



Washington State Minority and Justice Commission (WSMJC)
 Saturday, November 2, 2013
 8:45 a.m. – 12:00 p.m.
 Columbia Basin College, Pasco, Washington



MEETING NOTES

Commission Members Present

Justice Charles W. Johnson, Co-Chair
 Judge Mary I. Yu, Co-Chair
 Prof. Lori Bannai
 Jeffrey A. Beaver
 Prof. Robert C. Boruchowitz
 Judge Vickie I. Churchill
 Prof. William Covington
 Prof. Jason Gillmer
 Russell Hauge
 Uriel Iñiguez
 Judge LeRoy McCullough
 Karen W. Murray
 P. Diane Schneider
 Judge Mariane C. Spearman
 Justice Debra Stephens
 Judge Dennis D. Yule, Ret.

Members Not Present

Judge Alicea-Galvan
 Ann E. Benson
 Jennifer Davis-Sheffield
 Callie Dietz
 Judge Deborah D. Fleck
 Bonnie J. Glenn
 Yemi Jackson
 Carla C. Lee
 Sandra E. Madrid, Ph.D.
 Commissioner Joyce J. McCown
 Rosa Melendez
 Travis Stearns
 Jeffrey C. Sullivan
 Judge Gregory D. Sypolt
 Judge Vicki J. Toyohara

AOC Staff Present

Cynthia Delostrinos
 Pam Dittman
 Kathy Bradley

APPROVAL OF MINUTES

The meeting was called to order at approximately 8:45 a.m.

The meeting notes from the August 9, 2013, Minority and Justice Commission meeting were approved with an amendment to include the words “to date” to reflect the status as it was at the time of the meeting. The new status of the Governor’s strategic goals includes reducing DMC in the Juvenile Justice System in 2014. *(Iniguez)*

COMMISSION BUSINESS

I. Commission Membership/Bylaws *(Justice Johnson)*

- New status of Emeritus should be added to the bylaws where Commission members who have served for longer terms can continue to participate in Commission work, but not have the same active status as an official Commission member.
- A rewrite of the current bylaws was proposed. A rewrite of the bylaws would reflect a certain level of commitment of Commission members to participation in

Commission work and meetings, and a structure of members that includes institutional representatives with two community at large members. Co-chair Yu asked commission members to come up with ideas on who the institutional members could be. Examples: WAPA, law schools, clerks, district and municipal and superior courts, commissions.

- Judge Yu will work with staff on possible restructuring and the issue will be revisited at a future meeting. Commission members should send any suggestions to staff or Judge Yu.

- **Membership**

It was decided at the October 2012, Commission Retreat that the membership limit would be increased from 21 to 35, however, the amendment to increase the membership limit was never formally amended.

- Justice Johnson will work with staff on tracking down the meeting minutes from the October retreat and on amending the bylaws. The amendments will be revisited at the next Commission meeting in January.

II. Commission Meeting Logistics

- It was requested that meeting minutes on the agenda for approval be sent out at least two weeks before the Commission meeting.
- It was requested that an up-to-date budget be provided before every Commission meeting.
- Consider whether there is a better way of communication between Commission members other than email, maybe through website, because emails tend to get lost.
- Commission members should give advanced notice of items they would like to include in the year's budget with as much notice as possible.
- Invite collaborative partners to Commission meetings and have time set aside to allow representatives to tell us what they are working on.

COMMITTEE REPORTS

I. Workforce Diversity Committee

- **Judicial Institute 2014**

The Institute will be held on February 8, 2014, at Seattle University School of Law, and is an all-day training program designed to address the low number of minority lawyers who pursue judicial careers. This year's Institute will focus on District and Municipal Court because 2014 is a district and municipal court judge election year.

The Commission was asked to make a \$1,000 contribution. Funding would help pay for transportation costs, travel and airfare, printed materials, lunch, and reception at the end of the program.

- The Commission approved a motion to fund \$500 to Judicial Institute 2014, and will return to this topic at the next Commission meeting once they receive a current budget report, with the possibility of increasing the contribution to the full \$1,000.

II. Education Committee

- **Fall Conference 2013**

The Commission cosponsored an ethics session at the 2013 Fall Judicial Conference featuring a speaker from the Arbinger Institute. The training was well received by the judges. The main point of the training was around treating people as human beings.

- Recommended Reading: Leadership and art of self-deception—Arbinger Institute

- **Judicial College 2014**

Every year new judges attend Judicial College, and the Commission has continually sponsored an education on cultural competency. The Minority and Justice Commission sponsored session “Enhancing Cultural Competency in the Courtroom” will be held on January 30, 2014, at the Hilton Hotel in SeaTac. This year’s faculty includes Commission members Judge LeRoy McCullough and Judge Gregory Sypolt, along with consultants Benita Horn and Peggy Nagae.

This year’s session will discuss the concept of implicit bias. The new judicial officers will be asked to take the Implicit Association Test (IAT) as a precursor to the session. The session will also feature a Youth Panel from the R.O.Y.A.L. program who will talk about their experiences in court and ways judicial officers can make their court experience better. Reviews from past sessions have all been positive.

- The Commission would like to continue to sponsor judicial education sessions and asked for Commission members to send recommendations of potential future faculty and judicial education topics to staff.

- **SCJA Spring Conference 2014**

The Superior Court Judges’ Association (SCJA) Spring Conference 2014 will have an education session focused on *Battson* challenges, stemming from the recent WA Supreme Court decision of *State v. Saintcalle*, which raised the question of whether preemptory challenges should be done away with.

