



Washington State Minority and Justice Commission (WSMJC)
 Friday, January 31, 2014
 8:45 a.m. – 12:00 p.m.
 ACLU of Washington, Seattle, Washington



MEETING NOTES

Commission Members Present

Justice Charles W. Johnson, Co-Chair
 Judge Mary I. Yu, Co-Chair
 Judge Veronica Alicea-Galvan
 Jeffrey A. Beaver
 Prof. Robert C. Boruchowitz
 Prof. William Covington
 Prof. Jason Gillmer
 Bonnie J. Glenn
 Russell Hauge
 Yemi Jackson
 Commissioner Joyce J. McCown
 Judge LeRoy McCullough
 Rosa Melendez
 Karen W. Murray
 P. Diane Schneider
 Judge Mariane C. Spearman
 Travis Stearns
 Judge Dennis D. Yule, Ret.

Members Not Present

Professor Lori Bannai
 Ann E. Benson
 Jennifer Davis-Sheffield
 Callie Dietz
 Judge Deborah D. Fleck
 Uriel Iñiguez
 Carla C. Lee
 Sandra E. Madrid, Ph.D.
 Justice Debra Stephens
 Jeffrey C. Sullivan
 Judge Gregory D. Sypolt
 Judge Vicki J. Toyohara

AOC Staff Present

Danielle Pugh-Markie
 Cynthia Delostrinos
 Pam Dittman

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.

COMMISSION BUSINESS

New Executive Director for the Commissions: Danielle Pugh-Markie

Welcome to the Commission Danielle Pugh-Markie! Ms. Pugh-Markie is the new Supreme Court Commissions Coordinator for the Washington State Supreme Court Minority and Justice and Gender and Justice Commissions and the Interpreter Commission.

Civil Legal Needs Study (Update)

David Keenan gave a report back to the Commission on the status of the Civil Legal Needs Study. The study's Committee is still working on finding a suitable research partner. The timeline for the study has been moved back, with preliminary findings completed by the end of this year and a final draft of the findings to be done by early next year. The Commission's main concern is for the report to address any finding of disproportionality as something more than just incidental. He is working with the Committee to make sure this need is met.

The Commission was asked to sponsor the study by committing \$25,000. The Commission voted to approve \$10,000 to set aside in reserve for the study, and will revisit this topic at a later meeting in regards to reserving more money from next year's budget. It was also noted that any commitment that the Commission makes to the Civil Legal Needs Study this year must be spent by the end of this fiscal year June 30, 2014.

Data Collection

Dr. Sarah Veele from the Washington State Center for Court Research gave an update on ITG Request 178, which deals with how race data is being collected by the courts. The Commission had put in this request, adding new categories of race and ethnicity. Some of the categories put in the request were adopted but some were not. The categories that were not adopted include the ability to select multiple races and a fill-in-the-blank category.

ITG Request 178: Proposed Racial and Ethnic Categories

RACE	ETHNICITY
<ul style="list-style-type: none"> • American Indian/ Alaska Native • Asian • Black/ African American • White/ Caucasian • Unknown • <i>[NEW] Native Hawaiian/ Pacific Islander</i> • <i>[NEW] Multiple</i> • <i>[NEW] Refused</i> 	<ul style="list-style-type: none"> • Hispanic/ <i>[NEW] Latino</i> • Non-Hispanic/ <i>[NEW] Non-Latino</i> • Unknown • <i>[NEW] Refused</i>

The above chart reflects the categories that currently exist in the courts' data collection system and the NEW categories that were added by the request but not yet implemented.

While the ITG Request 178 received approval we do not know when these changes will be made. The request is in the "medium" importance category with two larger projects higher up in priority. We were told that it could take anywhere from months to years to implement. This request was put in a while back and it was the Commission's understanding that the project would be completed by May of 2013. It was said that there is room for advocacy in pushing the request forward in terms of priority.

