

WASHINGTON STATE
MINORITY AND JUSTICE COMMISSION

COMMISSION MEETING



AMERICAN CIVIL LIBERTIES UNION OF WASHINGTON
SEATTLE, WASHINGTON 98164
FRIDAY, JANUARY 31, 2014, AT 8:45 A.M.

WASHINGTON STATE MINORITY AND JUSTICE COMMISSION

COMMISSION MEMBERS 2014



Justice Charles W. Johnson
Co-Chairperson
Washington State Supreme Court

Judge Mary I. Yu
Co-Chairperson
King County Superior Court

Justice Debra L. Stephens
Washington State Supreme Court

Judge Veronica Alicea-Galvan
Des Moines Municipal Court

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Mr. Jeffrey A. Beaver
Graham and Dunn

Ms. Ann Benson
Washington Defender Association

Professor Robert C. Boruchowitz
Seattle University School of Law

Judge Vickie I. Churchill
Island County Superior Court

Mr. Bill Covington
University of Washington School of Law

Ms. Jennifer K. Davis-Sheffield
Lane Powell PC

Ms. Callie Dietz, State Court Administrator
Administrative Office of the Courts

Judge Deborah D. Fleck
King County Superior Court

Mr. Jason Gillmer
Gonzaga Law School

Ms. Bonnie J. Glenn
Juvenile Justice & Rehabilitation Administration

Mr. Russell D. Hauge
Kitsap County Prosecuting Attorney

Mr. Uriel Iñiguez
Washington State Commission on Hispanic Affairs

Ms. Yemi Jackson
Microsoft Corporation Legal & Corporate Affairs

Ms. Carla Lee
King County Prosecuting Attorney's Office

Dr. Sandra E. Madrid
University of Washington School of Law

Commissioner Joyce J. McCown
Court of Appeals, Division III

Judge LeRoy McCullough
King County Superior Court

Ms. Karen W. Murray
Associated Counsel for the Accused

Ms. P. Diane Schneider
National Latino Peace Officers Association

Judge Mariane C. Spearman
King County Superior Court

Mr. Travis Stearns
Washington Defenders Association

Mr. Jeffrey C. Sullivan
Retired, US Attorney

Judge Gregory D. Sypolt
Spokane County Superior Court

Judge Vicki J. Toyohara
Judge Pro Tem

Judge Dennis D. Yule, Retired



MINORITY AND JUSTICE COMMISSION

AMERICAN CIVIL LIBERTIES UNION OF WASHINGTON

FRIDAY, JANUARY 31, 2014 (8:45 A.M. - NOON)

JUSTICE CHARLES W. JOHNSON, CO-CHAIR

JUDGE MARY YU, CO-CHAIR

AGENDA

CALL TO ORDER

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Call to Order and Introductions

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Approval of November 2, 2013, Notes

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Judge Yu

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Education

Justice Stephens and
Judge McCullough

- Judicial College Debrief
- SCJA/DMCJA/Fall Conference
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OTHER BUSINESS		
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HB 2399 Establishing a certificate of restoration opportunity (CROP).

*A CROP is a tool designed to bring additional information to an individual's criminal history by capturing the good work that they have done to get their lives back on track. CROP also addresses some of the collateral consequences that follow a criminal conviction. Primarily, CROP would allow individuals who meet certain criteria to be re-eligible to apply for certain occupational licenses, such as alcohol server or commercial fishing that individuals may not be eligible for if they have a criminal history. Individuals who successfully obtain CROP must still apply for the occupational license (it is not automatically granted), and be otherwise qualified to obtain it. Eleven other states currently have their own version of CROP. CROP would not eliminate, seal or vacate any criminal records. Instead, it would provide a way for those who have been convicted of a crime, served their sentence, remained crime free for a certain period of time, and are regularly paying their LFO's to document that they have taken substantial steps to rehabilitate and turn their lives around.

Proposed by King County Prosecutor's Office & Columbia Legal Services.

Ms. Danielle Pugh-Markie

Ms. Danielle Pugh-Markie joined the Washington State Administrative Office of the Courts (AOC) as the Supreme Court Commissions Coordinator on January 2, 2014. Ms. Pugh-Markie comes to the AOC from the National Council of Juvenile and Family Court Judges (NCJFCJ), where she was the Program Director of Program Development for the Family Violence and Domestic Relations Program (FVDR). In this capacity, she developed and implemented the short- and long-term vision for FVDR training and coordinated with other divisions on those efforts. She also coordinated training and provided technical assistance to judges, domestic violence advocates, court personnel, and other court stakeholders. She oversaw the technical assistance to Technical Assistance Providers Project designed to increase the capacity of U.S. Department of Justice Office on Violence Against Women (OVW). In this capacity, she collaborated with OVW and technical assistance providers to design and host roundtables, focus groups, and working group meetings to enhance their ability to respond to domestic violence, sexual assault, dating violence, and stalking.

Prior to joining the NCJFCJ, Ms. Pugh-Markie worked at a think tank in Washington, D.C. and the World Health Organization in Copenhagen, Denmark. She holds a Bachelor of Science in Industrial and Labor Relations and a Master of Public Administration from Cornell University.

While not working on access to justice issues, Danielle loves traveling, skiing, snowboarding, and being with loved ones. She now lives in Olympia with her husband, two little boys, and mom.



WASHINGTON
COURTS

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.



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MEMORANDUM

To Minority & Justice Commission
FROM David Keenan, Commission Liaison
DATE January 24, 2014
RE Civil Legal Needs Study Update Committee

The Civil Legal Needs Study Update Committee (the "Committee") is continuing to meet and work with the research community to meet the Committee's goal of completing a comprehensive update of the substance and prevalence of civil legal needs experienced by low-income Washington residents. As the Commission's Liaison to the Committee, I am working to represent the Commission's interests in shaping the scope of the research to ensure that it addresses disproportionality and any other areas of concern by the Commission. This memorandum provides background concerning the Committee, the current status of the Committee's work, as well as the status of funding for the Committee's work. The Committee has secured \$240,000 in commitments from various stakeholders, and is requesting \$25,000 from the Commission during the current biennium to help fully fund this work.

I. BACKGROUND

A. Need

The Committee was convened in June 2013 to initiate a process to update research concerning the civil legal needs of the poor in Washington. The last such research was initiated by the Task Force on Civil Equal Justice Funding in 2003, and it is the Committee's belief that a new study is critical to identifying new needs and new populations in need of civil legal aid, as well as determining which problems persist and how best to allocate scarce legal aid dollars.

B. Structure

The Committee is composed of three working works: (1) Methodology, Data Analysis and Report Development; (2) Target Population Outreach; and (3) Project Finance. The Committee is chaired by Justice Charles Wiggins. In light of the importance of the Committee's work, on December 19, 2013, the Washington Supreme Court signed an order formally placing the Committee under the Court's auspices. Attachment A.



C. Commission Liaison

The Commission appointed David Keenan to be the Commission's Liaison to the Committee in June 2013. David serves as the Commission's voice on the Committee concerning racial minority populations which are disproportionately represented across civil legal need categories. As a member of the Committee, David serves in the Methodology and Project Finance working groups.

II. ADDRESSING COMMISSION CONCERNS

In August 2013, Judge Yu, David, and James Bamberger of the Office of Civil Legal Aid met to discuss specific areas of concern for the Commission and how those areas could be addressed in the Committee's forthcoming Request for Proposals ("RFP") to the research community. Based on this meeting and subsequent discussions, the Committee made changes to the RFP to help ensure that researchers would look specifically at disproportionality and disparate impacts as they studied civil legal aid needs. That is, while a general study of civil legal aid needs among the poor would incidentally capture information relating to the legal needs of racial minority populations, the scope of work for this update has been refined to:

[i]dentify differences in substantive legal problem areas, prevalence of legal problems and outcomes experienced by members of high priority sub-demographic groups relative to the general low income population, including the substance and prevalence of civil legal problems associated with systems and structures that disproportionately affect members of low-income and very low-income racial and ethnic minority groups.

Attachment B.

III. REQUEST FOR PROPOSALS

Though the Committee did not receive any formal proposals by the November 1, 2013 deadline following issuance of the RFP, several organizations in the research community did inquire about the scope of the work and sought further clarification. As a consequence, the Committee has since worked to refine the scope of work and believes that it may have an agreement with a qualified, Washington State-based research organization as soon as February 2014.

IV. FUNDING

The Committee estimates that a budget of approximately \$350,000 should be adequate to conduct a thorough and meaningful study and protect against contingencies. It has been ten years since the last such study, and if this study is intended to assist Washington's civil legal aid



ORRICK

January 24, 2014

Page 3

community help vulnerable populations in the years to come, it is important that the study have adequate resources.

To date, the Committee has received funding commitments as follows:

- \$100,000 from the Office of Civil Legal Aid
- \$15,000 from the Washington State Bar Association
- \$100,000 from the Legal Foundation of Washington
- \$25,000 from the Gender and Justice Commission

The Committee is working with other potential partners to secure the balance of necessary funding for the study update. In order to help fully fund the project, the Committee is requesting \$25,000 from the Commission to carry out this important work.

V. CONCLUSION

It has been ten years since this type of comprehensive research was done to assess the state of need for civil legal aid among Washington's poor, and much has changed since then. With input and support from the Commission, the Committee and its research partners will be well positioned to assess the current state of need—including the substance and impact of civil legal problems that disproportionately affect ethnic and racial minority populations—and the results of this research can help guide the civil legal aid community's responses to these issues going forward.

Attachment A

THE SUPREME COURT OF WASHINGTON

FILED
SUPREME COURT
WASHINGTON

2013 DEC 19 P 12:48

ORDER ESTABLISHING THE 2014 LEGAL)
NEEDS STUDY UPDATE COMMITTEE)
)
)
_____)

BY RONALD L. CARPENTIER
No. 25700-B -542
ORDER CLERK *RJC*

Whereas, the Principal Policy Objectives of the Washington State Judicial Branch declare that “[l]itigants with important interests at stake in civil judicial proceedings should have meaningful access to counsel;” and

Whereas, the Washington Supreme Court has a decades-long history of working to enhance meaningful access to the civil justice system for low - and moderate-income people; and Whereas, in 2001 the Washington Supreme Court established a Task Force on Civil Equal Justice Funding (Task Force) and directed the Task Force to conduct the state’s first comprehensive assessment of unmet civil legal needs of low income residents of Washington State; and

Whereas, the Task Force oversaw and published the 2003 Civil Legal Needs Study (2003 CLNS) that documented the both the substance and prevalence of unmet civil legal needs of low- and moderate-income Washingtonians and that, among its many findings, the 2003 CLNS found that more than 75% of low-income households experienced an important civil legal problem for which legal assistance was required and, of these, more than 88% were unable to secure necessary legal help; and

Whereas, in the decade since its publication the 2003 CLNS has served as the principal informational foundation for initiatives to expand funding and other support for efforts to meet the civil justice needs of low- and moderate-income residents, and as a guide in helping focus

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and prioritize the strategic investment of limited resources in meeting the highest priority civil legal needs of low income people in Washington State; and

Whereas, consistent with its statutory responsibility to periodically assess and report on the status of unmet civil legal needs of low income Washingtonians, the Office of Civil Legal Needs convened a Civil Legal Needs Study Update Scoping Group (Scoping Group) to determine whether circumstances had so substantially changed in the decade since data gathering for and publication of the 2003 CLNS to warrant a comprehensive update of the findings of the 2003 CLNS, and that in its December 2012 Final Report, the Scoping Group concluded that such an update was indicated and offered guidance regarding the scope, focus and approach that should be taken in such an update; and

Whereas, acting on the Scoping Group's recommendation, Chief Justice Barbara Madsen appointed Justice Charles Wiggins to head a twelve-person blue ribbon committee to oversee an update of the 2003 CLNS and that Justice Wiggins has successfully recruited and engaged members of this committee; and

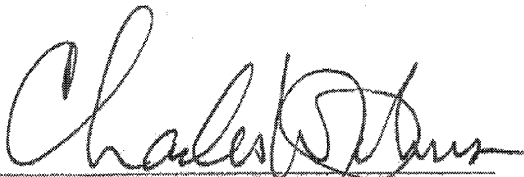
Whereas, it is appropriate that the Supreme Court maintain continuity of its involvement in and leadership of efforts to document the substance and prevalence of unmet civil legal needs and to support efforts to develop and underwrite systems that provide necessary legal information, advice and legal representation on matters affecting important civil legal problems; NOW THEREFORE, it is Ordered that:

1. The 2014 Civil Legal Needs Update Committee (CLNS Update Committee) shall be a formal committee of the Washington State Supreme Court.
2. Members of the CLNS Update Committee shall receive letters of appointment from the Chief Justice of the Washington Supreme Court.

Order Establishing the 2014 Civil Legal Needs Study Update Committee

3. The Director of the Office of Civil Legal Aid is requested to serve as the principal project coordinator for the 2014 CLNS update project and primary staff to the CLNS Update Committee; the Administrative Office of the Courts is requested to provide such additional staff and technical support as may be necessary to ensure timely and effective completion of the CLNS update effort.
4. The Chair of the CLNS Update Committee shall provide periodic reports to the Court on the progress and status of the update effort.
5. The interim report shall be circulated among the Justices of the Supreme Court and the final report shall be presented in-person to the full Court.

DATED at Olympia, Washington on December 19th, 2013.


Justice Charles W. Johnson

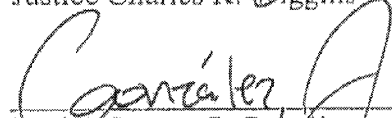

Chief Justice Barbara A. Madgen


Justice Debra L. Stephens


Justice Susan J. Owens


Justice Charles K. Wiggins


Justice Mary E. Fairhurst


Justice Steven C. Gonzalez


Justice James M. Johnson


Justice Sheryl Gordon McCloud

Attachment B

2014 CLNS Update Study Objectives and Target Populations

1. 2014 CLNS Study Update Objectives:

Consistent with the recommendation of the 2012 Scoping Group, the principal objectives of the study effort are to:

- a) Understand the degree to which legal problems previously identified in the 2003 CLNS (“persistent legal problems”) continue to affect low-income and very low-income households and target sub-demographic groups within the general low income and very low income population
- b) Understand the substance and prevalence of newly emergent civil legal problems; *i.e.*, types of significant problems that have emerged since or were not assessed during the conduct of the 2003 CLNS
- c) Identify differences in substantive legal problem areas, prevalence of legal problems and outcomes experienced by members of high priority sub-demographic groups relative to the general low income population, including the substance and prevalence of civil legal problems associated with systems and structures that disproportionately affect members of low-income and very low-income racial and ethnic minority groups¹
- d) Understand the relationship between distinct types of civil legal problems and the ability of individuals to seek and secure education, employment, stable housing and credit
- e) Understand the degree to which low-income and very low-income households do and do not access necessary legal help to help them address important civil legal problems, and for those who do not, the reasons therefore
- f) Understand the value and impact of securing timely civil legal help (from whatever source), and determine whether there are meaningful differences in experience/problem resolution depending upon whether the household did or did not secure legal help
- g) Contextualize findings relative to the legal needs of low-income and very low-income households by reference to current socio-economic characteristics of these target populations

2. Target Populations:

a) Low and Very Low Income Households:

Low-income (at or below 200% of the Federal Poverty Level (FPL)) and very low-income (at or below 125% of FPL) households aggregated by age, gender, racial/ethnic identity and LEP (Limited English Proficiency), and employment status of the head of household.

¹ Principal focus should be on civil legal problems that cause or compound difficulties in accessing employment, housing, credit, public services and essential support for racial/ethnic minority individuals and their families disproportionately represented in the adult and juvenile justice systems.

b) Sub-Demographic Target Groups:

The following sub-demographic components of the general low-income and very low-income population:

- i. Racial and ethnic minority households
- ii. Seniors (age 60 and over)
- iii. Households composed of families with children
- iv. Homeless individuals and families
- v. Limited English proficient (LEP) households (determined by language proficiency of the household head)
- vi. Individuals with physical, mental and cognitive disabilities
- vii. Individuals in a position of legal dependency (e.g., minor children, individuals living under legal guardianship, youth in state care or custody, residents confined to public institutions)
- viii. Native Americans
- ix. Veterans
- x. Immigrants

Request Summary

Request Status Summary

Request Status Awaiting Authorization

Request Detail

Requestor Name: Jensen, Charlotte S	Request Type: Change or Enhancement
Origination Date: 03/04/2013	Which Systems are affected? Judicial Information System (JIS) Data Warehouse Juvenile and Corrections System (JCS)
Requestor Email: charlotte.jensen@courts.wa.gov	Business Area: Person Maintenance
Requestor Phone: 360-705-5213	Communities Impacted: Superior Court Judges County Clerks Superior Court Administrators CLJ Judges CLJ Managers Family and Juvenile Law Judges Juvenile Court Administrators State Agencies Public and Other Users
Recommended Endorser: Codes Committee	Impact if not Resolved: High
	Request Attachments Commission on Children in Foster Care Supports ITG 178.docx ITG Request DMC-Codes Committee Endorsements Received.pdf

What is the Business Problem or Opportunity

Please see the attached document for additional information. This ITG request includes five problem areas related to race and ethnicity data and five proposed solutions. It has been suggested that each solution be sized individually.

