barrier to accessing the courts that has disproportionate impacts by gender and/or the intersection of gender with race/ethnicity, income, etc., describe the legal environment (e.g. substantive legal doctrines, court procedures, etc.), biases, and/or social environment (e.g. stability of housing, access to child care, etc.) that have contributed to these disparities.

Gender Bias Study Research Questions

1.2 Litigants’ language barriers in matters such as obtaining domestic violence protective orders, participating in family law hearings, and interacting with GAL and CASA representatives.
Task 1 Research Questions
No applicable recommendations from 1989 report
Task 2 Research Questions
<p>Research questions:</p> <p>1.2.1 Does limited English proficiency create a barrier to accessing the courts in matters such as obtaining domestic violence protective orders, participating in family law hearings, and interacting with GAL and CASA representatives? Describe.</p> <p>1.2.2 If the evidence shows that limited English proficiency creates barriers to accessing the courts, does this have disproportionate impacts by gender and/or the intersection of gender with race/ethnicity, income, county of origin, etc.? Describe.</p> <p>1.2.3 If the evidence indicates limited English proficiency creates barriers to accessing the courts that has disproportionate impacts by gender and/or the intersection of gender with race/ethnicity, income, etc., describe the legal environment (e.g. substantive legal doctrines, court procedures, etc.), biases, and/or social environment (e.g. stability of housing, access to child care, etc.) that have contributed to these disparities.</p>
1.3 Immigration status barriers that may be preventing complainants and witnesses from coming to court.
Task 1 Research Questions
No applicable recommendations from 1989 report
Task 2 Research Questions
<p>Research questions:</p> <p>1.3.1 Do the barriers to accessing the courts created by the immigration status of complainants and witnesses have disproportionate impacts by gender and/or the intersection of gender with race/ethnicity, income, country of origin, etc.? Describe.</p> <p>1.3.2 If the evidence indicates immigration status creates barriers to accessing the courts that has disproportionate impacts by gender and/or the intersection of gender with race/ethnicity, income, etc., describe the legal environment (e.g. substantive legal doctrines, court procedures, etc.), biases, and/or social environment (e.g. stability of housing, access to child care, etc.) that have contributed to these disparities.</p>
1.4 Barriers to jury service such as low juror pay, lack of childcare, etc., that contributes to lack of diversity in juries.
Task 1 Research Questions
No applicable recommendations from 1989 report
Task 2 Research Questions
<p>Research questions:</p> <p>1.4.1 Describe the legal environment (e.g. substantive legal doctrines, court procedures, etc.), biases, and/or social environment (e.g. stability of housing, access to child care, etc.) that have contributed to a lack of diversity on Washington State juries.</p>

Gender Bias Study Research Questions

1.4.2 What are the impacts of a lack of diversity on juries? Are there disproportionate impacts by gender and/or the intersection of gender with race/ethnicity, income, etc.? Describe.

2. Gender impact in court proceedings and court workplace

2.1 Gender impact in civil proceedings as they relate to violence; domestic violence, and sexual assault.

Task 1 Research Questions

DOMESTIC VIOLENCE:

Research questions:

- 2.1.1 Describe the current status (e.g. legal changes from 1989) of the below recommendations.
- 2.1.2 Have these changes (or lack of changes) had differential impacts by gender? Describe.
- 2.1.3 Have these changes (or lack of changes) differently impacted specific subpopulations (e.g. women of color, American Indian/Alaska Natives, or people living in poverty)? Describe.

Applicable recommendations from 1989 report:

See also: Treatment of domestic violence perpetrators. Some recommendations address this priority as well.

Due to the large number of recommendations on these topics, see *Appendix A: Recommendations from 1989 Report Related to Domestic Violence*

SEXUAL ASSAULT:

Research questions:

- 2.1.4 Describe the current status (e.g. legal changes from 1989) of the below recommendations.
- 2.1.5 Have these changes (or lack of changes) had differential impacts by gender? Describe.
- 2.1.6 Have these changes (or lack of changes) differently impacted specific subpopulations (e.g. women of color, American Indian/Alaska Natives, or people living in poverty)? Describe.

Applicable recommendations from 1989 report:

Due to the large number of recommendations on these topics, see *Appendix B: Recommendations from 1989 Report Related to the Consequences of Rape*

2.2 Gender impact in civil proceedings as they relate to Family Law including divorce, maintenance, property division, custody, and child support.

Task 1 Research Questions

Research questions:

- 2.2.1 Describe the current status (e.g. legal changes from 1989) of the below recommendations.
- 2.2.2 Have these changes (or lack of changes) had differential impacts by gender? Describe.

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2.2.3 Have these changes (or lack of changes) differently impacted specific subpopulations (e.g. women of color, American Indian/Alaska Natives, or people living in poverty)? Describe.

Applicable recommendations from 1989 report:

Due to the large number of recommendations on these topics, see *Appendix C: Recommendations from 1989 Report Related to the Consequence of Divorce*

2.3 Gender impact in civil proceedings as they relate to economic consequences including fee awards and wrongful death.

Task 1 Research Questions

Research questions:

- 2.3.1 Describe the current status (e.g. legal changes from 1989) of the below recommendations.
- 2.3.2 Have these changes (or lack of changes) had differential impacts by gender? Describe.
- 2.3.3 Have these changes (or lack of changes) differently impacted specific subpopulations (e.g. women of color, American Indian/Alaska Natives, or people living in poverty)? Describe.

Applicable recommendations from 1989 report:

For Judges and Attorneys: Include workshops at judicial conferences on discrimination cases and the public policy reasons for awarding fees to alleviate some of the concerns, particularly of practitioners in the field. Some discussion of the current costs of doing business, overhead, and market rates would also be helpful. Use of multipliers should also be discussed.

For Judges and Attorneys: Consider using experts to provide insights on "reasonability." A court-appointed expert could conduct informal market surveys on hourly rates based on experience only and on number of hours typically expended on civil litigation of comparable longevity and complexity. Such information could diminish the subjectivity and resulting susceptibility to gender bias inherent in the discretionary fee-setting process.

For Court Administrators: Require that attorneys complete docket sheets describing the nature of the case, as the federal courts and some superior courts do. All superior courts should request such docket information, and include a specific category for discrimination, wrongful death and loss of consortium cases. That information should then be recorded on SCOMIS for easy retrieval.

For the Implementation Committee: As more discrete information becomes available on the SCOMIS system, the committee should review awards for wrongful death and loss of consortium.

For the Implementation Committee: As discrimination cases continue to be tried and fees awarded, further study should be conducted.

2.4 Gender impact in civil proceedings as they relate to workplace sexual harassment and discrimination.

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Task 1 Research Questions
No applicable recommendations from 1989 report
Task 2 Research Questions
<p>Research questions:</p> <p>2.4.1 Are the interactions or outcomes during civil proceedings related to workplace sexual harassment impacted by gender and/or the intersection of gender with race/ethnicity, income, etc.? Describe.</p> <p>2.4.2 If the evidence indicates that interactions or outcomes during civil proceedings related to workplace sexual harassment are impacted by gender and/or the intersection of gender with race/ethnicity, income, etc., describe the legal environment (e.g. substantive legal doctrines, court procedures, etc.), biases, and/or social environment (e.g. stability of housing, access to child care, etc.) that have contributed to these disparities.</p> <p>2.4.3 Are the interactions or outcomes during civil proceedings related to workplace discrimination impacted by gender and/or the intersection of gender with race/ethnicity, income, etc.? Describe.</p> <p>2.4.4 If the evidence indicates that the interactions or outcomes during civil proceedings related to workplace discrimination are impacted by gender and/or the intersection of gender with race/ethnicity, income, etc., describe the legal environment (e.g. substantive legal doctrines, court procedures, etc.), biases, and/or social environment (e.g. stability of housing, access to child care, etc.) that have contributed to these disparities.</p>
<p>2.5 Gender impact in criminal proceedings as they relate to increased criminalization and incarceration of women pre- and post- conviction.</p>
Task 1 Research Questions
No applicable recommendations from 1989 report
Task 2 Research Questions
<p>Research questions:</p> <p>2.5.1 Has Washington State experienced an increase in criminalization and incarceration of women pre- and post-conviction? Demonstrate.</p> <p>2.5.2 If the data show Washington State has experienced an increase in criminalization and incarceration of women pre- and post-conviction, describe the legal environment (e.g. substantive legal doctrines, court procedures, etc.), gender biases, and/or social environment (e.g. stability of housing, access to child care, etc.) that have contributed to this trend.</p> <p>2.5.3 Does criminalization and incarceration of women have disproportionate impacts by race/ethnicity, income, etc. or some intersection of these demographics? Describe.</p> <p>2.5.4 If evidence shows that criminalization and incarceration of women has disproportionate impacts by race/ethnicity, income, etc., or some intersection of these demographics, describe the legal environment (e.g. substantive legal doctrines, court</p>

