



Washington State Minority and Justice Commission (WSMJC)
Friday, June 24, 2016
9:00 a.m. – 1:00 p.m.
Northwest African American Museum
Seattle, Washington



MEETING NOTES

Commission Members Present

Justice Charles Johnson, Co-Chair
 Judge Veronica Alicea-Galvan
 Judge Lisa Atkinson
 Prof. Lori Bannai
 Ms. Anne Benson
 Prof. Robert Boruchowitz
 Judge Linda Coburn
 Prof. William Covington
 Mr. Mike Diaz
 Judge Lisa Dickinson
 Judge Theresa Doyle
 Ms. Marie Eggart
 Ms. Bonnie Glenn
 Ms. Anne Lee
 Judge LeRoy McCullough
 Ms. Karen Murray
 Ms. P. Diane Schneider
 Justice Debra Stephens
 Mr. John Yasutake

Student Liaisons Present

Mr. Frank Ovono
 Ms. Harkiran Sekhon
 Ms. Jodilyn Gilleland
 Ms. Nazune Menka

Members Not Present

Justice Mary Yu, Co-Chair
 Mr. Jeffrey Beaver
 Mr. Steve Clem
 Sgt. Adrian Diaz
 Prof. Jason Gillmer
 Mr. Russell Hauge
 Mr. Uriel Iñiguez
 Ms. Yemi Fleming-Jackson
 Ms. Carla Lee
 Commissioner Joyce McCown, Ret.
 Judge Lori Smith
 Mr. Travis Stearns
 Judge Gregory Sypolt
 Judge Kimberly Walden
 Judge Dennis Yule, Ret.

AOC Staff Present

Ms. Stacy Smith

Guests

Ms. Janice Langbehn
 Mr. Garrett West
 Ms. Caitlin Anderson
 Ms. Renee L. Ambacher

APPROVAL OF MINUTES

The meeting minutes from the April 1, 2016, meeting were approved.

CO-CHAIRS REPORT

2016 Supreme Court Symposium – May 25, Temple of Justice

The Commission held its annual Supreme Court Symposium on Wednesday, May 25, 2016, at the Temple of Justice. This year’s theme was Pre-Trial Justice: Reducing the Rate of Incarceration. The Symposium examined various pre-trial practices and identified opportunities for reform including: risk assessment tools, the reality of poverty and bail practices, and the consequences of denying the right to counsel. The innovative criminal justice reforms currently underway in Yakima and Spokane Counties were also highlighted by key leaders in those counties. The keynote speaker was Professor Cynthia Jones, Professor of Law American University College of Law and Executive Director of the Pre-Trial Racial Justice Initiative, who

presented on the disparities people of color face throughout pre-trial processes. Both continuing legal education and continuing judicial education were offered to attendees who could watch the Symposium in person or live streamed. Resources and a recording of the Symposium will be available on the Commission's website.

Attendees commented that the Symposium was engaging and one of the most dynamic symposia the Commission has presented yet. Professor Jones was an energetic presenter, who, although appearing via video-conference, provided a passionate overview of racial disparities in pre-trial practices. All around the speakers were informative and dynamic.

The Commission has been asked to present a condensed version of the Symposium at the 2016 fall annual judicial conference in September during the Joint Business Meeting. The Symposium will also hopefully provide the foundation for additional education opportunities for judicial associations, prosecutors, defense counsel, and others throughout the state to address pre-trial issues.

The Commission voted unanimously to host a 2017 Symposium. It is important to keep the conversation going with the Supreme Court as long as the opportunity is available.

Pre-trial Justice Task Force

At the Symposium, the Court was asked to support a Pre-trial Justice Task Force that would examine existing pre-trial processes and address factors that lead to racial and ethnic disproportionality in these processes. The Commission requested the Supreme Court's support in the creation of the Task Force. The Task Force would gather stakeholders with interest in pre-trial issues to collect data and create recommendations that will provide the best options for resolving these issues in the state. The Task Force must include trial court representation, specifically SCJA and DMCJA liaisons, and include juvenile justice stakeholders to ensure the issue is considered on a comprehensive scale. The Task Force will also look for ways to closely partner with SCJA as it evaluates participation in the Pretrial Justice Institute's 3 Days Count Campaign. The Commission will provide initial funding for the Task Force and will look for funds from other sources once the Task Force decides on needs.

Department of Justice LFO grant

The Commission applied for a Department of Justice grant to address legal financial obligations in Washington. The goal of this project is to bring together criminal justice partners across the state to work collaboratively in sharing and compiling data around LFOs, and to use the data to support changes in legislation, court rules, and practices of imposing and collecting LFOs. The first strategy of the grant is the creation of a statewide LFO Stakeholder Consortium, composed of individuals who manage different parts of the LFO system. Second, a comprehensive study of LFOs in Washington State will be conducted, which will aim at increasing the accessibility of information regarding fines, fees, and costs related to the LFO system, and also provide a basis to recommend best practices. Lastly, the project will involve the development and implementation of a new and innovative approach to help judges make a determination of a defendant's ability to pay by using a LFO Calculator based on a similar tool created by Judge Linda Coburn.

