



MINORITY AND JUSTICE COMMISSION

SEATTLE UNIVERSITY SCHOOL OF LAW, SEATTLE, WASHINGTON

FRIDAY, SEPTEMBER 23, 2016

(8:45 A.M. – 12:00 P.M.; STUDENT LIAISON ORIENTATION 1:00 P.M. – 3:30 P.M.)

JUSTICE MARY YU, CO-CHAIR

JUSTICE CHARLES W. JOHNSON, CO-CHAIR

AGENDA

CONFERENCE CALL NUMBER: 1-877-820-7831 PASSCODE: 358515#

CALL TO ORDER - 8:45 a.m. – 9:00 a.m.

- Call to Order and Introductions
- Approval of June 24, 2016, Meeting Minutes 1

CO-CHAIRS' REPORT – 9:00 a.m. – 10:00 a.m.

- **LFO Grant** 7
- **Pre-trial Reform Initiative** – October 7 meeting 22
- **2017 Supreme Court Symposium: Wednesday, May 24, 2017**
 - Brainstorm themes
- **Justice C.Z. Smith**

PRESENTATIONS – 10:00 a.m. – 11:00 a.m.

- **Team Child Hackathon: Disrupting the School to Prison Pipeline** 24
 - Miguel Willis, 3L, Seattle U School of Law
- **Voter Rights Restoration**
 - Jaime Hawk, ACLU

STAFF & COMMITTEE REPORTS – 11:00 a.m. – 12:00 p.m.

- **Staff Report** – Cynthia Delostrinos 32
 - 2017 Budget
 - Staffing Updates
 - Upcoming Youth and Justice Forums – Yakima (Oct. 6) & Spokane (Dec. 9)
 - Next Meeting, Dec. 2 – Joint Meeting w/ ATJ Board @ WSBA Offices
- **Juvenile Justice Committee** – Annie Lee
 - “Eliminating the Pipeline: Transforming Juvenile Justice and School Discipline” Seminar Series 33
 - Smart on Youth Justice Conference – October 17 35
 - WA Partnership Council Juvenile Justice Reentry Symposium – November 14 36
- **Education Committee** – Justice Stephens
 - Review of Fall Annual Conference
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- **Workforce Diversity Committee** – Judge Bonnie Glenn
 - Bridging the Gavel Gap
 - Justice C.Z. Smith Award
 - Judges of Color Directory
- **Outreach Committee** – Judge Yule 44
 - Artwork

LUNCH (All Commission Members are invited to join) – 12:00 p.m. – 1:00 p.m.

STUDENT LIAISON ORIENTATION – 1:00 p.m. – 3:30 p.m. 45



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

I. STATEMENT OF THE PROBLEM

Washington State has a particularly challenging court funding scheme. The result is a systemic dependency on the imposition of legal financial obligations (“LFO”) as a way to fund courts and the criminal justice structure. Not unlike other states, the imposition of LFOs falls disproportionately upon those least able to afford them, resulting in a vicious cycle of never-ending debt for anyone seeking to reenter society after a criminal conviction.¹ While the issue has garnered the attention of stakeholders across the state, our LFO problem and any proposed solution is complicated by a number of institutional practices that are also in need of transformation if true LFO reform is to take place. Our institutional challenges include:

1) Washington is a non-unified court system. Courts rely primarily upon county and municipal governments for funding, which allows counties, municipalities, and local courts to create mechanisms for paying victim restitution, the recovery of court costs, jail and public counsel recoupment costs, and sanctions and fines. The outcome is vast disparities among counties, cities, and even judges in how LFOs are imposed and enforced.

2) Recent statistics estimate that 80-90 percent of all felony defendants in Washington superior courts have been screened and found to be indigent, thus qualifying to be represented by public counsel.² The severity of imposed LFOs contrasts starkly with the ability of these defendants to pay financial obligations.

¹ See Katherine Beckett, Alexes Harris & Heather Evans, The Assessment and Consequences of Legal Financial Obligations in Washington State, Wash. Minority & Justice Comm’n (2008); In for a Penny: The Rise of America’s New Debtors’ Prisons, American Civil Liberties Union (2010); Modern-Day Debtors’ Prisons: How Court-Imposed Debts Punish Poor People in Washington, ACLU of Washington and Columbia Legal Services (2014); Roopal Patel and Meghna Phillip, Criminal Justice Debt: A Toolkit for Action, Brennan Center for Justice (2012); Alexes Harris, Heather Evans & Katherine Beckett, Drawing Blood from Stones: Legal Debt and Social Inequality in the Contemporary United States, 115 Am. J. Soc. 1753 (2010).

² Washington State Office of Public Defense, Determining and Verifying Indigency for Public Defense (2014).

3) Mandatory³ LFOs exist in both superior courts and courts of limited jurisdiction that divest courts of any discretion to consider a defendant's ability to pay before imposing them. For example, every defendant with a felony charge receives a minimum of \$800 at sentencing, which includes a \$500 victim penalty assessment, \$100 DNA collection fee, and a \$200 criminal filing fee.⁴

4) Although the Washington State Supreme Court recently issued an opinion requiring individualized findings before statutory financial obligations can be imposed, there remains a lack of uniform compliance. In the recent State v. Blazina⁵ decision, the Washington State Supreme Court clarified that courts must make an individualized inquiry into the defendant's current and future ability to pay before the court imposes discretionary court costs. However, many judges are still unclear on the process for determining ability to pay LFOs. In an attempt to help judges navigate the laws around LFOs and the decision in Blazina, the Minority and Justice Commission created LFO Reference Guides for judges, but more support and guidance is needed.⁶

5) Washington State's appellate cost recoupment statute does not require courts to inquire into a defendant's ability to pay before imposing appellate costs. Consequently, indigent defendants who lose their appeals often face the imposition of recoupment costs in addition to the trial court LFOs.

³ RCW 7.68.035 (mandatory \$500 victim penalty assessment for every felony cause of action; \$250 for misdemeanors); RCW 43.43.7541 (mandatory \$100 DNA collection fee for every felony conviction); RCW 3.62.085 (\$43 fee for conviction or plea of guilty in municipal and district courts).

⁴ In superior courts, a defendant will receive the \$500 victim penalty assessment, the \$100 DNA collection fee, and a \$200 criminal filing fee (RCW 36.18.020(2)(h)); see State v. Lundy, 176 Wn.App. 96 (2013).

⁵ 182 Wn.2d 827 (2015).

⁶ LFO Reference Guides, Minority and Justice Commission <http://www.courts.wa.gov/?fa=home.sub&org=mjc&page=publications&layout=2&showPubTab&tab=pubGuides> (2015).

6) Washington State has one of the highest interest rates on criminal debts in the nation. Pursuant to statute, LFOs accrue interest at 12% per year from the date of judgment.⁷

7) Failure to comply with sentence conditions may result in the issuance of a warrant, arrest, and jail time. Due to the lack of data and reporting requirements, the exact number of individuals arrested and confined in Washington cities and counties for failing to pay LFOs is unknown; however, the practice is utilized in a number of jurisdictions. While there are Constitutional protections to protect indigent defendants from being jailed for failure to pay, people are jailed for failing to appear to answer why they have not paid after receiving a summons to appear. Furthermore, LFOs ordered by state superior courts do not expire until the debt is paid in full.⁸ As a result, an individual may remain under the jurisdiction of the court for the rest of their lives.

8) Serious data collection deficiencies exist with regards to LFO collection and enforcement. Key data, which would be helpful in implementing meaningful reform in Washington, is often unavailable, difficult to access, or incomplete.