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procedures, etc.), biases, and/or social environment (e.g. stability of housing, access to child care, etc.) that have contributed to this disproportionality.
2.6 Gender impact in criminal proceedings as they relate to increased criminalization and incarceration of men pre- and post- conviction and the consequences for women.
Task 1 Research Questions
No applicable recommendations from 1989 report
Task 2 Research Questions
Research questions:
2.6.1 Describe the legal environment (e.g. substantive legal doctrines, court procedures, etc.), gender biases, and/or social environment (e.g. stability of housing, access to child care, etc.) that have led to an increase in criminalization and incarceration of men pre- and post-conviction.
2.6.2 Describe the consequences for women of the increase in criminalization and incarceration of men pre- and post-conviction. Include analysis of any disproportionate impacts experienced by subpopulations of women (e.g. women of color, low-income women, etc.).
2.7 Gender impact in criminal proceedings as they relate to exceptional sentence availability.
Task 1 Research Questions
No applicable recommendations from 1989 report
Task 2 Research Questions
Research questions:
2.7.1 Are the interactions or outcomes during criminal proceedings related to exceptional sentence availability impacted by gender and/or the intersection of gender with race/ethnicity, income, etc.? Describe.
2.7.2 If the evidence indicates that interactions or outcomes during criminal proceedings related to exceptional sentence availability are impacted by gender and/or the intersection of gender with race/ethnicity, income, etc., describe the legal environment (e.g. substantive legal doctrines, court procedures, etc.),biases, and/or social environment (e.g. stability of housing, access to child care, etc.) that have led to these differences. Include an analysis of the legal sources related to if and how the courts consider caregiver responsibilities with regard to exceptional sentence availability.
2.8 Gender impact in criminal proceedings as they relate to commercial sexual exploitation.
Task 1 Research Questions
No applicable recommendations from 1989 report
Task 2 Research Questions
Research questions:
2.8.1 Are the interactions or outcomes during criminal proceedings related to commercial sexual exploitation impacted by gender and/or the intersection of gender with race/ethnicity, income, etc.? Describe.

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2.8.2	If the evidence indicates that the interactions or outcomes during criminal proceedings related to commercial sexual exploitation are impacted by gender and/or the intersection of gender with race/ethnicity, income, etc., describe the legal environment (e.g. substantive legal doctrines, court procedures, etc.), biases, and/or social environment (e.g. stability of housing, access to child care, etc.) that have led to these differences.
2.9 Gender impact for juveniles as they relate to shifts in juvenile law focus such as limiting or increasing judicial discretion.	
Task 1 Research Questions	
No applicable recommendations from 1989 report	
Task 2 Research Questions	
Research questions:	
2.9.1	Have shifts in juvenile law focus such as limiting or increasing judicial discretion had differential impacts by gender and/or the intersection of gender with race/ethnicity, income, etc.? Describe.
2.9.2	If the evidence indicates that shifts in juvenile law focus such as limiting or increasing judicial discretion have had differential impacts by gender and/or the intersection of gender with race/ethnicity, income, etc., describe the legal environment (e.g. substantive legal doctrines, court procedures, etc.), biases, and/or social environment (e.g. stability of housing, access to child care, etc.) that have led to these differences.
2.10 Gender impact for juveniles as they relate to effects of treatment.	
Task 1 Research Questions	
No applicable recommendations from 1989 report	
Task 2 Research Questions	
Research questions:	
2.10.1	Are the opportunities provided with regard to court-ordered treatment options impacted by gender and/or the intersection of gender with race/ethnicity, income, etc. (e.g. gender stereotyped job training options; programming that is not gender responsive or culturally appropriate; actual availability of court-ordered treatment in facilities, etc.)?
2.10.2	If the evidence indicates that the opportunities provided with regard to court-ordered treatment options are impacted by gender and/or the intersection of gender with race/ethnicity, income, etc., describe the legal environment (e.g. substantive legal doctrines, court procedures, etc.), biases, and/or social environment (e.g. stability of housing, access to child care, etc.) that have led to these differences.
2.11 Gender impact for juveniles as they relate to commercial sexual exploitation of children.	
Task 1 Research Questions	
No applicable recommendations from 1989 report	
Task 2 Research Questions	
Research questions:	

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2.11.1 Are the interactions or outcomes during proceedings related to commercial sexual exploitation of children impacted by gender and/or the intersection of gender with race/ethnicity, income, etc.? Describe.

2.11.2 If the evidence indicates that the interactions or outcomes during proceedings related to commercial sexual exploitation of children are impacted by gender and/or the intersection of gender with race/ethnicity, income, etc., describe the legal environment (e.g. substantive legal doctrines, court procedures, etc.), biases, and/or social environment (e.g. stability of housing, access to child care, etc.) that have contributed to these differences.

2.12 Treatment of lawyers, litigants, judges, and court personnel: Courtroom treatment of litigants, legal professionals, jurors, and other court personnel.

Task 1 Research Questions

Research questions:

2.12.1 Describe the current status (e.g. legal changes from 1989) of the below recommendations.

2.12.2 Have these changes (or lack of changes) had differential impacts by gender? Describe.

2.12.3 Have these changes (or lack of changes) differently impacted specific subpopulations (e.g. women of color, American Indian/Alaska Natives, or people living in poverty)? Describe.

Applicable recommendations from 1989 report:

Due to the large number of recommendations on these topics, see *Appendix D: Recommendation on the treatment of lawyers, litigants, judges, and court personnel.*

2.13 Treatment of lawyers, litigants, judges, and court personnel: Credibility of women in the courtroom.

Task 1 Research Questions

Research questions:

2.13.1 Describe the current status (e.g. legal changes from 1989) of the below recommendations.

2.13.2 Have these changes (or lack of changes) had differential impacts by gender? Describe.

2.13.3 Have these changes (or lack of changes) differently impacted specific subpopulations (e.g. women of color, American Indian/Alaska Natives, or people living in poverty)? Describe.

Applicable recommendations from 1989 report:

Due to the large number of recommendations on these topics, see *Appendix D: Recommendation on the treatment of lawyers, litigants, judges, and court personnel.*

2.14 Treatment of lawyers, litigants, judges, and court personnel: Acceptance of women in legal and judicial communities.

Task 1 Research Questions

Research questions

2.14.1 Describe the current status (e.g. legal changes from 1989) of the below recommendation.

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<p>2.14.2 Have these changes (or lack of changes) had differential impacts by gender? Describe.</p> <p>2.14.3 Have these changes (or lack of changes) differently impacted specific subpopulations (e.g. women of color, American Indian/Alaska Natives, or people living in poverty)? Describe.</p>
<p>Applicable recommendations from 1989 report</p> <p>For the Office of the Administrator for the Courts: Direct all courts to review their equal opportunity and affirmative action programs and implement a sexual harassment policy.</p>
<p>Task 2 Research Questions</p>
<p>2.14.4 Are women proportionally represented as lawyers and judges in Washington State? Describe the current data and the trends over time. Include analysis of if subpopulations of women (e.g. women of color, American Indian/Alaska Native women, etc.) are proportionally represented and if there are differences between geographic regions of the state.</p> <p>2.14.5 Are women proportionally represented in leadership positions in different courts and bar organizations in Washington State? Describe the current data and the trends over time. Include analysis of if subpopulations of women (e.g. women of color, American Indian/Alaska Native women, etc.) are proportionally represented and if there are differences between geographic regions of the state.</p>
<p>2.15 Treatment of lawyers, litigants, judges, and court personnel: Court personnel practices and procedures, including their application to GALs and guardians.</p>
<p>Task 1 Research Questions</p>
<p>No applicable recommendations from 1989 report</p>
<p>Task 2 Research Questions</p>
<p>2.15.1 Do court personnel practices and procedures (including their application to GALs and guardians) have differential impacts by gender and/or the intersection of gender with race/ethnicity, income, etc.? Describe.</p> <p>2.15.2 If the evidence indicates that court personnel practices and procedures (including their application to GALs and guardians) have differential impacts by gender and/or the intersection of gender with race/ethnicity, income, etc., describe the legal environment (e.g. substantive legal doctrines, court procedures, etc.), biases, and/or social environment (e.g. stability of housing, access to child care, etc.) that have contributed to this situation.</p>
<p>2.16 Treatment of lawyers, litigants, judges, and court personnel: Representation of women as ADR neutrals.</p>
<p>Task 1 Research Questions</p>
<p>No applicable recommendations from 1989 report</p>
<p>Task 2 Research Questions</p>
<p>Research questions:</p> <p>2.16.1 Are women and/or subpopulations of women (e.g. women of color, American Indian/Alaska Native women, etc.) proportionally represented as ADR neutrals? Describe.</p>