- **Discussion on “The New Jim Crow” by Michelle Alexander**

The King County Superior Court is having a discussion on November 13, 2013, with Jerry at Large from The Seattle Times on the book, “The New Jim Crow” by Michelle Alexander. All are welcome to join in the discussion. The King County Superior Court has a group that meets every month to study one chapter of the book and invites a speaker to talk to the group about some of the issues the book raises. The purpose of the group’s gathering is to define whether or not the court can do something different depending on some of the issues raised in the book.

III. Collaborations Committee

- **Committee Structure**

There was a discussion on the structure of the Collaborations Committee as to whether the Committee is best split up into smaller committees or if it was beneficial to have a chairperson that oversees all of the different subcommittees.

Currently there are three separate subcommittees: 1) Jennifer Sheffield has been focused on securing locations for the Minority and Justice Commission bi-monthly meetings and on building collaborations between the Commission and other potential partners in the legal community; 2) Russ Hauge, Travis Stearns, and Jeffrey Beaver have been focused on developing collaborations with prosecutors and law enforcement; and 3) Judge Yule, Commissioner McCown, and Judge Fleck have been working on updating the website and Commission media communications.

- It was decided that the committees benefit from having Judge Churchill as an overseer of all of the groups and the structure will continue to function as it currently does.

- **Law Enforcement Collaborations**

The Commission would like to continue to work on collaborating with representatives from WASPIC on issues of diversity and DMC.

- Russ Hauge, Jeffrey Beaver, and Travis Stearns met with two representatives from WASPC who were open to talking about issues of DMC. This is a step in the right direction of bridging the gap between the Commission and law enforcement. Conversations were very positive and the group has made a plan to meet again at the Criminal Justice Training Center in Des Moines.
 - Discussions were on the current state of training and how there might be holes in trainings on disproportionality and bias.
 - A possible next step that was discussed would be a presentation by Russ Hauge and Chief Holmes to WASPC membership on disproportionality and bias.
 - One suggestion that was made was for the Commission to sponsor a law enforcement speaker(s) from a different jurisdiction who are rethinking contact with minority youth.
- The biggest hurdle that was identified is not resistance to discussing disproportionality, but resistance to issues that are mainly ones faced by those who work in cities as opposed to more rural communities.
- Goal of subcommittee is to at least get a consensus that disproportionality and bias are issues that affect all members of WASPC—and are not localized issues.
- Data collection of race is another big issue that needs to be addressed.

- **Collaborations With Legal Community**

The question raised was how the Minority and Justice Commission can have a greater presence in the legal community.

- Communication is the driver of collaborations. Our identified partners need to know about the work we are doing and we need to know what our partners are involved in.

- One possible way to create real collaborations is to invite our partners to our meetings. The Board of Governors can serve as a model—have liaisons present at our meetings.
- **Follow-up on Sentencing Guidelines Commission Joint Meeting, September 27**

There were two action items discussed at the joint meeting that the Commission would like to continue to be involved in:

 - **Counting VUSCA's**—Washout proposal would be a way to reduce DMC. Judge Yu will continue to follow-up on this issue.
 - No support from WAPA on zeroing out VUSCA's.
 - **Racial Impact Statements**—We need to know who is collecting information and how data will be determined. It is critical that data is accurate and that it is determined who will be responsible for the collection of data for the Racial Impact Statements. Justice Stephens, Prof. Bob Boruchowitz, and Russ Hauge will continue to follow-up on this issue.
 - WAPA and Senator Klien have expressed their support of this effort.
- **Website Committee**

The new website is up and running. The Committee is still working on the solicitation of an artwork piece to expand the Minority and Justice Commission art collection.

 - Commission members that have not already done so need to send their bios and a photograph for the website. Please send to staff.

IV. Juvenile Justice Committee

- It was decided that the Commission will host two events both to be held in May or June of 2014. Planning shall commence immediately.
 - **Washington Supreme Court Symposium on Juvenile Justice**

The Minority and Justice Commission was given the task to provide annual updates to the Court on issues of Race & Criminal Justice / Juvenile Justice. The Symposium is designed to provide an opportunity for the Supreme Court to be briefed on issues effecting minority youth and DMC, with the idea that the Legislature will be invited to listen to the presentation.

 - Justice Stephens will look at the Supreme Court calendar and propose potential dates for the Symposium.
 - Committee needs to be formed to take on this project.
 - **Follow-up Educational Summit**

The Summit will be a follow-up to the Symposium to the Supreme Court. It will focus on the role of the court and court collaborators' in the school-to-prison pipeline phenomenon and reducing the criminalization of youth school behaviors that perpetuates it.

- It was suggested that the Partnership Council would be a good partner in these efforts.
- It was also mentioned that the prosecutors had a discussion at the last summit on the school-to-prison pipeline phenomenon that schools should take responsibility for relying too much on the justice system to solve what should really be considered a matter of school discipline.

V. Youth and Justice Forum & Community Forum

- **Community Forum**

In regards to future community forums, there should be a greater emphasis on allowing community members enough time to speak and voice their concerns. We should also be more democratic about who we invite to community forums in the future.

- **Suggestions**

- We should host a community forum annually.
- Future community forums be taped or transcribed.
- Invite those who participated in the Pasco Community Forum to the Juvenile Justice Summit in the spring of 2014.
- Commission members should send any notes or takeaways from the Community forum and Youth forum to staff.
- Commission members should think about how their comments contribute to the flow of the forum.
- The two individuals who left the forum early should be followed up with.
 - Commission member Uriel Iniguez will follow-up with the individuals.

NEXT COMMISSION MEETING: January 31, 2014

The next meeting is scheduled for Friday, January 31, 2014, at the ACLU of Washington.