A particular challenge exists for data on warrants and incarceration of defendants for non-payment of LFOs. In Washington, warrants are categorized to the actual issue, which may be failure to appear to a court hearing or failure to comply with a court order, as opposed to a specific topic, which may be failure to pay LFOs. It is common for a defendant to be summoned to court to explain multiple violations of sentence conditions, including failing to pay LFOs.

Additionally, County Clerks, independently elected officials at the superior court level, are statutorily authorized to collect LFOs and face a number of challenges in segregating data regarding the costs of collecting fines and fees versus the costs of collecting restitution. Given

⁷ RCW 10.82.090. Debts on LFOs in courts of limited jurisdiction also accrue interest at 12%.

⁸ RCW 9.94A.760.

current systems and processes, it is difficult to make an accurate assessment of what resources are being expended in collecting LFOs.

9) There have also been ongoing policy efforts in Washington State to reform the LFO system, with varying results. During the 2015 and 2016 sessions, the legislature considered HB 1390, a bill that would have begun to address many of the problems associated with LFOs in Washington State. This bill received overwhelming support in the House both years, passing unanimously in 2016. However, in both years, it stalled in the Senate and died. The failure to pass comprehensive LFO policy reform is driven in large part by the fact that stakeholders rarely have the opportunities to deliberately engage each other to discuss reform efforts, and access relevant data to support policy changes.

Next Steps: Despite a common belief among the various stakeholders that widespread LFO reform is needed in Washington State, there are a number of competing interests and viewpoints among the different groups on what “reform” means and what it should look like. As a result, it can be difficult to bring together all of these parties to discuss reform efforts, share data, and develop best practices for improving the LFO system. This will continue to be a challenge. Fortunately, the Washington State Minority and Justice Commission, as a Supreme Court Commission, is seen as a neutral entity that is able to convene all of the stakeholders in order to explore a collaborative solution. However, given the scope of the problem, any successful LFO reform undertaking will require additional financial resources.

II. PROJECT DESIGN AND IMPLEMENTATION

The purpose of these efforts is to identify and develop data-driven and evidence based practices for criminal justice partners, in Washington and across the country, to support changes in policies, legislation, court rules, and practices of imposing and collecting LFOs. This proposal

is about working collaboratively with all partners across the state to find a method of collecting data around LFOs, and to use that data to identify more fair and effective policies and practices related to criminal justice LFOs.

The proposed approach involves three (3) strategies. The first strategy is to establish a statewide **LFO Stakeholder Consortium** composed of individuals who manage different parts of the LFO system. The goal of the Consortium will be to promote and increase collaboration and data sharing regarding the assessment, collection, prioritization and tracking of LFOs.

The second strategy is to develop a comprehensive **Study of LFOs in Washington State**. The Study will provide a basis for data analysis that will inform recommendations for fair and effective policies and practices of LFOs. The Study also aims at increasing the accessibility of information across the state regarding fines, fees, and costs related to the LFO system.

The third strategy is to develop, implement, and test the **LFO Calculator**, an innovative approach that will help judges make a determination of a defendant's ability to pay.

A. LFO Stakeholder Consortium

As part of the grant, the Commission will establish an LFO Stakeholder Consortium (Consortium) to promote and increase collaboration and data sharing among criminal justice agencies and officials regarding LFOs. The Consortium will serve as an advisory board and working membership that will work collaboratively to carry out the objectives outlined in this grant. As an entity of the Washington State Supreme Court, the Commission has connections to every court level in the state, the legal community, including prosecutors, defense counsel, legal aid attorneys, the executive and legislative branch, advocacy groups that represent interests of minority populations, and communities of color.

The Commission is the only entity in the state that is able to bring such diverse groups together in a collective effort to improve LFO practices. We have already begun building the foundation for the Consortium by successfully bringing stakeholders together in preparation for this grant. All of the stakeholders that will be participating in the Consortium have provided letters of support which are provided as an attachment.

The Consortium will meet every quarter during the 36-month grant period, with sub-groups that meet on a more frequent basis. The success of the Consortium will be measured by how the group works together to move the projects of the grant forward. In order to capture and sustain the membership of the Consortium, a list of the contact information and a listserv that includes all members will be kept.

B. A Study of LFOs in Washington State

The stakeholders of the Consortium each play a significant role in the LFO system, yet none have access to the entire picture. The Study seeks to uncover the big picture of LFOs in Washington State by promoting and increasing collaboration and data sharing among the members of the Consortium, and by collecting and analyzing data to develop fair and effective policies and practices related to LFOs. There will be five (5) components of the Study.

1) What are the formal and informal laws and policies governing LFOs?

The first component of the Study will examine the formal and informal legal parameters governing the sentencing and monitoring of LFOs in Washington State and local court officials' orientation to the sentencing practice. Because Washington is a non-unified court system, practices across the state vary from county to county. The purpose of the first component is to review all of the current laws around LFOs in Washington, and to map the different LFO practices by court and county across the state. To accomplish this,

we will design and field a survey to all levels of court, municipal, district, and superior, within the state on their LFO practices and produce a map illustrating the different counties and their practices. Presiding judges of the court and head clerks of the jurisdiction will be asked to complete this survey. Survey questions will ask about average amounts of LFOs sentenced within the courts, the average monthly payment received by the court, the average time required to pay an LFO amount in full, whether or not the court relies on a private collection agency, and questions about collection and sanctioning practices for non-payment. A variation of the survey will be fielded to court officials, defendants, and victims and will examine perspectives on how LFOs are actually practiced. We will field this survey of judges, prosecutors, defense counsel, clerks, defendants, civil legal aid attorneys, legal debtors and victims who receive restitution. Respondents will be asked to answer survey questions from their different perspectives on the LFO system. Information gathered during this survey will help inform best practices and recommendations. The survey will be taken anonymously in order to allow for more candid answers.

2) Who is sentenced to LFOs in Washington State?

The second component of the Study will examine the population of defendants who receive LFOs upon sentencing. Using automated court data from the Administrative Office of the Courts, we will examine such characteristics as indigency (as represented by a court appointed attorney), gender, racial and ethnic characteristics, age and type and number of prior convictions. This analysis will provide an updated analysis of who is sentenced to LFOs in Washington, who is able to pay them off, and who remains in legal debt.

3) What are the costs related to the sentencing and recoupment of LFOs?

The third component involves exploring the actual financial costs related to LFOs to the state and local jurisdictions that impose LFOs. We aim to examine the type and amount of financial resources that are used to impose LFOs, collect unpaid LFOs and sanction non-paying defendants. The Study will examine a detailed breakdown of costs involved in imposing LFOs. This may include the cost of hearings, personnel costs of judges, prosecutors, defense counsel, court staff, clerks, and probation or enforcement. The Study will look at the costs of issuing and serving a bench warrant, and in some cases the cost of jail time. A dimension to this analysis will be to examine jurisdiction's reliance on private collection agencies and how much it costs for courts to use collection companies instead of in-house collections. We will contrast recoupment amounts by jurisdictions that rely on private companies versus those that use public companies. It will look at how many accounts are referred to collections and how much collection agencies are collecting. This line of inquiry requires budget related data from different governmental bodies, local and statewide throughout Washington. The Consortium will include entities that the courts do not ordinarily work with, such as representatives from the Washington State Legislature, Washington State Governor's Office, Washington Association of Counties, and Association of Washington Cities, each of which can provide insight into mapping out costs associated with the implementation of this sentencing schema and also determine how and to which governmental entities recouped LFOs are reallocated.