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2.16.2 If the data indicate that women and/or subpopulations of women are not proportionally represented as ADR neutrals, describe the legal environment (e.g. substantive legal doctrines, court procedures, etc.), biases, and/or social environment (e.g. stability of housing, access to child care, etc.) that have contributed to this situation.

2.16.3 If the data indicate that women and/or subpopulations of women are not proportionally represented as ADR neutrals, does this impact outcomes? Describe.

3. Impact of Gender Bias on Consequences After Leaving the Courthouse including:

Task 1 Research Questions

No applicable recommendations from 1989 report

Task 2 Research Questions

3.1 Legal financial obligations.

Research questions:

3.1.1 Do legal financial obligations have disproportionate impacts by gender and/or the intersection of gender with race/ethnicity, income, etc.? Describe.

3.1.2 If the evidence indicates that legal financial obligations have disproportionate impacts by gender and/or the intersection of gender with race/ethnicity, income, etc., describe the legal environment (e.g. substantive legal doctrines, court procedures, etc.), biases, and/or social environment (e.g. stability of housing, access to child care, etc.) that have contributed to this situation.

3.2 Collateral consequences for incarcerated parents.

Task 1 Research Questions

No applicable recommendations from 1989 report

Task 2 Research Questions

Research questions:

3.2.1 Among incarcerated parents, do collateral consequences (such as those identified in the National Inventory of Collateral Consequences of Conviction: <https://niccc.csgjusticecenter.org/>) have disproportionate impacts by gender and/or the intersection of gender with race/ethnicity, income, etc.? Describe.

3.2.2 If the evidence indicates that, among incarcerated parents, collateral consequences have disproportionate impacts by gender and/or the intersection of gender with race/ethnicity, income, etc., describe the legal environment (e.g. substantive legal doctrines, court procedures, etc.), biases, and/or social environment (e.g. stability of housing, access to child care, etc.) that have contributed to this situation.

3.3 The burden of mass incarceration on remaining heads of households.

Task 1 Research Questions

No applicable recommendations from 1989 report

Task 2 Research Questions

Research questions:

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<p>3.3.1 Are remaining heads of household differentially impacted by mass incarceration as a result of gender and/or the intersection of gender with race/ethnicity, income, etc.? Describe.</p> <p>3.3.2 If the evidence indicates that remaining heads of household are differentially impacted by mass incarceration as a result of gender and/or the intersection of gender with race/ethnicity, income, etc., describe the legal environment (e.g. substantive legal doctrines, court procedures, etc.), biases, and/or social environment (e.g. stability of housing, access to child care, etc.) that have contributed to these disproportionate impacts.</p>
<p>3.4 The availability of gender responsive programming and use of trauma informed care in DOC and court ordered programs.</p>
<p>Task 1 Research Questions</p>
<p>No applicable recommendations from 1989 report</p>
<p>Task 2 Research Questions</p>
<p>Research questions:</p> <p>3.4.1 Is gender responsive programming and culturally-appropriate trauma-informed care available in DOC and court ordered programs? Describe.</p> <p>3.4.2 If gender responsive programming and/or culturally-appropriate trauma-informed care is available, is access to these resources impacted by gender and/or the intersection of gender with race/ethnicity, income, etc.? Describe.</p> <p>3.4.3 If the evidence indicates that access to gender responsive programming and/or culturally-appropriate trauma-informed care is impacted by gender and/or the intersection of gender with race/ethnicity, income, etc., describe the legal environment (e.g. substantive legal doctrines, court procedures, etc.), biases, and/or social environment (e.g. stability of housing, access to child care, etc.) that have contributed to this inequity.</p>
<p>3.5 The consequences of sexual assault in jails or state prisons.</p>
<p>Task 1 Research Questions</p>
<p>No applicable recommendations from 1989 report</p>
<p>Task 2 Research Questions</p>
<p>Research questions:</p> <p>3.5.1 Do the consequences of sexual assault in jails or state prison have disproportionate impacts by gender and/or the intersection of gender with race/ethnicity, income, etc.? Describe.</p> <p>3.5.2 If the evidence indicates the consequences of sexual assault in jails or state prisons have disproportionate impacts by gender and/or the intersection of gender with race/ethnicity, income, etc., describe the legal environment (e.g. substantive legal doctrines, court procedures, etc.), biases, and/or social environment (e.g. stability of housing, access to child care, etc.) that have contributed to these disproportionate impacts.</p>

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3.6 Treatment of domestic violence perpetrators.
Task 1 Research Questions
<p>Research questions:</p> <p>3.6.1 Describe the current status (e.g. legal changes from 1989) of the below recommendations.</p> <p>3.6.2 Have these changes (or lack of changes) had differential impacts by gender? Describe.</p> <p>3.6.3 Have these changes (or lack of changes) differently impacted specific subpopulations (e.g. women of color, American Indian/Alaska Natives, or people living in poverty)? Describe.</p> <p>Applicable recommendations from 1989 report:</p> <p><i>See also: Gender impact in civil proceedings as they relate to violence; domestic violence and sexual assault. These recommendations address this priority as well.</i></p> <p>For Judges: Order probation supervision to monitor compliance when sentencing the defendant to a domestic violence treatment program. Request increase in the number of probation officers, if necessary, to accomplish this goal.</p> <p>For the Legislature: Legislate funds to support treatment programs for batterers.</p>
3.7 The impact of a criminal background on access to services.
Task 1 Research Questions
No applicable recommendations from the 1989 report
Task 2 Research Questions
<p>3.7.1 Does having a criminal background differentially impact access to services or opportunities (e.g. jobs, housing, etc.) as a result of gender and/or the intersection of gender with race/ethnicity, income, etc.? Describe.</p> <p>3.7.2 If the evidence indicates that having a criminal background differently impacts access to services or opportunities as a result of gender and/or the intersection of gender with race/ethnicity, income, etc., describe the legal environment (e.g. substantive legal doctrines, court procedures, etc.), biases, and/or social environment (e.g. stability of housing, access to child care, etc.) that have contributed to this situation.</p>

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Appendix A: Recommendations from 1989 Report Related to Domestic Violence

1. For Judges: Increase continuing education to judges and court personnel at all court levels about:
 - a. The dynamics of domestic violence;
 - b. The impact on children;
The need for protective order in divorce cases; and
The need for sensitivity when handling domestic violence victims/cases.
1. For Judges: Order probation supervision to monitor compliance when sentencing the defendant to a domestic violence treatment program. Request increase in the number of probation officers, if necessary, to accomplish this goal.
2. For Judges: Avoid the issuance of mutual protection orders when respondent has not requested protection and/or when not warranted by the facts of the case.
3. For Judges: Consider using jail as a sanction for violations of domestic violence protection orders.
4. For the Legislature: Establish a state commission or task force on domestic violence to implement this Subcommittee's recommendations and other matters pertaining to domestic violence.
5. For the Legislature: Increase funding to the courts for advocates to assist and educate victims of domestic violence both in the civil court process and in the criminal court. Develop resources material for victims of domestic violence that would:
 - a. Encourage the use of the court system in an effort to prevent the violence; and
 - b. Educate victims about the Criminal Justice System and the protection order process. The materials could be used in shelters statewide.
6. For the Legislature: Increase the level of support for shelters throughout the state. Currently the state divides \$537,000 among 37 shelters and safe homes statewide. Establish shelters in jurisdictions lacking service for victims and children.
7. For the Legislature: Legislate funds to support treatment programs for batterers.
8. For the Legislature: Enact laws prohibiting the granting of a gun permit to an individual convicted of a domestic violence crime, either misdemeanor or felony.
9. For the Legislature: Legislate and fund increased training on domestic violence issues for police recruits at the police academy. Currently the domestic violence training for new recruits is two hours. The Subcommittee agrees it is inadequate and should be increased to 16-20 hours.