Accurate data is core for research purposes and for getting an accurate picture of the populations this Commission serves and their needs. Concern was also raised by the Commission as to the choice of some courts to pull out of the Administrative Office of the Courts (AOC) data collection system. There is concern that a balkanization of the courts would be bad for policy reasons because it would be difficult to obtain the data needed to identify statewide issues involving race and disproportionality. Judge Yu will draft a letter to express this Commission's concern about being able to collect accurate data on a statewide level.

Meeting Schedule Changes

Please note the following meeting changes:

March 7, meeting CHANGED to March 21.

September 5, meeting CHANGED to September 12.

There was a suggestion that we should try to schedule meetings in other areas of Washington and in south Seattle at least once a year. It was also suggested that a meeting be held in conjunction with the Tri-Cities Youth and Justice Forum.

Certificate of Restoration of Opportunity

Merf Ehman and Melissa Lee from Columbia Legal Services presented on HB 2399, which pertains to the Certificates of Restoration of Opportunity (CROP). The purpose behind the bill is to address problems of reentry and the collateral consequences faced by individuals with criminal records. CROP certificates would certify that an individual has met a certain number of requirements showing rehabilitation, which would then be accepted and acknowledged by licensing providers, employers, and housing providers as evidence that an individual has been rehabilitated.

CROP certificates would be administered by the courts administratively and would be done similarly to the restoration of firearms. A judge issuing a CROP certificate will determine whether the applicant has met a certain number of requirements or activities showing rehabilitation, which would be listed on a form that the applicant fills out. This process must be a judicial process because there is no entity that oversees all of the agencies in Washington and none of the agencies can issue these types of certificates.

This bill is supported by prosecutors, court clerks, DSHS, public housing providers, employers, and almost all stakeholders that have been approached. The only stakeholders that have expressed opposition to this bill is the Superior Court Judges' Administration (SCJA). The SCJA has expressed concerns that CROP certificate administration would add an additional workload.

Another concern that was raised during the Commission meeting was whether judges would have to attest to the applicant's character and fitness. The answer was that judges would not be attesting to character. CROP certificates only require the judge to review a form and decide whether the applicant has met the requirements listed on the form.

The Commission expressed its support of this bill.

Legislative Activity of Interest

HB 2399 – Regarding Certificates of Restoration of Opportunity (CROP) that would be issued by a court to an individual who has completed a number of rehabilitative requirements, which would then allow them to apply for occupational licenses and overcome other barriers faced by individuals with criminal histories. The Commission voted to support this bill.

HB 1651 – Regarding the sealing of juvenile records. This bill would make juvenile court records confidential and not accessible to the public unless there is a showing of good cause.

HB 6257 – Regarding the publishing of sentencing information concerning racial disproportionality by the Caseload Forecast Council. The publishing of this data would provide access to more detailed information about racial disproportionality in Washington's criminal justice system. This Commission voted to support this bill. (*Judge Alicea-Galvan abstaining.*)

Budget

We have roughly \$44,000 left in this fiscal year's budget (ending on June 30, 2014) to spend. It was decided that the Commission would set aside funds in reserve for the following projects:

- **Spokane Youth Forum** (March 14) - \$2,500, plus reimbursement for any Commission members who would like to attend the Forum.
- **Youth and Law Forum (YALF) Guidebook Printing** - \$500
- **Youth Symposium** (May 20) - \$5,000
- **Youth Action Conference** (May 30) - \$5,000
- **Civil Legal Aid Study** - \$10,000

Spokane Youth Forum – The Spokane Youth Forum will be held on March 14, 2014, at Gonzaga Law School. The Forum is patterned off of the Tri-Cities Youth and Justice Forum and is a collaboration between the local school district, Kalispel Tribe, Spokane Police Department, and the local bar.

Seattle Law Forum – The Seattle Law Forum will be held on April 26, 2014, at the MLK F.A.M.E. Center from 8am – 1:30pm. Find more information about the forum at www.youthandlaw.com.

Youth Symposium – The Youth Symposium will take place on May 20, 2014, at the Temple of Justice. One of the topics chosen so far will be on the brain science of juveniles in conjunction with the recent Supreme Court cases recognizing the science. More details still forthcoming.

