



# MINORITY AND JUSTICE COMMISSION

ZOOM VIDEOCONFERENCE

FRIDAY, MARCH 13, 2020

9:00 A.M. – 12:00 P.M.

JUSTICE MARY YU, CO-CHAIR

JUDGE G. HELEN WHITENER, CO-CHAIR

<https://zoom.us/j/127203057>

Meeting ID: 127 203 057



## MEETING NOTES

### Commission Members Present

Justice Mary Yu, Co-Chair  
Judge Helen Whitener, Co-Chair  
Professor Lorraine Bannai  
Mr. Jeffrey Beaver  
Judge Johanna Bender  
Ms. Annie Benson  
Professor Robert Boruchowitz  
Ms. Lisa Castilleja  
Judge Faye Chess  
Judge Linda Coburn  
Ms. Theresa Cronin  
Ms. Grace Cross  
Judge Mike Diaz  
Judge Theresa Doyle  
Professor Jason Gillmer  
Judge Anthony Gipe  
Ms. Anne Lee  
Judge LeRoy McCullough  
Ms. Briana Ortega  
Mr. Christopher Sanders  
P. Diane Schneider  
Mr. Travis Stearns  
Ms. Leah Taguba  
Mr. Joshua Treybig

### Guests

Ms. Laura Edmonston, *Embedded Law Librarian*  
Ms. Gail Stone  
Ms. Alice Coil  
Mr. David Armstead  
Ms. Jenny Wu

### Student Liaisons Present

Ms. Cloie Chapman  
Ms. Denise Chen  
Mr. Israel Medina Carranza  
Mr. Rigo Garcia  
Ms. Dalia Trujillo

### AOC Staff Present

Ms. Cynthia Delostrinos  
Ms. Moriah Freed  
Mr. Frank Thomas  
Dr. Andrew Peterson

## CALL TO ORDER

The meeting was called to order at 9:00 a.m.

The January 31<sup>st</sup> meeting minutes were approved with modification.

## GUEST PRESENTATION – RACIAL AND ETHNIC DISPARITIES IN JUVENILE ARRESTS

**Racial and Ethnic Disparities in Juvenile Arrests** – Dr. Andrew Peterson, WSSCR and Alice Coil, OJJ

Dr. Peterson and Ms. Coil presented on findings from local, county, and statewide juvenile arrest data to the Commission. The data is included as part of the Governor’s Report every 2 years and is based on the most recent NIBRS data from 2016. The current administration does not prioritize this data, and so more recent NIBRS data from the FBI is not yet available. The data can be broken down by race and gender, however data collection is dependent on the arresting officer. For example, if they do not ask about race, the information is not collected. Dr. Peterson explained that in examining the data, white representation is used as a baseline to determine minority under or over representation.

Theresa Cronin notes Spokane County’s unwillingness to adopt race equity resolution because they weren’t sold on the “why” behind the racial disparities. LE in Spokane is no longer noting race at the time of arrest, because they did not want to guess and are not asking. DSHS data can add risk factors beyond median income, but otherwise the contextual data is limited. At the arrest level, there is no ability to incorporate ACES data or other needs assessments; in the court, that becomes a possibility (i.e. youth who end up on probation and receive a risk assessment).

The Commission noted that due to the ability to break down the data further by demographics, it would be helpful for the 2020 Symposium. Dr. Peterson agreed to assist in answering questions and providing information to the Commission in preparation.

**ACTION:** Dr. Peterson will work with the Commission on providing research relevant to the Symposium related to juvenile arrest data.

## CO-CHAIRS’ REPORT

### Personnel and Membership Update

Joshua Treybig has been appointed to a two-year term, from March 1, 2020, to February 28, 2022. Briana Ortega has been appointed to a four year term, from March 1, 2020, to February 29, 2024. The Appointment of Ms. Ortega and Mr. Treybig brings the number of Commissioners to 30. There are 35 available member positions on the Commission, so 5 are currently open. Recruiting will be done to fill the additional Commission openings.

The Commission is in the process of onboarding Justice Raquel Montoya-Lewis, and are likely to bring on Tukwila Court Administrator Latricia Kinlow shortly thereafter. The Co-chairs are in the process of evaluating other membership recommendations, including Nicole Jenkins-Rosenkrantz, Marcus Stubblefield, Nick Allen of CLS, and Professor Michele Fukawa of GU Law.

**ACTION:** Send Minority and Justice Commission membership suggestions to the chairs.

### Legislative Committee

In light of the obstructions to providing testimony on HB 2567 that AOC Staff faced, the Co-Chairs believe it is in the best interest of the Commission to create a Legislative Committee who can represent the Commission’s positions on outstanding legislation.