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10. For the Legislature: Establish a statewide statistical data collection system for incidents of domestic violence reported to police departments. Included in the data collection should be the numbers of domestic violence calls, arrests, incident reports, and citations.
11. For the Legislature: Establish a statewide statistical data collection system for the offices of the prosecuting attorney, both county and municipal. This would provide a monitoring system for the "rigorous prosecution" of domestic violence cases.
12. For the Legislature: Review the Domestic Violence Prevention Act in order to study and correct problem areas in the legislation.
13. For the Office of the Administrator for the Courts/Court Administrators: Develop standardized forms for protection orders to be used statewide. Analyze whether it is legally possible to use one form for all three civil orders: protection orders, restraining orders, and anti-harassment orders.
14. For the Washington Association of Prosecuting Attorneys/Prosecuting Attorneys: Implement a study to determine whether or not prosecutors are doing the following and documenting the results:
 - a. Notifying victims of filing decisions within five days of receiving a domestic violence police report; and
 - b. Vigorously prosecuting domestic violence cases regardless of pending divorce cases.
15. For the Washington Association of Prosecuting Attorneys/Prosecuting Attorneys: Assist in developing filing standards on domestic violence cases, both felony and misdemeanor.
16. For the Washington Association of Prosecuting Attorneys/Prosecuting Attorneys: Develop training material on the technical aspects of prosecuting domestic violence cases.
17. For the Washington Association of Prosecuting Attorneys/Prosecuting Attorneys: Work with individual prosecutor's offices to provide education to prosecutors about:
 - a. The dynamics of domestic violence;
 - b. The impact on children; and
 - c. The need for sensitivity in handling domestic violence victims/cases.
18. For the Washington Association of Prosecuting Attorneys/Prosecuting Attorneys: Vigorously prosecute violations of protection orders.
19. For Police: Establish procedures that provide for swift service of protection orders and establish service as a high priority within the department.
20. For Police: Increase police training on domestic violence.

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Appendix B: Recommendations from 1989 Report Related to the Consequences of Rape

1. For Judges: Provide education for judges about:
 - a. The substantial current data regarding the nature of the crime of rape, the psychology of offenders, the prevalence and seriousness of acquaintance rape and the long-term psychological injury to rape victims; and
 - b. The difference between vigorous cross-examination that protects the defendant's rights and questioning that includes improper sex stereotyping and harassment of the victim.
2. For Prosecuting Attorneys: Provide education for deputy prosecutors about the substantial current data regarding ' the nature of the crime of rape, the psychology of offenders, the prevalence and seriousness of acquaintance rape and the long-term psychological injury to rape victims.
3. For Prosecuting Attorneys: Establish specialized prosecution units that permit rape victims to deal with only one deputy prosecutor through all stages of the proceeding and which emphasize communication between victims and prosecutors.
4. For Prosecuting Attorneys: Ensure that acquaintance rape cases are treated with the same seriousness as stranger rape cases.
5. For Prosecuting Attorneys: Oppose continuances in rape cases unless there is compelling necessity for such continuance.
6. For Police: Establish-specialized units to deal with sex offenses.
7. For Police: Provide education for police officers about the nature of the crime of rape, the psychology of offenders, the prevalence and seriousness of acquaintance rape and the immediate and long-term psychological injury to rape victims.
8. For Police: Ensure that acquaintance rape complaints are treated with the same seriousness as complaints of stranger rape

Appendix C: Recommendations from 1989 Report Related to the Consequence of Divorce

1. For Judges: The Superior Court Judges' Association and the Legislature should jointly study maintenance and property division to recommend changes which will achieve greater economic equality among family members following dissolution.
2. For Judges: The Superior Court Judges should consider whether maintenance guidelines or a maintenance schedule should be developed, and if so, develop one for use by the trial courts statewide.

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3. For Judges: Judges should require and enforce dissolution decrees to explicitly address the following:
 - a. Security for the child support obligation, such as maintenance of life insurance with a particular named beneficiary;
 - b. The responsibility for maintaining medical insurance on behalf of the children, as required by statute;
 - c. The responsibility for educational support of children beyond high school; and d. A specific provision for the allocation of employment related day-care expenses between the parents, as required by statute.
4. For Judges: Develop education programs for judges in the area of custody, to reinforce the concept of addressing each case on its merits, avoiding percentage goals and presumptions, and recognizing the diversity of the families who present themselves. Both judges and lawyers should conscientiously assess each family situation presented in the light of the factors required by the Parenting Act, without assumptions based solely on gender.
5. For the Legislature: Enact legislation which makes the issue of a spouse's earning capacity a specific statutory factor in awarding maintenance or property division.
6. For the Legislature: Consider replacing the term "rehabilitative" maintenance, with its negative connotation, with "compensatory" maintenance, reflecting the importance of evaluating the respective standard of living each party will experience after divorce in light of the contributions each has made to the marriage, whether financial or otherwise.
7. For the Legislature: Reevaluate that portion of RCW 26.09.170 which automatically terminates maintenance upon the remarriage of the party receiving maintenance.
8. For the Legislature: Amend RCW 26.18.010 et seq. (or ch. 26.18 RCW) to authorize mandatory wage assignments for maintenance payments to the same extent as is currently provided for child support obligations.
9. For the Legislature: Immediately address the need for reasonably affordable quality day-care for working parents. Consider incentives for public and private sector employer sponsored daycare facilities.
10. For the Legislature: Consider alternative dispute resolution methods for addressing marital dissolutions in appropriate cases.
11. For the Legislature: Review the issue of divided military benefits and the Magi decision to determine if case law adequately addresses the problem or if additional legislative action is necessary.
12. For the Legislature: The Superior Court Judges' Association and the Legislature should jointly study maintenance and property division to recommend changes which will achieve greater economic equality among family members following dissolution.

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13. For the Washington State Bar Association: Develop continuing education programs on the effects of gender stereotyping in family law matters and the need for lawyers to provide adequate economic data and expert witnesses to the judges in marital dissolution cases.
14. For the Washington State Bar Association: Develop more programs for free or low-cost counsel and use of expert witnesses in family law areas.
15. For Judges, the Legislature, County Government, and Bar Associations: Address the barriers to court access which may significantly bar meaningful and equal participation by litigants, including: The lack of adequate legal assistance in family law matters; The high cost of attorney fees; The lack of alternative methods for addressing marital dissolutions; The lack of child care at courthouses; and Transportation difficulties for litigants in getting to the county courthouse.
16. For The Gender and Justice Implementation Committee: Work with the Board for Trial Court Education and the Bar to develop and provide further education for judges and lawyers about the economic consequences for families following dissolution.
17. For The Gender and Justice Implementation Committee: Develop a standard economic data form for inclusion in all dissolution decrees which the Supreme Court should require be filed by adoption of court rule.
18. For The Gender and Justice Implementation Committee: Implement a prospective study of contested dissolution cases which will gather data on property division which could not be done in the retrospective dissolution case study.
19. For The Gender and Justice Implementation Committee: Study and make recommendations for the court's use of contempt powers to enforce family law decrees.
20. For The Gender and Justice Implementation Committee: Review the effects of the Parenting Act on maintenance and child support awards.

Appendix D: Recommendation on the treatment of lawyers, litigants, judges, and court personnel

1. For the Supreme Court: Issue a declaration that gender-biased conduct by the bench, bar, or court personnel is unprofessional and should be corrected.
2. For the Supreme Court: Develop a procedure for reporting and taking action on complaints of gender bias by judges.
3. For the Supreme Court: Modify the Code of Judicial Conduct to specify that judges must refrain from gender biased behavior and have an obligation to intervene and correct any biased behavior, whether based on gender, race, or creed.