The Center for Court Research has been working with the Minority and Justice Commission, the Superior Court Judges Association, the Juvenile Court Administrators, the Board for Judicial Administration, and both the John D. and Catherine T. MacArthur Foundation and the Annie E. Casey Foundation to assess and report on disproportionate minority contact in Washington. Disproportionate minority contact (DMC) refers to the overrepresentation of persons of color in the justice system, and its reduction for juveniles is a mandate in the 2002 reauthorization of the Federal Juvenile Justice and Delinquency Prevention Act.

One large improvement would result from implementation of the Federal approach to classifying race and ethnicity, a move that would bring Washington into comparability with most of the nation.

Identified Problems:

We have been focusing on the development of reports for courts to inform them about their race/ethnicity data and provide information about best practices in data collection.

1. PROBLEM: Upon a closer review of the JIS data, it was discovered that our coding system does not match the federal policy in separating Asian and Native Hawaiian/Pacific Islander into two categories - JIS currently combines them into one (code A).

a. Proposed Solution: We propose that the JIS coding system should be changed to separate the groups currently combined as noted above to bring the JIS system into compliance with Federal standards. This change would, of necessity, occur from the date of change-implementation forward, with no expectation of conversion of legacy data. Courts would have the option to review and correct their own data.

2. PROBLEM: The JIS codebook lists Hispanic as an option under the race category. Although there is a JIS business process for recoding Hispanic as an ethnicity from the race category, reviews demonstrate large percentages of unknown ethnicity data which cause problems in interpretation of results, making it impossible to be sure that the court data accurately represents the extent of the overrepresentation.

a. Proposed Solution: We propose that ethnicity be a required field in JIS. The existing JIS business process for coding H in the race field as Unknown Race, Hispanic Ethnicity is consistent with national best practices. However, for other racial groups, there should be an ethnicity designation of Hispanic or Non-Hispanic, therefore ethnicity must be required.

3. PROBLEM: Ethnicity is a read-only field for users in superior or CLJ courts. Only the juvenile court users are able to update the ethnicity field. Even if courts were to adopt the proposed

a. Proposed Solution: We propose that ethnicity be an updatable field for court users at all levels.

4. PROBLEM: According to OFM race and ethnicity data, the percentage of youth identifying as Multiple Race (more than one race category) is increasing. OFM population data has a separate designation ("Mixed Race"), but JIS does not. Clerks have contacted Research to request that an option for Multiple be added in order to capture youth who identify their race in multiple categories.

a. Proposed Solution – OPTION A: We propose that "Multiple" be added as a choice (code M) in the Race field.

5. PROBLEM: Race and ethnicity are often volatile topics due to the emotion attached to such a designation, and there are cases where a person chooses not to self-identify. With the expectation that courts are engaging in regular data reviews and could correct such designations, it is preferable to have a code added (R – Refused) to designate a refusal to choose. In research, data is far more reliable if there is a clear refusal than a simple unknown – that way data analysts know how much data is known/refused vs actually unknown.

a. Proposed Solution: We propose to add a code R for "Refused" to both the race and ethnicity fields in addition to the currently existing U for "Unknown".

Data from Other Agencies:

Concerns were expressed about "scraping" data from databases maintained by other agencies.

Research staff met with the President of the Washington State Association of Police Chiefs and Sheriffs (WASPC) and learned that they do not collect ethnicity data as it is not required for their reporting to the federal government (UCR/NIBRS).

Research staff met with the Kitsap County Prosecutor, who is active with the Washington Association of Prosecuting Attorneys (WAPA) and learned that they collect data from multiple databases, but only enter specific data into JIS.

Research staff met with the Department of Licensing (DOL) staff and determined that DOL does not maintain race and ethnicity data at all, so it cannot be "scraped" into JIS.

Ultimately, we would hope that the codes would follow the pattern below:

Race:

- American Indian/Alaska Native (I)
- Asian (A)
- Black/African American (B)
- White/Caucasian (W)
- Unknown (U)
- NEW! Native Hawaiian/Pacific Islander (P)*
- NEW! Multiple (M)*
- NEW! Refused (R)*

Ethnicity:

- Hispanic (H)
- Non-Hispanic (N)
- Unknown (U)
- NEW! Refused (R)*

Expected Benefit:

Being able to obtain and analyze high quality data (data with few missing, unknown, or inaccurate entries) is the only way to accurately identify the scope of the problem. As our first effort at identifying DMC in Washington's juvenile courts, a summary review of the existing JIS data was prepared describing juveniles referred to juvenile courts statewide. This review found large percentages of unknown data. It appears that the decentralized nature of the Washington court system permits a lack of uniformity in the process through which race and ethnicity are collected at different courts. Therefore, there is a great deal of variation across the juvenile courts in the completeness and validity of race and ethnicity data. Without valid and complete data, accurate analyses cannot be carried out and effective interventions cannot be implemented.

In addition, if Proposed Solution #3 is implemented, Ethnicity data on the JIS Person Record may be entered and updated by court staff at the superior, district, and municipal court levels.

Any Additional Information:

The JIS Codes Committee has approved this request to move forward through the ITG request process.

Endorsement Detail

Endorsing Committee

Codes Committee

Endorser Name:

Wilson, Robert Craig

Endorsing Action:

Endorsed

Endorser's Explanation and Comments

Endorsed on behalf of Charlotte Jensen and the Codes Committee.

Origination Date:

03/06/2013

Endorser Email:

craig.wilson@courts.wa.gov;sarah.veele@courts.wa.gov

Endorser Phone:

360-704-5502

AOC Analysis Detail**Analysis****Date:** 03/28/2013**Request Rationale****Aligns with JIS Business Priorities, IT Strategies & Plans:** Yes**Aligns with applicable policies and with ISD Standards:** Yes**Breadth of Solution Benefit:** Wide**Cost Estimates****Cost Benefit Analysis Complete?** No**Cost to Implement?** \$29,760**Positive Return on Investment?** No**Projected Maintenance cost?** not included**Feasibility Study needed?** No**Court Level User Group**

Multi-level CLUG

Approving Authority Administrator**Request Summary:**

This request seeks to improve data collection, classification and quality of race and ethnicity data in the Judicial Information System by modifying the codes for race and ethnicity and to conform with federal standards.

Business Impacts:

This change will modify the race and ethnicity coding in JIS to improve data collection, classification, analysis and reporting.

The solution proposes that ethnicity would become a required field. This would require data entry. Officers and court officials would require some level of instruction on the new coding structure.

Summary of Proposed Solution

The Administrative Office of the Courts (AOC) would modify the race and ethnicity code tables as proposed in the request and implement data validation rules to require the entry of an ethnicity code and to allow ethnicity code to be updatable by all court levels, not just the juvenile divisions.

Proposed Solution

The Administrative Office of the Courts (AOC) would modify the race and ethnicity code tables as proposed in the request and implement data validation rules to require the entry of an ethnicity code and to allow ethnicity code to be updatable by all court levels, not just the juvenile divisions.

Additional Systems Affected

Judicial Information System (JIS)
eCitation
Juvenile and Corrections System (JCS)

Communities Impacted

Superior Court Judges
County Clerks
Superior Court Administrators
CLJ Judges
CLJ Managers
Family and Juvenile Law Judges

Juvenile Court Administrators
State Agencies
Public and Other Users

AOC Analysis Attachments

ITG 178 Analysis Sheet.pdf

Confirmation of Endorsing Action Detail

Endorsing Committee

Codes Committee

Endorser Name:

Wilson, Robert Craig

Origination Date:

05/20/2013

Endorser Email:

craig.wilson@courts.wa.gov

Endorser Phone:

360.704.5502

Endorsing Action:

Endorsed

Endorser's Explanation and Comments

Endorsement confirmation on behalf of the JIS Codes Committee. The JIS Codes Committee reviewed the cost analysis on 5/14/13 and voted to move this ITG request to the next step.

Submitted Comment Detail

Name:

Doug Klunder

Email Address:

klunder@aclu-wa.org

Phone Number:

206-624-2184

Date:

06/03/2013

Comment Reviewed by:

ACLU

Comments:

The American Civil Liberties Union of Washington (ACLU-WA) writes in support of ITG Request #178, which would improve the reporting of data on race and ethnicity in JIS databases. We fully support efforts by the Courts and others to record data on race and ethnicity in a more accurate and more detailed way. This data is essential to gain a true picture of how the criminal justice and juvenile justice systems are working in Washington. Only with full and accurate data can the process for making significant policy decisions begin. More complete data is also necessary as the foundation for wise policy decisions on a wide array of issues involving such critical matters as individual liberty and public safety. As to the details of the ITG Request, we strongly support the proposal to make Washington's system for recording race and ethnicity data consistent with the federal system. This consistency would make the Washington data more useful and understandable, instead of perpetuating the unreliability of incomplete and confusing data. We also believe the requirement of an ethnicity field, that can be used to identify Hispanic or non-Hispanic ethnicity, is very important to improving the accuracy of the data, given the growing Latino population in Washington. Finally, we applaud the inclusion of codes for Multiple races and Refusal to provide race or ethnicity information; the ACLU has long supported individuals' right to characterize their race as multiple if they so choose, or to refuse to provide race or ethnicity information if they so choose.

Court Level User Group Decision Detail

CLUG

Multi-level CLUG

Chair of Group

Rich Johnson

Date of Decision	10/07/2013
Decision	
Decision to Recommend for Approval	Unanimously recommended to the approving authority
Priority Processing Status	Prioritized
Ranking	
Request Priority	3
Request Importance	Medium

Minority and Justice Commission Meeting Schedule 2014

Conference Number: 1-888-757-2790, Participant Code 285042#

Date	Time	Location
Friday, January 31, 2014	8:45 a.m. – 12:30 p.m.	<u>ACLU Washington</u> 901 Fifth Avenue, Ste 630 Seattle, WA 98164
Friday, March 7, 2014	8:45 a.m. – 12:30 p.m.	<u>Schwabe, Williamson & Wyatt</u> 1420 5 th Ave., Suite 3400 Seattle, WA 98101
Friday, May 2, 2014	8:45 a.m. – 12:30 p.m.	<u>King County Department of Public Defense</u>
Friday, July 18, 2014	8:45 a.m. – 12:30 p.m.	<u>King County Prosecutor's Office</u> King County Courthouse Room W554 516 Third Ave Seattle, WA 98104
Friday, September 5, 2014	8:45 a.m. – 12:30 p.m.	<u>Davis Wright Tremaine</u> Suite 2200 1201 Third Ave. Seattle, WA 98101-3045
Friday, November 7, 2014	8:45 a.m. – 12:30 p.m.	<u>TBD</u> (Backup) AOC SeaTac

Please contact Cynthia Delostrinos at Cynthia.Delostrinos@courts.wa.gov or 360-705-5327 if you have any questions.

By-laws Workgroup

Commissioner Joyce McCown and Jennifer Davis-Sheffield updated the Commission by-laws according to the decisions made at the Commission Retreat held October 12-13, 2012. Some of the changes made were:

- Removal of references to Technical Support members.
- The maximum number of Commission members was increased from twenty-one (21) to thirty-five (35).
- A Commission member may not be reappointed for more than three consecutive terms.
- Co-Chairs are solely responsible for public statements about the Commission, and members may not make statements without their consent.

A question was raised as to whether the limit on three consecutive terms applied to those that already have had three terms or starting now in their current term. It was determined that this would start with the current term.

It was decided that since "a maximum of thirty-five (35) members" is mentioned firstly in section 2.3 under Membership, "members" should replace any other mention of "thirty-five (35) members" to avoid any confusion.

A motion was made and seconded to accept the bylaws with its changes contingent on the rewrite and acceptance of a new Supreme Court Order for the Commission. The motion was passed unanimously.

Annual Fall Conference Educational Proposals

Session proposals are due January 11, 2013.

Next meeting is scheduled for Friday, February 1, 2013.

WASHINGTON STATE
MINORITY AND JUSTICE COMMISSION
BYLAWS

PREAMBLE

On October 4, 1990, the Supreme Court established the Washington State Minority and Justice Commission to identify problems and make recommendations to ensure fair and equal treatment in the state courts for all parties, attorneys, court employees and other persons. The Commission was created (1) to examine all levels of the state judicial system in order to particularly ensure judicial awareness of issues affecting persons of color in the judicial system in order to achieve a better quality of justice; and (2) to make recommendations for improvement to the extent it is needed.

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ARTICLE I

Purpose

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- 1.1 The Minority and Justice Commission is charged with determining whether racial and ethnic bias exists in the courts of the State of Washington and to the extent that bias exists, taking creative steps to overcome it. To the extent that such bias does not exist, the Commission takes creative steps to prevent it.

ARTICLE II

Membership

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- 2.1 The Minority and Justice Commission is co-chaired by a Supreme Court Justice, designated by the Chief Justice.
- 2.2 The other co-chair is a Member Chair of the Commission, who shall be elected from the ~~thirty-five (35)~~ Commission members by a majority either when the Commission is renewed by order of the Supreme Court or upon resignation of the Member Chair (Co-chair).
- 2.3 The Commission shall consist of ~~thirty-five (35)~~ members, appointed by the Supreme Court, representing an approximate mix of judges of all levels of court, members of the legal system and private citizens of the State of Washington. Members should be chosen to assure racial, ethnic, gender, cultural and geographic diversity.
- 2.4 All appointments of the ~~thirty-five (35)~~ members shall be for a four (4) year renewable term. Vacancies shall be filled by the Supreme Court upon recommendations made by Commission.

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ARTICLE III

Standing Committees

- 3.1 The Executive Committee shall consist of the Commission co-chair(s) and chair(s) of each standing committee.
- 3.2 The Commission co-chair(s) shall appoint such standing committees as the work of the Commission shall reasonably require.
- 3.3 The Commission co-chair(s) shall appoint a chair for each standing committee, who shall serve at the pleasure of the Chair(s).

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ARTICLE IV

Ad Hoc Committees

- 4.1 The Chair(s) may appoint such ad hoc committees as the work of the Commission shall from time to time require. The Chair(s) shall appoint a chair for such ad hoc committees from among the Commission members, but may staff these committees with non-Commission members, with the advice and consent of a majority of the quorum present when such appointments are made.

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ARTICLE V

Quorum

- 5.1 A quorum shall consist of fifty (50) percent plus one or more of the ~~thirty-five (35)~~ Commission members. Vacancies shall not be considered. A member participating in a meeting by teleconference, video conference, or other electronic means approved by the Commission shall be counted in the determination of the quorum.
- 5.2 Commission action shall be by majority vote of the ~~thirty-five (35)~~ Commission members present or participating by teleconference, video conference, or other electronic means approved by the Commission, so long as a quorum is present.
- 5.3 In the absence of a quorum at a regularly scheduled meeting, the Executive Committee may take contingent action on business the Chair(s) determine to require action by the Commission prior to the next regularly scheduled meeting.
- 5.4 No proxy voting shall be allowed.

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ARTICLE VI

Meetings

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6.1 The executive director or designee of the Commission shall serve as recording secretary for the Commission.

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6.2 Commission meetings shall be held at least six (6) times a year. Additional meetings may be scheduled or specially called at the discretion of the Chair(s). Reasonable notice shall be given to each member. Participation in meetings of the Commission may be held by teleconference, video conference, or other electronic means approved by the Commission.

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ARTICLE VII

Special Funding

7.1 In addition to such funding as shall be available through the AOC budgeting process, the Commission is authorized to seek and accept funding through appropriate processes and from appropriate sources to carry out Commission projects and purposes. Any funds so obtained shall be administered under proper auditing controls by AOC.

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ARTICLE VIII

Amendments to Bylaws

8.1 These bylaws may be amended or modified at any regular or special Commission meeting, at which a quorum is present, by majority vote. No motion or resolution for amendment may be considered at the meeting in which it is proposed.

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Commented [DC1]: Not sure what this means... Does it mean that no motion can be made to amend the bylaws at a meeting in which an amendment is already proposed? I think this sentence should be taken out so that motions to amend CAN be made at the same meeting. It will allow us to make a final decision to amend the bylaws during one meeting as long as we have a quorum, and not have to wait for 2 months until the next meeting.

Adopted: August 12, 2010
Amended: July 15, 2011
Amended:

General Descriptive Report on the "Justice in Washington State Survey, 2012"

Principal Investigators:

Professor Mark Peffley
University of Kentucky

Professor Jon Hurwitz
University of Pittsburgh

Professor Jeff Mondak
University of Illinois

Prepared for

The Washington State Supreme Court Minority and Justice Commission,
The State of Washington Administrative Office of the Courts-Washington State Center for Court
Research

October 1, 2012

In the pages that follow, the Principal Investigators will document the nature of these differential perceptions, with the analysis proceeding in the following three sections. Section I will focus on citizens' **Personal Experiences** with the criminal justice system, using survey items asking respondents to rate the police and criminal courts using criteria such as fairness and respectfulness based on their own experiences. In Section II (**Community Problems**), we turn to a series of questions asking individuals to assess the seriousness of alleged discriminatory treatment of Blacks and Latinos by the police and courts in their community. And Section III is designed to shed light on respondents' more **General Assessments** of the criminal justice system. While inter-group differences vary between both sections and across survey items within each section, the general conclusion is clear: African-Americans and Whites are on two different ends of the spectrum, with the former exhibiting strong signs of cynicism about the ability of the justice system to provide fair, impartial, and respectful justice, and the latter displaying substantially more confidence and trust in the system. Typically, we find Latinos to be somewhat less critical than African-Americans, but still substantially more critical than Whites. And Asians/Pacific Islanders, while fluctuating somewhat from question to question, adopt roughly the same (though slightly tempered) level of trust typical of Whites.