Website & Social Media

The new website is up and running and the Commission is satisfied with its new appearance. Some things the website committee is still working on are updating past meeting minutes to include all meetings held since 2011. It was also asked that staff place the agendas for meetings on the website prior to the meeting date and that draft meeting minutes that need to be approved at the next Commission meeting be sent to Commission members at least two weeks in advance of the meeting.

An issue was raised around how we are going to keep other entities current with our work and how to maintain contacts with our collaborators. In the past we have had designated Commission members to act as liaisons with other outside entities, but it was not wholly successful. With the changes in technology and social media, the expectation now is that information will come to the person. One way of accomplishing all of our goals of spreading information is to do a combination of using the website, social media, as well as making in-person meetings. Cynthia will begin the process of meeting with some of the Commission's identified collaborators and will get them connected with the Commission.

Commission Membership

We need feedback from Commission members on new potential Commission members. We would like to bring in new people who can represent an entity or organization.

We are currently seeking a new SCJA representative, as Judge Churchill is stepping down from her position on the Commission.

COMMITTEE REPORTS

Education Committee

Judicial College 2014

On January 30, 2014, the Commission sponsored a training in cultural competency for Washington's new judges. The session highlighted recent work done on implicit bias by using the Implicit Associate Test (IAT). The IATs allow one to discover some of the biases that one may not know that they have. Data shows that there is a correlation between one's implicit biases and the actions that one takes. The faculty encouraged new judges to discover what some of their biases were and to take affirmative action in making sure that their biases do not affect their decision making.

Research Committee

Perception of Justice Study – Update

The purpose of the Perception of Justice Study was to get an accurate description of how different racial groups in Washington view the justice system. There were two reports that came out of the work of the researchers. The first report was a general descriptive summary of individuals' responses to questions about the justice system, and their experiences with police and courts. The second report looked at the relationships between the questions and the responses of different racial groups to try to explain why perceptions were different between different racial groups.

The next step for this Commission is to work on finalizing the studies. We need to give our feedback to the researchers about the draft reports in terms of what needs to be done before the reports can be publically released. The plan is to have a Committee look at the two reports and work with Dr. Carl McCurley in coming up with questions and feedback for the researchers. By the next meeting in March, we would like to have the researchers come to the meeting and answer any questions the Commission has as we move towards the public release of this study. The subcommittee that will work on reviewing the studies includes the law school representatives, Jason Gillmer, Bill Covington, and Bob Boruchowitz.

Juvenile Justice Committee

The Juvenile Justice Committee is working on two upcoming events; the Juvenile Justice Action Conference and the Youth Symposium to the Supreme Court.

The Action Conference will take place on May 30, 2014, at Seattle University School of Law. The Conference will focus on issues around the court's role in pushing back on the "school to prison pipeline" and the decriminalization of school discipline behaviors, however the topic has not yet been finalized. Anne Lee is chairing the workgroup that is currently working on fleshing out an agenda for the Conference.

Collaborations Committee

Russ Hauge and Jeffrey Beaver have continued to build relationships with representatives from Washington Association of Sheriffs and Police Chiefs. At their last meeting, Sheriff Sue Rahr,

Director of the Washington State Criminal Justice Training Commission, shared her ideas on shifting the state's training curriculum to reflect a theme known as "blue courage." She described it as an effort to change police training from reflecting a warrior mentality to a guardian mentality. She also expressed an interest in establishing a formal relationship between her Commission and the Minority and Justice Commission. Russ Hauge will work with Sheriff Rahr in setting up a time before mid-May to get the two commissions together.

It was also recommended that Commission members watch the movie Fruitville Station. The movie is about the true story of Oscar Grant, who was shot and killed by police at a San Francisco BART station, which sparked many protests about the relationship between police and African-American males.

NEXT COMMISSION MEETING: March 21, 2014

The next meeting is scheduled for Friday, March 21, 2014, at Schwabe, Williamson & Wyatt.