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4. For the Supreme Court: Review the Code of Judicial Conduct and place greater restrictions upon judicial memberships in service and social organizations which discriminate on the basis of gender.
5. For Judges: Monitor behavior in the courtroom and intervene to correct gender biased conduct against lawyers, litigants/witnesses, and other judges.
6. For Judges: Participate in periodic refresher courses on the need for awareness of and avoidance of gender biased behavior.
7. For Judges: Ensure that all judicial officers, including pro-tem judges, commissioners, and magistrates, are aware of the existence and effects of gender bias in the courts.
8. For Judges: Continue funding through the Board for Trial Court Education for the implementation of judicial education specifically relating to issues of gender bias in the courts.
9. For the Legislature: Amend RCW 4.12.040 et seq. to prohibit the use of affidavits of prejudice based upon considerations of a judge's race, creed, or gender.
10. For the Washington State Bar Association: Develop and conduct regular education programs for attorneys on the existence and effects of gender biased behavior in the courtroom.
11. For the Washington State Bar Association: Establish a procedure for reporting and taking action on complaints of gender bias against judges and lawyers.
12. For the Washington State Bar Association: Endorse changes in the Rules of Professional Conduct prohibiting the use of affidavits of prejudice based upon considerations of the gender, race, or creed of the judge.
13. For the Washington State Bar Association: Direct the Law School Liaison Committee to work with the Washington law schools to include information about gender bias in the curriculum.
14. For All Law Schools in Washington State: Develop and include in the required curriculum instruction on the existence and effects of gender bias in the courts and in the profession.
15. For the Office of the Administrator for the Courts: Develop and conduct regular education programs for judicial officers and court personnel on the existence and effects of gender biased behavior in the courtroom. The development of a training videotape is highly recommended.
16. For the Office of the Administrator for the Courts: Direct all courts to review their equal opportunity and affirmative action programs and implement a sexual harassment policy.
17. For the Office of the Administrator for the Courts: Ensure that all forms, correspondence, and revisions to codes of law employ gender-neutral language.

Bench Card

Ex Parte Order to Surrender Weapons (OTSW) – Without Notice

Form: WPF All Cases 02-030

Relief/Protection:

Orders immediate TEMPORARY surrender by the Respondent of:

- all Firearms (FAs); AND
- dangerous weapons (DWs); AND
- any concealed pistol license (CPL).

Bases/Findings:

○ IF RELYING ON RCW 9.41.800(4):

- BASES: (1) the affidavit/declaration of Petitioner or (2) other evidence,
- FINDINGS: **that irreparable injury could result if an order is not issued until the time for response has elapsed;**

RCW 9.41.800 (4): “The court may order temporary surrender of all firearms and other dangerous weapons, and any concealed pistol license, without notice to the other party if it finds, on the basis of the moving affidavit or other evidence, that *irreparable injury* could result if an order is not issued until the time for response has elapsed.

For DV Petitions: RCW 26.50.070(3): “*Irreparable injury* under this section includes but is not limited to situations in which the respondent has recently threatened petitioner with bodily injury or has engaged in acts of domestic violence against the petitioner.”

○ IF RELYING ON RCW 9.41.800(5):

- BASES: (1) the affidavit/declaration of Petitioner or (2) other evidence,
- FINDINGS: **possession of a FA or DW by any party presents a serious and imminent threat to public health or safety, or the health or safety of any individual.**

RCW 9.41.800(5): “...the court may enter an order requiring a party to comply with the provisions in subsection (1) of this section if it finds that the possession of a firearm or other dangerous weapon by any party presents a serious and imminent threat to public health or safety, or to the health or safety of any individual.”

PRACTICE TIPS

TIP#1: REVIEW PETITION CAREFULLY: omissions occur; petition can be incomplete re: issues related to firearms and other dangerous weapons. **Look for** allegations of threats of homicide, suicide, severe assault/domestic violence history in petition or serious violent crimes in ICH/DCH.

TIP#2: ASK QUESTIONS OF PETITIONER: when petition refers to FAs, DWs, threats of suicide, homicide, or severe assault hx **but** petitioner did not explicitly request OTSW without notice **OR** petitioner failed to complete those portions of the Petitioner petition related to FAs & DWs).

TIP#3: WRITE FINDINGS: write a finding into the *OTSW Without Notice* **explaining the risk.**

TIP#4: MAKE SURE YOU HAVE SIGNED TWO (2) ORDERS: (1) on the **Temporary Order of Protection** ensure the box [] “Surrender of Weapons Order filed separately” is checked; AND (2) the **OTSW Without Notice** is signed.

TIP#5: IF OTSW ISSUED: service on RT must be by law enforcement (LE). SHB-1786 Sec. 1 (8).

TIP#6: DEVELOP PROCEDURES & HAVE COMPLIANCE REVIEW HEARINGS (CRH): **to be held as soon as possible upon receipt from law enforcement of proof service.** No CRH if court makes findings on record or written findings (given proof by RT, receipt by LE & other relevant evidence) that RT has timely & completely surrendered all FAs & DWs & CPL to law enforcement agency (LEA). SHB-1786 Sec 2. (6).

WHERE TO FIND FACTUAL ALLEGATIONS RE: FIREARMS AND OTHER DANGEROUS WEAPONS:

Anti-Harassment Protection Order	Petition for Order for Protection	<u>See Pages 5 and 7</u>
Domestic Violence Protection Order	Petition for Order for Protection	<u>See Pages 6 and 7</u>
Extreme Risk Protection Order	Petition for Extreme Risk Prot. Order	<u>See Pages 1-4</u>
Sexual Assault Protection Order	Petition for Sexual Assault Prot. Order	<u>See Pages 3 and 5</u>
Stalking Protection Order	Petition for Order for Protection	<u>See Pages 5 and 7</u>
Divorce RCW 26.09.060, CR 65(b)	Motion for Immediate Restraining Order (FL Divorce 221)	<u>See Pages 4, 8 & 9</u>
Divorce RCW 26.09.060, .100, .120, .194	Motion for Temporary Family Law Order (FL Divorce 223)	<u>See Pages 6,7 & 8</u>
Family Law Modification RCW 26.09.260 & CR 65(b)	Motion for Immediate Restraining Order (FL Modify 621)	<u>See Pages 5-7</u>
Family Law Modification RCW 26.09.260	Motion for Temporary Family Law Order and Restraining Order (FL Modify 623)	<u>See Pages 4-6</u>
Non-Parent Custody RCW 26.10.115 & CR 65(b)	Motion for Immediate Restraining Order (FL Non-Parent 421)	<u>See Pages 5, 7 & 8</u>
Non-Parent Custody RCW 26.10.110 & .115:	Motion for Temporary Non-Parent Custody Order and Restraining Order (FL Non-Parent 423)	<u>See Pages 5-7</u>
Parentage RCW 26.26A.470, .465 & CR 65(b)	Motion for Immediate Restraining Order (FL Parentage 321)	<u>See Pages 4-7</u>
Parentage RCW 26.26A.470	Motion for Temporary Family Law Order and Restraining Order (FL Parentage 323)	<u>See Pages 4-6</u>

HOW TO COMPLETE THE “SURRENDER WEAPONS” PROVISION IN THE:

(1) TEMPORARY PROTECTION ORDER + OTSW without Notice

(2) FINAL ORDER OF PROTECTION + OTSW

(3) IMMEDIATE RESTRAINING ORDER + OTSW without Notice

(4) TEMPORARY FAMILY LAW ORDER + RESTRAINING ORDER + OTSW

ANTI-HARASSMENT

Temporary Protection Order – Harassment (UH-03.0200):

Surrender of Weapons Order

The court finds that:

- Irreparable injury could result if the order to surrender weapons is not issued.
- Respondent’s possession of a firearm or other dangerous weapon presents a serious and imminent threat to public health or safety or the health or safety of any individual.

The Respondent must comply with the **Order to Surrender Weapons Issued Without Notice** filed separately, which states:

Respondent shall immediately surrender all firearms, other dangerous weapons, and any concealed pistol licenses.

(Note: Also use form number All Cases 02-030.)