It is important to keep in mind that no single item is, in and of itself, terribly revealing about inter-group differences. Instead, we have adopted a "multiple indicator" approach that relies on assessing attitudes using numerous, rather than single, survey questions. It is the consistency of responses across similar items, rather than a particular item, that we emphasize in this report.

Part I. Personal Contact with the Criminal Justice System in Washington State

It is important to begin with an assessment of citizens' personal or vicarious contacts with agents of the Criminal Justice System. This is partly because such information is vital for the purpose of identifying problem areas in need of remediation, and partly because, as we have found elsewhere (see Peffley and Hurwitz 2010), such personal contacts have a spillover effect, influencing how citizens' encounters with the justice system influence their judgments of the system as a whole.

To examine the frequency and the nature of citizen encounters with justice system agents (i.e., police officers and the courts), we asked two sets of question, with responses to the first set in Figure 1. In this battery, we asked individuals 4 questions, all beginning with the preface "Some people have had encounters with the police; others have not. How many times have you ever":

1. Felt you were treated disrespectfully by a police officer?
2. Felt you were treated unfairly by the police [just because of your race or ethnic background]?

"Some people have had encounters with the criminal courts (that deal with crimes such as house burglary and physical assault); others have not. How many times have you ever":

3. Felt you were treated disrespectfully in a criminal court?
4. Felt you were treated unfairly by court officials [just because of your race or ethnic background]?

The color-coded bars in Figure 1 correspond to the percentage of each group (Whites, African-Americans, Latinos, and Asians) who believe they were treated disrespectfully/unfairly by the officer/court on at least one occasion.¹ While the results are complex, a number of conclusions are clearly warranted.

1. White and Black respondents differ strongly, on all 4 questions, in the expressed frequency and nature of their contacts with agents of the justice system. Typically, only small minorities of the former group report that they have been treated either disrespectfully or rudely, while substantially larger percentages of the latter group report such treatment. Most starkly, while only 11% of Whites report disrespectful treatment from the police at least once, an astonishing 62% of African-Americans make note of such treatment. But even on the other items the differences are substantial. Blacks are almost twice as likely to report at least one instance of unfair treatment from the courts relative to Whites, and 4 times as likely to report disrespectful treatment from the criminal courts.
2. This inter-racial (Black-White) difference holds for both the criminal courts and for police officers, and irrespective of whether the reported treatment was described as “disrespectful” or “unfair.”
3. Nevertheless, the inter-racial differences are most problematic and most dramatic on the “disrespectful” questions than on the “unfair” questions, especially at the hands of police officers. Clearly, there is a very widespread sentiment among large numbers that they are not treated with appropriate respect.
4. The responses of Latinos indicate more contentious contacts with the police and the courts relative to Whites, but fewer (usually substantially fewer) relative to African-Americans. As with African-Americans, the White-Latino disparity is more substantial on the “disrespectful” items than the “unfair” items.
5. Asian respondents report fair treatment at the hands of both police officers and the courts at essentially the same rate as White respondents. However, this is not the case on the two “disrespectful” questions, where Asians are 3 times more likely to have experienced disrespectful treatment at the hands of the police and more than twice as likely to have experienced disrespectful treatment at the hands of the courts, relative to Whites.
6. All 4 groups reported substantially more contentious (both disrespectful and unfair) contact with police officers than with the courts. In all likelihood, this finding is due to the fact that contacts with the police *of any kind* are more common relative to contacts with the courts.
7. Most specifically, the real problem of perceived mistreatment is clearly documented in the finding that all 3 minority groups, relative to Whites, report high levels of disrespectful treatment by the police. While only 11% of Whites indicated such treatment, fully 62% of Blacks, 44% of Latinos, and 33% of Asians offered such assessments. And not only did far more African-Americans report disrespectful treatment from the police, but they also reported this happening on multiple occasions: 13% of the Black respondents indicated 3-4 such contacts, 5% indicated 5-6 such contacts, and 10% reported 7 or more such contacts.

¹ Response options included: a) Never; b) 1-2 times; c) 3-4 times; d) 5-6 times; and e) 7 or more times.

Because responses to these first four questions are heavily dependent on the total number of contacts with the courts and police (rather than just the negative encounters), we devised a second set of measures that are unrelated to the sheer numbers of total contacts with justice system agents. Specifically, all respondents were asked:

1. Based on what you have heard or your own experience how often would you say the police generally treat all people with respect?
2. About how often would you say that the police make fair, impartial (unbiased) decisions in the cases they deal with?
3. Based on what you have heard or your own experience, how often would you say the courts generally treat all people with respect?
4. How often do you think the courts make fair and impartial decisions based on the evidence made available to them?

The bars in Figure 2 correspond to the percentages of respondents from each group who feel that the police/courts do *not* generally treat all people with respect/do *not* make fair, impartial decisions.²

Figure 2 tells much of the same story as Figure 1. Most obviously:

1. There is, once again, a substantial interracial (i.e., Black-White) difference on all 4 items. Blacks are 55% more likely to describe the police as disrespectful (68% of Blacks vs. 44% of Whites), 42% more likely to describe the police as unfair (68% of Blacks vs. 48% of Whites), 60% more likely to describe the courts as disrespectful (64% of Blacks vs. 40% of Whites), and 50% more likely to describe the courts as unfair (60% of Blacks vs. 40% of Whites).
2. The largest race gap, as before, is on the “disrespectful” dimension (and is somewhat attenuated on the “unfair” dimension).
3. Asians and Latinos provide roughly comparable (to each other) responses across the four questions. They are located between White and Black respondents (being more critical than Whites but less critical than Blacks), although they are closer to the former than to the latter.
4. It is also noteworthy that, even among Whites (those most favorable to the agents of the justice system), significant minorities are critical. Across the four questions, between 40 and 48% of White respondents expressed the view that the police/courts fail to treat all citizens respectfully and fairly. Clearly, the police and courts are evaluated quite critically by many individuals in the population, both White and (even more so) minority.

General Conclusions (Part D): Across these 8 questions, we have documented substantial interracial (i.e., Black-White) differences in citizen perceptions of the agents of the Criminal Justice System based on their own experiences. Whites are far more likely to perceive the police/courts to be respectful and impartial to all citizens, while African-Americans see the police/courts much more critically. To a lesser extent, Latinos and Asians are more critical relative to Whites, though quite a bit less critical relative to African-Americans.

² Individuals were asked to respond on scales ranging from 1 (“Never”—i.e., the most negative assessments) to 6 (“Always”—i.e., the most favorable assessments). Figure 2 reflects the percentage of respondents selecting options 1-3, or believing the police/courts to be disrespectful/unfair at any level.

We have, additionally, identified more negative evaluations of the police than of the courts, but we believe this is more a function of the infrequency with which citizens have contact with the courts relative to the police. In Figure 1, reports of unfair/disrespectful contacts with the courts are rare in comparison to such contacts with the police, doubtless (at least in large part) because citizens are so much more likely to have *any* type of contact with a police officer.

At the same time, when we ask respondents to evaluate the courts for treating all citizens respectfully and fairly, it is also clear that even the most charitable group (i.e., Whites) are quite critical.

Finally, members of all 3 minority groups are especially likely to feel that the police are treating them disrespectfully. 62%, 44%, and 33% of Blacks, Latinos, and Asians (respectively) report interactions with police officers that they would consider to be disrespectful.

Part II: Assessments of the Justice System in the Community

Our focus in Part I was the personal (or vicarious) experience, and how groups describe and evaluated it. We now turn to assessments of the community and, more specifically, whether respondents see discriminatory treatment of minorities by the Criminal Justice System to be problematic in their own neighborhood.

We asked all respondents 5 questions: “Rate how serious you feel each of the following problems with the justice system is in your community, where 1 = ‘Not a problem at all’ and 6 = ‘Extremely serious problem’.”

1. Police who stop and question Blacks far more often than they stop Whites?
2. Courts that give harsher sentences to Blacks than to Whites?
3. Police who care more about crimes against White people than crimes against minorities?”
4. Police who stop and question Hispanics/Latinos far more often than they stop Whites?
5. Courts that give harsher sentences to Hispanics/Latinos than to Whites.

As noted, respondents were instructed to employ 6 point scales. The color-coded bars in Figure 3 represent the percentages of the four groups believing a scale item to be a “problem” to one extent or another, defined in this case as using response options 4-6.

The findings in this Figure can be summarized relatively easily:

1. Across all 5 questions, White respondents are *considerably* more positive (or least likely to see community problems) than individuals of any other group. To be sure, only about one-third of the Whites in our sample identified problem areas—a number that pales in comparison with the percentages in other groups.
2. At the same time, even while Whites are substantially more charitable in their assessments, it is notable that approximately one-third of them perceive group-related criminal justice problems in their communities.
3. Across all 5 questions, African-Americans provided the most negative assessments (or were most likely to see community problems). This is particularly evident when asked about potential problems related to the Black community (questions 1 and 2, above); but

even when asked about Latinos (questions 4 and 5, above), Blacks are the harshest critics of criminal justice in their communities.

4. Latino respondents are somewhat less critical of community justice than are Blacks. Nonetheless, substantial majorities of Latinos perceive problems on all 5 questions.
5. Asian respondents are quite critical, especially on the first 3 items (2 of which pertain to African-Americans). This is somewhat surprising inasmuch as Asians are not specifically referenced in any of the questions, with the partial exception of the third question, which inquires, generically, about “minorities.”
6. Clearly, there are major and meaningful problems as perceived by members of all 3 minority groups, majorities of whom believe that the police are more likely to stop and question Blacks and Latinos disproportionately, that the courts give harsher sentences to Blacks and Latinos, and that the police care more about crimes against Whites than about crimes against minorities.
7. It is noteworthy that we asked respondents specifically about *their communities*, meaning that individuals are assessing their own neighborhoods in Washington State, not some generic, abstract community somewhere in the country. Unlike most Whites, the large majority of whom see the justice system in their communities as very fair, minority respondents are quite critical of their own backyards.

Part III. General Assessments of the Criminal Justice System

In Parts I and II of this report, we provided evidence regarding assessments of the justice system based on personal or vicarious contacts and assessments of the seriousness of discriminatory treatment of minorities in the respondents’ communities. In Part III we turn to more general assessments of the justice system.

We begin with two very generic items (represented by the top two sets of bars in Figure 4):

- The justice system in this country treats people fairly and equally.
- The courts in this country can usually be trusted to give everyone a fair trial.

The bars correspond to the percentage of respondents from each group disagreeing with each statement.³

Levels of cynicism about the ability of the justice system to treat citizens fairly and equally are, universally, quite high. Specifically:

1. Substantial pluralities—in many cases substantial majorities—of all four groups disagree with both of these statements. Depending on the question, 42 and 44% of Asians, who are the most charitable in their responses, do not believe that the system or the courts dispenses justice in an even-handed and fair way.
2. Whites and, perhaps somewhat surprisingly, Latinos are quite a bit more critical than Asians on the first question (pertaining to the judicial system treating people fairly and equally).

³ Respondents were asked to express their agreement on a scale ranging from 1 (Strongly Agree) to 6 (Strongly Disagree). Figure 4 indicates the percentage of individuals indicating disagreement (i.e., options 4-6).

3. As always, African-Americans are noticeably more negative in their evaluations, with approximately 6 out of 10 expressing the belief that the justice system and the courts do not dispense equal justice.
4. The overall conclusion, despite these inter-group differences, is that Washingtonians of all groups perceive a great deal of injustice.

We turn now to a two-question battery designed to assess respondents' perceptions of whether the courts provide fair justice to, specifically, the poor and to African-Americans. The bottom two sets of bars in Figure 4 reflect responses to the questions:

- Suppose two people—one rich, one poor—each appear in court, charged with an identical crime they did not commit. Who do you think would be more likely to be found guilty?
- Suppose two people—one White, one Black—each appear in court, charged with an identical crime they did not commit. Who do you think would be more likely to be found guilty?

The Figures reflect the percentage responding that the poor/Black person is more likely to be found guilty of such a crime.⁴ Quite clearly, majorities—typically large majorities—of respondents from all four groups sees the courts as heavily stacked against the poor and against African-Americans.

1. Even among Whites, the group most frequently described as supportive of the criminal justice system, 54 (rich-poor) and 65% (White-Black) lack faith in the ability of the system to adjudicate cases evenly.
2. While all respondent groups have somewhat more confidence in the courts when asked about decisions that are potentially class-based, between 45 (Asian) and 74% (African-American) believe that the wealthy to be advantaged relative to the poor.
3. When individuals are asked about cases with either White or Black defendants, the level of skepticism found in all four groups is alarming: 65, 71, 74, and 81% of Whites, Asians, Latinos, and Blacks, respectively, believe the Black defendant is more likely to be found guilty of a crime he did not commit.
4. There is not *any* evidence, therefore, that *any* group of respondents believes the courts to be capable of fairly and evenly dispensed justice.

We employed another, quite different, procedure to assess citizens' evaluations of the criminal justice system, asking them to assess whether the disproportionate arrest and imprisonment rates for minorities is due more to the faults of the justice system or to the faults of the minority perpetrators. Specifically, respondents are informed that "Statistics show that Blacks are more often arrested and sent to prison than are Whites," and then asked "How much of this difference occurs because":

- Blacks are more aggressive by nature?
- Blacks are just more likely to commit crimes?
- Many younger Blacks do not respect authority?

⁴ Individuals were asked to place their responses on scales ranging from 1 ("The rich person" and "The poor person") to 7 ("The White person" and "The Black person"), with 4 corresponding to "No difference" on each scale. The bottom 2 sets of bars on Figure 4 reflect responses in categories 5-7 (i.e., signifying that poor and Black defendants are more likely to be found guilty of a crime they did not commit).

- The courts and justice system are stacked against Blacks and other minorities?
- The police are biased against Blacks?

A parallel set of questions was asked about Latinos.⁵

When individuals are asked to make assessments of this sort, they typically offer explanations that are either *Dispositional* or *Systemic*. In this context, *Dispositional* explanations focus on characteristics (i.e., faults) of the subjects—either Blacks or Latinos. In the top three items in Figures 5 and 6, the bars represent the percentage of respondents who believe that the higher arrest and incarceration rates of Blacks/Latinos are at least somewhat attributable to the personal failings of these two groups—i.e., they are aggressive, more likely to commit crimes, and do not respect authority.

Across both Figures, we find essentially the same patterns.

1. In general, inter-group differences are not terribly apparent, with the possible exception of the question regarding whether “Blacks are just more likely to commit crimes,” where Whites and (especially) Asians are significantly more likely than African-Americans to believe this to be an explanation of Black arrest/incarceration rates.
2. In all other cases, we find little in the way of inter-group differences in the dispositional items.
3. We find evidence that large majorities (approximately 70%) of all groups (even African-Americans) attribute disproportionate rates of arrest/incarceration of Blacks to a lack of respect for authority among this group (Figure 5). We also find that approximately half of each group believes Latino arrest/incarceration rates are attributable to a high level of disrespect among Latinos.
4. At the same time, citizens do *not* appear to attribute racial/ethnic disproportionate arrest/incarceration rates to other dispositional explanations. They do not, in other words, believe the explanation that Blacks/Latinos are “more aggressive by nature.” And, with the partial exception of Asians and Whites, neither do respondents link such disproportionalities to the belief that Blacks/Latinos are “just more likely to commit crimes.”
5. Most generally, while large numbers of all groups may believe that Blacks/Latinos are more often arrested and incarcerated because they disrespect authority, almost 2/3 of each group reject the explanation that Blacks/Latinos are more aggressive or that they are just more likely to commit crimes.

Alternatively, individuals might employ *Systemic* explanations of arrest/incarceration disproportionalities, which means that they tend to blame the justice system rather than the characteristics of Blacks and Latinos. Specifically, respondents may blame bias and discrimination on the part of the courts and the police. Several findings are quite striking, as represented by the lower two sets of bars in Figures 5 and 6.

1. Excluding the “respect authority” item, respondents are substantially more likely to adopt Systemic than Dispositional explanations. At least 40% of each group endorses the

⁵ For both sets of items (i.e., Blacks and Latinos), respondents were asked to select one of 4 responses: A Great Deal, Some, A Little, and None. The bars in Figures 5 and 6 reflect the percentage of each group selecting either “A Great Deal” or “Some.”

- systemic explanations, believing that Black and Latino arrest/incarceration rates are attributable to the courts being “stacked against” these two groups.
2. This is particularly the case with Latino and (especially) Black respondents; between 54 and 78% of these two groups explain racially/ethnically disproportionate outcomes to bias on the part of the courts and/or the police.
 3. White respondents are appreciably more sanguine about the fairness of the justice system, as support for the Systemic explanations ranges between 33 and 48%. While these Figures still indicate that substantial numbers of Whites attribute disproportionate outcomes to court/police bias, they also indicate that, relative to other groups, Whites see less of a problem with the justice system.

As a final way of exploring perceptions of systemic bias, we asked respondents “Which is a better explanation of why Latinos have run-ins with the police?”

- Many Latinos are in the U.S. illegally.
- The police harass all Latinos, whether they are citizens or not.

The bars in Figure 7 reflect the percentages of each group believing that Latino run-ins are best explained by police harassment.⁶

1. More than half of Black and Latino respondents explain run-ins to police harassment of Latinos, regardless of citizenship status.
2. Asian and, particularly, White respondents are significantly less likely to perceive police harassment of Latinos. Nonetheless, approximately one-third of all Whites do fault the police for run-ins.