4) Examination of the effect of the LFO Calculator

The fourth component of the Study will examine data involved with the LFO Calculator pilot project. An in depth explanation of the LFO Calculator pilot project can be found later in this grant. Some of the questions that will be asked are meant to help answer the

question of whether the LFO Calculator should be recommended as a tool for judges in determining ability to pay. The Study will look at the amount of LFOs imposed prior to using the calculator versus after the calculator; the amount of LFOs actually collected in both instances; the amount of time it took for judges to use the calculator; and the demographics of the individual defendants who were included as part of the pilot project.

5) Summary of Findings and Recommendations

The fifth and last component of the study will conclude with the Consortium's recommendations based on the analyses and findings of components 1-4 of this study. The Consortium will prepare a final report that outlines coordinated and appropriate justice system responses to the current problems with the system of LFOs in Washington State. After reviewing all of the data and hearing the perspectives of the different stakeholders within the Consortium, the Consortium members will propose recommendations for LFO reform in Washington State, and across the country.

After the Study is complete, the Consortium will seek opportunities to present the report's findings to the different bodies of stakeholders who have the ability to change policies, laws, and practices around LFOs. The Consortium will document all stages of data collection, analysis and findings with an aim of creating a template for other states to use to address similar issues with their systems of monetary sanctions.

C. LFO Calculator Pilot Project

The long-term goal for the LFO Stakeholder Consortium is to effect comprehensive LFO reform for lasting systemic change. As an immediate strategy towards this goal, the LFO Calculator Pilot Project will be launched as a way to develop, test, and institutionalize efficient, consistent, and data-driven methods in determining ability to pay as well as provide a streamlined

and automated solution for making this determination. The LFO Calculator Pilot Project is an innovative approach to determining ability to pay and will make Washington a model for other states to use this or similar technology as part of their LFO practices. The goal of the pilot project is to reduce unnecessary confinement for those unable to pay LFOs and promote the use of data analysis through which fair and effective practices related to LFOs can be based.

Washington statute requires the sentencing judge make an individualized inquiry into the defendant's current and future ability to pay before imposing LFOs. Judge Linda Coburn from the City of Edmonds Municipal Court is a pioneer in looking at innovative ways judges can make this individualized inquiry. Judge Coburn created an interactive LFO Calculator in her court to address the problems she encountered with determining a defendant's ability to pay. The calculator, which is not streamlined into a scalable computer tool, takes into consideration what fines and fees are mandatory and what may be reduced, waived or suspended and cites to exact statutes in support.

The calculator used in Edmonds Municipal Court (population 40,896 in 2014) has proven effective in decreasing the number of LFOs imposed and in the average payment. In November, December, and January 2014/2015, 94 LFOs were imposed for a total of \$72,090.29 and an average payment of \$766.92. During this same timeframe of November, December, and January 2015/2016, 70 LFOs were imposed for a total of \$50,470.92 and an average payment of \$721.01. These numbers show a 7.4% decrease in the number of LFOs imposed and a 9.4% decrease in the average payment after one year of implementing the calculator and launching a community service option as an alternative to LFOs.

The LFO Calculator will build on Edmonds's model. It will be a computer-based tool that uses statutory guidance to calculate appropriate LFO payment amounts. To use the Calculator, the user would go online to the calculator and enter information into the data entry fields. After the

information is entered, the Calculator would instantly show what the defendant's monthly payments would look like, and how long it would take to pay off the balance.

The LFO Calculator will be tailored to the Washington judicial system and statutes. It will be modeled after child support calculators currently being used in Washington⁹ and across the country¹⁰. Initial research indicates that while there is prominent use of child support calculators across the country, LFO Calculators are not used or even available. To scale up use of the Calculator, a feasibility test will be conducted to see how to implement a Calculator as a smart phone application for iPhone and Android platforms. The application can be used by legal professionals and be made available to the public for increased accessibility.

Having an LFO Calculator allows judges to be better equipped to understand what they can waive and suspend, to exercise their discretion in adjusting LFOs, and to understand exactly how their decision will impact the minimum monthly payment required. The Calculator will also empower defendants to better grasp the full picture of their financial obligations as a result of imposed LFOs, as well as help legal professionals, and advocates play an active role in understanding the long-term picture of imposed LFOs and institutionalize a more transparent system of determining ability to pay.

A Calculator Evaluation Workgroup (Workgroup) will be established to design and implement the Calculator tool. The Workgroup will determine the information needed to accurately and effectively determine ability to pay. These guidelines will follow statutory requirements and may also be based on factors such as total income, net disposable monthly income, incarceration, and a defendant's other debts, including other LFOs owed. The Workgroup

⁹ Washington State Department of Social and Health Services, Division of Child Support - Quick Child Support Estimator, <https://fortress.wa.gov/dshs/dcs/SSGen/Home/QuickEstimator>.

¹⁰ All Law Child Support Calculators, <http://www.alllaw.com/calculators/Childsupport>.

will examine potential privacy concerns and who bears the burden of producing this data. Washington law now places the burden on the prosecutor. It will be important to understand the legal and ethical implications of requiring verification versus using other means to gather information.

A software development company (Company) will be hired to manage the entire design and implementation process; to work closely with the Workgroup to identify the needs and goals of the Calculator, including creation of a detailed User Guide; and to provide technical support throughout the implementation and test phases.

The LFO Calculator will be launched in two courts: Edmonds Municipal Court and a superior court that will be determined after examination of initial survey results, demographic information, and other factors, specifically a court that uses jail time as a sanction for failure to pay LFOs. The Workgroup will determine parameters for administering control and variable test courts to ensure a comprehensive test is conducted.

To design and implement the LFO Calculator, we will take a series of incremental steps. Many factors, known and unforeseeable, will drive the final product as will legal guidelines that will need to be addressed throughout the project.

Step 1: The Workgroup will be established. The Workgroup will evaluate existing legal calculators and similar online tools to determine the type of tool that will best fit the needs of the target audience (judicial officers and legal professionals).

Step 2: The Company will be hired to manage the design and implementation process. The Company will work with the Workgroup on the Calculator schema, set a timeline for each phase, and assess the feasibility of creating a smart phone application.

Step 3: The Company will manage the creation of the LFO Calculator; identify a test group for the smart phone applications (if applicable); conduct usability testing before launch; develop a User Guide; identify the data to be collected to produce an accurate evaluation of ability to pay; create a mathematical model to evaluate a court's revenue as a result of the total LFOs imposed; streamline and minimize costs of the implementation process.

Step 4: The Workgroup will identify the superior court that will participate as a pilot for the Calculator using the Study findings. The Workgroup will also evaluate control/variable test implementation options.

Step 5: The Company will implement the online tool in Edmonds Municipal Court and in the identified superior court, as well as launch the smart phone applications with the test group.

Step 6: The Company will conduct bi-monthly check-ins with courts for data collection and updates on tool use as well as with the test group on the use of the smart phone applications. The Company will manage technical troubleshooting throughout all steps.

Step 7: The Workgroup will evaluate the data involved with the LFO Calculator Pilot Project and incorporate findings into the Study of LFOs in Washington State final report.

III. CAPABILITIES AND COMPETENCIES

The agency responsible for the project is the Washington State Minority and Justice Commission. One of the co-chairs of the Commission is Justice Mary Yu, who will serve as the Chair of the LFO Stakeholder Consortium. The Minority and Justice Commission receives its administrative support by staff, Cynthia Delostrinos and Stacy Smith, who work within the Washington State Administrative Office of the Courts.

The grant coordinator and primary point of contact for the TA provider and all project partners is Cynthia Delostrinos¹¹. Ms. Delostrinos is the Manager for the Washington State Supreme Court's Minority and Justice Commission. Ms. Delostrinos has worked with the Minority and Justice Commission since 2013, and has overseen numerous projects and activities of the Commission, including those projects involving LFOs. Ms. Delostrinos will receive assistance from Stacy Smith¹², Court Program Analyst for the Minority and Justice Commission, who will serve as the secondary point of contact for the grant. Together, Ms. Delostrinos and Ms. Smith will provide all administrative support and oversight of the grant.