Anti-Harassment Order for Protection (One Year or More) (UH-04.0500):

Prohibit Weapons and Order Surrender

The Respondent must:

- not access, possess or obtain any firearms, other dangerous weapons, or concealed pistol licenses; and
- comply with the **Order to Surrender Weapons** filed separately.

(Note: Also use form All Cases 02.050.)

Findings – The court *(check all that apply)*:

- must** issue the orders referred to above because the court finds by clear and convincing evidence that the respondent:
 - has used, displayed, or threatened to use a firearm or other dangerous weapon in a felony; or
 - is ineligible to possess a firearm under RCW 9.41.040.
- may** issue the orders referred to above because the court finds by a preponderance of evidence, the respondent:
 - presents a serious and imminent threat to public health or safety, or the health or safety of any individual by possessing a firearm or other dangerous weapon; or
 - has used, displayed or threatened to use a firearm or other dangerous weapon in a felony; or
 - is ineligible to possess a firearm under RCW 9.41.040.

DOMESTIC VIOLENCE

Temporary Order for Protection (Ex Parte) – Domestic Violence (WPF DV 2.015) **RCW 26.50.070, RCW 9.41.800**

Surrender of Weapons Order

The court finds that:

- irreparable injury could result if the order to surrender weapons is not issued.
- respondent's possession of a firearm or other dangerous weapon presents a serious and imminent threat to public health or safety or the health or safety of any individual.

The Respondent must comply with the **Order to Surrender Weapons Issued Without Notice** filed separately which states:

Respondent shall immediately surrender all firearms, other dangerous weapons, and any concealed pistol licenses.

(Note: Also use form number All Cases 02-030.)

Domestic Violence Order for Protection (One Year or More) (WPF DV-3.015) **RCW 26.50.060, RCW 9.41.800**

Prohibit Weapons and Order Surrender

The Respondent must:

- not access, possess or obtain any firearms, other dangerous weapons, or concealed pistol licenses; and
- comply with the **Order to Surrender Weapons** filed separately.

(Note: Also use form All Cases 02.050.)

Findings – The court *(check all that apply)*:

must issue the orders referred to above because:

- the first restraint provision is ordered above, and the court found on page one that the Respondent had *actual notice*, represented a *credible threat*, and was an *intimate partner*.

Respondent: If the court checked this box, then effective immediately, and continuing as long as this protection order is in effect, **you may not possess a firearm** under state law. Violation is a felony. RCW 9.41.040(2).

- the court finds by clear and convincing evidence that the restrained person:

- has used, displayed, or threatened to use a firearm or other dangerous weapon in a felony; or
- is ineligible to possess a firearm under RCW 9.41.040.

may issue the orders referred to above because the court finds by a preponderance of evidence, the Respondent:

- presents a serious and imminent threat to public health or safety, or the health or safety of any individual by possessing a firearm or other dangerous weapon; or
- has used, displayed or threatened to use a firearm or other dangerous weapon in a felony; or
- is ineligible to possess a firearm under RCW 9.41.040.

EXTREME RISK

Temporary Extreme Risk Protection Order (Ex Parte) (XR 121)
XR 121 RCW 7.94.060, .120

Respondent: You must immediately surrender all firearms and any concealed pistol licenses listed below. If you have other firearms, you must surrender all of them also:

Attach additional sheet if there are more firearms to list.

Respondent: This order is valid until the date and time noted above. You are required to surrender all firearms in your custody, control, or possession. You may not have in your custody or control, purchase, possess, receive, or attempt to purchase or receive, a firearm while this order is in effect. You must surrender to the _____ (name of local law enforcement agency) all firearms in your custody, control, or possession and any concealed pistol licenses issued to you under RCW 9.41.070 immediately. A hearing will be held on the date and time noted above to determine if an extreme risk protection order should be issued. Failure to appear at the hearing may result in a court making an order against you that is valid for one year. You may seek the advice of an attorney as to any matter connected with this order.

Extreme Risk Protection Order (One Year) (XR-141)
XR 141 RCW 7.94.040, .120

This one-year order expires on date: _____ **time:** _____ **a.m./p.m.**

Respondent: You must surrender all firearms and any concealed pistol licenses listed below. If you have other firearms, you must surrender all of them also:

Attach additional sheet if there are more firearms to list.

Respondent: This order will last until the date and time noted above. If you have not done so already, you must surrender to the _____ (local law enforcement agency) all firearms in your custody, control, or possession and any concealed pistol licenses issued to you under RCW 9.41.070 immediately. You may not have in your custody or control, purchase, possess, receive, or attempt to purchase or receive, a firearm while this order is in effect. You have the right to request one hearing to terminate this order every 12-month period that this order is in effect, starting from the date of this order and continuing through any renewals. You may seek the advice of an attorney as to any matter connected with this order.

Respondent:

You must immediately surrender all firearms as follows:

1. Personally served:

- a. If this order is served by a law enforcement officer, immediately surrender all firearm(s) and any concealed pistol licenses to the serving officer.
- b. If this order is served upon you by someone who is not a law enforcement officer, surrender the firearm(s) to the law enforcement agency listed in this order. Contact the law enforcement agency for directions on how to surrender immediately the firearm(s) and concealed pistol license.

2. Attended the hearing: If you attended the hearing where the court issued this order, surrender the firearm(s) and concealed pistol licenses to the law enforcement agency listed in this order within 48 hours. Contact the law enforcement agency for directions on how to surrender the firearms.

3. Service by publication/mail: If you were served a copy of this order by publication or by mail, surrender the firearm(s) and concealed pistol license(s) to the law enforcement agency listed in this order within 48-hours of the date of service. Contact the law enforcement agency for directions on how to surrender the firearm(s) and concealed pistol license(s).

SEXUAL ASSAULT

Temporary Sexual Assault Protection Order (Ex Parte) (SA 2.015) **RCW 7.90.090, .110, .120, .120, RCW 9.41.800**

Surrender of Weapons Order

The court finds that:

- irreparable injury could result if the order to surrender weapons is not issued.
- respondent's possession of a firearm or other dangerous weapon presents a serious and imminent threat to public health or safety or the health or safety of any individual.

The Respondent must comply with the **Order to Surrender Weapons Issued Without Notice** filed separately which states:

- Respondent shall immediately surrender all firearms, other dangerous weapons, and any concealed pistol licenses.

(Note: Also use form number All Cases 02-030.)

Sexual Assault Protection Order (One Year) (SA 3.015) **RCW 7.90.090, .120, .130, RCW 9.41.800**

Prohibit Weapons and Order Surrender

The respondent must:

- not access, possess or obtain firearms, other dangerous weapons, or concealed pistol licenses; and
- comply with the **Order to Surrender Weapons** filed separately.

(Note: Also use form All Cases 02.050.)

Findings – The court *(check all that apply)*:

- must** issue the orders referred to above because the court finds by clear and convincing evidence that the respondent:
 - has used, displayed, or threatened to use a firearm or other dangerous weapon in a felony; or
 - is ineligible to possess a firearm under RCW 9.41.040.
- may** issue the orders referred to above because the court finds by a preponderance of evidence, the respondent:
 - presents a serious and imminent threat to public health or safety, or the health or safety of any individual by possessing a firearm or other dangerous weapon; or
 - has used, displayed or threatened to use a firearm or other dangerous weapon in a felony; or
 - is ineligible to possess a firearm under RCW 9.41.040.

STALKING

Temporary Stalking Protection Order (Ex Parte) (ST 03.0200)

RCW 7.92.100, .140, RCW 9.41.800

[] Surrender of Weapons Order

The court finds that:

- Irreparable injury could result if the order to surrender weapons is not issued.
- Respondent's possession of a firearm or other dangerous weapon presents a serious and imminent threat to public health or safety or the health or safety of any individual.

The respondent must comply with the **Order to Surrender Weapons Issued Without Notice** filed separately, which states:

Respondent shall immediately surrender all firearms, other dangerous weapons, and any concealed pistol licenses.

(Note: Also use form number All Cases 02-030.)

Stalking Order for Protection (One Year)(ST 04.0500)

RCW 7.92.100, RCW 9.41.800

[] Prohibit Weapons and Order Surrender

The Respondent must:

- not access, possess or obtain a firearm, other dangerous weapon, or concealed pistol licenses; and
- comply with the **Order to Surrender Weapons** filed separately.