Part IV. Epilogue

While it is theoretically possible to draw the conclusion that widespread perceptions of injustice—found particularly among African-Americans but among others, as well—are only focused on the broader judicial system, our data demonstrate that respondents believe that Washington State shares the same problem. We asked our respondents “Compared with other states, the judicial system in Washington State treats people:”

- Much more fairly and equally than other states.
- Somewhat more fairly and equally as other states.
- About the same as other states.
- Somewhat less fairly and equally as other states.
- Much less fairly and equally as other states.

Responses to these 5 options are displayed in Figure 8. Roughly one-third of each group sees Washington as being somewhat more fair than other states, though the vast majority of these individuals believe it is only “somewhat” more fair and equal. Most importantly, more than 50% of each group see justice in Washington as essentially comparable to justice elsewhere—neither better nor worse. We conclude with this question because of our belief that Washington is not

⁶ Responses were placed on a 1 (Many Latinos are in the U.S. illegally.) to 6 (The police harass all Latinos, whether they are citizens or not.) scale. Figure 7 represents the percentage of respondents selecting options 4-6 (i.e., police harassment).

exempt from the perceptions of widespread bias and discrimination that so many have expressed. While these perceptions are substantially stronger among African-Americans, they are also quite apparent among Latinos, Asians, and many Whites, as well.

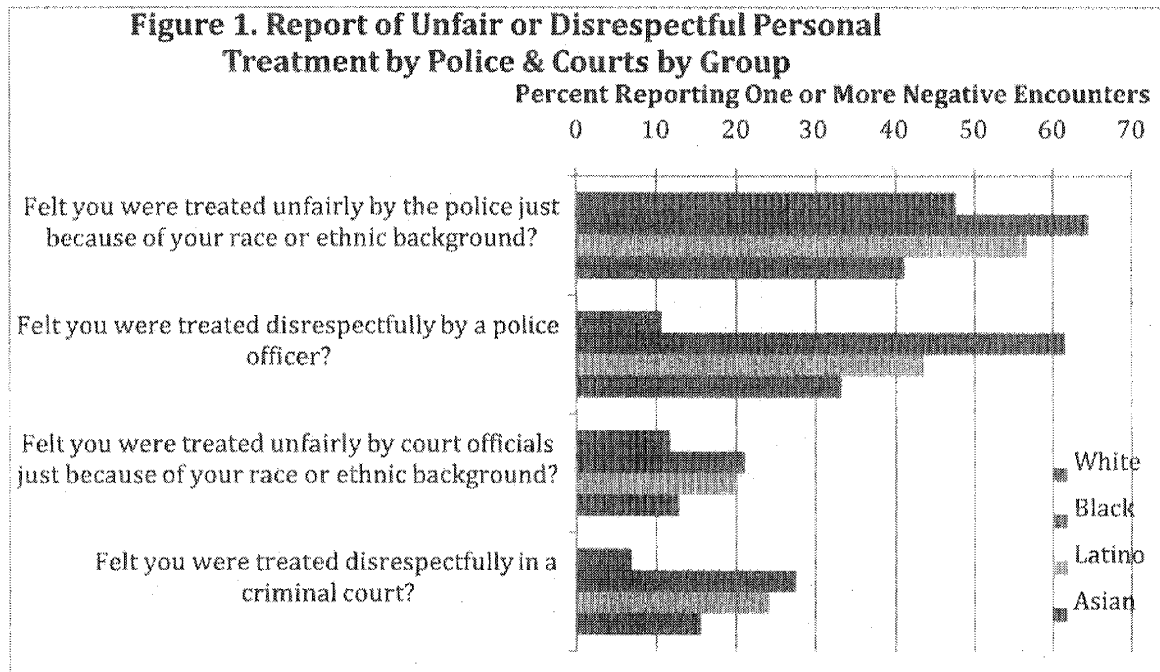
Appendix: Survey Methods

The data for this report are drawn from the "Justice in Washington State Survey" designed by the authors and fielded online by YouGov/Polimetrix (<http://research.yougov.com/>). YouGov's Internet-based surveys use a combination of sampling and matching techniques to ensure that their opt-in Internet sample approximates a random digit dialing sample and the demographic and attitudinal characteristics of the population. The Washington survey was completed between June 14, 2012 and July 2, 2012 by 611 Whites, 320 Asian/Pacific Islanders, 288 African Americans and 305 Hispanic/Latino Americans. Given the sampling method of YouGov surveys and the small size of the minority samples, caution must be exercised in generalizing from the group samples to the group populations in Washington state.

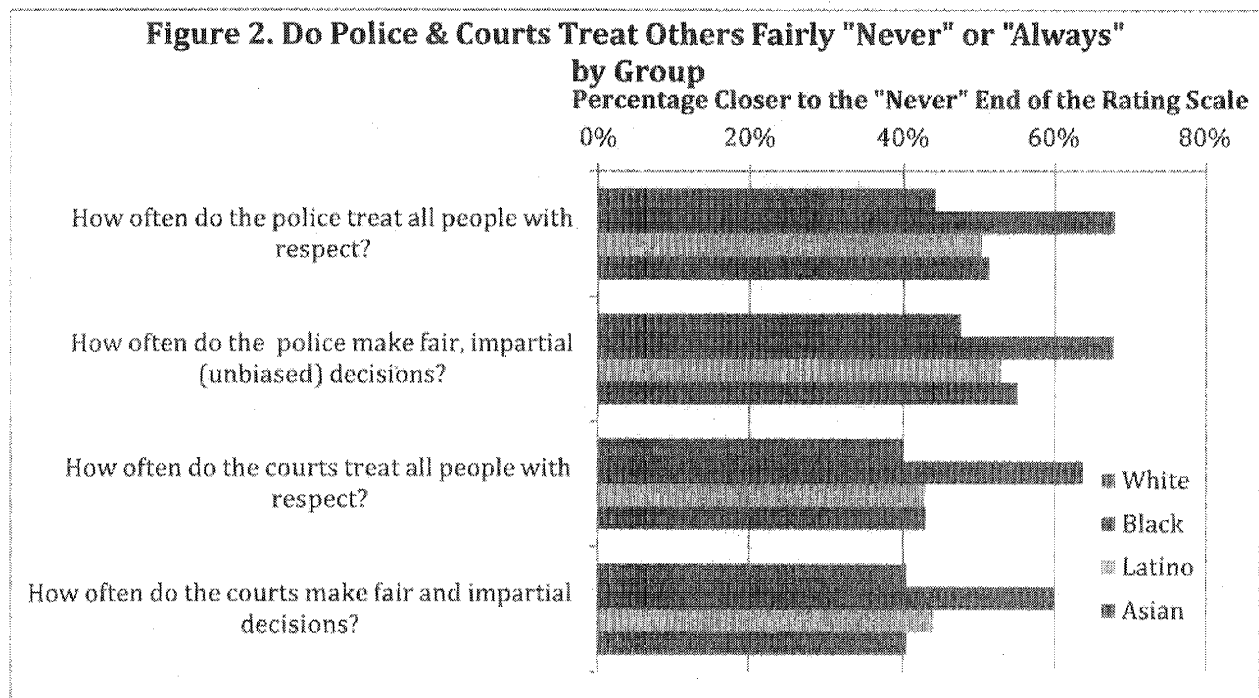
To adjust the final group samples to better reflect the groups in the Washington population, weights were calculated based on Census marginals for education, age, and gender for each group in the general population of Washington state. A comparison of the YouGov sample and state population characteristics for each of the four groups on selected demographics (education, age, and gender) appears below in Table A1. As can be seen, for each of the groups, less educated males are underrepresented in the YouGov survey. Nevertheless, even after weighting, we found that the major differences in attitudes toward the justice system highlighted in the report remain essentially unchanged after weighting.

Table A1. Comparison of Sample & Population Characteristics across Racial & Ethnic Groups

Education								
	Whites Sample	Whites Pop	Blacks Sample	Blacks Pop	Hispanics Sample	Hispanics Pop	Asians Sample	Asians Pop
HS, less	24.96	35.37	20.91	43.68	28.20	69.97	9.38	33.65
Some coll	40.89	35.44	42.86	39.25	40.66	20.93	27.81	27.88
Coll grad	22.50	19.10	24.04	12.64	20.00	6.55	41.88	25.80
Post-grad	11.66	10.09	12.20	4.43	11.15	2.55	20.94	12.67
Total	100.00%	100.00	100.00	100.00	100.00	100.00	100.00	100.00
Age								
	Whites Sample	Whites Pop	Blacks Sample	Blacks Pop	Hispanics Sample	Hispanics Pop	Asians Sample	Asians Pop
18-29	18.49	20.00	28.47	25.50	38.69	35.85	30.31	21.93
30-44	12.44	26.64	32.64	31.93	35.41	37.67	29.38	35.26
45-64	48.77	36.00	30.56	33.70	21.97	21.29	32.50	31.19
65+	20.29	17.36	8.33	8.87	3.93	5.19	7.81	11.63
Total	100.00%	100.00	100.00	100.00	100.00	100.00	100.00	100.00
Gender								
	Whites Sample	Whites Pop	Blacks Sample	Blacks Pop	Hispanics Sample	Hispanics Pop	Asians Sample	Asians Pop
Male	45.50	49.80	43.06	52.77	35.41	55.51	39.06	42.72
Female	54.50	50.20	56.94	47.23	35.41	44.49	60.94	57.28
Total	100.00%	100.00	100.00	100.00	100.00	100.00	100.00	100.00

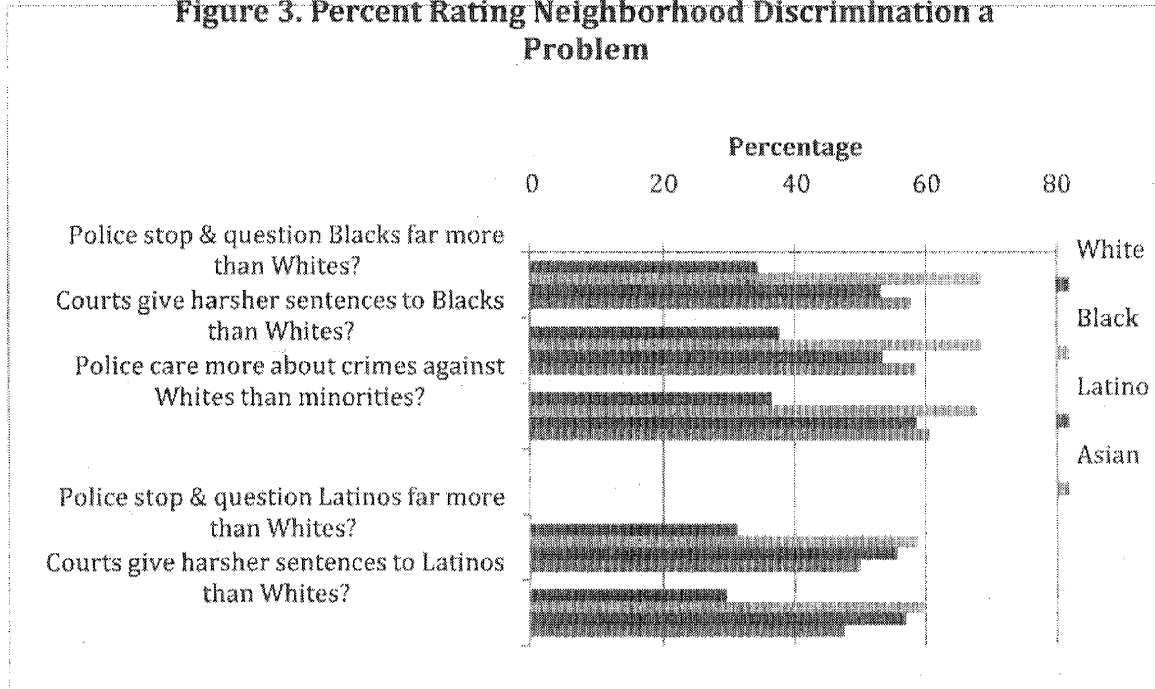


Note: Respondents were asked whether they had experienced treatment "Never," or 1 to 2, 3 to 4, 5 to 6, or 7 or more times. Percentages based on all categories except "Never."



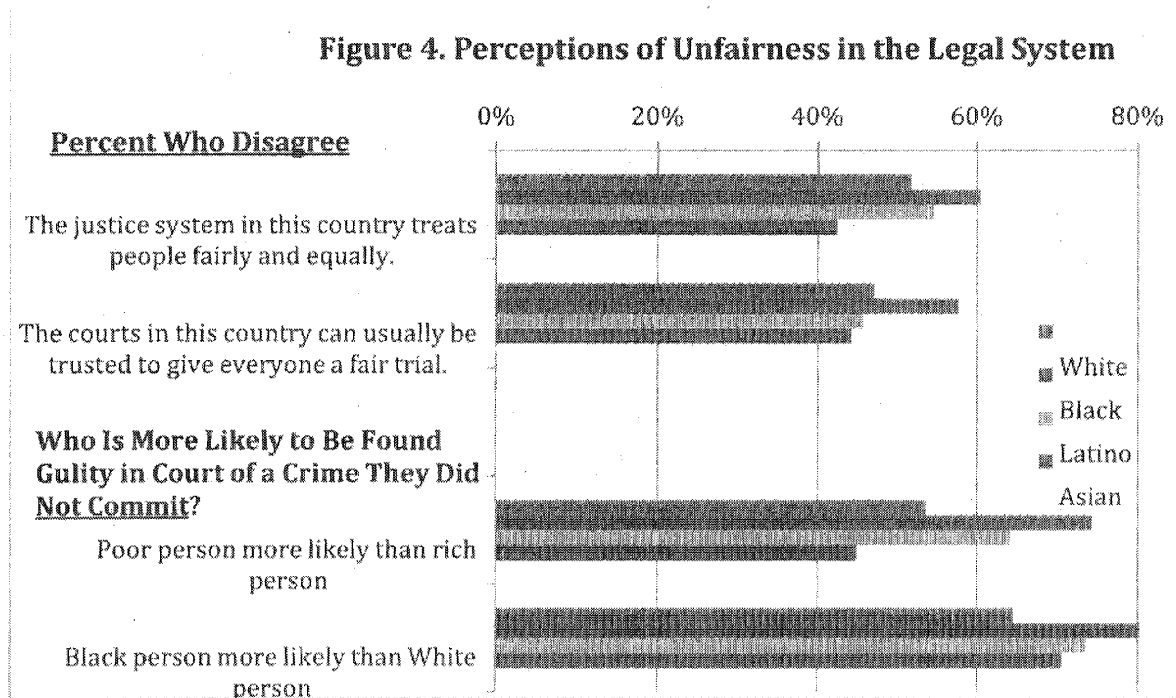
Note: The figure shows the percentage of respondents in each group that is closer to the "Never" end of the scale when asked "how often" do the police and courts treat all people with respect and make fair decisions. Specifically, they selected categories 1, 2, or 3 on a scale that ranged from "Never" (point 1) to "Always" (point 6).

Figure 3. Percent Rating Neighborhood Discrimination a Problem



Note: The figure shows the percentage of respondents within each group that rates the seriousness of the problem in their community at 4 or higher on the following scale: "Rate how serious you feel each of the following problems with the justice system is in your community, where 1 = Not a problem at all, and 6 = Extremely serious problem?"

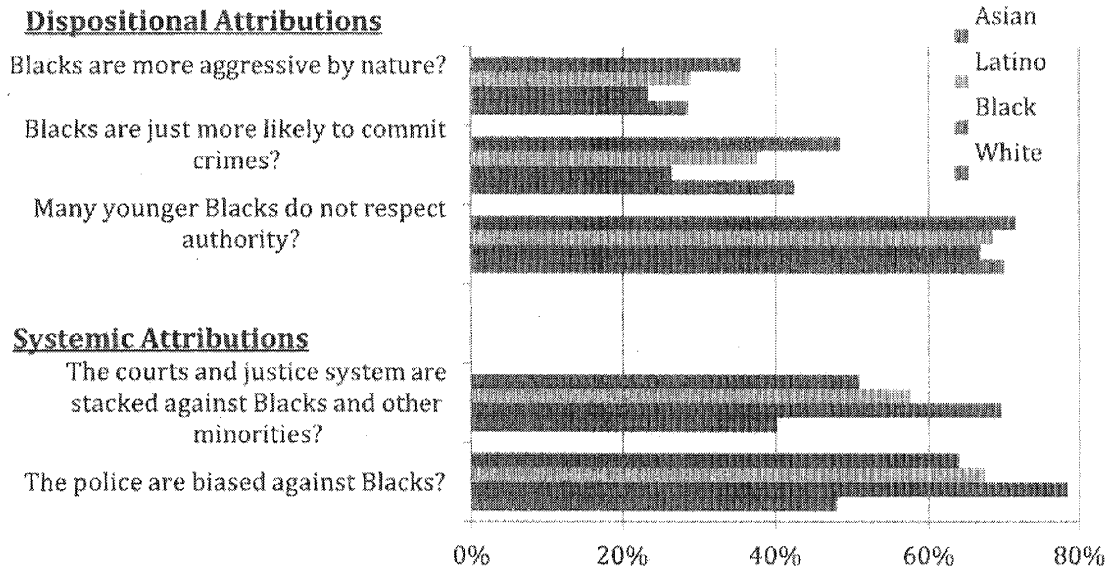
Figure 4. Perceptions of Unfairness in the Legal System



Note: In the lower half of the figure, respondents were asked one of two questions: Suppose two people -

[one rich, one poor/one white, one black] - each appear in court, charged with an identical crime they did not commit. Who do you think would be more likely to be found guilty?