If the grant is received, Ms. Delostrinos will immediately begin the process of hiring a Research Coordinator¹³ who will oversee the research and data collection of the grant (the Study and data relating to the Pilot Project). Also upon receiving the grant, we will contract with a software development company that will be able to oversee the technical development of the Calculator.

Dr. Alexis Harris¹⁴ will serve as a Research Consultant on the grant. Dr. Harris is an Associate Professor of Sociology at the University of Washington, whose research has focused on investigating LFOs. She is the leading national scholar on the topic of criminal justice fines and fees, has participated in national conversations around court fines, fees, and practices, and was also author to the Minority and Justice Commission's 2008 report addressing LFOs in Washington State.

Fiscal oversight will be provided by Helen Swenson¹⁵, who is an employee of the Administrative Office of the Courts' (AOC) fiscal department, and who oversees all of the

¹¹ See Cynthia Delostrinos's Resume.

¹² See Stacy Smith's Resume.

¹³ See Senior Researcher Position Description.

¹⁴ See Dr. Alexis Harris's Resume.

¹⁵ See Helen Swenson's Position Description

agency's federal grants. Ms. Swenson has extensive experience overseeing grants, and has the necessary qualifications and experience to oversee this particular grant.

LFO Stakeholder Consortium members were selected with much deliberation and purpose. Please see Letters of Support to learn more about their contributions to this grant.

IV. PLAN FOR COLLECTING THE DATA REQUIRED FOR THE SOLICITATION'S PERFORMANCE MEASURES

Data required for the solicitation's performance measures will be collected through the LFO Calculator pilot project. When selecting a court to be a pilot for the LFO Calculator, we will look for a superior court whose current practice involves, in many instances inadvertently, jailing individuals for failing to pay LFOs. In some courts, while defendants are not per se jailed for failure to pay, a defendant might be picked up and jailed on a warrant for failure to appear. We will be looking for courts in Washington with that type of practice in order to measure whether or not the use of the LFO Calculator has an effect on reducing the jail population for individuals failing to appear for their LFO hearings and/or failing to pay their LFOs. In order to participate in the LFO Calculator pilot project, the participating court must be able to provide us with the relevant data relating to their jail population.

All data that is collected as part of the grant will be overseen by the Research Coordinator who will be hired upon the acceptance of the grant. The Research Coordinator will receive support and guidance from Dr. Alexis Harris. Dr. Harris will serve as a Research Consultant to the grant and will provide assistance with assessing and addressing data quality throughout the life of the grant.

September 1, 2016

Dear Justice Mary Yu,

On behalf of the Washington State Supreme Court's Minority and Justice Commission, the District and Municipal Court Judges' Association and the Superior Court Judges' Association, we invite you to attend an informational meeting on Friday **October 7, 2016 from 8:30 a.m. to 12:30 p.m. at Seattle City Hall** to discuss an innovative pretrial reform initiative. The initiative, known as '3Days Count' is sponsored by the Pretrial Justice Institute (PJI), a national organization devoted to reforming bail and diversion decision-making practices through the use of data-driven and evidence informed decisions. It emphasizes an elimination of outcomes in pretrial detention that are influenced by race, gender, social class or economic status. The rationale for reform as explained by PJI:

"Our justice system currently operates like a complex maze, with too many entry points and too few exits. As a result, many people enter jail—and stay in pretrial detention—unnecessarily, which increases their chances of getting stuck in the maze. In fact, each year nearly 12 million people are booked into U.S. jails, mostly for nonviolent misdemeanors, and more than 60 percent of jail inmates are unconvicted—largely because they are too poor to post even small money bond amounts. Even three days in jail can be too much, leaving low-risk defendants less likely to appear in court and more likely to commit new crimes—because of the stress incarceration places on fundamentals like jobs, housing and family connections. Meanwhile, half of the highest-risk defendants go free by posting money bail under laws that currently hinder judges' ability to detain based on risk."

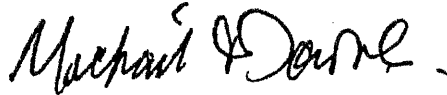
You can learn more about PJI and '3Days Count' here: <http://www.pretrial.org>

At the meeting on October 7, we will hear from representatives of PJI, as well as the Laura and John Arnold Foundation (<http://www.arnoldfoundation.org/about/>) regarding diversion options and the utility of evidence based risk assessment tools used in pretrial release scenarios. You'll also hear about how '3Days Count' could work in Washington.

As you may know, the Minority and Justice Commission recently sponsored a symposium before the Supreme Court on the issue of pretrial reform. Those efforts, combined with the interest and involvement of Washington's trial judges, have prompted our organizations to act. Pretrial reform efforts are currently underway in Spokane and Yakima counties. Statewide reform, through an evaluation of best practices both here and nationally, is a natural next step.

Your organization has been identified as an important partner in this reform effort, and we hope you are able to attend this meeting to hear from the program sponsors, ask questions, and discuss next steps with us. To RSVP for the meeting, please send an email to Cynthia Delostrinos at Cynthia.Delostrinos@courts.wa.gov. We ask that you notify us whether you are interested in participating in the meeting and/or continued efforts of this group by September 16, 2016.

Sincerely,



Judge Michael Downes
Snohomish County Superior Court
President, Superior Court Judges' Association



Judge Scott Marinella
Columbia County District Court
President, District and Municipal
Court Judges' Association



Justice Mary Yu
Washington State Supreme Court
Co-Chair, Minority and Justice Commission



Partnership Opportunity

Washington State Minority and Justice Commission ,

TeamChild, a nationally recognized Washington nonprofit that works to break the cycle of arrest and detention that drives vulnerable youth from school to prison, invites you to become a sponsor at the inaugural TeamChild Hack hosted at Code Fellows at Seattle Center.

For far too many students, disproportionately students of color, entering the gateway to incarceration begins with a referral from the classroom to the courtroom. This phenomenon funnels students out of school and into the streets and the juvenile correction system perpetuates a cycle known as the “School-to-Prison-Pipeline,” depriving children and youth of meaningful opportunities for education, future employment, and participation in our democracy.” The emergence of the school-to-prison pipeline has been impacted by trends in school disciplinary practices and zero tolerance policies. It is our challenge to dismantle this pipeline and create new pipelines to success for all children.

The TeamChild Hack is one of the first-ever hackathons in the country to specifically address the “school-to-prison pipeline”. It’s an historic and collaborative event where affected youth, law students, lawyers, legal service providers, coders, and designers will create technology-enabled open source solutions to address the numerous challenges faced by underserved teenagers who cannot afford a lawyer and legal services. The goal of the hackathon is to improve the delivery of services and help students obtain the services that can mean the difference between graduation and incarceration.

The idea is to bring people together for a three-day experiential event to pitch ideas, form teams that will solve the many barriers to staying in school and out of jail. Miguel Willis a rising 3L at Seattle University School of Law is the lead organizer, in partnership with Code Fellows Seattle. As a student leader at Seattle University School of Law, and member of Seattle entrepreneurial community, Willis truly believes that taking an innovative approach to address these issues can lead to more restorative outcomes and increase accessibility of services for youth.

Given the Minority and Justice Commission’s leadership and community involvement on these issues, we would be honored if you would become a sponsor for our event! The hack takes place Friday, October 7th- Sunday, October 9th, 2016. Our plan is to have affected youth participate in the solution making stage. I would love to discuss this opportunity in greater detail.

Again, we invite you to share your expertise in empowering our participants with the development of their youth justice solutions. Feel free to contact me with any questions. If you’d like to find more information for our event please contact me at Miguel@socialjusticehackathon.com

Thank you!

Miguel H. Willis



TeamChild[®] HACK

Busting the School-to-Prison Pipeline

In partnership with:



CODE FELLOWS

Sponsorship Package

Saturday & Sunday, October 8-9, 2016
Hosted at Code Fellows
2901 3rd Ave #300, Seattle, WA 98121

What is TeamChild?

[TeamChild](#) is a nationally recognized nonprofit serving children in crisis across Washington State for 20 years. By drawing on its legal expertise, it works to break the cycle of arrest and detention that drives the school-to-prison pipeline. TeamChild advocates for anything but jail including helping kids get back in school, securing physical and mental health services, finding safe and stable housing, and connecting to other positive supports to ensure their health and safety in the community. TeamChild is in the midst of an ambitious effort to scale its impact across Washington.

What is the TeamChild Hack?

In Washington State, we suspend or expel more than 30,000 children from school each year. And we arrest more than 20,000 young people, mostly for minor offenses. The top reasons children are locked up are in fact non-criminal offenses like probation violations and truancy. Whether it's being out of school or worse yet, caught up in the juvenile justice system, the chances of graduating from high school plummet. Incarceration causes disconnection from home, school and neighbors, so it's no surprise that teens can rack up multiple offenses without getting their needs met.

We're looking for tech projects that seek to help kids break free from the cycle of exclusion from school and incarceration. Participants include people who've experienced the justice system, developers, designers, lawyers, law students, business developers, "idea people", and anything in-between!



CODE FELLOWS

Why Be Involved?

Take Part in an Innovative Way of Civic-Minded Problem Solving

This event is one of the first of its kind in the country to address the school-to-prison pipeline, let's make history by making this event a success! It begins by incentivizing the legal community, coders, designers and innovative thought leaders to create technology-based solutions to bring legal access to the most vulnerable teenagers in our community who've been excluded from school and deserve the chance to learn from their mistakes instead of being further traumatized by jail time.

Promote Your Company or Expertise to a High Profiled Audience

This is an opportunity to get the message of what makes your company successful to peers in other fields.

Network with Law Firms, Tech Companies, and Computer Programmers

You will be meeting with individuals and companies you can do business with, and who can do business with you. You'll also be exposed to some of Seattle's best tech talent.

Giving Back to the Community

You will be truly helping those who need it most—kids in crisis who don't have the benefit of being able to hire legal expertise and representation.



CODE FELLOWS

Event and Branding Opportunities

Reserved Company Table

Set up a table where you can showcase information about your company.

Custom Branded Prize

Your company's logo will be on the placed a special gift given to each participant.

Be An Event Speaker

Give the opening remarks or keynote remarks at the hackathon.

Seattle University Dean's Club

The Dean's Club brings together Seattle University School of Law's most generous alumni and friends whose leadership gifts of \$1,000 or more. Members are invited to special law school events with the dean and receive a quarterly Impact Update, an inside look at your gifts at work.

Thanked At All Events

At different points of the hackathon our sponsors will be recognized.

Sponsored Meal, Raffles, Swag Bag

Sponsor one of the several meals during the hackathon.



CODE FELLOWS

Event and Branding Opportunities (Continued)

Recruiting

Use the opportunity to recruit some of the great talent that will be participating at the hackathon.

Branding & Logo Placement (Including Posting of Company Banners)

Have your company's logo appear in our website, media, programs, t-shirts, etc.

Company Blurb in Program

Have your company's profile appear in our program.

Pre-Hackathon Social Media Post

We will give your company or organization shout outs via social media before, during, and after the hackathon.

Mentorship

Offers an opportunity after the event for sponsors to give consultancy, provide an internship, promote a fellowship, or even hire a promising participant.



CODE FELLOWS

	\$250	\$500	\$1,000	\$1,500	\$2,000
General					
Act as A Mentor		X	X	X	X
Reserved Company Table		X	X	X	X
Speaker			X	X	X
Sponsored Meal				X	X
Sponsored Venue					X
Branding					
Thanked at all events	X	X	X	X	X
Social Media Blast	X	X	X	X	X
Logo placement in Program, Website, T-shirt,	X	X	X	X	X
Distribute Swag			X	X	X
Contact info of project teams				X	X
Individualized Gift for Attendee				X	X
Brand Name Sponsor					X



Levels of Sponsorship

There are many ways your company or organization can be involved with the TeamChild Hack. These are the sponsorship levels and what they include.



CODE FELLOWS



To discuss sponsorship programs and opportunities, please contact:

travis.thompson@teamchild.org
206-765-0026

All contributions made to the Teamchild Hack are tax-deductible.

Thank You For Your Support!

**Minority and Justice Commission
Updated Budget (2016-2017)**

Starting balance = \$70,000		PROJECTED SPENDING	Spent	Remaining
Commission Meetings	Member & staff travel costs, lodging, and per-diem for all regular MJC meetings and Y&J Forums	\$15,000		
General Operating Expenses	Printing, teleconferences, office supplies, etc.	\$5,000		
Annual Report	Design and printing	\$1,000		
Commission Staff & Member Continuing Education	National Consortium & other conferences	\$7,000		
EDUCATION		\$10,500		
	Judicial College	<i>\$1,000</i>		\$1,000
	Institute for New Court Employees	<i>\$500</i>		\$500
	Fall Conference <ul style="list-style-type: none"> • Perceptions of Justice Part II (\$1,200) • Jury Diversity and Implicit Bias (\$600) • Pre-trial Justice 	<i>\$2,500</i>	\$1,900	\$600
	Spring Conferences <ul style="list-style-type: none"> • DMCJA (\$1,500) • SCJA (\$1,500) • Appellate Courts (\$1,500) 	<i>\$4,500</i>		\$4,500
	Flexible Spending for Other Education Sponsorships	<i>\$2,000</i>		\$2,000
LAW STUDENT LIAISONS	Project/s (\$4,500, \$1,500 per law school) Leadership Training & Travel (\$1,000)	\$5,500	\$1,500	\$4,000
YOUTH PIPELINE PROGRAMS	Youth and Justice Forums <ul style="list-style-type: none"> • Yakima (Oct. 2016) (\$1,000) • Tri-Cities (March 2017) • Spokane (Dec. 2016) • Seattle (April/May 2017) • Tribal Youth (Spring 2017) 	\$5,000 <i>(\$1,000 each)</i>	\$1,000	\$4,000
SYMPOSIUM		\$6,000		\$6,000
INITIATIVES		\$10,000	\$450	\$9,550
	Tribal-State Court Consortium (\$2,500) (-\$450 for Fall Conf.) Pre-trial Task Force (\$2,000) Eliminating the Pipeline Seminar Series (\$1,000) Spokane Community Forum (\$3,000) Town Hall (\$1,500)			
SPONSORSHIPS	TBD	\$2,000		\$2,000
RESEARCH	TBD <ul style="list-style-type: none"> • Jury Survey Project 	\$1,000		\$1,000
COMMITTEE WORK		\$2,000	\$800	\$1,200
	<ul style="list-style-type: none"> • Outreach, Workforce Diversity, Juvenile Justice, Legislative, Evaluation and Implementation • Judges of Color Reception (\$800) 			
TOTALS		\$70,000	\$5650	\$36,350

PROPOSAL FOR PROFESSIONAL DEVELOPMENT SERIES

Eliminating the Pipeline: Transforming juvenile justice and school discipline: An intersectional conversation between juvenile justice and education.