(Note: Also use form All Cases 02.050.)

Findings – The court *(check all that apply)*:

- must** issue the orders referred to above because the court finds by clear and convincing evidence that the respondent:
 - has used, displayed, or threatened to use a firearm or other dangerous weapon in a felony; or
 - is ineligible to possess a firearm under RCW 9.41.040.
- may** issue the orders referred to above because the court finds by a preponderance of evidence, the respondent:
 - presents a serious and imminent threat to public health or safety, or the health or safety of any individual by possessing a firearm or other dangerous weapon; or
 - has used, displayed, or threatened to use a firearm or other dangerous weapon in a felony; or
 - is ineligible to possess a firearm under RCW 9.41.040.

DIVORCE

Immediate Restraining Order (Ex Parte)(FL Divorce 222) **RCW 26.09.060; RCW 26.50; CR 65(b)**

9. Surrender weapons

- Does not apply. No order entered in section **8** and no request made.
- Request denied and surrender of weapons not required.
- The Restrained Person must follow the **Order to Surrender Weapons Issued Without Notice** (form All Cases 2-030) signed by the court and filed separately.

Findings – The court finds irreparable injury could result if this order is not issued until the time for response has elapsed.

Temporary Family Law Order (FL Divorce 224) **RCW 26.09.060, .110, .120, .194, .300(2)**

13. Restraining order

- No request made.
- Request denied.
- The court signed the temporary *Restraining Order* (form FL All Family 150) filed separately in this case number. (*Check one*):
 - No bond or security is required.
 - The Petitioner Respondent must file a bond or post security.
Amount: \$ _____ by (*date*): _____



Restraining Order (FL All Family 150) **RCW 26.09.060, .110, .120, .194, .300(2)**

Prohibit weapons and order surrender (separate order required)

The Restrained Person must:

- not access, possess, or obtain any firearms, other dangerous weapons, or concealed pistol licenses; and
- follow the **Order to Surrender Weapons** (form All Cases 02-050), signed by the court and filed separately.

Findings – The court (*check all that apply*):

- must** issue the above orders about weapons because:
 - the “*Do not hurt or threaten*” restraints are ordered above, and the court found in section **4** that the Restrained Person had *actual notice*, represented a *credible threat*, and was an *intimate partner*. RCW 9.41.800.
 - the court finds by clear and convincing evidence that the restrained person has:
 - used, displayed, or threatened to use a firearm or other dangerous weapon in a felony; or
 - previously committed an offense making him or her ineligible to possess a firearm under RCW 9.41.040.
- may** issue the above orders about weapons because the court finds by a preponderance of evidence that the Restrained Party:
 - presents a serious and imminent threat to public health or safety, or the health or safety of any individual by possessing a firearm or other dangerous weapon; or
 - has used, displayed, or threatened to use a firearm or other dangerous weapon in a felony; or
 - previously committed an offense making him or her ineligible to possess a firearm under RCW 9.41.040.

FAMILY LAW MODIFICATION ACTIONS

Immediate Restraining Order (Ex Parte)(FL Modify 622):

RCW 26.09.260; RCW 26.50; CR 65(b)

9. Surrender weapons

- Does not apply. No order entered in section **8** and no request made.
- Request denied and surrender of weapons not required.
- The Restrained Person must follow the **Order to Surrender Weapons Issued Without Notice** (form All Cases 2-030) signed by the court and filed separately.

Findings – The court finds irreparable injury could result if this order is not issued until the time for response has elapsed.

Temporary Family Law Order (FL Modify 624):

RCW 26.09.260

7. Restraining order

- No request made.
- Request denied.
- The court signed the temporary *Restraining Order* (form FL All Family 150) filed separately in this case number. (*Check one*):
 - No bond or security is required.
 - (*Name*): _____ must file a bond or post security.
Amount: \$ _____ *by (date)*: _____

+

Restraining Order (FL All Family 150)

RCW 26.09.060, .110, .120, .194, .300(2)

Prohibit weapons and order surrender (separate order required)

The Restrained Person must:

- not access, possess, or obtain any firearms, other dangerous weapons, or concealed pistol licenses; and
- follow the **Order to Surrender Weapons** (form All Cases 02-050), signed by the court and filed separately.

Findings – The court (*check all that apply*):

- must** issue the above orders about weapons because:
 - the “*Do not hurt or threaten*” restraints are ordered above, and the court found in section **4** that the Restrained Person had *actual notice*, represented a *credible threat*, and was an *intimate partner*. RCW 9.41.800.
 - the court finds by clear and convincing evidence that the restrained person has:
 - used, displayed, or threatened to use a firearm or other dangerous weapon in a felony; or
 - previously committed an offense making him or her ineligible to possess a firearm under RCW 9.41.040.
- may** issue the above orders about weapons because the court finds by a preponderance of evidence that the Restrained Party:
 - presents a serious and imminent threat to public health or safety, or the health or safety of any individual by possessing a firearm or other dangerous weapon; or
 - has used, displayed, or threatened to use a firearm or other dangerous weapon in a felony; or
 - previously committed an offense making him or her ineligible to possess a firearm under RCW 9.41.040.

NON-PARENT CUSTODY ACTIONS

Immediate Restraining Order (Ex Parte) (FL Non-Parent 422)

RCW 26.10.115; RCW 26.50; CR 65(b)

9. Surrender weapons

- Does not apply. No order entered in section **8** and no request made.
- Request denied and surrender of weapons not required.
- The Restrained Person must follow the **Order to Surrender Weapons Issued Without Notice** (form All Cases 2-030) signed by the court and filed separately.
Findings – The court finds irreparable injury could result if an order is not issued until the time for response has elapsed.

Temporary Non-Parent Custody Order (FL Non-Parent 424)

RCW 26.10.115

9. Restraining order

- No request made.
- Request denied.
- The court signed the temporary *Restraining Order* (form FL All Family 150) filed separately in this case number. (*Check one*):
 - No bond or security is required.
 - (*Name*): _____ must file a bond or post security.
Amount: \$ _____ by (*date*): _____



Restraining Order (FL All Family 150)

RCW 26.09.060, .110, .120, .194, .300(2)

Prohibit weapons and order surrender (separate order required)

The Restrained Person must:

- not access, possess, or obtain any firearms, other dangerous weapons, or concealed pistol licenses; and
- follow the **Order to Surrender Weapons** (form All Cases 02-050), signed by the court and filed separately.

Findings – The court (*check all that apply*):

- must** issue the above orders about weapons because:
 - the “*Do not hurt or threaten*” restraints are ordered above, and the court found in section **4** that the Restrained Person had *actual notice*, represented a *credible threat*, and was an *intimate partner*. RCW 9.41.800.
 - the court finds by clear and convincing evidence that the restrained person has:
 - used, displayed, or threatened to use a firearm or other dangerous weapon in a felony; or
 - previously committed an offense making him or her ineligible to possess a firearm under RCW 9.41.040.
- may** issue the above orders about weapons because the court finds by a preponderance of evidence that the Restrained Party:
 - presents a serious and imminent threat to public health or safety, or the health or safety of any individual by possessing a firearm or other dangerous weapon; or
 - has used, displayed, or threatened to use a firearm or other dangerous weapon in a felony; or
 - previously committed an offense making him or her ineligible to possess a firearm under RCW 9.41.040.

PARENTAGE

Immediate Restraining Order (Ex Parte) (FL Parentage 322)

RCW 26.26A.470; RCW 26.50; CR 65(b)

9. Surrender weapons

- Does not apply. No order entered in section **8** and no request made.
- Request denied and surrender of weapons not required.
- The Restrained Person must follow the **Order to Surrender Weapons Issued Without Notice** (form All Cases 2-030) signed by the court and filed separately.

Findings – The court finds irreparable injury could result if this order is not issued until the time for response has elapsed.

Temporary Family Law Order (FL Parentage 324)

RCW 26.26A.470; RCW 26.50

7. Restraining order

- No request made.
- Request denied.
- The court signed the temporary *Restraining Order* (form FL All Family 150) filed separately in this case number. (*Check one*):
 - No bond or security is required.
 - (*Name*): _____ must file a bond or post security.
Amount: \$ _____ by (*date*): _____

+

Restraining Order (FL All Family 150)

RCW 26.09.060, .110, .120, .194, .300(2)

Prohibit weapons and order surrender (separate order required)

The Restrained Person must:

- not access, possess, or obtain any firearms, other dangerous weapons, or concealed pistol licenses; and
- follow the **Order to Surrender Weapons** (form All Cases 02-050), signed by the court and filed separately.