Requests for sponsorship from external organizations

All requests for Commission sponsorship funding is reviewed in regard to the Commission's mission. Such requests must be provided as timely as possible, the earlier the better, and will be reviewed on a case-by-case basis. Since the Commission's budget is set at the beginning of

the fiscal year, it carefully reviews requests in relation to existing programs versus new programming; existing programs are given priority with funding. It was discussed to move more funds to an open budget line to allow for more discretionary spending. This possibility will be discussed further when the FY17 budget is available.

Information on requesting sponsorship should be added to the website. This information could be a sponsorship request form that includes a timeline for requests (no less than 30 days, preferably 60 days) and emphasizes that requests must demonstrate how the request aligns with the Commission's mission.

National Consortium on Racial and Ethnic Fairness in the Courts Annual Conference Report

Judge Veronica Alicea-Galvan, Judge Lori-Kay Smith, and Cynthia Delostrinos attended the conference on behalf of the Commission. The Conference was held May 25-27 in Williamsburg, VA. The theme was "Engaging Communities: Building Trust and Increasing Confidence." Judge Galvan gave the following report:

- The Consortium is hosting town hall meetings throughout the country. The town halls will focus on the theme "Courts Engaging Communities." Judge Galvan proposed that the Commission host a town hall in Pasco or Yakima conducted entirely in Spanish with English interpreters available. Correspondents from KCTS 9 and a Tri-Cities television network have agreed to moderate. The Commission voted and agreed to host the town hall. Judge Galvan and Mike Diaz will organize the event.
- The Consortium is considering the creation of the C.Z. Smith Award to be awarded to states doing the work of the Consortium and addressing barriers for people of color. The Commission agreed that it should give local awards for stakeholders across Washington who are working towards eliminating bias in the court system. It was suggested to give the first awards during the 2017 fall conference, possibly during the judges of color reception. Bonnie Glenn volunteered to help with this initiative.
- The Consortium is considering creating a poster for its 30-year anniversary using the portrait of C.Z. Smith. The WA Supreme Court may want to write a letter in support of the portrait use and in recognition of the Consortium.
- The documentary looking at the life of Judge Damon Keith was discussed at the Consortium. The Commission could consider showing this as a social justice film event like the "3 ½ minutes, 10 bullets" forum.
- Maryland has a smart phone application for litigants to access legal self-help information. The Commission should consider how to support events like the Social Justice Hackathon held at Seattle University School of Law to find creative ways to use technology to make the justice system more accessible. Team Child is hosting a hackathon in the fall with Code Fellows. Jodilyn volunteered to follow up with Miguel Willis (hackathon organizer) on opportunities for the Commission to get involved.

PRESENTATIONS

There were no presentations at this meeting.

STAFF REPORT

Staff Report – Stacy Smith
Racial Impact Statement legislation update

Senator Hasegawa got racial impact statements (RIS) in as a study proviso in the budget. The proviso calls for the Caseload Forecast Council to work with AOC and the Minority and Justice Commission, among others, to develop recommendations on how to provide cost-effective racial impact statements.

Cynthia and Stacy met with Senator Hasegawa and the WA State Board of Health and its Health Impact Review team. A Health Impact Review (HIR) is an analysis of how a proposed legislative or budgetary change will likely impact health and health disparities in Washington. HIRs provide objective information to help inform policymaking that may directly impact health or the factors that influence health and to deliver this information quickly - within 10 days of received request during legislative session. A HIR can be requested for any topic including, but not limited to: transportation, housing, education, environment, health care, and workforce development. Only the Governor or a state legislator can request a HIR. RISs would be managed similarly with year-round acceptance for requests. Cynthia has asked Senator Hasegawa to request an HIR for LFO legislation (SB 5713); the request is in and is slated to be completed by the end of September 2016.

Caseload Forecast Council has begun to review what they can actually do given the data available and other constraints. It reported that it can only do criminal related requests; not child welfare or education because adequate data is unavailable. The Council is looking to partner with child welfare and education groups on data. The Council will be giving a presentation to legislature on parameters it can meet.

Bill summary: SHB 2076/SSB 5752

The Caseload Forecast Council (CFC) must produce (Senate - make recommendations for) racial impact statements on the effect proposed legislation will have on racial and ethnic minorities, including how legislation will impact the racial and ethnic composition of the criminal and juvenile justice systems.

POSITION: BJA supports study before implementation. SCJA support.

STATUS: Bill died; study proviso approved in the budget.

Law student liaisons

The law schools are in the process of selecting new students to replace those who are graduating. The Commission welcomed two new Seattle University student liaisons, Jodilyn Gilleland and Nazune Menka. An orientation will be provided to student liaisons in the fall to provide students with an overview of the Commission and to begin planning projects. Stacy will send a letter to the graduating students thanking them for their service and outlining opportunities for them to stay involved with the Commission.