Co-Conveners: Equity in Education Coalition of Washington and the Minority and Justice Commission

Date: Fall 2016 – Fall 2017

Location: South King County – Foster High School, Renton High School, Puget Sound ESD, Courts

PURPOSE

Every year thousands of students are suspended and/or expelled from our schools, an increase from years prior, with a disproportionate number being students of color. The Equity in Education Coalition of Washington and Washington State Minority and Justice Commission are concerned with this trend because of the implications that follow from these students being pulled into what many have termed “the school to prison pipeline”.

We know that education prevents involvement with the juvenile justice system, and we would like to see changes made to address the culture of over-reliance on suspension and expulsion on students of color, in order to ensure success and opportunity in education for all students. Many good changes have been sought and obtained through legislation in the past few years, including changes to the school discipline regulations, requiring data on school discipline and demographics, and reform of laws around truancy. However, even with the changes in policy, it still takes a village of support for change to be realized by our students and their parents.

The purpose of this series is to stimulate a catalyst for realized change. By bringing together cross-collaborative partners that both work on racial equity in the justice system and in the education system respectively, we can build alliances that can be the necessary and powerful push to change systemic and institutional practices that have historically marginalized our students.

GOAL:

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 that our schools and justice systems carry out student discipline.

OBJECTIVES:

1. Attendees will develop a common way to describe, define, and then transform the way they look at the current school discipline climate and involvement with the juvenile justice system through a racial equity lens.
2. Discover new allies and form cross-system partnerships to produce multi-systemic outcomes for students and their families on school discipline and its effects.
3. To propose solutions that the Equity in Education Coalition and Minority and Justice Commission can assist in spearheading – design, develop, and produce an action plan for follow-up.

AUDIENCE:

- Public Schools – All levels (building staff, administrative leadership, educators, SRO’s)
- Courts – Juvenile Courts & Superior Courts that handle juvenile cases (judges & commissioners, probation, staff)
- Community Based Organizations
- Parents
- Students

Eliminating the Pipeline:

Transforming juvenile justice and school discipline: An intersectional conversation between juvenile justice and education

Series I: Before we begin

Location: Bethaday Learning Ctr

- Welcome & Group Introduction Activities – Setting the tone for the series
- Why are you here
- Understanding Race
- Why Racial Equity in Education is Important (from a white perspective)
- Fishbowl: My life after my expulsion

Series II: Entering the pipeline

Location: Puget Sound ESD

- Early learning and Discipline
- Family Engagement
- Implicit Bias in Early Learning
- Data in early learning
- Action Item: Homework, reflection, and preparation for next series

Series III: Through the pipeline (Part I)

Location: Foster High School

- The Cost of Punitive Discipline (monetary and social costs)
- Student Resource Officers on campus
- Teen Parents and access to basic educational services
- Special Education, Federal Requirements, and Discipline
- Action Item: Homework, reflection, and preparation for next series

Series IV: Through The Pipeline (Part II)

Location: Renton High School

- School Discipline Models (Lessons Learned, Community centered best practices)
- Truancy and Implementation
- “Model Minority” in Discipline and implicit bias
- Data driven decisions – or biased driven decisions
- After an expulsion – then what?
- Action Item: Homework, reflection, and preparation for next series

Series V: Into the Courthouse

Location: Regional Justice Hall

- Courts Igniting Change: How can courts make a positive impact on a child’s life?
- Collateral Consequences: How can court involvement have a negative impact on a child’s life?
- Truancy Process and Outcomes
- Reframing School Discipline and Juvenile Justice (Moving away from punitive models)
- Preparation for Group Action Workshop: What will it take? What can we work on together to get to reach changes?

Series VI: Eliminating the Pipeline

Location: Bethaday Learning Ctr

- Group Action Workshop: What is the research? What are the best community and student centered practices? Community action, feedback and leadership?
- What will it take to reframe school discipline and juvenile justice in WA? What can we work on together that will get to real changes?

2016 Smart on Youth Justice Conference



The issue of racial disproportionality in the U.S. criminal justice system is pervasive, no more so than in the sentencing of juveniles as adults.

We are striving to develop legislative and policy changes that align with our knowledge of adolescent brain development and effective treatment interventions to impact the cradle to prison pipeline and enhance public safety.

Join us as we present information on youth in the adult criminal system, develop options for change, and generate approaches for reform.

Featuring special guest Ron Sims and presentations by national experts Vincent Shiraldi & Dr. Abigail Baird

Monday, October 17, 2016

Center for Urban Horticulture, Seattle

Conference: 8:30 AM - 5:00 PM

Reception: 5:00 PM - 6:00 PM

Email pbhjpadm@uw.edu or **click here** to register by October 1st

GOALS

- * **Create** a data driven approach to address youth under 18 who are being tried, sentenced, and incarcerated as adults.
- * **Develop** a practical, humane, and effective approach for removal of juveniles in jails who are awaiting trial for adult charges.
- * **Determine** proposals to the Legislature for passage of reforms.



center for
CHILDREN & YOUTH
JUSTICE | Better systems. Better lives.®



WASHINGTON STATE
PARTNERSHIP COUNCIL ON
JUVENILE JUSTICE

35 WA-PCJJ

Funding for this event was aided by the Office of Juvenile Justice, DSHS, through a federal grant from the Office of Juvenile Justice and Delinquency Prevention of the U.S. Department of Justice, through a grant approved by the Washington State Partnership Council on Juvenile Justice (WA-PCJJ).

Save the Date

WA State Partnership Council on Juvenile Justice: Juvenile Justice Reentry Symposium

November 14, 2016

8am – 4:30 pm
Seattle Airport Marriott

- **How do you support youth reentering the community from the juvenile justice system?**
- **What reentry services do you offer?**
- **How can we do a better job preparing youth for their future and ensuring a successful transition?**

This symposium is a venue for service providers (agencies, organizations and community advocates) who serve youth being released from juvenile justice facilities. It is an opportunity to come together, learn from each other, have a dialogue on how services could be enhanced statewide, identify barriers, and create an Action Plan.

Registration information will be available soon on the [Office of Juvenile Justice website](#). To be placed on an email notice list email lisa.wolph@dshs.wa.gov

Panel and Roundtable discussions on:

- **Community Support**
- **Behavioral Health**
- **Education**
- **Employment**
- **Housing**
- **Advocacy**

If your agency/organization would like to be a co-sponsor or supporter for this event please see our [Co-Sponsor/Supporter form](#) or contact Lisa Wolph at lisa.wolph@dshs.wa.gov or 360-902-0821

Joint Commissions Education Workgroup

Meeting Minutes

8.25.16

Attendees: Justice Sheryl Gordon McCloud, Justice Debra Stephens, Justice Steve Gonzalez (via phone), Judge Rich Melnick, Judge Charles Short, Judge Andrea Darvas, Judge LeRoy McCullough, Sam Mattix, Dirk Marler, Judith Anderson, Robert Lichtenberg, and Cynthia Delostrinos

Minutes

Meeting Goals – To get all of the Commissions and judicial association groups, that are focused on diversity and inclusion, together to discuss future collaboration on judicial and court education. Discuss both short term and long term planning on ways to collaborate.

There were essentially three (3) main areas of discussion:

- 1) How can the groups involved in the meeting collaborate on proposals for specific conferences?
- 2) Can we provide support for programs that are already on the agendas, by helping to incorporate diversity and inclusion elements?
- 3) Are there other models of delivering education beyond individual conference proposals?