Findings – The court (*check all that apply*):

- must** issue the above orders about weapons because:
 - the “*Do not hurt or threaten*” restraints are ordered above, and the court found in section **4** that the Restrained Person had *actual notice*, represented a *credible threat*, and was an *intimate partner*. RCW 9.41.800.
 - the court finds by clear and convincing evidence that the restrained person has:
 - used, displayed, or threatened to use a firearm or other dangerous weapon in a felony; or
 - previously committed an offense making him or her ineligible to possess a firearm under RCW 9.41.040.
- may** issue the above orders about weapons because the court finds by a preponderance of evidence that the Restrained Party:
 - presents a serious and imminent threat to public health or safety, or the health or safety of any individual by possessing a firearm or other dangerous weapon; or
 - has used, displayed, or threatened to use a firearm or other dangerous weapon in a felony; or
 - previously committed an offense making him or her ineligible to possess a firearm under RCW 9.41.040.

Gender and Justice Commission Meeting Schedule

2020

**Meetings are held at:
AOC SeaTac Office
18000 International Blvd
11th Floor, Suite 1106**

**Meeting Day & Time:
Friday (unless noted) 8:45 AM to Noon**

2020

- January 31
- March 27
- May 29
- September 25
- November 6

AOC Staff: Kelley Amburgey-Richardson, Senior Court Program Analyst,
Gender & Justice Commission
kelley.amburgey-richardson@courts.wa.gov
360.704.4031

Cynthia Delostrinos, Supreme Court Commissions Manager
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360.705.5327

Moriah Freed, Supreme Court Commissions Admin. Secretary
moriah.freed@courts.wa.gov
360.705.5214

**Gender & Justice Commission
2019 – 2020
Meetings/Events**

Staff lead contact information provided below.

Date & Time	Meeting/Event	Location	Staff Lead
8/12/19 9am – 12pm	Education Committee	AOC Olympia, Wynoochee Room	Kelley Amburgey-Richardson
8/26/19 10am – 1pm	Study Task Force	AOC SeaTac, Large Conference Room	Sierra Rotakhina (Project Manager)
9/6/19 8:45am – 12pm	G&J Commission	AOC SeaTac, Large Conference Room	Kelley Amburgey-Richardson
9/17/19 9am – 12pm	HB 1517 DV Workgroups	AOC SeaTac, Large Conference Room	Laura Jones (Coordinator)
9/18/19 10am – 3pm	Study Advisory Committee	AOC SeaTac, Large Conference Room	Sierra Rotakhina (Project Manager)
9/22/19 12:00 – 1:30 p.m.	TSCC Annual Meeting	Vancouver, WA	Kathryn Akeah (TSCC Analyst)
9/22/19 – 9/25/19	Fall Judicial Conference	Vancouver, WA	Cynthia Delostrinos Kathryn Akeah (TSCC Analyst) Kelley Amburgey-Richardson
9/26/19 10am – 1pm	Study Task Force	AOC SeaTac, Small Conference Room	Sierra Rotakhina (Project Manager)

Updated 8.30.19

**Gender & Justice Commission
2019 – 2020
Meetings/Events**

Date & Time	Meeting/Event	Location	Staff Lead
10/10/19 – 10/11/19	Success Inside & Out Conference	Mission Creek Corrections Center for Women	Kelley Amburgey-Richardson
11/1/19 8:45am – 12pm	G&J Commission	AOC SeaTac, Large Conference Room	Kelley Amburgey-Richardson
11/7/19 All day	HB 1517 DV Workgroups	AOC SeaTac, Large Conference Room	Laura Jones (Coordinator)
1/7/20 All day	HB 1517 DV Workgroups	AOC SeaTac, Large Conference Room	Laura Jones (Coordinator)
1/29/20	Judicial College (DV Session)	Vancouver, WA	Kelley Amburgey-Richardson
1/31/20 8:45am – 12pm	G&J Commission	AOC SeaTac, Large Conference Room	Kelley Amburgey-Richardson
3/22/20 – 3/25/20	Appellate Conference	TBD	Kelley Amburgey-Richardson
3/27/20 8:45am – 12pm	G&J Commission	AOC SeaTac, Large Conference Room	Kelley Amburgey-Richardson
4/7/20 All day	HB 1517 DV Workgroups	AOC SeaTac, Large Conference Room	Laura Jones (Coordinator)
4/26/20 – 5/2/20	Superior Court Judges & Administrators Conferences	Central WA (TBD)	Kelley Amburgey-Richardson

Updated 8.30.19

**Gender & Justice Commission
2019 – 2020
Meetings/Events**

Date & Time	Meeting/Event	Location	Staff Lead
5/29/20 8:45am – 12pm	G&J Commission	AOC SeaTac, Large Conference Room	Kelley Amburgey-Richardson
5/31/20 – 6/3/20	District & Municipal Court Judges Conference	Spokane, WA	Kelley Amburgey-Richardson
9/25/20 8:45am – 12pm	G&J Commission	AOC SeaTac, Large Conference Room	Kelley Amburgey-Richardson
11/6/20 8:45am – 12pm	G&J Commission	AOC SeaTac, Large Conference Room	Kelley Amburgey-Richardson

Contact Information:

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Sr. Court Program Analyst
Gender and Justice
Commission
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Richardson@courts.wa.gov](mailto:Kelley.Amburgey-Richardson@courts.wa.gov)

Sierra Rotakhina
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Draft STOP BUDGET FFY18
January 1, 2019 - December 31, 2019

Total = \$149,418		\$89,651 <i>(max amt)</i>	\$59,767 <i>(min amt)</i>
		Statewide	Tribal Courts
Salaries & Benefits	Staff	\$39,651	\$40,589
Staff Travel & Development	Staff to attend meetings, local/national conferences & training events	\$1,500	\$1,178
Committee Meetings	Support travel-related & pro tem costs for in-person Committee mtgs DSV Committee; TSCC Planning Committee	\$2,000	\$1,000
Scholarship Support	Scholarships for judicial officers & court staff to attend trainings. <i>Enhancing Judicial Skills in DV (All Judicial Officers)</i> <i>Continuing Judicial Skills in DV (All Judicial Officers)</i> <i>NCJFCJ National Conference (All Judicial Officers)</i> <i>Women are Sacred Conference (Tribal Courts)</i> <i>National Indian Nations Conference (Tribal Courts)</i>	\$10,000	\$10,000
Education Programs	Monies for support of educational sessions <i>Judicial College (January 2019)</i> <i>SCJA Spring Conference - 1 session (April 2019)</i> <i>DMCJA Conference - 3 sessions (June 2019)</i> <i>TSCC Regional/Annual Meetings (TBD 2019)</i> <i>Fall Conference - 1 session (September 2019)</i>	\$2,500 \$2,500 \$9,000 \$2,500	\$7,000
Projects & Resources	Bench Guides & Cards (SV, DV)	\$8,500	
Requests	Requests from others for support <i>DV Symposium (Judicial Officers & Court Personnel)</i>	\$10,000	
Legislative Requests	None		
SUB-Totals per portion of grant		\$88,151	\$59,767
		Total	\$147,918
		Unallocated funds	\$2,388

Updated 5.15.19

STATE JUSTICE INSTITUTE

PROJECT BUDGET

(TABULAR FORMAT)

Applicant: _____

Project Title: _____

For Project Activity from _____ **to** _____

Total Amount Requested for Project from SJI \$ _____

ITEM	SJI FUNDS	STATE FUNDS	FEDERAL FUNDS	APPLICANT FUNDS	OTHER FUNDS	IN-KIND SUPPORT	TOTAL
Personnel							
Fringe Benefits							
Consultant / Contractual							
Travel							
Equipment							
Supplies							
Telephone							
Postage							
Printing / Photocopying							
Audit							
Other (specify)							
Subtotal, Direct Costs							
Indirect Costs							
Grand Total							

Remarks: