

WASHINGTON STATE
MINORITY AND JUSTICE COMMISSION

COMMISSION MEETING



ZOOM LINK: [HTTPS://ZOOM.US/J/127203057](https://zoom.us/j/127203057)

AUDIO ONLY: 1.669.900.9128

MEETING ID: 127 203 057

FRIDAY, MARCH 13, 2020

9:00 A.M.— 12:00 P.M.



MINORITY AND JUSTICE COMMISSION

BIMONTHLY GENERAL MEETING

9:00 A.M. – 12:00 P.M.

JUSTICE MARY YU, CO-CHAIR

JUDGE G. HELEN WHITENER, CO-CHAIR

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AGENDA

CALL TO ORDER 9:00 – 9:05 a.m. (5 minutes)

- Welcome and Introductions
- Approval of January 31st Meeting Minutes

REPORT PRESENTATION 9:05 – 9:30 (25 minutes)

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

CO-CHAIRS' REPORT 9:30 – 10:00 a.m. (30 minutes)

- **Personnel and Membership Update**
 - Announce Joshua Treybig and Briana Ortega as Newest Commission Members.
 - Announce Formation of Legislative Committee.
 - Update Status of New Members Recruitment.
- **2020 Symposium Planning** – *Mass Incarceration of Women and Girls*, June 3, 2020
 - Symposium held June 3rd, 2020, from 9:00 a.m.-12:00 p.m. at the Temple of Justice.
 - Discuss Status of Curriculum Development.
- **Immigration Enforcement at Courthouses** – Annie Benson & Judge Michael Diaz
 - Update on Status of SHB 2567.
 - Update on the GR38 and RPC 4.4 Rule Change Submission.

LAW STUDENT LIAISONS 10:00 – 10:20 a.m. (20 minutes)

- **University of Washington** - *Pathways to the Law*
 - Sydney Bay (3L), Mary Ruffin (2L), Furhad Sultani (2L), Casey Yamasaki (3L)
 - Discuss New Project Proposal and Email Voting Process
- **Gonzaga University** - *Restoring Faith in the Justice System for Marginalized Voices*
 - Hisrael Medina Carranza (2L), Francis Dela Cruz (3L), Rigoberto Garcia (2L), Dalia Trujillo (2L)
 - Vote on Budget Proposal for Gonzaga Project
- **Seattle University** - *The Mass Incarceration of Transgender People of Color*
 - Cloie Chapman (3L), Denise Chen (1L), Peggy Rodriguez (2L), Beverly Tsai ('20)
 - Update on Status of Event Planning - April 6, 2020 12:00-12:45 PM

COMMISSION LIAISONS & COMMITTEE REPORTS 10:30 – 11:50 a.m. (80 minutes)

- **Tribal State Court Consortium** – Judge Lori K. Smith
 - Updates on 2020 Regional Meeting.
- **Workforce Diversity Committee** – Judge Bonnie Glenn & Judge Alicea-Galvan
 - Status Update and Vote on Presenting National Consortium on Racial and Ethnic Fairness in the Courts (NCREF) 2022 Annual Conference Proposal at National Conference in April.
 - May 29th Meeting: Excelsior Wellness Center, Spokane, WA
- **Outreach Committee** – Lisa Castilleja, Judge Michael Diaz, and Judge Bonnie Glenn
 - Discuss and Vote on Merger of Workforce Diversity Committee into Outreach Committee.
 - Discuss and Vote on Amended Outreach Committee Mission Statement and Goals.
- **Education Committee** – Judge Lori K. Smith and Judge G. Helen Whitener
 - Recent 2020 Education Events
 - Judicial College, January 26-31, “*Emerging Through Bias*”– Judge Whitener & Judge Alicea-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
 - SCJA Spring Program, April 26-29, “Immigrant Families Tool Kit” & “Juvenile Justice”
 - DMCMA Annual Conference, May 17-20, “*Preparing for the Big Waive: Re-addressing LFOs*”
 - DMCJA Spring Program, May 31-June 3, “*Poverty Simulation*” – Co-sponsor with GJC
 - Annual Fall Judicial Conference, September 13-16:
 - Co-Sponsor of Holocaust Museum’s “*Law, Justice, and the Holocaust: How the Courts Failed Germany*” with GJC
 - Co-Sponsor of “*Working with DisAbled Jurors*” with Interpreter’s Commission
 - Book Clubs Update
- **Juvenile Justice Committee** – Annie Lee and Asst. Chief Adrian Diaz
 - Update on SCJA Spring Program Juvenile Justice Session.
 - Discuss Judicial Focus Group for Judicial Curriculum.
- **Jury Diversity Task Force** – Judge Steve Rosen and Judge Mike Diaz
 - Update on Jury Diversity & Community Engagement Pilot Project – Cynthia Delostrinos
- **MJC Liaisons**
 - **Gender Justice Study** – Judge Bonnie Glenn
 - **Domestic Violence Workgroup** – Theresa Cronin
 - **Sentencing Task Force** – Judge Veronica Alicea-Galván
 - **Office of Equity Task Force** – Kitara Johnson
 - **WPI Jury Orientation Video** – Leah Taguba
 - **SCJA Self-Represented Litigants Workgroup** – Theresa Cronin and Josh Treybig
 - **BJA Education Task Force** – Justice Yu and Judge Whitener

STAFF REPORT 11:50 – 12:00 p.m. (10 minutes)

- **Staff Report** – Cynthia Delostrinos
 - LFO Updates
 - Shout Outs

Next MJC meeting: Friday, May 29, 2020, Excelsior Integrated Care Center, Spokane, WA. Please complete, sign, and mail your travel reimbursement forms to Commission staff.



MINORITY AND JUSTICE COMMISSION

TUKWILA COMMUNITY CENTER
12424 42ND AVE S, BANQUET ROOM C, TUKWILA, WA
FRIDAY, JANUARY 31, 2020
9:00 A.M. – 12:00 P.M.
JUSTICE MARY YU, CO-CHAIR
JUDGE G. HELEN WHITENER, CO-CHAIR



Teleconference: 1-877-820-7831
Passcode: 358515#

MEETING NOTES

Commission Members Present

Justice Mary Yu, Co-Chair
Judge Helen Whitener, Co-Chair
Professor Lorraine Bannai
Mr. Jeffrey Beaver
Ms. Annie Benson
Ms. Lisa Castilleja
Judge Faye Chess
Judge Linda Coburn
Ms. Theresa Cronin
Chief Adrian Diaz
Judge Mike Diaz
Judge Theresa Doyle – phone
Professor Jason Gillmer
Judge Bonnie Glenn
Ms. Kitara Johnson
Ms. Anne Lee
Judge LeRoy McCullough
Ms. Karen Murray
Mr. Christopher Sanders
P. Diane Schneider
Judge Lori K. Smith
Mr. Travis Stearns

Guests

Ms. Esperanza Borboa, *ATJ Board Liaison*
Mr. Joshua Treybig – phone
Dr. Eric Trupin
Judge Lisa Dickinson
Ms. LaTricia Kinlow
Judge Kimberly A. Walden
Ms. Rajyanessa Canos
Mr. Duc Luu
Mr. Ruddy Salas, *MJC Intern*
Mr. Marcus Stubblefield

Student Liaisons Present

Ms. Cloie Chapman
Ms. Denis Chen
Ms. Beverly Tsai
Ms. Sydney Bay
Ms. Mary Ruffin
Mr. Furhad Sultani
Mr. Casey Yamasaki
Mr. Hisrael Medina Carranza
Mr. Rigo Garcia
Ms. Dalia Trujillo
Ms. Peggy Rodriguez

AOC Staff Present

Ms. Cynthia Delostrinos
Mr. Frank Thomas

CALL TO ORDER

The meeting was called to order at 9:07 a.m.