The Commission does not need take the same stance as the Board for Judicial Administration (BJA), however, AOC employees are prohibited from taking a stance contradictory to the BJA. This means Commission staff cannot lobby or express opinions to the legislature.

HB 2567 passed the legislature and is on the Governor's desk. Thank you for the last minute rallying efforts, and to those who were available to testify and gather support.

**ACTION:** Let Frank Thomas know if you would like to serve on the Legislative Committee. Members of the Committee do not need to be Commission members.

### **2020 Symposium Planning – *Mass Incarceration of Women and Girls of Color***

The Symposium will be held on June 3rd, 2020, from 9:00 a.m.-12:00 p.m. at the Temple of Justice. To date, the Temple of Justice remains the location for the 2020 Symposium. The Planning Committee should decide if a venue change is warranted given feedback from last year's event.

The Planning Committee has narrowed down subtopics, and has begun the process of selecting speakers from its prospective list. The subtopic was selected in partnership with the Gender & Justice Commission, who is embarking on a major study to examine gender bias in the courts through the lens of race equity. A formal title has yet to be selected.

The Symposium Planning Team is assembled, and includes members of MJC, GJC and community members. They have convened twice as of March 13<sup>th</sup>. As planning moves forward, we will have to keep the coronavirus in mind and re-evaluate the event at a later date.

### **Immigration Enforcement at Courthouses – Annie Benson & Judge Michael Diaz**

- **Update on SHB 2567**  
SHB 2567 passed the legislature and is now on the Governor's desk awaiting signature.
- **Update on GR 38 and RPC 4.4 Rule Change Submission**  
The comment period closed on March 3<sup>rd</sup>. Most of the comments were supportive, and the WSBA supports the rule change.  
The Rules Committee meets Monday, March 16<sup>th</sup>. The Supreme Court will meet in April for full en banc to discuss the rule change. Justice Yu is hoping for a positive recommendation, but anticipates question as to why a court rule is needed given the passage of SHB 2567.

## **LAW STUDENT LIAISON REPORTS**

**University of Washington, *Pathways to the Law*** – Sydney Bay, Mary Ruffin, Furhad Sultani, Casey Yamasaki

The University of Washington students have submitted a new proposal, titled Pathways to the Law. They have shifted their focus to highlight the real challenges and biases that exist in attaining a legal education for people of color. They intend to take their message out to local community colleges in order to prepare students for this reality and take affirmative steps to reduce and eliminate the impact of racial bias on the law school experience. The students hope to equip college students with knowledge of the application process and alternative paths to the profession, barriers to entry, various practice areas and the challenges surrounding their access, and other careers that become accessible with a J.D.

**ACTION:** A vote on the new project proposal will be sent via email.

**Gonzaga University, *Restoring Faith in the Justice System for Marginalized Voices*** – Israel Carranza, Francis Dela Cruz, Rigoberto Garcia, Dalia Pedro Trujillo

The Gonzaga University students are planning a series of events designed to engage and educate communities who are overrepresented in the criminal justice system about civic engagement and ways to combat disenfranchisement. The group is hopeful to target two separate audiences, high-school students from communities who face higher rates of civil disenfranchisement, and formerly incarcerated persons whom the students might help inform about civic engagement or the restoration of their various civil rights.

The students' project proposal has been approved, with a tentative date for April completion. It might be pushed to the fall given the public health outbreak so that the project can still be completed in-person. Their budget request has been submitted and needs to be approved.

**MOTION:** Motion to approve Gonzaga University's budget request by Judge Diaz, seconded by Judge Whitener. Unanimously approved.

**ACTION:** Staff will check with AOC fiscal to see if money can be allocated to Gonzaga now, instead of waiting into the fall and new fiscal year. The Spokane County Bar Association could be another option to disperse the funds.

**Seattle University, *The Mass Incarceration of Transgender People of Color*** – Beverly Tsai, Cloie Chapman, Denise Chen, Peggy Rodriguez

The Seattle University students are planning to host a speaking panel addressing the unique issues facing incarcerated transgender persons. The event is tentatively planned for April 6, 2020 from 12:00-12:45 PM. The hope to cover all aspects of their carceral experiences, from police interactions to incarceration and reentry. They plan to accompany the discussion with the production and dissemination of infographics related to the plight of incarcerated transgender persons, and use the infographics as a prompt to get attendees to engage and promote trans rights issues on social media and elsewhere.

The students are exploring a switch to an informational video. This approach would mimic the panel, include infographics, and be able to include content from others who would not be able to attend panel. The video could be centered on the experience of a particular incarcerated individual. Other alternatives, such as a podcast, have also been discussed.

**ACTION:** Seattle University students will submit a revised budget for the video to the Commission.

**COMMISSION LIAISON & COMMITTEE REPORTS**

**Tribal State Court Consortium** – Judge Lori K. Smith

An infographic update has been included on page 15 of the packet.

**Workforce Diversity Committee** – Judge Bonnie Glenn & Judge Alicea-Galvan

- **Update on NCREF 2022 Conference Proposal**  
The planning group is coordinating with AOC to evaluate the viability of hosting an event that would require considerable outside fundraising. Prior hosting states need to be contacted to discuss how they avoided conflicts and appearances of impropriety in their fundraising process. NCSC handles the hotel accommodations for NCREF.
- **May 29<sup>th</sup> Commission Meeting: Excelsior Wellness Center, Spokane, WA**

Kitara Johnson offered to host the May 29<sup>th</sup> Commission Meeting at Excelsior Integrated Care Center in Spokane, WA.

Judge Whitener and Judge Glenn expressed interest in hosting a meeting in Tacoma. The September 18<sup>th</sup> meeting location is still undecided. Two possible meeting locations have been proposed for meetings in 2021: 1) Echo Glenn and 2) Pioneer Human Services.

➤ **Bridging the Gavel Gap**

Judge Glenn is interested in hosting next year's Bridging the Gavel Gap reception adjacent to the 2020 Fall Conference.

**Outreach Committee** – Lisa Castilleja, Judge Michael Diaz, & Judge Bonnie Glenn

Frank Thomas met with the Co-chairs of the Outreach and Workforce Diversity Committees to discuss the idea of absorbing the Workforce Diversity Committee into the Outreach Committee. The new Committee would have two workgroups, Workforce Diversity and Communications, to continue on the work of the past committees. Outreach would also house the Law Student Liaisons projects and provide mentorship to the liaisons. The Co-chairs of the committees support the restructure.

An updated Outreach Committee Mission Statement and Goals is included on page 19 of the packet for review.

There are no objections from the Commission about going forward with the restructure of the Committees.

**Education Committee** – Judge Lori K. Smith & Judge G. Helen Whitener

➤ **Recent 2020 Education Events**

- Judicial College, January 26-31, "*Emerging Through Bias*" – Judge Whitener and Judge Galvan

➤ **Upcoming Education Events in 2020**

- Appellate Judges' Spring Program, March 22-25, "*All the Real Indians have Died Off and 20 Other Myths About Native Americans*" – Roxanne Dunbar-Ortiz
  - The Appellate conference has been cancelled. Faculty will be contacted about future collaboration.
- SCJA Spring Program, April 26-29, "*Immigrant Families Tool Kit*" & "*Juvenile Justice*" – Judge Gipe and Annie Lee
  - Planning is moving forward with anticipation that the conference might be cancelled.
  - The Tool Kit was given 90 minutes instead of the requested 3 hours. 2 speakers cancelled, so the presentation is being restructured.
- DMCMA Annual Conference, May 17-20, "*Preparing for the Big Waive: Re-addressing LFOs*"
- DMCJA Spring Program, May 31-June 3, "*Poverty Simulation*" – Co-sponsored with the Gender and Justice Commission
- Annual Fall Judicial Conference, September 13-16
  - Co-Sponsor of Holocaust Museum's "*Law, Justice, and the Holocaust: How the Courts Failed Germany*" with the Gender and Justice Commission
  - Co-Sponsor of "*Working with DisAbled Jurors*" with the Interpreter Commission
  - *Jurisdiction: CR 82.5 Where State and Tribal Court Intersect*. A Discussion of Overlapping Jurisdiction and GR 82.5 by NWTJA.

➤ **Book Club Update**

The book club is a great way to stay connected with fellow Commission members in times of social isolation.

**ACTION:** Cynthia Delostrinos will reach out to members in Spokane to assist with the poverty simulation.

**ACTION:** Frank Thomas will recirculate the book club group lists.

### **Juvenile Justice Committee** – Annie Lee and Assistant Chief Adrian Diaz

The Juvenile Justice Committee took up the planning for the juvenile justice program at SCJA Spring Conference after original proposal authors dropped out. Planned topics for SCJA program include review of case law; exercise of judicial discretion; implicit and systemic bias; reduction of disproportionality; collaboration; and reforms needed to deal with these developments.

The Committee needs to reach out to judicial officers to see who can sit on a “focus group” and provide feedback on judicial curriculum that will eventually accompany a juvenile court certification. A finalization call for the SCJA program will take place on March 18th. The Committee is moving forward as though conference will be taking place until further notice

### **Jury Diversity Task Force** – Judge Steve Rosen and Judge Mike Diaz

The budget and Advisory Committee flyer, prepared by Cynthia Delostrinos, Pierce County Administrator Chris Gaddis, and intern Ruddy Salas is in meeting packet on page 24. The project will cost approximately \$3000, depending on the number of sessions convened and the number of participants who ultimately join. They are currently working on getting feedback of community members, although the April Advisory groups have been postponed.

**ACTION:** Cynthia Delostrinos will be reaching out to Commission members for volunteers to serve as small group facilitators.

### **MJC Liaisons**

- **Domestic Violence Workgroups** – Theresa Cronin  
Another workgroup has been formed to address disparity and recommendations moving forward regarding rules. A lot of the work comes back to access to data, and the decentralized judicial system. There has been pushback on reports due to racial disparity and risk assessment.
- **Sentencing Task Force** – Judge Veronica Alicea-Galvan and Frank Thomas  
The Sentencing Task Force had a meeting on December 6<sup>th</sup> where Frank Thomas attended the morning session and Judge Galvan attended in the afternoon after finishing her bench calendar. The bipartisan task force will have trouble accomplishing anything meaningful in terms of sentencing reductions. Some members of the task force are unwilling to vote for any recommendation that will result in reduced sentences. The Minority and Justice Commission and other representatives must also run interference against proposed recommendations for sentencing enhancements, which were raised numerous times in the December meeting. Mostly administrative changes are expected, as any ‘no’ vote can end a deliberative recommendation. The task force is not an avenue for advanced reforms. The preliminary report is included on page 31 of the packet.
- **Office of Equity Task Force** – Kitara Johnson  
An update is included on page 34 of the packet.

- **WPI Jury Orientation Video** – Leah Taguba  
Sandbox has been selected as the vendor. Next steps include details of what the video will look at, with the federal video being reviewed as a resource.
- **SCJA Self-Represented Litigants Workgroup** – Theresa Cronin and Josh Treybig  
The common issue of access to data continues to appear. A sub-committee has been formed consisting of Jim Bamberger, Judge Bradley, Judge Forbes, and Theresa Cronin. They will recommend values and principles as a starting point to move forward with other recommendations.  
  
SCJA has also informed Theresa Cronin that her travel for workgroup participation will not be reimbursed. The Minority & Justice Commission will cover her travel so that she can continue to participate in the workgroup.
- **BJA Education Task Force** – Justice Yu and Judge Whitener  
Efforts have been successful in getting funding for remote training for judges.

## STAFF REPORT

### LFO Updates – Cynthia Delostrinos

- **LFO Report**  
Michelle Bellmer and Cynthia Delostrinos are preparing the LFO Consortium final report. They are hoping to have a draft by the end of March that is a culmination of all work and data from the consortium.
- **LFO Calculator**  
Temporary funding is needed for the LFO calculator, while long term funding is being worked on through an AOC decision package for the 2021 legislative session. Current funding for the calculator from AOC ends in March, although continued funding through June 2021 is being discussed.
- **LFO Reconsideration Days**  
Cynthia Delostrinos and Frank Thomas met with Tarra Simmons to discuss how the Minority and Justice Commission can support her grassroots LFO Reconsideration Days initiative. While the Reconsideration Days will continue to be led by formerly incarcerated people, the Commission's assistance is welcome in other areas. Tarra Simmons mentioned the need for CLE training and CLE instructions. The LFO Toolkit is in development and could be leveraged for CLE instruction. She also mentioned a need for better research and data about the reconsideration days, including the amount expunged, funds collected on the days, and follow-up data as to whether those who received reconsideration of LFO debt went on to pay their LFO obligations at a higher, lower, or similar rate as the general population.

The Spokane LFO Reconsideration Day is scheduled for April 17<sup>th</sup>, with 700 people signed up. Postponement is currently being discussed due to the coronavirus. The Thurston County date will likely be postponed.

### Shout Outs

- Judge Theresa Doyle spoke on behalf of the Minority and Justice Commission at the Seattle University Annual Conference on Public Defense on February 28<sup>th</sup> and at a panel hosted by Seattle University Journal for Social Justice titled: *Jails and Prisons: Rights, Re-Entry, and Reform* on March 6<sup>th</sup>.

- Jude Mike Diaz and Annie Benson for their work on issues related to immigration enforcement.
- Christopher Sanders for his work coordinating the minority bar associations' support of HB 2567.
- Trish Kinlow and Judge Walden for hosting the January 31<sup>st</sup> meeting at the Tukwila Community Center.
- Moriah Freed for setting up videoconferencing for today's Commission meeting.

**The meeting adjourned at 12:02 PM**