Figure 5. Group Differences in Attributing the Punitive Treatment of Blacks to Dispositional and Systemic Causes



Note: Respondents were asked, "Statistics show that Blacks are more often arrested and sent to prison than are Whites. How much of this difference occurs because..." The graph shows the percentage of each group that selected either "A Great Deal" or "Some."

Figure 6. Group Differences in Attributing the Punitive Treatment of Latinos to Dispositional and Systemic Causes

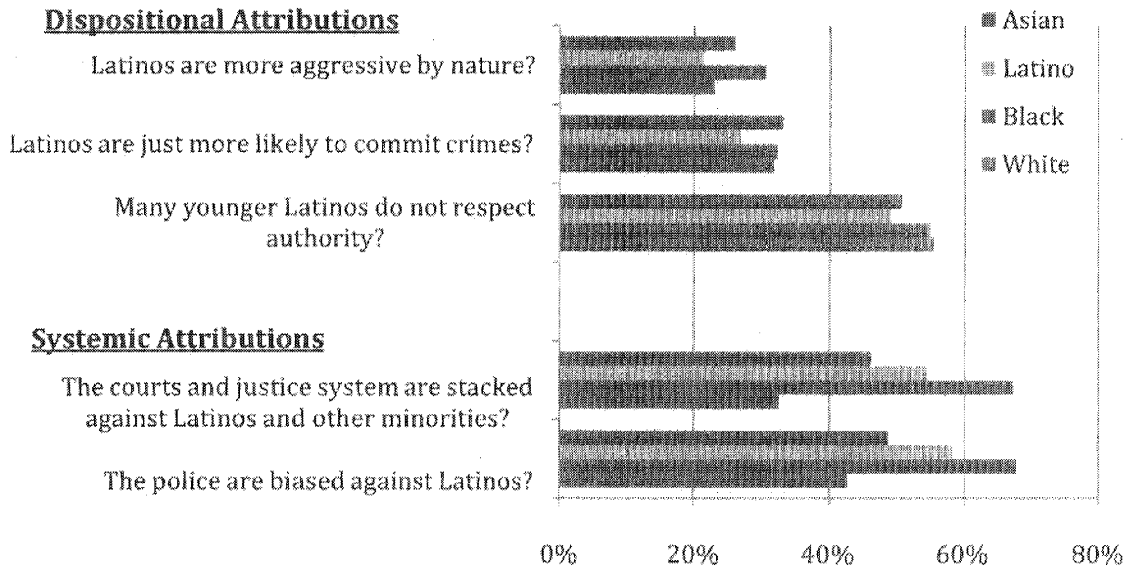
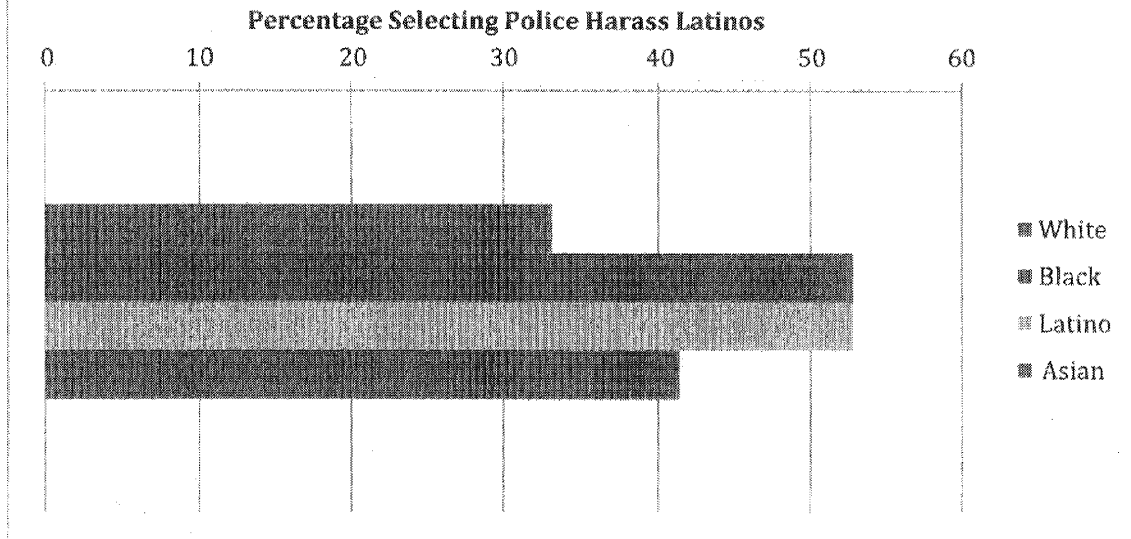
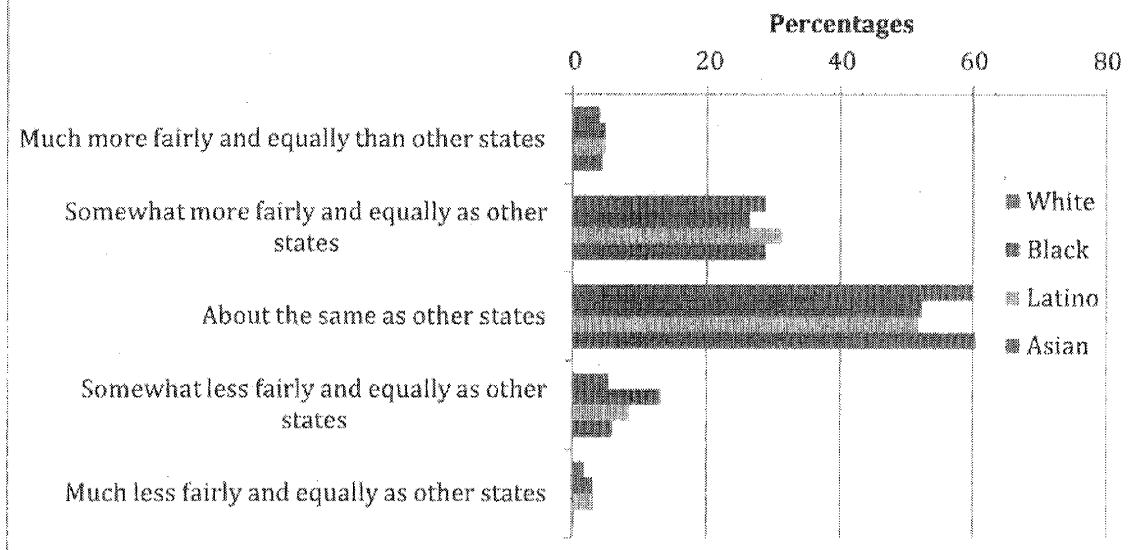


Figure 7. Reason for Latino Run-Ins with Police: Police Harass Latinos vs. Latinos Here Illegally



Note: Respondents were asked: "Which is a better explanation of why Latinos have run-ins with the police--Many Latinos are in the U.S. illegally or The police harass all Latinos, whether they are citizens or not."

Figure 8. "Compared with other states, the justice system in Washington state treats people:"



**Justice in Washington State Survey, 2012
Analysis of Results
2nd Report**

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In our first report to The Washington State Supreme Court Minority and Justice Commission (hereafter, The Commission), the Principal Investigators focused primarily on differences between four groups of Washingtonians—Whites, African Americans, Latinos, and Asians and, in particular, differences in their perceptions and judgments of the criminal justice system. Specifically, we examined: a) citizens' personal experiences with the justice system; b) the degree to which individuals consider various injustices as problematic within their neighbors; and c) general assessments of the criminal justice system. As we indicated in that report,

African-Americans and Whites are on two different ends of the spectrum, with the former exhibiting strong signs of cynicism about the ability of the justice system to provide fair, impartial, and respectful justice, and the latter displaying substantially more confidence and trust in the system. Typically, we find Latinos to be somewhat less critical than African-Americans, but still substantially more critical than Whites. And Asians/Pacific Islanders, while fluctuating somewhat from question to question, adopt roughly the same (though slightly tempered) levels of trust typical of Whites.

Put simply, relative to Whites and Asians, Latinos and (even more so) African Americans reported encountering far more frequent adversarial contacts with agents of the justice system (police and court officers), believed injustice to be more of a problem in their communities, and exhibited more cynicism toward the general criminal justice system.

In this second report, we focus on the *consequences* of these findings. In **Section I**, we examine the degree to which contentious and adversarial contacts with agents of the justice system (primarily police officers) translate into more cynical views of the broader justice system. And to the extent that African-Americans and Latinos report more such interactions with the police, do they also report more critical views of the criminal justice system?

But does it matter whether citizens view the criminal justice system quite skeptically? In **Section II**, we present evidence indicating that it does matter. Specifically, those who see the justice system as unfair also tend to be more cynical about those who work in the justice system, questioning the very behaviors of, say, the police department, and the extent to which the police are even capable of being fair.

Finally, in **Section III**, we extend beyond survey respondents' personal experiences to consider whether information they have obtained about their friends' and relatives' encounters with police and court officials also influence views of the justice system.

Section I: The Impact of Contentious and Adversarial Contact with the Criminal Justice System

Quite clearly, Washingtonians believe that the criminal justice system treats different racial/ethnic groups differently. In interviews with more than 1,500 citizens of the state, we found clear evidence that individuals of all four groups—Whites, African Americans, Latinos, and Asians/Pacific Islanders—are of the opinion that the justice system treats Whites most favorably, followed by Asians, Latinos, and African Americans, in that order. Respondents were asked “How fairly or unfairly do you feel that each of the following groups [Whites, Blacks, Latinos, and Asians] is treated by the justice system in the U.S.?” and were asked to place their responses on a continuum ranging from zero (“Very Unfairly”) to 100 (“Very Fairly”). Figure 1 documents, on the horizontal axis, the average placement of each group by Whites, Blacks, Latinos, and Asians, with blue lines representing the average perceived treatment of Whites by each group, red lines representing the average perceived treatment of Blacks by each group, green lines representing the average perceived treatment of Latinos by each group, and orange lines representing the average perceived treatment of Asians by each group.

While respondents from each group differ from respondents from other groups, the consistent pattern is that all four groups believe that the system is most fair to Whites and, by a large margin, least fair to African Americans. All groups also believe that the justice system is only marginally more fair to Latinos than it is to African Americans, and that the treatment afforded to Asians lies roughly between that provided to Latinos and Whites.

There is, then, substantial agreement between citizens of each group about the treatment each group receives at the hands of the justice system. But on what do such judgments rest?

It turns out that, to a large extent, individuals base their general views of the fairness of the justice system on the ways the justice system treats them, as individuals. We found, and stated in the first report, that substantial numbers of citizens from all groups have had at least one negative encounter with law enforcement, though African Americans and, to a lesser extent, Latinos were far more likely to have had such experiences than Whites and Asians.¹

¹ Respondents were asked the following questions. Some people have had encounters with the police; others have not. How many times have you ever: 1) Felt you were treated **unfairly** by the police just because of your race or ethnic background?; b) Felt you were treated **disrespectfully** by a police officer? They were allowed to respond: “Never,” “1-2 times,” “3-4 times,” “5-6 times,” or “7 + times.” In the following graphs, for ease of presentation, we have consolidated the last two response options into “5 + times.”

Figures 2-5 show the clear consequences of contentious interactions with law enforcement. In both Figures 2 and 3, for example, the horizontal axis displays the percentage of individuals of each group who agreed with the statement that “The justice system in this country treats people fairly and equally²,” broken down by the frequency of negative contacts with police officers. In Figure 2, for example, the vertical axis displays the number of times (Never, 1-2 times, 3-4 times, or 5 or more times) respondents of each group reported being treated “*unfairly* by the police just because of [your] race or ethnic background,” while, in Figure 3, the vertical axis displays the number of times respondents of each group reported being “*disrespectfully* by a police officer.” (Throughout this report, we display proportions along the horizontal axes; proportions are easily converted to percentages by multiplying the value by 100.)

In Figure 2, for example, it is quite evident that the more frequently individuals of all four groups report being “treated unfairly by the police,” the less likely they agree that the “justice system treats people fairly and equally.” And these differences are substantial. Among Whites, for instance, among those who never were treated unfairly by the police in their personal lives, approximately 50 percent agreed that the justice system is fair/equal. Among Whites who reported 5 or more such instances, only about 10 percent agreed with this statement. Precisely the same pattern exists with Black, Latino, and Asian respondents, as well. Simply put, when individuals have negative *personal* experience with law enforcement, they are quite likely to generalize such encounters such that they see the entire justice system through a cynical lens.

Being treated “disrespectfully” by the police (as assessed by the number of such encounters) is equally pernicious in terms of its impact on more general assessments of the justice system (see Figure 3). Among respondents of all four groups, those who report instances of disrespectful encounters are *far* less likely to agree that the justice system treats people fairly and equally. This is particularly true among those who report multiple disrespectful run-ins: compared to those who have never experienced such treatment, those reporting 5 or more such instances are approximately twice as likely to disagree that the justice system treats people fairly among Blacks and Latinos, approximately 3 times as likely to disagree among Asians, and almost 5 times as likely to disagree among Whites.

But the impact of contentious encounters with the police is not limited to these types of general assessments of the justice system; as we document in Figures 4 and 5, such encounters even spill over to individuals’ evaluations of the courts. Quite simply, the more often individuals report being treated “unfairly” (Figure 4) or “disrespectfully” (Figure 5), the more likely they are to agree with the statement “The courts in this country can usually be trusted to give everyone a fair trial.”

² Individuals were asked to place their (dis)agreement with this statement on a 6 point scale, with 1 = Strongly Agree and 6 = Strongly Disagree. For purposes of this analysis, “Agreement” includes all respondents selecting response options 1-3.

Conversely, those who have experienced, or more frequently experienced, negative encounters with the police are substantially more likely to disagree with the fairness of the courts.

The differences between respondents are, once again, dramatic. Among Whites who do not report any instances of unfair police treatment (see Figure 4), more than half agree that the courts are fair; among Whites reporting five or more such encounters, however, fewer than 15 percent agree that the courts are fair. Differences between Asian respondents are quite similar. And while assessments of the courts for Blacks and Latinos are not quite as strongly related to unfair police contacts, it is clear that both groups of individuals base their assessments of the courts, in large part, on their experiences with law enforcement. We find precisely the types of assessments of the courts in Figure 5, where we look at “disrespectful” encounters with the police.

It is important to emphasize the practical and theoretical importance of these findings. Individuals generalize their personal experiences, and base their assessments of the justice system, to a great extent, on how they feel they have been personally treated. We have strong evidence that those whose own experiences with the police are regarded as unfair (Figure 2) or disrespectful (Figure 3) also tend to be more cynical about the overall fairness of the justice system. While there are a number of possible explanations, the most straightforward is simply that we often base our assessments of the world on things that have happened to us in our daily lives. The justice system (as represented by the police) has been unfair to an individual and, consequently, s/he assumes that the justice system is unfair to others.

It is both revealing and important that citizens even extend these personal experiences with the police to assessments of the courts. Those who have experienced encounters with the police that they regard as unfair (Figure 4) or disrespectful (Figure 5) tend to generalize such incidents to an institution (the court) that, in one sense, is not even directly related to the police.

The role played by the police, therefore, is critical. Officers, in the way they conduct themselves and in the way they interact with citizens, have the capacity to shape citizens' perceptions of the legitimacy of the broader criminal justice system. When individuals feel they have been treated unfairly and/or disrespectfully, these feelings are likely to permeate much broader assessments of the properties of the justice system, even extending to assessments of the courts.

Section II: The Consequences of Cynicism toward the Justice System

Why does it matter if citizens regard the justice system (including the courts) suspiciously? After all, if individuals' assessments of whether the “justice system

treats people fairly” and of whether the “courts give everyone a fair trial” are inconsequential, then such assessments of the system would be of little concern.

However, as we argue below, they are not inconsequential. To the contrary, we present evidence that those who give the justice system low marks for its fairness are also substantially more likely to perceive the behavior of agents of the justice system through a more cynical lens. Put differently, when citizens try to make sense of the conduct of, say, the police in specific circumstances, they tend to rely on their more general assessments of the justice system. An example will clarify this point.

We embedded several scenarios, or vignettes, on the survey as a way of assessing how respondents respond to, and interpret, the behavior of, the police. All such scenarios were presented as real and factual occurrences. In one such vignette, we asked individuals whether they believed the police department would conduct a “fair and thorough” investigation of a policeman’s behavior after charges that he (the officer) had brutalized a motorist whom the officer had stopped for questioning.³

In Figure 6 we examine the relationship between perceptions that the justice system is (un)fair (vertical axis), on the one hand, and believing it unlikely that the police department will conduct a fair and thorough investigation into the incident of the officer allegedly brutalizing the motorist (horizontal axis), on the other hand. Among Black, Latino, and Asian respondents, the relationship is in the expected direction, although not particularly strong. Among Latinos who see the justice system as “unfair,” for example, approximately 68 percent believe that a fair investigation into allegations of brutality is unlikely, while among Latinos who see the justice system as “fair,” about 55 percent see it as unlikely.

Among White respondents, however, the relationship is very strong. In this group, more than 6 in 10 individuals who regard the justice system as generally unfair believe the police department will not conduct an honest investigation; on the other hand, only about 3 in 10 who see the justice system as generally fair believe an honest investigation to be likely. For all groups of respondents, but most especially for Whites, general fairness judgments matter—i.e., they affect the ways individuals view, predict, and interpret the behavior of the police.