The November 8th meeting minutes were approved.

REPORT – IMMIGRATION ENFORCEMENT AT COURTHOUSES

HB 2567 – Courthouse Immigration Arrest Bill

There is division among the various court levels about whether to support this bill. SCJA is consistent at working with BJA to give their opinion that they oppose the bill's unfunded reporting requirements. SCJA finds this to be a separation of powers issue between the judiciary and the legislature. SCJA is also concerned with violating principles of federalism by wading into issues of federal immigration enforcement. However, guidance on their position was unclear in its explanation. Judge Diaz reports that SCJA's concerns over the bill are with its implementation. Assistant Chief Diaz agrees that implementation needs to be worked out.

The Commission has been engaged with this issue prior to HB 2567. We've always supported efforts regarding access to justice related to immigration dating back two Chief Justices. This is within the purview of the Commission's stated purpose, and those of the courts. Members express the desire to be on right side of history. Judge Lori K. Smith notes that the chilling of the Constitutional rights of noncitizens is a longstanding issue, but has now risen to the extreme under current immigration policy. Family law issue – protection orders; those falsely accused of crimes; and who these issues impact – right now places the preexisting issues and fears on steroids. Issue of chilling immigrant rights very dear to Commission members' hearts, as immigrants already facing many barriers to equity. Courts need to be open and welcoming. This is what the Minority and Justice Commission is all about. Has impact on law enforcement and ability to advance community-oriented policing, as people will not report crimes because of fear of deportation. This will interfere with the collaboration of police and the community. This is ultimately a public safety issue. Unfettered search for truth.

Vote – yes 22, unanimous support

Bannai (1), McCullough (2)

Court Rule GR 38

Ad hoc committee which drafted the proposed court rule met and deliberated with the Gender and Justice Commission, the Interpreter's Commission, and the Access to Justice Board to create a letter of support. If approved, the letter will be submitted for public comment during the comment period, which was extended to March 5th. Minority and Justice Commission, the Interpreter's Commission, and the Access to Justice Board joined same comment letter. Gender and Justice Commission provided a nearly identical letter – which derived from the same draft as the Minority and Justice letter – but wrote separately regarding comments 7-8. SCJA will vote tomorrow; it was reported that their committees generally support.

Vote – yes 21, Justice Yu abstains

Diaz (1), Murray (2)

ACTION – Frank Thomas will send the letter of support to the Supreme Court Clerk for publishing.

RPC 4.4

Travis Stearns shared unofficial comment on RPC from Council on Public Defense from February 7th, which declared that it is important to public defense that clients go to courthouses. Questions on how one will file complaint for violation of the Rule. Questions were raised about the reception of this Rule from the criminal bar, specifically how bar feels about cross examination on issues related to U-visa inquiries. Not sure what outreach will be done to alert the legal community. Judge McCullough would like education for judges on these new rules.

Vote – yes 21, Justice Yu abstains

Murray (1), Castilleja (2)

ACTION – Frank Thomas will send the letter of support to the Supreme Court Clerk for publishing.

ACTION - If passed, be prepared to make part of judicial curriculum

CO-CHAIRS REPORT

Personnel Update

Judge Whitener – Education Committee Co-Chair

Departure of Chief Justice Stephens, Judge Dickinson, and Ms. Van der Lugt puts membership at 28 (out of 35) as of January 15, 2020. Onboarding two new members: Joshua Treybig and Briana Ortega. Josh and Briana will be the first ever Commission law student liaisons to graduate to the ranks of Commission member. Joshua Treybig will likely not be able to serve a full four year term, so he is being appointed to a two-year term to begin March 1, 2020. Briana Ortega will be appointed to the Commission beginning March 1, 2020, for a four-year term. The Appointment of Ms. Ortega and Mr. Treybig will bring the number of Commissioners to 30.

The Co-chairs want people who care about what we are doing, come to meetings, and participate actively. Would bringing in Tech or other outside professions benefit the Commission? The most important thing is to eradicate bias in court, and bias against race and poverty in judicial system.

2020 Symposium – Focus on Rise in Incarceration of Women & Girls of Color

The Symposium will occur on June 3, 2020. To date, the Temple of Justice remains the location for the 2020 Symposium. Planning committee should decide if a venue change is warranted given comments from last year's event. Symposium Planning Committee will convene before the next general meeting on March 13th. Frank Thomas, Justice Yu and Judge Whitener have been soliciting and evaluating potential speakers already. Judge Doyle has joined onto the planning committee. Most meetings will be held via phone. Currently waiting for Gender and Justice Commission to assign liaisons, as this will be the first time sponsoring the Supreme Court Symposium with another entity. GJC is embarking on a big study looking at gender bias in the courts through the lens of race equity.

Marcus Stubblefield detailed an upcoming showing of a video titled *pushout*, which documents the mechanisms of the school-to-prison pipeline for girls of color. Judge Doyle expressed gladness that we have Marcus in charge of the film. School board in Spokane has begun tracking problem of children of color being detained. Kitara Johnson commented that there should be a focus on behavioral health impact on girls of color – consideration of medical trauma, racism, social determinants of health, and access to healthcare. Annie Lee noted this is an opportunity to look at whether the structure of the brutal and punitive criminal justice system creates more harm. A question of whether arrest, incarceration, does more harm – and how we actually address need.

UP Program – King County CLU Unified Payment Program

Latricia Kinlow and Rajyanessa Canos, Tukwila municipal administrators, presented on King County's ongoing unified citation payment program. UP allows people to have all traffic-related fees in one manageable payment. Many people said this couldn't be done. Since 2016, \$470,000 has been paid through the program. These are cases that end up in collections, inhibits ability to get license, and creates many collateral consequences. Have learned through feedback of the need to revamp the website to be user-friendly. Only covers traffic infractions, no DUIs.

Courts shared concerns about using a collection agency to facilitate transactions, and thus moved to a genuine payment intermediary, and out of collections. Saw lots of defaults when there was no default policy in place, which created lots of clerical work. Creation of application fee and default policy proved more successful in keeping people on a timely payment schedule. Very cumbersome process, so the program was reevaluated and found a way to streamline the process.

Hoping to expand to neighboring counties, and hopeful these lessons sets other jurisdictions up to succeed. Goal is to open doors and break the cycle of poverty. Participants can get their license back after first payment. Takes outstanding balance out of collections and consolidates into a single payment. Participants have to get approval to get another ticket added. There was no repercussion before to abuse system, and abuse was rampant, so UP created the \$100 fee deterrent. The program is for people who have some ability to pay. Other options exist for people who cannot pay. Courts now looking at contracts with collection agencies. Collections tries to stop them from paying. New payment agency is nCourt.

ACTION – Nessa and Trish will send packet to Commission

LAW STUDENT LIAISONS

Gonzaga Law Students – Felony Disenfranchisement

The Gonzaga 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. Objective of project is restoring faith in justice system for disenfranchised people and marginalized communities. The tangible portion of the project will focus on voter deprivation and the restoration of voting rights. The intangible portion of the project will tackle the stigmatization and sense of hopelessness that affects disenfranchised communities. The project will focus primarily on affected people of color. Not targeted at students who are "at risk," as this issue represents a widespread reality for students of color. Meant to be informative, and not a targeted intervention.

Felony disenfranchisement has an oppressive effect on society; even if you have felony, you can be productive member of your community. Will seek to achieve education through outreach, and promote support for the Minority and Justice Commission. Project will have two phases: first to educate and empower high school students in Spokane and let them know they can help be activists, and focus on issues of fighting stigma, civic engagement and restoration of civil rights, and then to educate formerly incarcerated individuals about how they can restore their civil rights. Teach about SB 6828 automatic registration after prison. 6.1 million Americans cannot vote because of felony convictions. 1 in every 13 voting-aged citizens cannot vote. In Washington State, 1 in 5 African-American men cannot vote. Liaisons will track success through surveys with attendees. 1 page rating scale survey.