“Eliminating the Pipeline: Transforming juvenile justice and school discipline” Conference

The Commission is working with the Equity in Education Coalition of Washington to plan a professional development series as a means to have an intersectional conversation between juvenile justice and education as a follow-up to the Courts Igniting Change conference. The goal is to bring focus to improving the educational experience for students of color, and lessening the number of children of color in juvenile justice systems, by focusing on the ways our schools carry out student discipline and change the way our justice system carries out sentencing. The series will be hosted at sites throughout south King County with invitations extended to public schools, courts, community based organizations, parents, students, and the Commission. More details to come as planning moves forward.

2017 Meeting Schedule

2017 Commission proposed meeting schedule; 8:30 a.m.-12:30 p.m.; locations TBD

- February 3, 2017
- April 7, 2017
- June 30, 2017
- September 22, 2017
- December 1, 2017

The Commission will consider holding one of the 2017 meetings at Echo Glen School in Snoqualmie. Bonnie Glenn can help coordinated this.

COMMITTEE REPORTS

Juvenile Justice Committee

Judge Trickey published an op-ed piece in the Seattle Times discussing juvenile detention. Similar to the committee's letter previously discussed with the Commission, the op-ed piece identified systemic issues that affect minority youth. The committee will continue to explore ways to address the issue of juvenile detention and incarceration.

The committee will be creating a workgroup to look at juvenile LFOs and record sealing.

Education Committee

- Fall Annual Conference
 - Topic: Perceptions of Justice Part II: Working Towards Proactive Leadership – Reducing the Harmful Effects of Implicit Bias – Justice Stephens
 - Monday, September 12, 1:30-3:00 p.m.
 - Presenters: Dr. Tony Greenwald, Greg Taylor, Panel (TBD)
 - Overview: In 2015, the Minority and Justice Commission presented the training “Perceptions of Justice: The Separate Realities of the Justice System” at all of the spring judicial conferences (Appellate Judges, SCJA, and DMCJA). This session will be a follow-up presentation that will build off of the trainings from last year. The key issues to be presented include an update on implicit bias data; a review and analysis of local issues; and concrete recommendations on reducing the harmful effects of implicit bias.
 - Topic: Jury Diversity and Implicit Bias, What Should Courts Do? – Judge Doyle
 - Monday, September 12, 3:30-5:00 p.m.
 - Presenters: Judge Bill Bowman, Mr. Sal Mungia, Judge Steve Rosen, Justice Steve Gonzales
 - Overview: Judge Bowman will present practical tips and techniques for dealing with Batson challenges today. Judge Rosen will discuss the statewide Jury Pool Diversity project currently underway. Mr. Mungia will discuss the proposed rule regarding Batson challenges. Justice Gonzalez will discuss the elimination of peremptory challenges and bias; a panel will discuss alternatives.
 - Topic: Pre-Trial Justice: Reducing the Rate of Incarceration
 - Tuesday, September 13, 1:30-4:15 p.m. (60-minute timeslot)

- Presenters: Judge Maryann Moreno, Professor Jacqueline van Wormer, and Mr. Joe Brusic
- Overview: This is a condensed version of the 2016 Supreme Court Symposium. It will examine pre-trial practices and opportunities for reform, as well as provide an overview of the Yakima and Spokane projects.
- 2017 SCJA Spring Conference
 - 3 ½ Minutes, 10 Bullets: programming at the conference will follow the outline of the film shown at the 2016 SCJA Conference. Mr. Ron Davis will be attending and providing an expanded presentation of his experiences.
 - The Commission voted and agreed to host another community forum in Spokane similar to the one done in Vancouver, WA. The forum will be in conjunction with the SCJA conference.

Workforce Diversity Committee

- The Judges of Color Directory is currently being updated. A survey has been created requesting updated information and will be sent to judicial associations, administrative law judges, and minority bar associations.
- The Judicial Reception is continuing to be planned for fall conference in Spokane. The reception will be in collaboration with the Tribal State Court Consortium annual meeting. Judge Galvan, Karen Murray, and Judge Lisa Dickinson volunteered to help organize the reception.
- The Committee is continuing to explore how best to participate in the WSBA Pro Tem training Aug. 19-20 at the WSBA Training Center.

Outreach Committee

Artwork:

The committee has sent out solicitations for artwork to various organizations across the state. Mr. Ashby Reed, the artist who painted the 2015 featured artwork “Urban Despair,” has reached out to his network of artists and organizations throughout the state as well. Stacy will send the solicitation flyer to Commission members to distribute to their networks.

It was discussed how to get youth, especially incarcerated or formerly incarcerated youth, more involved with this initiative. The Commission should consider hosting an art show displaying the work of youth as a way to empower their expression.

Youth & Law Forums:

Forums will be held October 6 (Yakima); November 4 (Tri-Cities); and December 9 (Spokane).

Other Business

Museum Tour – 11:00 a.m. – 1:00 p.m.

All were encouraged to join in a guided tour of the museum to learn more about African American life in Washington.

NEXT COMMISSION MEETINGS:

Friday, September 23, 2016, 8:45 a.m.-12:45 p.m., location TBD

Friday, December 2, 2016, 8:45 a.m.-12:45 p.m., location TBD