³ The scenario presented to respondents is: “There was a recent incident in a nearby city in which a police officer was accused of brutally beating a motorist who had been stopped for questioning. The police department promised to investigate the incident. How likely do you think it is that the police department will conduct a fair and thorough investigation of the policeman’s behavior, where 1 = Very Likely and 6 = Very Unlikely?” For purposes of this report, respondents who responded between 1 and 3 were categorized as seeing it likely that the department will conduct a fair and thorough investigation, while those responding between 4 and 6 were categorized as seeing it unlikely that the department will conduct a fair and thorough investigation.

We presented respondents with another scenario, also designed to assess skepticism of the police. In this case, individuals were asked whether they believe men who were arrested for drug possession or, instead, the men, who claimed that the police had planted drugs on them.⁴

In Figure 7 we explore the impact of general fairness judgments (on the vertical axis, using the same measure as used in Figures 2, 3, and 6) and the percentage of respondents of each group who believe the men rather than the police. With the exception of Asians, other groups of respondents exhibit the anticipated pattern (though it is muted among African Americans): those who regard the justice system as generally unfair are less likely to believe the police than are those who see the system as generally fair. This tendency is dramatic among both White and Latino respondents: in both of these groups, those describing the justice system as unfair are more than twice as likely to believe the men (rather than the police officers) relative to those who see the system as fair.

We also have evidence that minorities—at least African Americans and Latinos—base their skepticism, at least in part, on whether the men in the vignette are White or Black. We randomly assigned respondents into one of two versions of the question. One-half were informed that “the police saw two young White men,” (the blue bars in Figure 8) while the others were informed that “the police saw two young Black men” (the red bars in Figure 8). Our intention was to assess whether individuals view the police differently depending on the race of the men being arrested. Clearly, at least for African Americans and Latinos, they do.

Figure 8, more specifically, supports the following conclusions:

- *Asians*: As documented in Figure 7, the decision of believing the men or the police officers is not affected by more general fairness judgments. Those who see the justice system as unfair are no more likely to believe the men than to believe the police. Moreover, the race of the men does not affect their judgments, at least in a consistent way.
- *Whites*: We saw in Figure 7 that, when Whites evaluate the justice system as being unfair, they are far more likely to believe the men than to believe the police. Whites are not, however, influenced by whether the men are

⁴ The wording of this vignette is: “In another incident, the police saw two young men about 20 years old. They are walking very near a house where the police knew drugs are being sold. The police searched the two men and arrested them for carrying drugs. Who are you more likely to believe in this case: the police, who claim the two men were carrying drugs, or the two men, who claim the police planted the drugs on them?” Respondents answered using a six-point scale, where 1 = “The police” and 6 = “The two men.” For purposes of this report, those selecting categories 1-3 were categorized as believing the police, while those selecting categories 4-6 were categorized as believing the men.

described as Black or White. To the contrary, they are no more (or less) skeptical about the police when the men are white (the red and blue bars are of roughly comparable length), an indication of a finding that we have repeatedly encountered (see, for example, Peffley and Hurwitz, 2010⁵)—i.e., Whites see a justice system that is essentially color blind and likely to treat individuals of all races essentially comparably.

- *Latinos*: Consistent with findings in Figure 7, Figure 8 demonstrates that Latinos who regard the justice system as unfair are substantially more likely to believe the men (rather than the police) relative to those who regard the system as fair. Importantly, we find that Latinos also base their judgments of whom to believe on the race of the men. That is, especially among those who regard the justice system as generally unfair, they are much more likely to believe the men—not the police—when the men are Black than when they are white. Expressed somewhat differently, describing the men as Black triggers the belief among many Latinos that the police are not to be trusted.
- *African Americans*: We saw in Figure 7 that, for Black respondents, the decision about whom to believe is only modestly tied to their more general fairness assessments of the justice system. In Figure 8, however, we find that belief decisions are strongly tied to whether the men in the vignettes are identified as White or Black. Similar to Latinos, African Americans are substantially more likely to believe the men instead of the police when the men are Black than when the men are White. Similar to Latinos, Blacks become significantly more skeptical of police authorities when such authorities are engaged with alleged perpetrators who are Black, suggesting a high level of cynicism regarding the ability of police officers to be honest in such situations.

Most generally, we have argued in Section II that general fairness judgments matter, for they influence how individuals interpret police conduct. For those who regard the justice system as essentially unfair, there is substantially less likelihood that they will trust the police to conduct fair investigations, or to honestly interact with civilians, relative to those who see the system as fair. Evaluating the justice system negatively has pernicious consequences, for it erodes the trust that citizens have in representatives of the justice system.

Section III: Vicarious Bases of Perceptions of the Justice System

Thus far, we have focused on the nature and significance of people's personal encounters with the justice system. We end with brief consideration of the possibility that assessments of police and courts also are influenced by vicarious encounters. That is, perhaps individuals receive information about their friends',

⁵ Peffley, Mark, and Jon Hurwitz. 2010. *Justice in America: The Separate Realities of Blacks and Whites*. Cambridge: Cambridge University Press.

relatives' and other acquaintances' interactions with police and court officials, and, if so, perhaps this information influences views of the justice system.

Respondents were asked to identify up to three individuals they knew who had had encounters with the police, courts or both. Overall, 26.1 percent of respondents provided zero names, 18.2 offered one, 15.2 percent named two, and 40.5 percent listed three acquaintances. Follow-up questions asked about the race and ethnicity of these acquaintances, whether the encounters were with the police, courts or both, and how the acquaintances had been treated. The scales for these final items range from -3 (very unfairly and disrespectfully) to 3 (very fairly and respectfully).

Our first observation regarding these vicarious experiences is that they differ markedly on the basis of the race and ethnicity of the acquaintances. The data are summarized in Figure 9. There, the racial and ethnic classifications apply not to the survey respondents, but rather to the individuals they identified to us. The first bar in each pair indicates the percentage of encounters with the police that were negative (scale values of -3, -2 and -1), whereas the second bar indicates the corresponding percentage of court experiences that were negative. For all groups, negative encounters with the police were more prevalent than negative encounters with courts. Both types of encounters differ starkly across the racial and ethnic groups. For acquaintances who are White or Asian American, an average of only 27 percent of experiences were negative, whereas an average of nearly 54 percent of experiences were negative among acquaintances who are Latino American and African American.

A second key observation regarding these vicarious experiences is that they hold the potential to contribute to racial differences in perceptions of police and courts. The reason for this is that respondents' self-identified networks—that is, the group of individuals they listed when we asked about people they knew who had had encounters with the police or courts—exhibit high levels of racial and ethnic homogeneity. Among White respondents, 84.5 percent of their network members are also White. For Latino American and Asian American respondents, 50 percent of network members share their ethnicity. Among African American respondents, 76.1 of their network members are also African American. Due to this homogeneity, information about police and courts received vicariously by White survey respondents will tend to be relatively positive, information received by Latino American and Asian American respondents will be more mixed, and information received by African American respondents—information received overwhelmingly from other African Americans—will tend to be negative.

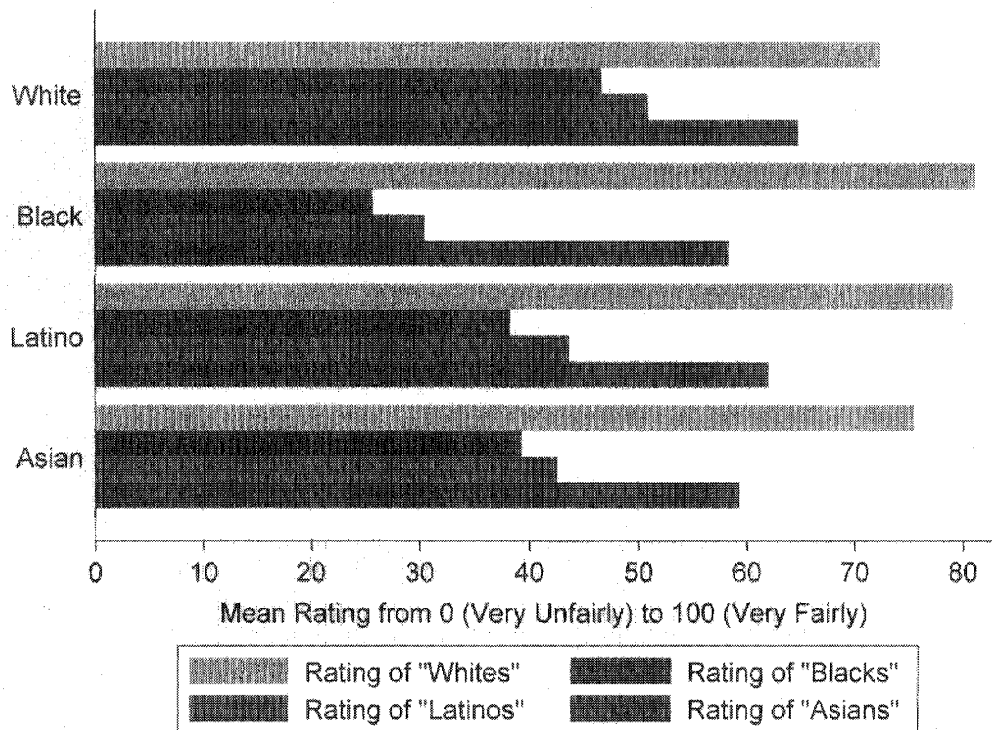
These first two observations combine to describe the types of information about police and courts individuals are likely to receive from their friends, relatives and other acquaintances. However, it is not necessarily the case that individuals consider such information when they evaluate police and courts. It could be, instead, that such evaluations are based entirely on personal experiences and information encountered elsewhere, such as from news media.

To explore whether evaluations of police and courts differ depending on the nature of information people receive vicariously, we created eleven-point measures of the extent to which respondents view police and courts, respectively, as being fair and respectful. For both scales, the lowest possible value is 0 and the highest possible value is 10. We then calculated the average scores on these measures for respondents who had been exposed to negative, neutral or positive information about police and courts through their interactions with friends, relatives and other acquaintances. The results data are summarized in Figure 10.

The first pair of bars in Figure 10 report average assessments of police and courts among respondents who were vicariously exposed to positive information about those actors. The second and third pairs of bars report the comparable data for respondents whose acquaintances had, respectively, neutral and negative experiences in their encounters with police and courts. These data reveal that what people learn from their acquaintances exerts clear influence on their own evaluations. Evaluations of the police differ, on average, by 1.66 points depending upon whether respondents' acquaintances had positive or negative experiences with the police. The corresponding difference for courts is 1.47 points.

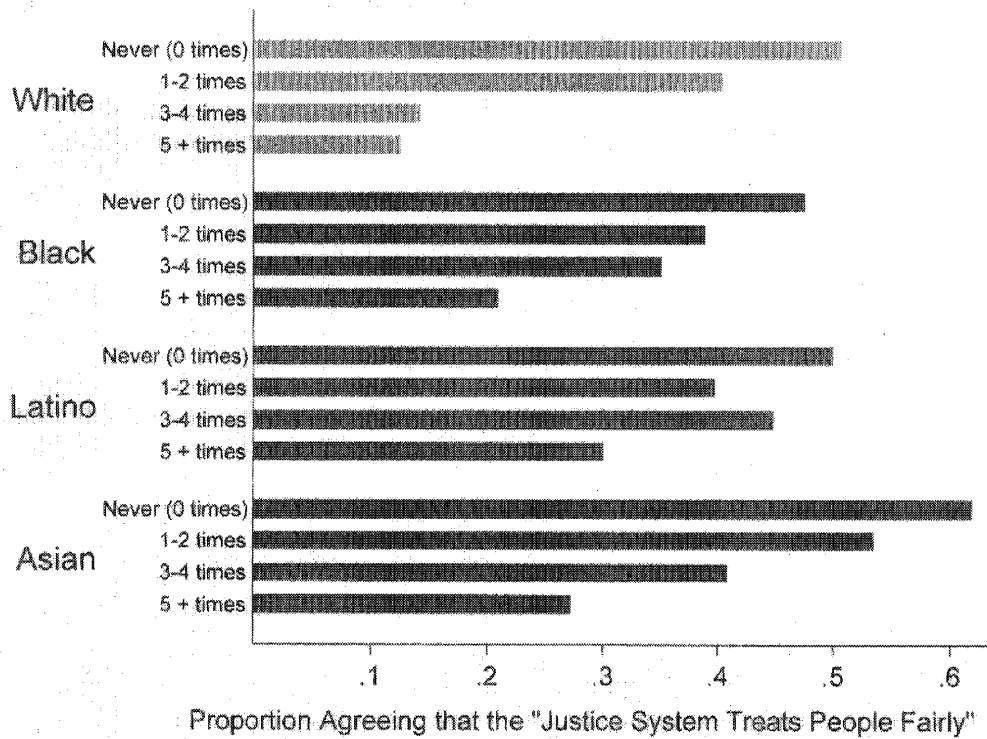
These results suggest that news of people's experiences with police and courts very likely ripple throughout the community. Individuals who have had positive or negative encounters share their stories with their acquaintances who, in turn, draw on that information when forming their own evaluations of police and courts. Importantly, the broader social dynamics described here likely contribute to racial and ethnic differences in how police and courts are perceived. Whites and Asian Americans have mostly positive experiences, and then share news of these experiences with acquaintances who are predominantly from the same racial and ethnic groups. Conversely, Latino Americans and especially African Americans have disproportionately negative experiences in their encounters with police and courts, and news of these experiences is transmitted within social circles that are marked by considerable racial and ethnic homogeneity. In the end, racial and ethnic differences in how police and courts are perceived reflect racial and ethnic differences in individuals' personal and vicarious experiences.

Figure 1. Mean Ratings of How Fairly the Justice System is Perceived to Treat Different Groups in the U.S., by Race of Respondent.



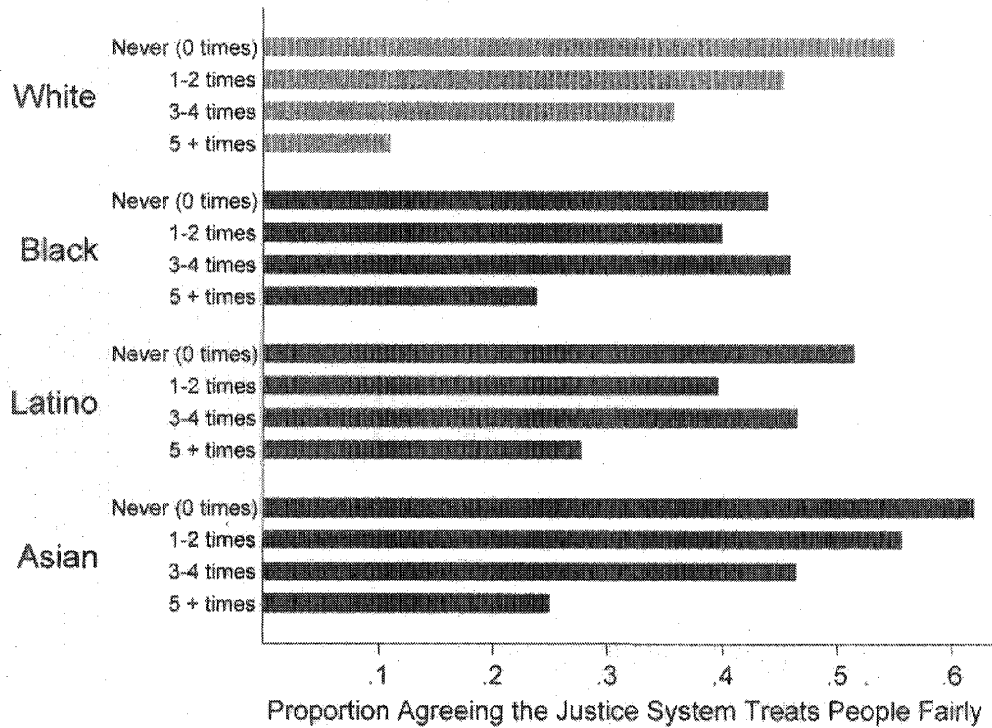
Race of respondent is on the vertical axis, and bar color denotes race of group being rated. The rating scale ranges from 0 (Very Unfairly) to 100 (Very Fairly).

Figure 2. The Impact of Personal Experiences of Unfair Treatment by the Police on General Beliefs about Whether the Justice System Treats People Fairly and Equally, by Race of Respondent.



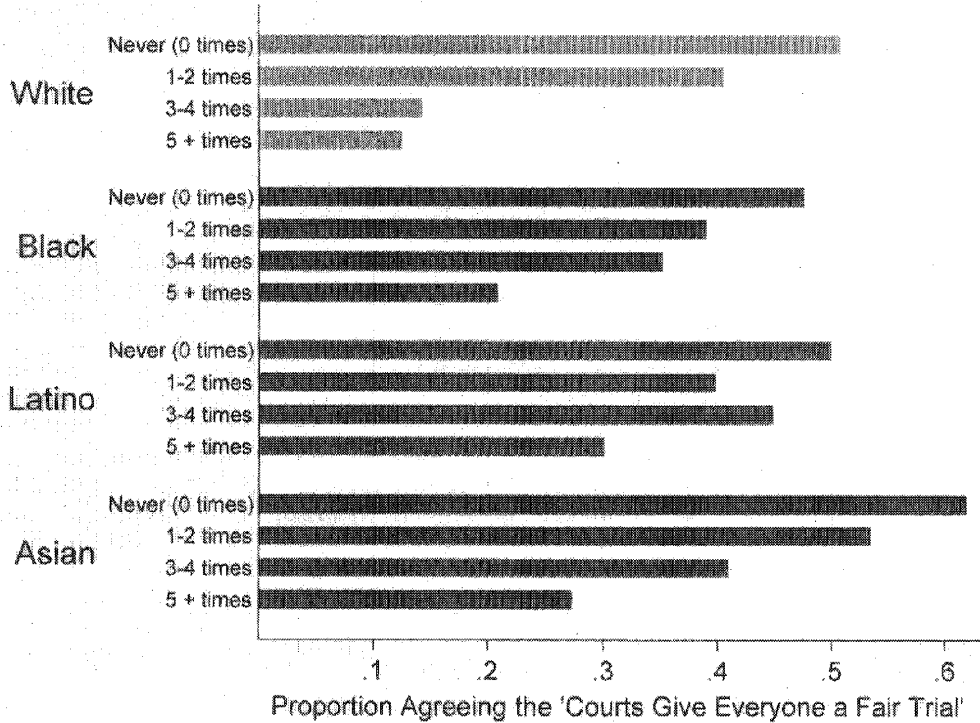
The vertical axis shows the frequency of unfair personal treatment by the police by racial group, and the horizontal axis shows the proportion of respondents who agree that the "justice system in this country treats people fairly and equally."

Figure 3. The Impact of **Personal Experiences** of Disrespectful Treatment by the Police on General Beliefs about Whether the Justice System Treats People Fairly and Equally, by Race of Respondent.



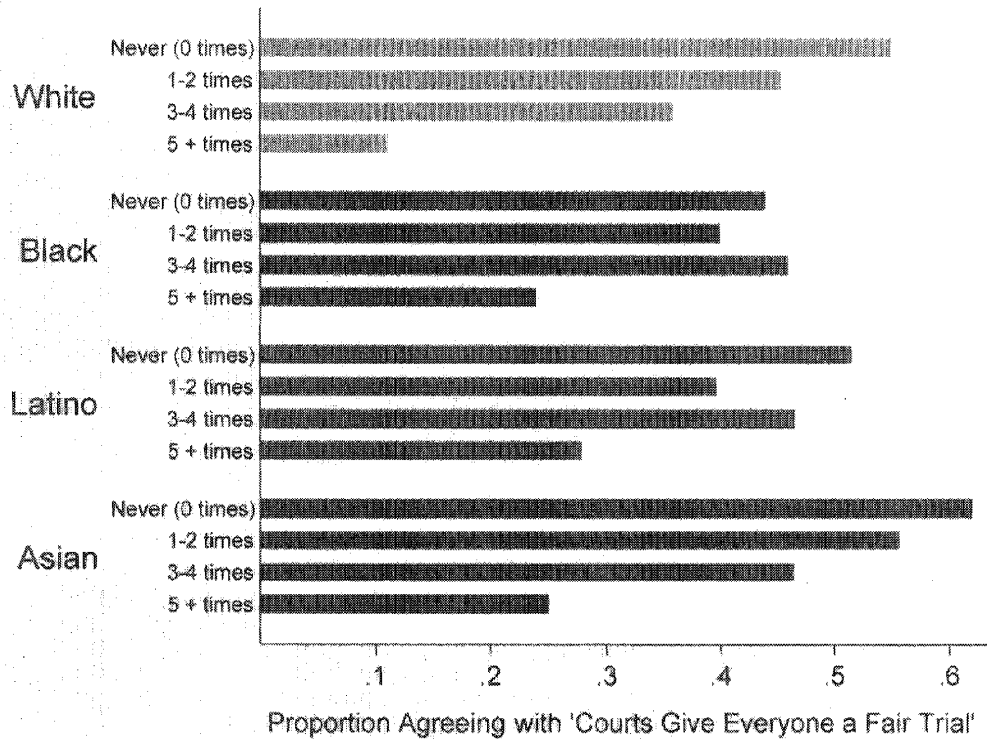
The vertical axis shows the frequency of disrespectful **personal treatment** by the police by racial group, and the horizontal axis shows the proportion of respondents who agree that the "justice system in this country treats people fairly and equally."

Figure 4. The Impact of **Personal Experiences** of Unfair Treatment by the Police on General Beliefs about Whether the “Courts Give Everyone a Fair Trial,” by Race of Respondent.



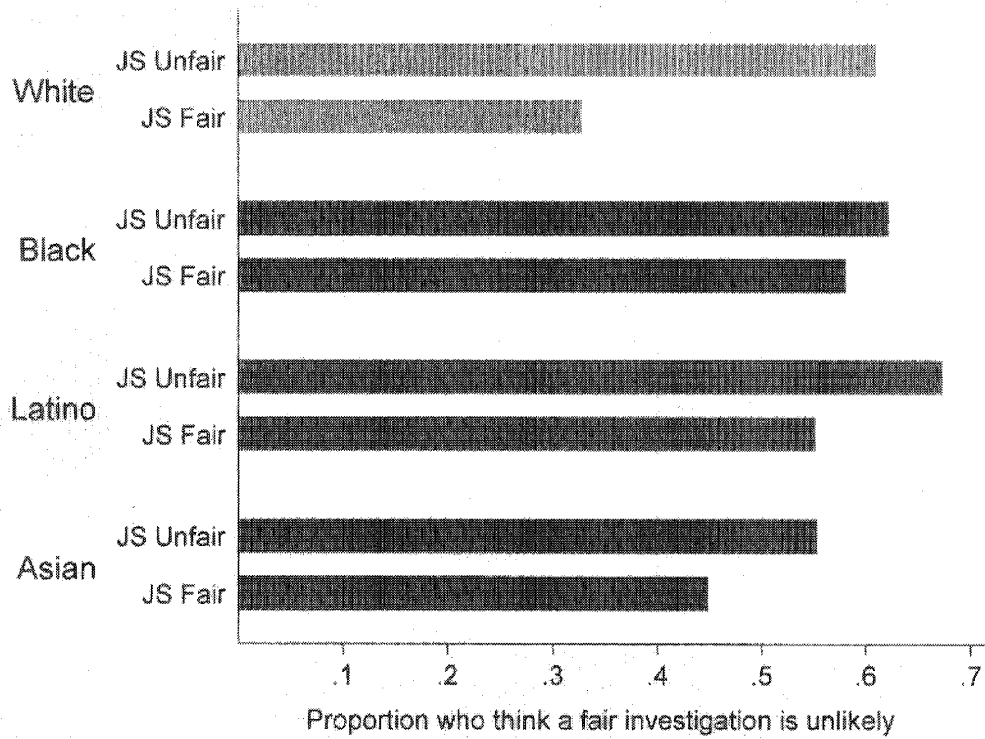
The vertical axis shows the frequency of unfair **personal treatment** by the police by racial group, and the horizontal axis shows the proportion of respondents who agree that the “the courts give everyone a fair trial.”

Figure 5. The Impact of **Personal Experiences** of Disrespectful Treatment by the Police on General Beliefs about Whether the “Courts Give Everyone a Fair Trial,” by Race of Respondent.



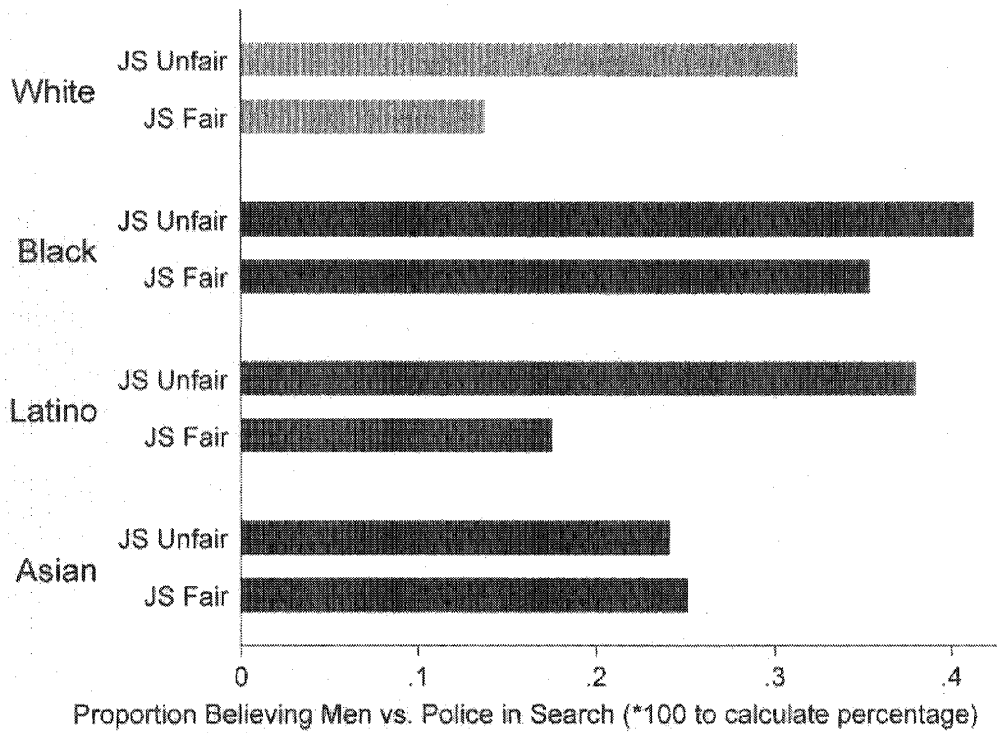
The vertical axis shows the frequency of unfair disrespectful treatment by the police by racial group, and the horizontal axis shows the proportion of respondents who agree that the “the courts give everyone a fair trial.”

Figure 6. The Impact of Believing the Justice System is Either Fair or Unfair on Thinking that a Fair Investigation of a Policemen Charged with Brutalizing a Motorist is Unlikely, by Race of Respondent.



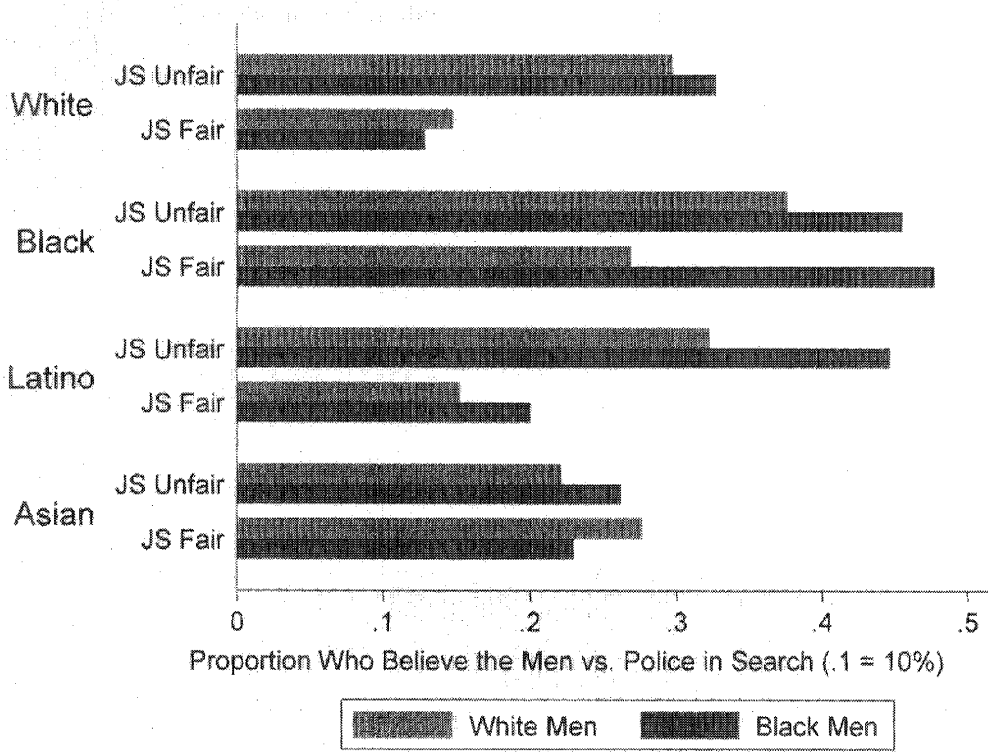
The vertical axis indicates the belief that the justice system is either fair or unfair, by racial group, and the horizontal axis shows the proportion of respondents who think that a fair investigation of the policeman is unlikely.

Figure 7. The impact of believing the justice system is either fair or unfair on whether people are more likely to believe the men or the police in the drug search, by race of respondent.



The vertical axis displays whether racial groups believe the justice system is either fair or unfair, and the horizontal axis shows the proportion of respondents who believe the men versus the police in the search.

Figure 8. The impact of believing the justice system is either fair or unfair on whether are more likely to believe the men or the police in the drug search, by race of respondent.



The vertical axis displays whether racial groups believe the justice system is either fair or unfair and whether they were asked about white or black men in the drug search experiment, and the horizontal axis shows the proportion of respondents who believe the men versus the police in the search.

Figure 9. Negative experiences with police (first bar) and courts (second bar) among respondents' friends, relatives and acquaintances (ethnic and racial classifications pertain to respondents' network members)

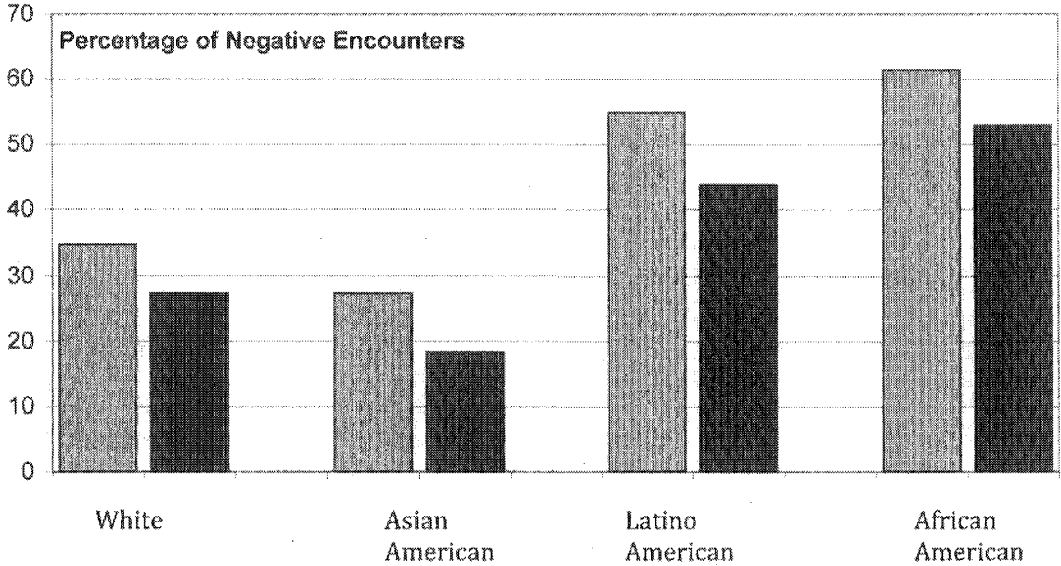
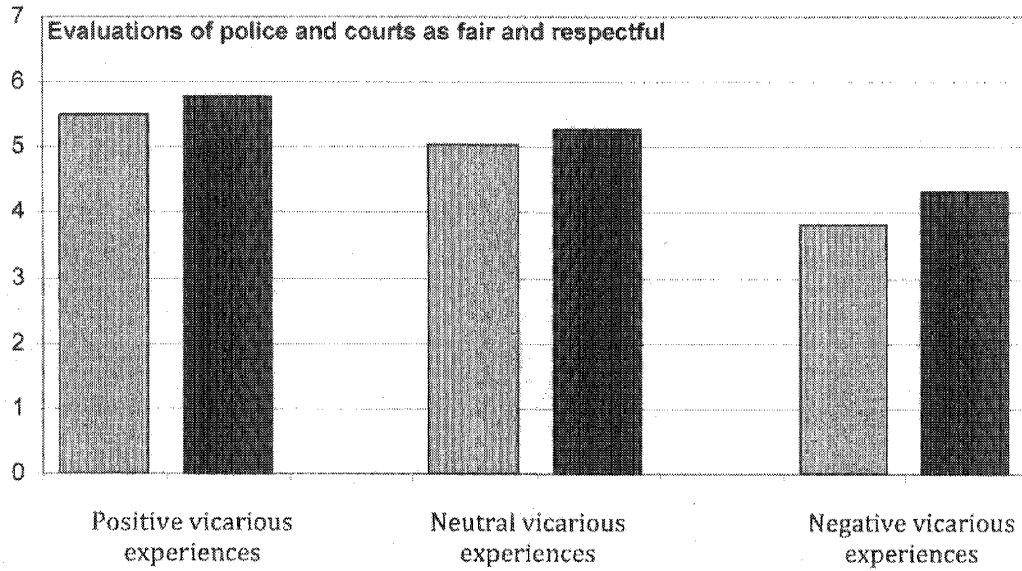


Figure 10. Average evaluations of police (first bar) and courts (second bar), by whether survey respondents reported that their friends and acquaintances had had positive, neutral or negative experiences in encounters with the police and with court officials.



CERTIFICATE OF RESTORATION OF OPPORTUNITY (CROP)

Almost 8,000 people a year are released from prison in Washington each year. Many are incarcerated again within three years. Employment opportunities can reduce recidivism and end this cycle.

There are currently over 90 career paths that may be closed to people reentering society. These occupations range from commercial fishing to barbers, and insurance adjusters to tattoo artists.

Washington residents who have turned their lives around should have a chance to restore their employment opportunities. Ten other states already provide this opportunity.

A CROP would:

- Provide an opportunity to overcome statutory disqualifications to available career opportunities.
- Provide an opportunity for qualified Washington residents with a criminal history to demonstrate rehabilitation.
- Provide reliable evidence of an applicant's changed circumstances for employers, housing providers and licensing agencies.

An applicant would obtain a CROP from a court after demonstrating how they turned their lives around by:

- Declarations and records from probation officers, healthcare providers, community leaders and employers to show rehabilitation efforts.
- Certificates of completed employment training or education.

Support CROP to increase public safety and restore opportunities for Washington residents!

For more information contact: Columbia Legal Services

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CERTIFICATE OF RESTORATION OF OPPORTUNITY (CROP)

CERTIFICATE OF RESTORATION OF OPPORTUNITY (CROP) FAQ

Why do we need CROP?

- Occupational licensing and employment laws regulate many professions as well as unskilled and semi-skilled occupations. Individuals with criminal records are often blocked from obtaining these licenses or jobs, regardless of how old their convictions are or how qualified they are for the job.
- CROP would provide greater access to jobs for people with criminal records, which is essential to reintegration into society. This is key to public safety because employment is an important factor in reducing recidivism.

What would CROP do?

- Provide the opportunity for qualified Washington residents with a criminal history to demonstrate rehabilitation and overcome statutory disqualifications to available benefits and opportunities (employment, licensing, etc.).
- Offer reliable evidence of rehabilitation for employers, housing providers or licensing agencies.

Would the criminal history still be accessible to the public?

- CROP would not remove any criminal record from either the court's or the Washington State Patrol's database. This would not seal or vacate the applicant's criminal record.

How would the process work?

- The applicant would apply for a CROP to the court that issued the judgment and sentence, showing evidence of her rehabilitation, such as completion of counseling, letters of recommendation, or educational certificates. The court could grant a CROP based on specific eligibility criteria related to compliance with sentencing and the changed circumstances of the applicant which demonstrate that the person is rehabilitated.

What type of evidence might an applicant present to the court?

- Records demonstrating completion of drug, mental health, veteran's court or similar program.
- Records showing participation in mental health or substance abuse counseling.
- Declarations and records from probation officer, healthcare provider, community leader, employer or applicant.
- Certificates demonstrating completion of training or education.

What other States have a similar process?

- Arizona, California, Connecticut, Hawaii, Illinois, Iowa, New Jersey, New York, North Carolina and Ohio.

HOUSE BILL 2399

State of Washington 63rd Legislature 2014 Regular Session

By Representatives Walkinshaw, Goodman, Orwall, Roberts, Jinkins,
Tharinger, Ryu, Riccelli, Gregerson, Pettigrew, and Pollet

Read first time 01/16/14. Referred to Committee on Public Safety.

1 AN ACT Relating to certificates of restoration of opportunity to
2 support more successful reentry and personal responsibility after
3 criminal justice involvement and promote public safety by reducing
4 recidivism through lifting statutory bars to occupations, licenses or
5 permits that result from a criminal history and often create barriers
6 to employment; and adding a new chapter to Title 9 RCW.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

8 NEW SECTION. Sec. 1. The legislature finds that employment is a
9 key factor to the successful reintegration to society of people with
10 criminal histories, and is critical to reducing recidivism, promoting
11 public safety, and encouraging personal responsibility.

12 Occupational licensing and employment laws regulate many
13 professions as well as unskilled and semiskilled occupations. Examples
14 of regulated occupations include alcohol servers, barbers and
15 cosmetologists, body piercers, commercial fishers, contractors,
16 drivers, embalmers, engineers, healthcare workers, insurance adjusters,
17 real estate professionals, tattoo artists, and waste management
18 workers. Individuals with criminal histories may meet the competency

1 requirements for these occupations through training, experience, or
2 education, but may be disqualified from them based on their criminal
3 history.

4 Certificates of restoration of opportunity help reduce some
5 barriers to employment for adults and juveniles by providing an
6 opportunity for individuals to become more employable and to more
7 successfully reintegrate into society after they have served their
8 sentence, demonstrated a period of law-abiding behavior consistent with
9 successful reentry, and proved that they have turned their lives around
10 following a conviction. Applicants for a license must also meet all
11 other statutory licensing requirements.

12 Certificates of restoration of opportunity offer potential public
13 and private employers or housing providers concrete and objective
14 information about an individual under consideration for an opportunity.
15 These certificates can facilitate the successful societal reintegration
16 of individuals with a criminal history whose behavior demonstrates that
17 they are taking responsibility for their past criminal conduct and
18 pursuing a positive law-abiding future. A certificate of restoration
19 of opportunity provides a process for people previously sentenced by a
20 Washington court who have successfully changed their lives to present
21 evidence of this change to a Washington court and to seek a document
22 confirming their changed circumstances.

23 A certificate of restoration of opportunity does not affect any
24 employer's or housing provider's discretion to individually assess
25 every applicant and to hire or rent to the applicants of their choice.
26 Employers will not have to forego hiring their chosen applicants
27 because they face statutory bars that prevent obtaining the necessary
28 occupational credentials.

29 NEW SECTION. Sec. 2. The definitions in this section apply
30 throughout this chapter unless the context clearly requires otherwise.

31 (1) "Qualified applicant" means any adult or juvenile who meets the
32 following requirements:

33 (a) One year has passed from sentencing for those sentenced by a
34 Washington state court to probation, or receiving a deferred sentence
35 or other noncustodial sentencing for a misdemeanor or gross misdemeanor
36 offense or an equivalent juvenile adjudication; or

1 (b) Eighteen months has passed from release from total confinement
2 from a Washington prison or jail or juvenile facility for those
3 sentenced by a Washington state court to incarceration for a
4 misdemeanor or gross misdemeanor or an equivalent juvenile
5 adjudication; or

6 (c) Two years have passed from release from total confinement from
7 a Washington prison or jail or juvenile facility for those sentenced by
8 a Washington state court for a class B or C felony or an equivalent
9 juvenile adjudication; or

10 (d) Three years have passed from release from total confinement
11 from a Washington prison or jail or juvenile facility for those
12 sentenced by a Washington state court for a class A felony or an
13 equivalent juvenile adjudication; and the applicant:

14 (i) Is in compliance or has completed all sentencing requirements
15 imposed by a court except for court-ordered legal financial obligations
16 as long as he or she has a payment plan in place and has made at least
17 nine payments in the last twelve months, or has good cause for missing
18 payments during this period;

19 (ii) Has never been convicted of a sex offense as defined in RCW
20 9.94A.030 or a crime that includes sexual motivation pursuant to RCW
21 9.94A.835 (sexual motivation for adults), RCW 13.40.135 (sexual
22 motivation for juveniles), RCW 9.94A.535(3)(f) (departures from the
23 guidelines, sexual motivation,) and is not required to register as a
24 sex offender pursuant to RCW 9A.44.130 (registration of sex offenders
25 and kidnapping offenders--Procedures--Definition--Penalties); and

26 (iii) Has not been arrested for nor convicted of a new crime and
27 has no pending criminal charge, and there is no information presented
28 to a qualified court that such a charge is imminent.

29 (2) "Qualified court" means any Washington court of record or court
30 of limited jurisdiction that has sentenced or adjudicated the qualified
31 applicant. If a court that has sentenced the applicant no longer
32 exists, the applicant may file for a certificate of restoration of
33 opportunity in the successor court.

34 (3) "Restoration" means the process by which an individual restores
35 himself or herself to a useful and constructive place in society
36 through some form of vocational, correctional, or therapeutic effort.

1 NEW SECTION. **Sec. 3.** No state, county, or municipal department,
2 board, officer, or agency authorized to assess the qualifications of
3 any applicant for a license, certificate of authority, qualification to
4 engage in the practice of a profession or business, or for admission to
5 an examination to qualify for such a license or certificate may
6 disqualify a qualified applicant, solely based on the applicant's
7 criminal history, if the qualified applicant has obtained a certificate
8 of restoration of opportunity and the applicant meets all other
9 statutory and regulatory requirements. Nothing in this section is
10 interpreted as restoring or creating a means to restore any firearms
11 rights or requiring the removal of a protection order.

12 NEW SECTION. **Sec. 4.** (1) A qualified court has jurisdiction to
13 issue a certificate of restoration of opportunity to a qualified
14 applicant. A certificate applies to all past criminal history. The
15 certificate does not apply to any future criminal justice involvement.

16 (2) A court must determine whether to issue a certificate by:

17 (a) Considering the nature and seriousness of the applicant's
18 criminal history;

19 (b) Considering material evidence of the applicant's restoration;

20 (c) Determining that the applicant is a qualified applicant as
21 defined by section 2 of this act;

22 (d) Finding that issuing a certificate assists in the successful
23 reintegration of the offender; and

24 (e) Finding that issuing a certificate does not pose a substantial
25 risk to public safety.

26 (3) The court must determine the nature and seriousness of the
27 applicant's criminal history by examining the applicant's judgment and
28 sentence, criminal history and offender score, if applicable, and any
29 certificate of discharge, if obtained by applicant.

30 (4) Material evidence of restoration includes, but is not limited
31 to:

32 (a) Good conduct in the community or in a correctional facility as
33 documented by the following nonexclusive list:

34 (i) Any order discharging the applicant from community custody,
35 probation, or treatment;

36 (ii) Letters or declarations from the applicant's housing provider,

1 clergy, twelve-step sponsor, sentencing judge, mentor, or other
2 individual with knowledge of the applicant's changed circumstances;

3 (iii) Awards, certificates, or other relevant achievements; or

4 (iv) Reports by a probation or community corrections officer,
5 parole board, or department of corrections or similar entity.

6 (b) Counseling, psychiatric, or substance abuse treatment as
7 documented by the following nonexclusive list:

8 (i) Letters or declarations from the applicant's doctors,
9 counselors, treatment providers, social service providers, or other
10 health care providers;

11 (ii) Completion or compliance with drug, mental health, or other
12 relevant alternative courts; or

13 (iii) Signed twelve-step attendance sheets.

14 (c) Acquisition of subsequent academic or vocational schooling,
15 employment, or volunteer work as documented by the following
16 nonexclusive list:

17 (i) Successful participation in correctional vocational or work
18 release programs;

19 (ii) School transcripts;

20 (iii) Certificate of completion of training;

21 (iv) Diploma or equivalent; or

22 (v) Proof of volunteer work or employment.

23 (5) Restoration must be proven to the court by a preponderance of
24 the evidence.

25 NEW SECTION. Sec. 5. An employer or housing provider may, in its
26 sole discretion, determine whether to consider a certificate of
27 restoration of opportunity issued under this chapter in making
28 employment or rental decisions. Nothing in this section is construed
29 to create a protected class, private right of action, any right,
30 privilege, or duty, or to change any right, privilege, or duty existing
31 under law related to employment or housing except as provided in
32 section 3 of this act.

33 NEW SECTION. Sec. 6. (1) Department of social and health services
34 abuse and neglect registry: A certificate of restoration of
35 opportunity does not apply to the state abuse and neglect registry. No
36 finding of abuse, neglect, or misappropriation of property may be

1 removed from the registry based solely on a certificate. The
2 department must include such certificates as part of its criminal
3 history record reports, qualifying letters, or other assessments
4 pursuant to RCW 43.43.830 through 43.43.838.

5 (2) Washington state patrol: The Washington state patrol is not
6 required to remove any records based solely on a certificate of
7 restoration of opportunity. The state patrol must include a
8 certificate as part of its criminal history record report.

9 (3) State court records:

10 (a) A certificate of restoration of opportunity has no effect on
11 any other records kept by the Washington administrative office of the
12 courts, including its judicial information system. The court records
13 related to a certificate of restoration of opportunity must be
14 processed and recorded in the same manner as any other record.

15 (b) The qualified court where the applicant seeks the certificate
16 of rehabilitation must administer the court records regarding the
17 certificate in the same manner as it does regarding all other
18 proceedings.

19 NEW SECTION. Sec. 7. In all cases, a qualified applicant must
20 provide notice to the prosecutor in the county where he or she seeks a
21 certificate of restoration of opportunity of the pendency of such
22 application. The qualified applicant must also notify the prosecuting
23 attorney of any other jurisdiction in which he or she was sentenced
24 within five years of the application for a certificate.

25 NEW SECTION. Sec. 8. A reasonable processing fee, not to exceed
26 fifty dollars, may be charged by the clerk of the court at the time the
27 application for a certificate of restoration of opportunity is filed.

28 NEW SECTION. Sec. 9. Sections 1 through 8 of this act constitute
29 a new chapter in Title 9 RCW.

--- END ---

3-year sentence for hate crime vs. Sikh cab driver

Updated 11:35 am, Tuesday, December 10, 2013
Seattle P.I.

SEATTLE (AP) — A man who attacked a turban-wearing Sikh cab driver was sentenced Tuesday in Seattle to more than three years in prison for a federal hate crime.

Prosecutors had asked for a four-year sentence for Jamie W. Larson, 50, of Federal Way, and his defense lawyer had recommended a 2 1/2-year term. He got 40 months.

Larson pleaded guilty in June and in a hand-written apology said he was in an alcohol blackout in October 2012 when he beat the driver while shouting anti-Muslim slurs. The driver is an immigrant from India and not a Muslim.

Larson was originally charged with malicious harassment in King County Superior Court, but the case was turned over to federal prosecutors because the federal hate crime law carries a longer possible sentence — up to 10 years.

Auburn police called the cab after officers found Larson drunk and sitting in shrubbery near a store, according to court records.

After arriving at a Federal Way address, Larson first refused to get out of the car. A resident of the home, where Larson was not welcome, was speaking with the driver when Larson attacked him from behind.

Larson grabbed the driver's beard, pulled him to the ground and hit and kicked him in the head and body while shouting slurs and insults about Arabs, Persians and Muslims and complaining about immigrants "taking all our jobs."

Larson continued the slurs even after police arrived. Larson also used an anti-gay slur, according to court papers.

The driver spent eight days in a hospital and missed two months of work, the seattlepi.com reported Monday (<http://bit.ly/1kwhRpB>).

Larson was prosecuted under the law that outlaws violence motivated by a person's actual or perceived race, color, national origin, religion, sexual orientation, gender, gender identity or disability.

The case was investigated by the FBI and prosecuted by the U.S. attorney's office for the Western District of Washington with help from the Justice Department's Civil Rights Division.

State justice: Latino candidates often face prejudice

November 16, 2013

By Rafael Guerrero / Yakima Herald-Republic
rguerrero@yakimaherald.com

As accomplished as Washington State Supreme Court Justice Steven González's career has been, he's faced considerable adversity — specifically because of the color of his skin and his last name.

On Friday, before a crowd of legislators, educators and superintendents at the Latino Education Policy Forum, the justice retold some of his more colorful stories, such as the time on the campaign trail when he was mistaken for a valet while he waited for his car. The mistaken individual, waiting for him to call a taxi, only grew more frustrated as González continued looking through campaign notes on his tablet.

"What do I have to do for you to get me a cab?" the man said, to which González replied, "There's not a damn thing you could do that would get me to get you a cab."

The crowd at the Yakima Valley Technical Skills Center erupted in laughter. González drew more laughter when he recalled a trip to the dentist, and the hygienist looked up his chart and was startled to see that he was a judge.

"We don't all look like the stereotype of our professions," he told her. "But you look like a dental hygienist."

González is the second Latino justice in the court's history. Charles Z. Smith, of African-American and Cuban descent, was the state's first minority on the court when he served from 1988 to 2002.

González spoke his mind on a number of topics, including his upbringing, his gradual ascent to the state's highest court and how to help students now and in the future.

Later in the program, state legislators and Latino educators discussed proposals that could improve minority students' chances for a better education.

González, 50, grew up in California in a family headed by a single mom. He began working at a young age and eventually graduated from the University of California Berkley Law School. He practiced criminal and civil law in Seattle and later became an assistant U.S. Attorney in Seattle. In 2001, he was elected to the King County Superior Court, where he served for 10 years.

In November 2011, González was appointed by then-Gov. Chris Gregoire to the Washington State Supreme Court to replace the retiring Gerry Alexander. The following summer, he won his first six-year term with 58 percent of the vote in the primary runoff, beating attorney Bruce Danielson, thus running unopposed a few months later in the general election.

However, there was some controversy surrounding the runoff as Danielson neither campaigned nor spent money yet grabbed 42 percent of the vote and 30 of 39 counties.

González said at the time the vote might have been because of his surname. He pointed out Friday how Democrats who had run in statewide elections that season fared better than he did east of the Cascades. Discrimination against minority candidates still exists, he said, and it remains an obstacle for Latino candidates in many areas of the state.

"You may still be in denial about this, you may not be convinced that my name was such a major impediment for me in much of the state," González said. "But who can blame you for wanting to deny an ugly truth?"

His 2012 election has some resemblance to the loss of Yakima school board incumbent Graciela Villanueva earlier this month, who suggested her Latino roots may have been at fault. Her opponent, Jeni Rice, did not campaign and had reportedly dropped out. However, Rice won with more than 60 percent of the vote and said she would take the board seat if official results confirmed the victory.

González had no comment on the Yakima school board election results.

Prior to his speech, local legislators discussed their opinions on some policy proposals the Latino Educational Achievement Project, an education advocacy group, had presented to the audience earlier in the day. These suggestions included more preschool programs for Latino families, increasing the number of school days for English Language Learner students, and advancing a stalled bill in the Senate that would allow undocumented students greater access to financial aid.

"Our charge, I feel, as legislators, is to provide education for all of our students regardless of ethnicity," said state Rep. Norm Johnson, R-Yakima. "I do think that we have done less than what we should have been doing, particularly in our area, for our huge number of Latino students. We need to get them beyond high school."

Editor's note: This story has been updated to correct the university where Gonzalez completed law school.