MJCOM assistance – advice, guidance, expertise. Working with Layne and Carmen; students could go to halfway houses. More personal engagement. Judge McCullough recommended they reach out to the Sage program. Students should be mindful to present a trauma-informed presentation, given the sensitivity and personal nature of their chosen topic.

Vote – unanimously approve program, pending budget. Commission will conduct vote to approve budget by email.

UW Law – Day in the Life of a Law Student

The UW students are planning to host a recruitment event where undergraduate students of color would shadow them for a day, including attending a law school class, in order to gain firsthand experience of what life is like as a law student. Very low numbers of students of color at UW Law. Proposal would gather groups of 10-15 undergraduate students to follow along for a day at UW Law. Students would meet with group leaders prior to a class, sit in on a law school class, and debrief with law students, faculty, and attorneys at a reception-style event in the afternoon. Participants would take a pre- and post-event survey to determine how effective the lesson was, what questions were answered from their experience, and what questions remain for them. We know that many people of color are interested in going to law school, but don't have opportunities or access to quality information. Group is currently reaching out to undergrad affinity groups on UW campus to invite prospective students. Talked to other schools groups to see if they have connections.

Commissioners wonder how this is not de facto recruitment for UW Law. Students should also consider including attorneys for the undergrad students, so students have ability to better do outreach. The financial considerations of attending law school have changed, and have become a great barrier to many students. Judge Coburn remarks that the project needs to more effectively call out the problem they are reporting – why there are no people of color at UW Law, and why the dropout rate is so high for students of color who do attend.

Justice Yu suggests the group not put their proposal to a vote, but rather revamp their project to address some of the concerns and come back with updated proposal. Liaisons agree with Justice Yu, and will present an updated proposal at a later date.

SU Law – Transgender People of Color and Criminal Justice

The Seattle U students are planning to host a speaking panel addressing the unique issues facing incarcerated transgender persons. The hope to cover all aspects of their carceral experiences, from police interactions to incarceration and reentry. Their objective is to shine a light on the experiences and unique harms transgender people face in the criminal justice system. Project will include 3 phases of engagement: stakeholder meeting, a panel discussion, and an infographic. 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 panel discussion will take place April 17, 2020 at 12p.m., and the group expects as many as 50 people to take part in the discussion. The panel is expected to include Dr. O'Brenn, an expert on women & gender theory; public defense counsel with experience representing trans defendants; and a grassroots trans-rights advocate. The group will share an infographic they are producing with the panel audience. After the panel, the group will call on the audience to disseminate the infographic online and through social media. Topics of focus will include unique needs upon incarceration and reentry. Commissioners suggest expanding the panel discussion time from 60 minutes, as that will only scratch the surface of the discussion.

Vote – unanimously in favor, approved

Racial Disproportionality Report

Duc Luu is the sentencing database manager for the Caseload Forecase Council. Mr. Luu used to work for the sentencing guidelines commission, but was assigned to the caseload forecast council. As a result of consolidation during the Great Recession, data people working for the state went to CFC. Goal of the report is to inform data-driven policy. CF only looks at the data, and leaves the policy analysis up to entities like MJC. Only data collected upon sentencing was included, so no insights into sentencing reductions during pre-trial phase, or any other attendant data. The legislature picked CFC because it has full data on jail and prison sentencing. In 2018, the legislature passed a bill to see how racial disproportionality played out in felony sentencing. The Sentencing

Guidelines Commission and the CFC don't collect gross misdemeanor data. Focused on data integrity and consistency, but cannot speak to causes of disproportionality.

The CFC tries to reconcile data around race, matching multiple-system data into one set. Once common issue is that agencies are making race/ethnicity mistakes, so CFC tries to correct and identify where issues spots are. CFC has a lot more sentencing data than included in the report and, if we want, we can reach out to Duc with data requests. Hard to understand what is happening with Latinos, Hispanics in the data, since all other data suggests disproportionate overrepresentation in the criminal justice system. Could be another place where identification of race and ethnicity have influenced the data. Assistant Chief Diaz reminded the Commission that law enforcement only codes four races, or declares race unknown. Duc noted that CFC can pull data on gender and race together in less than a month should the Commission want it. CFC can also break the data in table 2 down by county. Will repeat the report every year.

STAFF REPORT

- On February 20th, King County Superior Court is hosting its Black History Month Program.
- The Spokane Youth and Law Forum will take place April 25th, 2020, from 8:00-2:00 p.m.
- Judge McCullough recommended that everyone go see the film *Just Mercy*, adapted from the book by Bryan Stevenson and starring Jamie Foxx and Michael B. Jordan.
- This year's Judicial Institute *Pathways to the Bench* event will take place Tuesday, March 17th in Yakima, WA. Their *Bridging the Gavel Gap* event will take place Wednesday, March 18th in Spokane, WA.

The meeting was adjourned at 1:13 p.m.



- a. Panel/Presenter 1 (30-45 minutes): The Status, Numbers of Incarcerated Women and Girls in WA**
 - i. A Snapshot of Incarceration – National, WA, Local
 - 1. Race;
 - 2. Sexual orientation and Trans;
 - 3. Charges;
 - 4. By county;
 - 5. Disproportionality.

- b. Panel/Presenter 2 (45 minutes): Pathways to Crime / Why We are Increasing Incarceration When That's Not What is Needed**
 - i. Why are more women in jail?
 - 1. Primarily held pre-trial; bail and poverty;
 - 2. Increase in girls being held or detained; girls often enter as traumatized victims;
 - 3. School to prison pipeline.

- c. Panel/Presenter 3 (45 minutes): Conditions of Confinement** – classification, overcrowding, discipline, programming, health care, family visits
 - i. Discipline of Women in Prison
 - 1. Harsher punishments for trivial offenses;
 - 2. Women are sexually and physically assaulted in prison more than men;
 - 3. Gender issues;
 - 4. Transfers to county jails.

- d. Panel/Presenter 4 (45 minutes): Collateral Consequences** – parenting, children, intergenerational, employment, education, housing
 - i. Collateral Consequences During Incarceration
 - 1. Job loss;
 - 2. Impact on children;
 - 3. Housing;
 - 4. Reduction in future employability;
 - 5. Loss of children.
 - ii. Issues Facing Women Upon Reentry
 - 1. Education;
 - 2. Employment;
 - 3. Housing.

- e. Panel/Presenter 5 (30 minutes): Programs to Treat the Whole Woman and Girl**
 - i. Possible presenter(s):
 - 1. Girls Court;
 - 2. LEAD;
 - 3. The IF Project.



Washington State Minority and Justice Commission (WSMJC)
Criteria for Support or Co-sponsorship Requests



Request Form

<p>Full name and contact information of organization and persons making the request:</p>	<p>University of Washington School of Law Student Liaisons, Supreme Court Minority Justice Commission</p> <p>Casey Yamasaki, ctyama3@uw.edu</p> <p>Furhad Sultani, furhads@uw.edu</p> <p>Mary Ruffin, mary322@uw.edu</p> <p>Sydney Bay, sbay@uw.edu</p> <p>In C/O Lisa Castilleja 4293 Memorial Way Seattle, WA 98104</p>
<p>Type of request (please check one)</p> <p>SUPPORT includes:</p> <p>Publicity – WSMJC listed as a “supporter” on all promotional materials and helps advertise.</p> <p>CO-SPONSORSHIP includes:</p> <p>Publicity – WSMJC listed as a “co-sponsor” on all promotional materials and helps advertise.</p> <p>Funding based on available WSMJC funds.</p> <p>Planning support for the event.</p>	<p><input type="checkbox"/> SUPPORT (Level 1)</p> <p>Indicate if you would also like:</p> <p><input type="checkbox"/> Guest speaker – WSMJC member(s) provide speaking services on behalf of the Commission</p> <p><input checked="" type="checkbox"/> CO-SPONSORSHIP (Level 2)</p> <p>Indicate if you would also like:</p> <p><input type="checkbox"/> Guest speaker – WSMJC member(s) provide speaking services on behalf of the Commission</p>
<p>Name, date, time, and location of the event or project:</p>	<p>Title: Pathways to the Law</p> <p>Date: Exact date TBD (3 different dates at 3 different community colleges)</p> <p>Time: 1-2 hours each presentation</p> <p>Location: Three possible separate locations:</p> <p>1. Highline Community College 2400 S. 240th St. Des Moines, WA 98198</p> <p>2. South Seattle College</p>



	<p>6000 16th Avenue SW Seattle, WA 98106</p> <p>3. Seattle Central College</p> <p>1701 Broadway, Seattle, WA 98122</p>
<p>If funding is requested, total amount of funds requested and tentative budget:</p>	<p>Total ask: \$1,000</p> <p><u>Itemized list below:</u></p> <p>Food, drinks, and serving materials (\$800 at ~\$15 a person)</p> <p>Printing materials (\$200): attorney bios, agenda, surveys, law school application requirement information, sample LSAC general application materials, APR materials.</p>
<p>Purpose and objectives of the request:</p>	<p>Purpose:</p> <ul style="list-style-type: none"> • Address the reality and bias that exist: <ul style="list-style-type: none"> ○ Hear from law students and current practitioners about the reality of law school for students of color (at various law schools) ○ Hear from current practitioners about: <ul style="list-style-type: none"> ▪ their experience in law schools, as a lawyer, and maneuvering through the legal system as a person of color ▪ the support they receive from other people of color in the legal system and general support from the legal community. ▪ Advice about going to law school and the importance of a diverse and represented legal community • Taking affirmative steps to eliminate the bias:



Criteria for Support or Co-sponsorship Requests



	<ul style="list-style-type: none"> ○ Talk to the community college students about the reality of the current legal profession ○ Hear from current practitioners about their experience from high school, college, law school, and becoming a lawyer and beyond ○ Talk about the various areas of laws that students can participate in and how they can directly impact their own communities and their own interests with these degrees: <ul style="list-style-type: none"> ▪ (Criminal justice, immigration, healthcare, science, technology, etc.) ○ Hear about the different pathways into the law from the practitioners <ul style="list-style-type: none"> ▪ (law school, ARP 6 Law Clerk Program in Washington) ○ Correct misconceptions about the legal field, while acknowledging the challenges on that pathway ○ Connect students with mentors: attorneys, judges, and community activists <p>Objectives:</p> <ul style="list-style-type: none"> ● Provide a forum for in-depth discussion of: ● Process of applying to law school and APR 6 ● Careers that become accessible with a J.D.; ● Addressing barriers to the legal profession; and ● Diverse paths to legal careers.
<p>Event agenda or project schedule, if available:</p>	<p>Plan:</p> <ul style="list-style-type: none"> ● This will be a panel and Q&A event for students of color at the various community college and other community members. ● Reach out to affinity groups, ESL classes, and other targeted programs at community college to help us create connections on the campus and in the community. ● Invite attorneys, judges, students of color that showcase a breadth of the legal professions and their varying paths into law



	<p>school. Each panel should include a diverse group of practitioners in their profession, but also in their pathway to becoming a lawyer. We want to bring in people who went through community college before law school, who never thought about law school, or who took another pathway like the APR 6 program. We also want people who may have gone to law school, but aren't participating in the "traditional" lawyer role, whether they are advocates, community organizers, or work in a JD preferred career.</p> <ul style="list-style-type: none">• Provide a pre-/post- survey that provides feedback on future pipeline programs<ul style="list-style-type: none">○ Pre-survey focused on highlighting common misconceptions about law school, attorneys, and opportunities from law school.○ Post-survey: focus on what worked well, what could be improved, whether they think law school is an option or would be an option for them to attain their ultimate goal. <p>General Panel Discussion Questions:</p> <ul style="list-style-type: none">• What do you currently do? What does your day-to-day work look like?• Did you always want to go to law school? If yes, why? If no, what led you to go to law school?• Do you have other family members who have attended college, graduate school, or law school?• What other (if any) careers did you have before law school?• What did you major in during undergrad?• What general barriers did you personally have?• Did you feel your race or culture played a part in those barriers (whether overt or not)?
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Criteria for Support or Co-sponsorship Requests



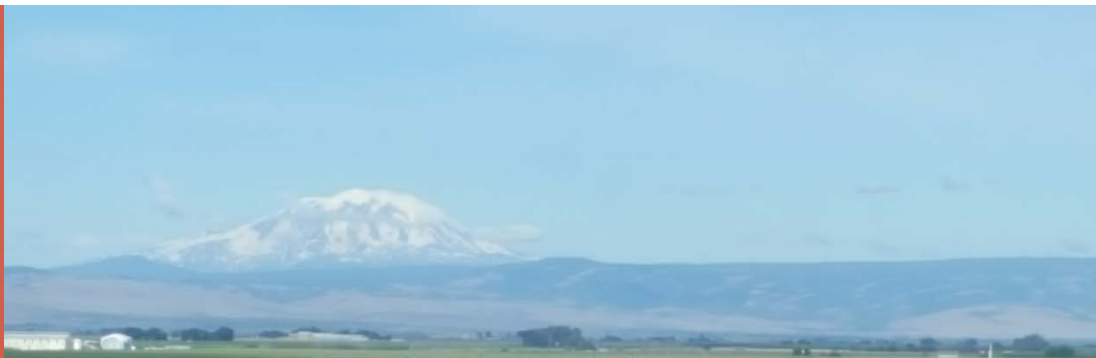
	<ul style="list-style-type: none"> • What support did you have from your own community in your choices? • What support did you have from other attorneys of color in your career path? • What advice would you give to students who are just starting community college and trying to figure out where they fit in society or what they want to do in the future?
<p>Target audience:</p>	<p>Target Community College Affinity Groups (We want to emphasize that individuals who maybe have not thought about the legal profession to attend.)</p> <ul style="list-style-type: none"> • Including underrepresented minority groups; • Student affinity groups • ESL classes • STEM programs • Technical programs • Etc. <p>Other community members surrounding the community colleges: While the program is targeted at the students at the community colleges, with flyers all around the campus, anyone can attend who hears about the program or sees the flyers.</p>
<p>Expected attendance or number of persons who will benefit:</p>	<p>Our hope is to have at least 20 students per panel. Ideally, we would like to host the panel at all three community colleges, but our goal for this years liaisons is to at least host two.</p>
<p>Plan to collect outcome data and evaluate the impact of the project (i.e., survey):</p>	<p>We would do a post-survey to find out:</p> <ul style="list-style-type: none"> - What are barriers for students of color coming to law school generally? What are additional barriers if finances are a factor? - What are resources that are needed to help support students of color through the prospective students process and during law school? - Whether these type of programs and mentorship events are helpful? - What else do undergrads want to see about law school?

Gonzaga MJC Budget Proposal

	Item	Participants	Cost Per	Total Cost
Youth Phase	Food*	150	\$3.80	\$570.00
	Drinks	150	\$0.08	\$12.00
	Serving items**	150	\$0.10	\$15.00
	Survey***	150	\$0.20	\$30.00
	Pamphlet***	150	\$0.37	\$55.50
	Swag			
Adult Phase	Food*	75	\$3.80	\$285.00
	Drinks	75	\$0.08	\$6.00
	Serving items**	75	\$0.10	\$7.50
	Survey***	75	\$0.20	\$15
	Swag			
			Total	\$996.00

Other Notes

*Pizza Pipeline.
 **Plates, Napkins, Utensils
 ***Office Depot
 Swap provided by MJC



Tribal State Court Consortium

2019 Annual Report



WASHINGTON
COURTS

ADMINISTRATIVE OFFICE OF THE COURTS

About

The Tribal State Court Consortium (TSCC) is a joint effort between state and tribal court judicial officers and other judicial branch members to expand communication and collaboration.

The TSCC provides an open, transparent forum where state and tribal court judicial officers can come together and discuss,

- Jurisdictional issues.
- Gaps in services.
- Ways to develop lasting partnerships.

The TSCC is focusing its efforts on domestic violence and sexual assault issues, dependency cases involving Indian children, and the disproportionate number of Indian youth in the juvenile justice system.

This report contains key accomplishments by members, leadership and staff in 2019.

2019 Key Accomplishments

- Created and revised an **amendment to Superior Court Civil Rule 82.5** to support better communication between state and tribal court judges. The changes were adopted in September 2019.
- **Hired a part time staff person** dedicated solely to TSCC in May 2019.
- **Thirteen Tribal Court Judges were reimbursed travel expenses** to attend the Washington State Annual Judicial Conference.
- The TSCC **co-sponsored a conferences session** on missing and murdered indigenous women and girls at the Washington State Annual Judicial Conference.
- **Three Tribal Court Personnel** were reimbursed travel expenses to **attend national trainings**.
- TSCC members signed up to start **six new workgroups** in late 2019.
- The TSCC Annual Meeting drew **35 participants**.



Tribal State Court Consortium Co-chairs Judge Lori K. Smith, Court of Appeals Div. 1, and Chief Judge Cindy Smith, Suquamish Tribal Court

Workgroup Updates

In 2019, TSCC workgroups included,

Superior Court Civil Rule 82.5

- This workgroup created and revised amendments to Superior Court Civil Rule 82.5 to increase communication between state and tribal court judges. The changes were adopted in September 2019.

Domestic Violence Protection Order Enforcement

- This work has spanned several years. This workgroup was started at the Annual Meeting in 2019 and will meet in early 2020. The first projects will be a survey of current court processes and creating a distribution plan for the 2018 AGO Opinion on full faith and credit for tribal protection orders.

Annual Spring Regional Meeting

- This workgroup started at the Annual Meeting and convened in November to begin planning the 2020 Spring Regional Meeting.

Branding & Messaging

- This workgroup kicked off their first meeting in December. The group refined messaging for 2020 to focus on Respect and Relationships and identified primary and general audiences for 2020.

ICWA Bench Card

- Paused in 2019, this workgroup was restarted at the Annual Meeting and the workgroup project will be supported by a contractor in 2020.

ICWA Courts & Joint Jurisdiction Pilot

- Both workgroups have interested TSCC members, but are currently paused. Members will be notified as soon as these projects can move forward.

Travel Scholarships

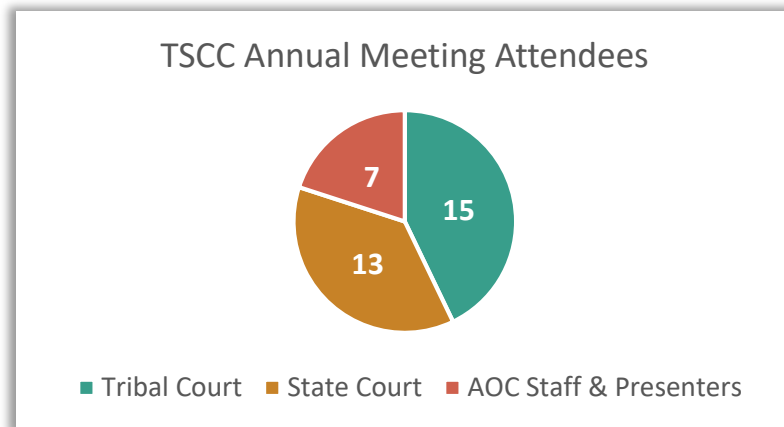
Travel reimbursements were made to three Tribal Court Staff to attend the following national trainings,

- NAICJA National Tribal Judicial and Court Personnel Conference
- National Victims of Crime Conference & Training Institute

TSCC Annual Meeting

Thirty-five participants came to the TSCC Annual Meeting, held right before the annual Washington Judicial Conference on September 22, 2019 in Vancouver, WA. The meeting covered workgroup updates, new workgroups, and featured two presenters; **Annita Lucchesi, Executive Director, Sovereign Bodies Institute** and **Sheldon Spotted Elk, Casey Family Programs, ICWA Program**.

Ms. Lucchesi and Mr. Spotted Elk shared insight and discoveries from their work on missing and murdered indigenous women and girls and girls in foster care. Sovereign Bodies Institute is building a comprehensive, indigenous led and informed database, and had information on cases specific to Washington. Casey Family Programs is supporting ICWA Courts across the country and sees ICWA as the gold standard for foster care.



Annual Judicial Conference Co-Sponsored Session

The Tribal State Court Consortium co-sponsored, with the Gender & Justice and Minority & Justice Commissions, a session at the Washington State Annual Judicial Conference on September 23, 2019 in Vancouver, WA. The 90 minute session focused on two important areas related to domestic violence and violence against women.

The first speaker was **Annita Lucchesi, Executive Director of Sovereign Bodies Institute**. Ms. Lucchesi presented on data currently available and tracking missing and murdered indigenous women both nationally and specifically in Washington. Most concerning were the number of cases that appear multiple times in the justice system and have strong correlations with victim in foster care. Ms. Lucchesi also talked firsthand about her experiences as a survivor and with the justice system.

The second speakers were **Sharon Jones Hayden, Prosecuting Attorney for Tulalip Tribes** and **Chief Judge Cindy Smith of the Suquamish Tribal Court**. The second presentation focused on Special Domestic Violence Criminal Jurisdiction as authorized by the Violence Against Women Act of 2013 and the implementation challenges and successes.



Washington State Minority and Justice Commission – March 13th, 2020

2022 NCREJ National Conference Budget Prospectus - 2 days of Education, 16 Speakers (14 in-State), 100 attendees (+20 MJC members)

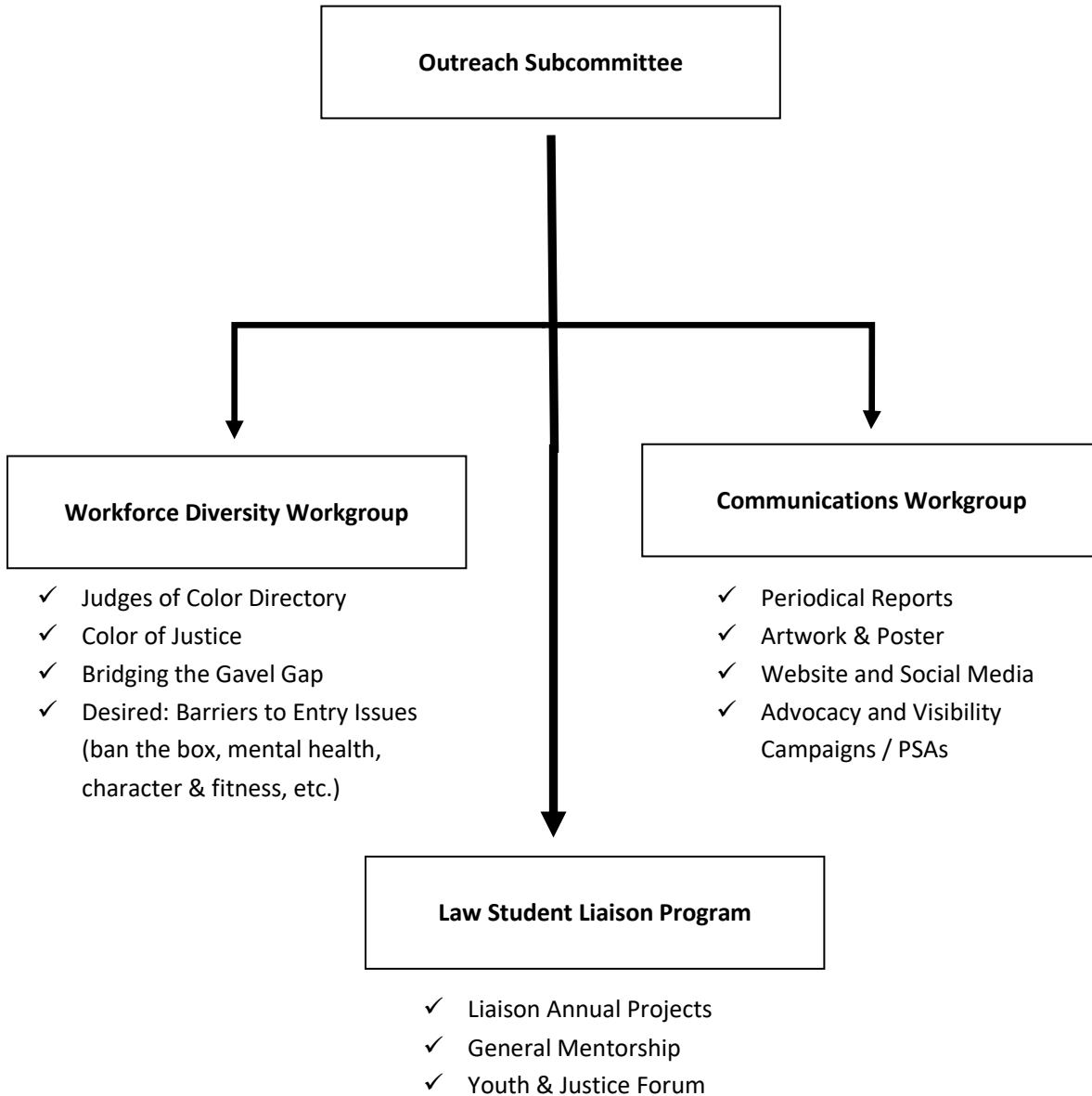
Item	Item Cost	Units Needed	Total Cost	Funding Source	Amount
Honoraria	\$ 2,000	16	\$ 32,000	NCSC	\$ 20,000
Speaker Travel	\$ 600	5	\$ 3,000	Registration Fees	\$ 50,000
Speaker Lodging	\$ 257	48	\$ 12,336	Symposium Funds	\$ 5,000
Social Event	\$ 150	120	\$ 18,000	MJC Budget Increase*	\$ 60,000
Meals	\$ 20	250	\$ 5,000	Commission co-sponsors	\$ 5,000
Snacks and Refreshments	\$ 10	250	\$ 2,500	Social Event/Swag Donations	\$ 10,000
A/V Setup & Logistics	\$			Judges' Associations Scholarships	\$ 5,000
Guest Lodging	\$ 257	300	\$ 77,100	Guest Lodging	\$ 77,100
MJC Member Cost	\$ 300	20	\$ 6,000		
Transportation/Buses	\$ 25	150	\$ 3,750		
Awards	\$ 25	10	\$ 250		
Gift bag	\$ 60	120	\$ 7,200		
		Total	\$ 167,136	Total	\$ 232,100
Per capita speaker cost		\$	2,857		
Per capita attendant cost (minus A/V)		\$	1,071		
Per capita member cost		\$	300		



Washington State Minority and Justice Commission (WSMJC)



Proposed Org. Chart for Restructured Outreach Committee



Outreach Committee Draft Mission Statement and Goals

Outreach Committee New Language (Proposed):

The mission of the Outreach Committee is to facilitate communication between the Washington State Minority and Justice Commission, the public, and the legal and court communities of Washington State, including to promote equal employment in judicial and non-judicial leadership positions for racial, ethnic and cultural minorities, and to study and improve the conditions under which minorities or persons of color interact with and participate in the justice system.

Goals:

- Establish, maintain and enhance sustained relationships between courts, legal community organizations and other public and private agencies engaged in work relating to the courts and diversity.
- Oversee development and production of the Commission's periodic reports.
- Obtain artwork expressing an issue important to the Commission's goals and mission for the Commission's annual poster.
- Assist the Commission in broadening its exposure to the public and constituencies it serves by recommending and facilitating Commission meetings, mass communications, social media engagement, and public events at community locations and forums throughout the state.
- Study the status, importance and benefits of a representative workforce in the courts, state judicial agencies, and the bar.
- Conduct and facilitate internal and external outreach about the status, importance and benefits of a representative workforce in the justice system.
- Coordinate with the Commission's Education Committee and other entities to ensure that a representative workforce remains a regular part of the continuing education of the courts, bar and other stakeholders.
- Develop resource materials that can be used to improve the conditions needed to develop and sustain a diverse workforce in the courts and the state's judicial agencies.
- Provide guidance and mentorship for the Commission's Law Student Liaison program.

Outreach Committee Original Language:

The mission of the Outreach Committee is to facilitate communication between the Washington State Minority and Justice Commission and the public and, specifically, the legal and court communities of Washington State, regarding interaction with and participation in the justice system by minorities or persons of color.

Original Outreach Goals:

- Establish, maintain and enhance sustained relationships between courts, legal community organizations and other public and private agencies engaged in work relating to the courts and diversity.
- Oversee development and production of the Commission's annual report.
- Obtain artwork expressing an issue important to the Commission's goals and mission for the Commission's annual poster.
- Assist the Commission in broadening its exposure to the public and constituencies it serves by recommending and facilitating Commission meetings and other public events at locations and in communities throughout the state.
- Create and maintain materials such as brochures and multi-media products such as videos and the Commission's website.

Evaluate and recommend individuals for appointment to the Commission's membership.

Workforce Diversity Committee Original Language:

The mission of the Workforce Diversity Committee is to promote equal employment and to study and improve the conditions needed to increase the opportunities for racial, ethnic and other traditionally underrepresented minorities to be employed by and supported in the justice system, including judicial and non-judicial leadership positions.

Workforce Diversity Original Goals:

- Study the status, importance and benefits of a representative workforce in the courts, their state administrative agency, and the bar.
- Conduct internal and external outreach about status, importance and benefits of a representative workforce in the justice system.
- Coordinate with the Commission's Education Committee and other entities to ensure that these issues are a continuous and regular part of the continuing education of the courts, bar and other stakeholders.
- Develop resource materials that can be used to improve the conditions needed to develop and sustain a diverse workforce in the courts and their state administrative agency.

Emerging Through Bias

Total Responses - 28

Q2. Please check the appropriate box to indicate your evaluation of this session	Yes	No	Total
I gained important information.	27	0	27
The session was well organized/coordinated.	27	0	27
Made clear connection to the workplace.	27	0	27
The presentation kept my interest throughout.	27	0	27
The session met my needs as a new judicial officer.	27	0	27

FACULTY: Judge Veronica Alicea-Galván, Judge G. Helen Whitener

	Alicea-Galván	Whitener
Q4. Significant & Current Knowledge of Subject Matter	4.93	4.96
Q5. Engaged Audience	4.85	4.86
Q6. Overall Effectiveness	4.85	4.89
Overall Score	4.88	4.90

Q7. Please provide any comments regarding faculty

OVERALL

I think that some judges could have a difficult time with this topic, but it was handled with such humanity and honesty. EXCELLENT presentation and willingness to have a discussion. I especially enjoyed the powerpoint included video clips. Very powerful presentation.

Amazing presentation, subject matter very applicable to the work, examples shared throughout the presentation were very helpful, historical context and cases was rich and valuable. Presenters worked well with eachother, liked the tandem nature of the presentation.

Alicea-Galván

Amazing and engaging!

Clear and engaging presentation that made me think more about the impact of bias

Excellent presentation

Great

Fabulous

I enjoyed your presence and presentation style - thank you

Well prepared and engaging.

Incredible knowledge and very well spoken. The concise way she delivers is very helpful.

Whitener

Personal examples really hit home. Thank you for sharing.

Also amazing and engaging.

thoughtful and thorough presentation on a complex issue that brought forth not only the issues but tools to address and confront those issues

Great

Fabulous

Relevant and engaging.

Compelling story but a lot of personal stories that take away from message that this is systematic.

Q9. Where appropriate, were diversity issues (e.g. gender, race, culture, sexual orientation, religion, disability) incorporated within the presentation?

Yes - 28

No - 0

If you believe diversity issues were not included, let us know where issues come up in your court in this particular area so that it might be addressed in future programming:

maybe discuss other issues, sign, sight mental health disabilities

I wish you would have spent a minute or two more on ICWA, and clarified that the law is based on a political classification, not race. Additionally, while you asked if people knew what ICWA was and the majority confirmed they did, it would have been great if you summarized the law for those who did not know.



JURY DIVERSITY ADVISORY GROUP

CLOVER PARK TECHNICAL COLLEGE

April 2nd 12–2:30 pm
April 4th 4:30–7 pm



Clover Park Technical College/McGavick Conference Center Rotunda is located in Building No. 3 Perimeter St SW, Lakewood, WA 98499. The nearest parking lot is “Building 11 Parking” and parking is free. Public Transportation–Routes: 48 | 202 | 500 | 501 | Sounder South

APPLY TODAY

Adults (18+) in the Lakewood and surrounding communities who wish to participate on the Jury Diversity Group please visit this link or scan the QR Code on this form.

www.surveymonkey.com/r/PSHFX6D



Scan this QR code with your phone camera.



MAKE A DIFFERENCE

The group will help inform policy efforts to increase diversity of juries in Pierce County and Washington State.



COMPENSATION

Participants will be paid a \$50 stipend for participation.

WHY JURY DIVERSITY IS IMPORTANT

The 6th Amendment of the Constitution guarantees a defendant a jury selected from a fair cross-section of the community—yet data has shown that jurors in several courts in Washington are not racially reflective of the community.

Compared to all-White juries, racially mixed juries tended to deliberate longer, discuss more case facts, and bring up more questions about what was missing from the trial.

A diverse jury furthers the goal of ensuring litigants and the public that the system is fair and impartial.

Lakewood is the most diverse city in Pierce County, yet has the highest “no response” rate to jury summons’ in the entire county. Our goal is to understand the reasons behind that.

CONTACT US



Cynthia Delostrinos
Supreme Court
Commissions Manager



Cynthia.Delostrinos
@courts.wa.gov



Available Resources Compiled by the Domestic Violence Workgroup

Title	Author(s)	Year Published	Publisher	Summary
1- Beyond the Algorithm: Pretrial Reform, Risk Assessment, and Racial Fairness	Sarah Picard, Matt Watkins, Michael Rempel, Ashmini Kerodal (Center for Court Innovation)	2019	Center for Court Innovation	Advocates a targeted risk-informed approach to pretrial decision-making to minimize racial bias
2- Family Court Judicial Guide to Domestic Violence Risk Factors	New York- Erie County Family Court	2015	New York- Erie County Family Court	Risk factors tailored to family law proceedings
3- Implementation Manual: DV Risk Factor Guide for Civil Courts Project			Center for Court Innovation, State Justice Institute	Purpose of the guide: Increase the capacity of civil judges and self-represented litigants to identify and respond to domestic violence risk factors in civil protective order hearings. Three risk factor guide templates and an Implementation Manual.
4- The problems with risk assessment tools	Chelsea Barabas, Karthik Dinakar and Colin Doyle	2019	New York Times	Pretrial risk assessments overestimate risk of pretrial violence.
5- Pretrial Reform Task Force Report	Intisar Surur, Andrea Valdez	2019	Washington's Pretrial Reform Task Force	Does not take a position on whether a risk assessment tool should be used at pretrial; however, if one is used, some of the recommendations the task force made include- identify desired goals, define terms, compare data, clarify risk being measured, and validate for predictive accuracy and race neutrality. Also includes recommendations about data collection,

				analysis and dissemination from pretrial.
6- The Average Predictive Validity of Intimate Partner Violence Risk Assessment Instruments	Jill Messing and Jonell Thaller	2013	Journal of Interpersonal Violence	Study examines predictive validity of five intimate partner violence risk assessment tools: ODARA, SARA, DVSI, K-SID, and DA.
7- Myths & Facts: Using Risk and Needs Assessments to Enhance Outcomes and Reduce Disparities in the Criminal Justice System	Dr. Cara Thompson	2017	National Institute of Corrections	Provides a description of research to dispel three myths: 1) that professional judgment is more accurate than standardized risk and needs assessments for predicting criminal justice outcomes; 2) the use of risk and needs assessments increases the likelihood of imprisonment; 3) use of risk and needs assessment increases ethnic and racial disparities within criminal justice system
8- Human Biases are Baked into Algorithms		2019	94.9 (PBS Seattle) Marketplace show, with speaker Safiya Noble	Discusses recent articles about the APPLE CREDIT CARD that gave married women (who happened to have better credit scores than their husbands), a lesser credit limit on its AI than their own husbands! Explains that AI algorithms cannot solve/ account for past disproportionality and

				biases of the past that are built into the data itself.
9- Optimizing Youth Risk Assessment Performance	Zachary Hamilton, Melissa Kowalski, Alex Kigerl, Douglas Routh	2019	Criminal Justice and Behavior	Study seeks to improve Washington State Juvenile Court Assessment.
10- Interp of the National DMC Relative Rate Indices for Juvenile Justice System Processing	Charles Puzzanchera, Sarah Hockenberry	2013	National Center for Juvenile Justice	Explanation of Relative Rate Index (RRI) and disproportionality
11- Recrafting youth risk assessment	Zachary Hamilton, Melissa Kowalski, Roger Schaefer, Alex Kirgerl	2019	Deviant Behavior	Many risk assessments used in juvenile justice are adopted "off the shelf" and not adapted to fit unique characteristics of justice-involved youth from a particular jurisdiction. This study looks at the Postive Achieve Change Tool (PACT) from Iowa and how adaptation raised predictive accuracy by 7% and reduced racial disparity.
12- Validated DV risk assessments overview	Amanda Gilman (WSCCR)	2019	None	Provides overview of validated DV risk assessment tools
13- Review of DV Risk Assessments excerpted from 2018 DV Risk Assessment Work Group Report	Elizabeth Drake, Faith Lutze	2018	Exerpted from DV Risk Assessment Report to legislature	Tables and charts showing predictive accuracy of risk assessment tools and IPV risk assessment characteristics

14- Certifying and removing disparate impact	Michael Feldman, Sorelle A. Friedler, John Moeller, Carlos Scheidegge, Suresh Venkatasubramania	2015		Determining disparate impact (bias) is harder with computer algorithms. It might not be possible to disclose the process or how the algorithm makes its decisions. Proposes making inferences based on the data the algorithm uses.
15- Interrater Reliability of Violence Risk Appraisal Guide Scores Provided in Canadian Criminal Proceedings	John Edens, Jennifer Cox, Brittany N. Penson, Jared R. Ruchensky, Shannon Toney Smith	2016	Psychological Assessment	Study examines reliability of Violence Risk Appraisal Guide (VRAG) scores in Canadian criminal cases based on concerns about "field reliability" due to inconsistent scoring among forensic examiners in adversarial settings (legal system).
16- PCL-R Score in Civilly Committed Sex Offenders	Marcus Boccaccini, Darrel Turner, Daniel Murrie	2011	Law and Human Behavior	Examined the ability of Psychopathy Checklist-Revised (PCL-R) total scores from state and defense evaluators to predict future misconduct among civilly committed sex offenders. For comparison, also examined predictive validity when two state experts evaluated the same offender.
17- Evaluator Differences in Psychopathy Checklist- Revised Factor and Facet Scores	Marcus Boccacini, Daniel Murrie, Katrina Rufino, Brett Gardner	2013	Law and Human Behavior	Looks at evaluator differences in PCL-R scoring. Findings provide positive support for the benefits of PCL-R training, and also suggest that despite training, evaluator differences may be evidence in field settings.