Collaborating with Associations' Education Committees on Conferences

- Part of our goal is to get to a point where the associations (SCJA, DMCJA, AWSCA, etc.) are soliciting the Commissions with ideas of topics they would like to see the Commissions help sponsor and put on. The Commissions would like direction from the associations, and not the other way around. We would rather develop programs based on their needs.
 - Is there a possibility of revisiting a needs assessment?
 - We should begin reaching out to the different court associations' education committees about wanting to collaborate more with them. Reach out to figure out how we can collaborate with them in the future.
 - We should always be looking for whether there are areas on a substantive law topic that may be covered at the association's conference, which might be related to race, gender, or language access.
 - For example, on the 2017 DMCJA Spring Conference schema there is a topic entitled "Civility and Procedural Fairness" which seems to be an area where one could talk about the recent ABA Rule "Don't Call Me Honey." Or another area of possible collaboration is on the topic covering immigration issues—which is a topic that Gender and Justice has historically been engaged in.
- The timing of the request for proposals can become an issue if it is not consistent year to year. It would be helpful if the associations' education committees can let the Commissions know further (at least 2-3 months) in advance when their proposal deadlines are.
- The judges like more practical topics, actual things that a trial judge can do to increase fairness and the perceptions of justice for marginalized populations—whether it be by court rule, legislative changes, etc.

Models for Delivering Education Beyond Individual Conference Proposals

- The Commissions have resources that could be put towards a pilot project exploring alternative methods of education.
- One resource that seems to get used a lot are benchbooks. What about incorporating videos into benchbooks?
 - Possible topics for piloting short tutorial/instructional videos:
 - Jury Selection
 - Mental Health Hearings
 - Other areas where Commissions have created benchbooks
 - It would also be nice to do a survey to see if judicial officers are actually using benchbooks
 - We need to be incorporating a marketing component into the release of our benchbooks. One idea was to raffle off the most current benchbook during judicial conference trainings. It would build excitement, desire, and enthusiasm about the benchbooks.
 - However, it becomes an issue when some of the benchbooks are not regularly updated.
- Checklists are also helpful resources that are used frequently
- There was an idea of having follow-up sessions (after a judicial conference) available on video or DVD. Often times there is not enough time during the conference to cover the topic, but we could use the conferences as opportunities to peak interest and then have follow-up videos or webinars available for more in-depth training. This method would make education extended and keeps it alive and ongoing.—There was a question as to whether there was a demand for this sort of follow-up training.

Topic Areas of Interest

- **SCJA - Money bail, minimum bail amounts, and bail determinations without regard to financial status**
- **SCJA - Women in the military and sexual abuse, sexual harassment, rape, and the fallout from that as it presents itself in courts**
- **SCJA - “Super Predators”** – What preceded the juvenile justice over-reaction to young people of color, which led to the increase in the number of states who lowered the age of youth to be treated as adults. What happened to judicial discretion on whether youth are charged as adults.
 - There is a documentary that could help frame this issue
 - This is a topic that could also fit into the topic of Mass Incarceration –maybe do a plenary
 - Would be a good topic to get policy makers involved in
- **Updated Language Access Plans (Interpreter Commission)** – Members of the Interpreter Commission are currently working on an update to their Model Language Access Plan. A Language Access Plan is a detailed document that addresses all the areas where language barriers prevent access to the courts. Courts’ use of Language Access Plans is highly encouraged, and in some instances required. The new Model Plan is going to be completed and released by

next year, 2017. It would be a good opportunity to get on judges and court administrators' radars.

- **Case Management** (for DMCJA) – How triaging works in public defender offices. Studies show that overworked public defenders triage cases. There are instances when this triaging has a racial impact. There is a teacher (Richardson?) at UC Irvine who has done some research on this topic. Triaging is not something specific to public defenders—it can be applicable to any case management flow topic. Think about instances of routine continuances, continuances when defendant is incarcerated, and the impact that it would have on the individual whose case is being continued (whether it is against their best interest). May affect people who are out of custody, who have to travel long ways to get to court and may not have a vehicle or a license.
- **Implicit Bias in the Jury** – Possible topic to work with Dr. Anthony Greenwald, creator of the implicit bias test. Dr. Greenwald is interested in a program that gets into how we make change within the system—particularly looking at jury trials.
- **Mass Incarceration and Judicial Accountability** – The MJC did a program last year on mass incarceration, but it did not cover judicial accountability. For that program, there was data that was never before compiled and shared. It covered some of the sentencing data from the birth of the sentencing reform act to today, how different sentencing practices affected the incarcerated population, and how Washington looks in comparison to the national landscape. Washington is hardly affected by the war on drugs, but we do have a lot of 3-strikers.
 - Studies have shown that judges are more “tough on crime” when they are up for reelection. Do we have data on this? Is there something we can do to guard against harsh sentencing?
- **The Intersection of Civil Legal Needs and Multiple Complex Issues** – More and more pro-se litigants have been resorting to courts to help solve legal problems, and courts have become overburdened by individuals seeking legal help, of which the courts cannot give.
 - Is there an opportunity to do a collaborative conference amongst all court levels to talk about the civil legal needs issues that courts commonly confront?
 - Is there a systematic approach that can be taken to help solve some of these issues?
 - What CAN courts do to help self-represented litigants seek justice through the courts?
 - We will never serve all of peoples needs through legal aid
 - Partnering with libraries? – The use of the law libraries now is different than it used to be. The library now is the first line for pro-se litigants. Can courts and local libraries partner together to make access to legal resources more available? Community libraries are much less intimidating and burdensome to get to than the courthouse library.
 - What about access to legal information for individuals who are incarcerated? We should also address this. (This is an area that the GJCOM Incarcerated Women and Girls Committee is looking into, but only in the area of family law)
 - Another topic area that falls into this category is “Access to Legal Information and Solutions”
 - Judges aren’t familiar with where access is lacking
 - How are frontline staff affected?
 - Individuals who are incarcerated, both in jails and prisons

- **Seek Input from Tribal State Court Consortium** on possible topics involving history of state and tribal court jurisdiction
- **Social Sciences**
 - How do you differentiate junk science from valid research?
 - This could be a topic that all of the Commissions can collaborate on—bring in different examples
 - “Superpredators”
 - DV Batterers treatment
 - Justice Stephens has good contacts for presenters on this topic
 - How can judges access social science research more easily?

How Do We Move Forward?

- Long-term communication is key so that we know what one another is doing. Share information about planned programming with other Commissions and groups.
- Possible ways of collaboration with Associations’ Education Committees
 - Checklist that could be incorporated into the proposal forms that ask whether the topic affects race, gender, language access
 - Can the Commissions review proposals to see if there are areas of collaboration?
 - Some way of looking at topics through an equity lens for each proposal
- Short-term: We need to be talking to education committees and asking them where are areas of possible collaboration. Are there certain trainings that might be ripe for collaboration?
- Initiative – Let’s do outreach with the education committees to let them know what we are trying to do—to be more integrative and collaborative with courtwide education.
 - We want to know what their suggestions are for collaboration.
 - They have to know that we want to work with them moving forward.

Proposed Session Title: Juror Bias - Why it is a problem and what judicial officers can do about it	
Proposed By: Minority and Justice Commission Contact Name: Cynthia Delostrinos Contact Phone: 360-705-5327 Contact Email: cynthia.delostrinos@courts.wa.gov	Is there a limit to the number of participants? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Proposed Duration: <input checked="" type="checkbox"/> 90 Minutes <input type="checkbox"/> 3 Hours <input type="checkbox"/> Other:	Type: <input checked="" type="checkbox"/> Plenary <input checked="" type="checkbox"/> Choice
Target Audience: <input checked="" type="checkbox"/> Experienced Judges <input checked="" type="checkbox"/> New Judges <input checked="" type="checkbox"/> Experienced Commissioners <input checked="" type="checkbox"/> New Commissioners	Identified Educational Need: Practical courtroom management techniques for voir dire Deeper understanding of implicit bias Leadership development
Program topic or area of law: Jury trials - Voir dire	
Recommended Faculty: Dr. Anthony Greenwald, University of Washington Judges/judicial officers TBD	
Describe the purpose of the session and key issues to be presented. Explain what judicial officers will learn in the course. The purpose of the session is to look at implicit bias in the context of jury trials and jurors. The Minority and Justice Commission has done training with judges on how to understand their own biases, but has not yet had the opportunity to talk about how jurors' racial bias may affect the outcomes of a case. Judicial officers will learn about studies that have looked at the impact of implicit bias on juries and why diversity on juries matters and is successful in producing more fair outcomes. We will then go into what judges can do to facilitate voir dire and the discussion around jurors' implicit biases, with tips on what one can do during juror orientation, examples of special jury instructions on implicit bias, and juror questionnaires.	

Generally, describe the knowledge and skills that judicial officers will gain from this session and how they may apply these to their work in the courts.

Judicial Skills

- Tips on what judges can do during juror orientation / education opportunity for jurors
- Tips and examples of jury instructions to address juror implicit bias - ABA model jury instructions, Judge Bennet instructions, others that have been created by WA state judges
- Tips and best practices for voir dire - examples of judicial questionnaire for potential jurors

Describe the case law, best practices, or nuts and bolts issues that will be addressed.

Studies

- Implicit Bias
- Studies that have shown that the racial bias affecting jury decision making is highest in trials where overt racism is contained in the evidence
- Studies that show that having jurors of color in the jury pool, even when the final jury ends up all white, improves the outcome/decision

Describe how the session will actively engage the audience in adult learning/ interactive instructional methods.

Audience participation in hypothetical scenarios (and some actual scenarios) that have come up in court
Discussion of issues amongst judicial officer attendees

Anticipated Cost:
\$1000

Funding Resources:
Minority and Justice Commission



JUDICIAL RECEPTION: BRIDGING THE GAVEL GAP

Monday, September 12, 2016

5:45 p.m.—8:00 p.m.

5:45 p.m.

Reception Begins

6:30 p.m.

Welcoming Remarks

Blessing by Judge Lawrence Numkena, Hopi Tribe
Judge Veronica Alicea-Galvan, King County Superior Court
Judge Lisa Atkinson, President, Northwest Tribal Court Judges' Association

Honoring the Legacy of Justice Charles Z. Smith

Justice Mary Yu & Justice Steve Gonzalez

Bridging the Gavel Gap

Judge Veronica Alicea-Galvan

Tribal State Court Consortium

Chief Justice Barbara Madsen

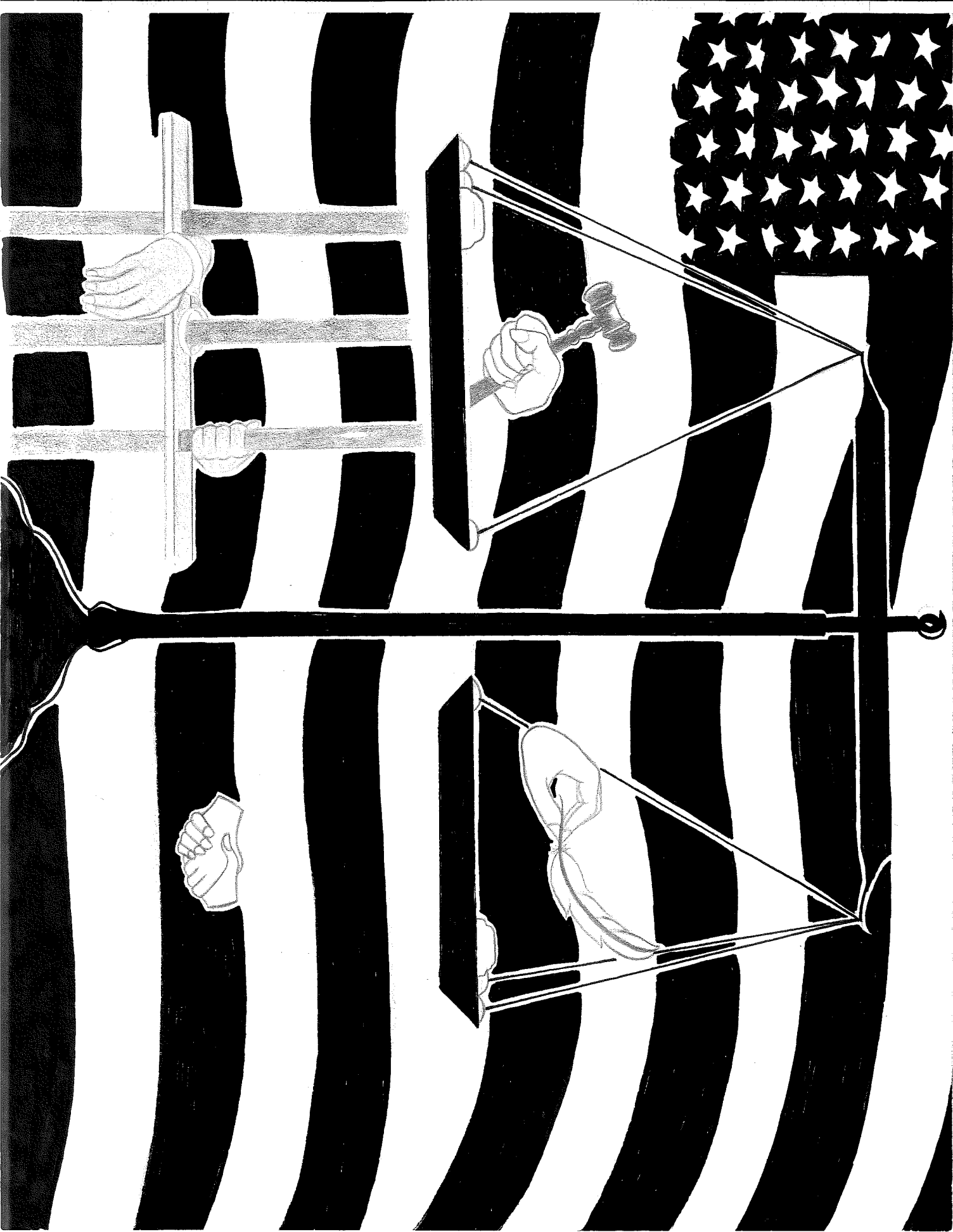
Looking into the Future

Judge Bonnie Glenn, Office of Administrative Hearings
Frank Ovono, J.D.

8:00 p.m.

Reception Ends

*Sponsored by the Minority and Justice Commission, Gender and Justice Commission,
Tribal State Court Consortium, Northwest Tribal Court Judges' Association, and
Gonzaga School of Law*



2016-2017 MJC Law Student Liaison Orientation Agenda

September 23, 2016, 8:45 a.m. – 3:30 p.m.
Seattle University School of Law, Sullivan Hall, Room 109

- 8:45 a.m. – 12:00 p.m. Commission Meeting**
- 12:00 p.m. – 1:00 p.m. Student Liaison Welcome Lunch with Commission Members**
- Justice Charles Johnson, Co-Chair
 - Background and purpose behind creation of Law Student Liaisons
 - Commission member perspectives and advice
- 1:00 p.m. – 1:20 p.m. Overview of Commission**
- Mission & Goals of MJC
 - Past and Current projects
- 1:20 p.m. – 2:00 p.m. Overview and Expectations of Law Student Liaisons**
- Role of students - bring work of commission to the law schools, bring student perspectives to the commission
 - Role of faculty advisors – create expectations
 - Student liaison perspectives
- 2:00 p.m. – 3:30 p.m. Project Discussion**
- Summary of last year’s student projects and discussions
 - Brainstorming