18- Do Some Evaluators Report Consistently Higher or Lower PCL-R Scores Than Others	Marcus Boccaccini, Darrel Turner, Daniel Murrie	2008	Psychology, Public Policy, and Law	Findings raise concerns about field reliability of forensic assessment-vary based on who hired evaluator (state vs. defense)
19- Clark County prosecutor calls for changes to law on domestic violence defendants	Jack Heffernan, Jerzey Shedlock	2019	The Columbian	Reports on recent DV homicide after defendant released on bail. Suggests that risk/lethality assessment scores should be given more weight by the court when setting bail.
20- Bias In, Bias Out	Sandra Mayson	2019	The Yale Law Journal	Article's premise is that when looking to past events to predict the future, any method of prediction will project past inequalities forward in time. Argues that the criminal justice system needs to more clearly identify "risks that matter" and acknowledge that some risk may be "impossible to measure without racial distortion."
21- Assessing Risk Assessment in Action	Megan Stevenson	2018	Minnesota Law Review	Part I: overview of evidence-based criminal justice, risk assessments, and bail reform movement; Part II: discusses empirical literature on risk assessment and explores some reasons why impacts of risk assessment may be different or more complicated than expected; Part III: empirical evaluation of pretrial risk assessment in Kentucky. Part IV: lessons that can be

				drawn from Kentucky's experience with risk assessment.
22- Civil Rights and Pretrial Risk Assessment Instruments	David Robinson, Logan Koepke	2019	Safety+Justice Challenge (John D. and Catherine T. MacArthur Foundation)	Outlines the critique of pretrial risk assessment tools from civil rights perspective.
23- Layers of Bias	Laurel Eckhouse, Kristian Lum, Cynthia Conti-Cook, Julie Ciccolini	2019	Criminal Justice and Behavior	Framework for understanding bias in risk assessments is layers. Top layer- bias in risk assessment models; second layer- biases embedded in data; final layer- conceptual issues- fair to make decisions about individuals based on groups? Fairness at foundation is essential for fairness in top layers.
24- Algorithmic Risk Assessment in the Hands of Humans	Megan Stevenson, Jennifer Doleac	2019		Evaluation of risk assessment at sentencing phase. Failure to reduce recidivism in part explained by judicial discretion- leniency to younger defendants. Conflicting goals may have led to overestimation of judicial production errors.

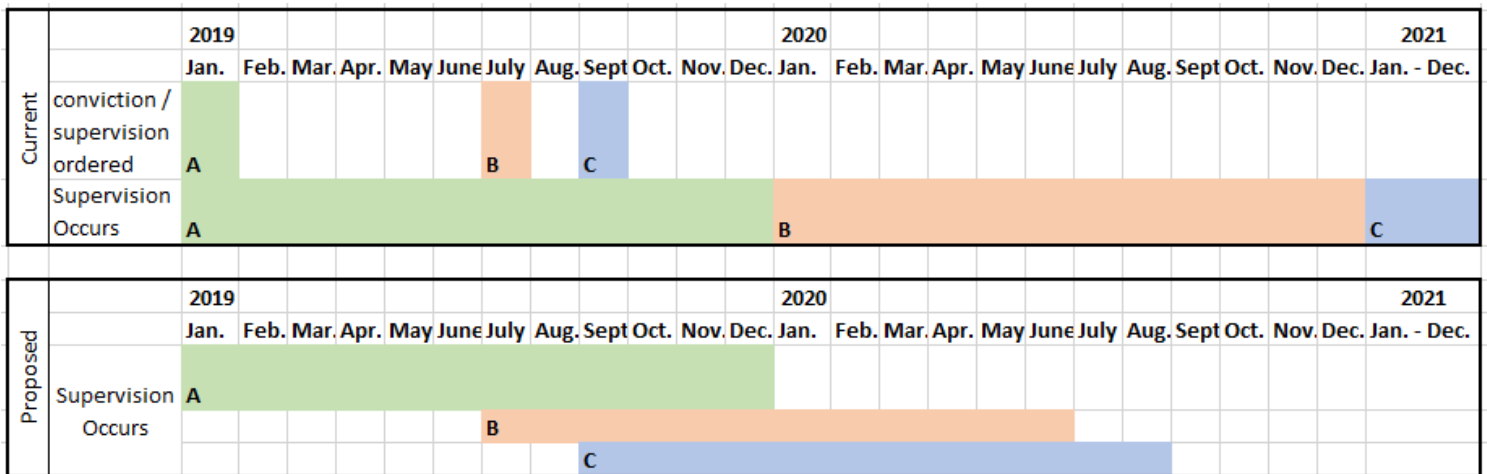
Actions and Recommendations for the 2020 Legislative Session

The budget proviso directs the Task Force to review state sentencing laws, including the report of the Sentencing Guidelines Commission and to submit an initial report, including findings and recommendations, to the Governor and appropriate committees of the Legislature by December 31, 2019. Provided below are the Task Force’s findings and policy recommendations for the 2020 Legislative session.

The Task Force has established a Legislation Working Group comprised of the four Legislative members and the non-Legislative co-chairs, tasked with drafting legislation on each of these policy recommendations.

Concurrent Community Supervision

According to the Sentencing Reform Act (SRA), judges determine sentences for felony offenses by selecting a determinate sentence from a range listed in statute. Ranges are determined by reference to the sentencing grid. When a person is convicted for multiple offenses in the same case, the court imposes separate sentences, including terms of confinement, for each offense. In this situation, the SRA requires sentences to run concurrently – the person serves both sentences simultaneously, with the longest period of confinement impacting the potential release date. If the person commits a new offense while still serving their sentence for a previous felony, including during a period of community custody, the term of confinement for the new offense does not commence until the expiration of the sentence for the prior offense, unless a judge imposes an exceptional sentence based on mitigating circumstances.



Current statutes lack clarity on the relationship between a current term of community custody and prior, unfinished term(s) as to whether they should be served concurrently or consecutively. The graphic above shows how an individual may receive three 12-month supervision terms over the course of 2019, but current law states that (unless explicitly ordered as concurrent) the terms are served consecutively—one supervision does not start until the prior term ends; nor does the treatment that would be required as a condition of the subsequent violation.

Any tolling event(s) in 2019 would not only adjust the end date of supervision A (which could be for a drug related crime) but also adjust the start date of Supervision C (which could be for a domestic violence-related crime). Under the current system, DOC is not able to fully supervise an individual in a manner that accounts for all their needs due to sequencing supervision terms and corresponding conditions (e.g., anger management or cognitive behavior therapy for domestic violence would not start until well after that violation).

Changing the presumption from consecutive to concurrent terms of supervision, a judge could still require consecutive terms, but by default an individual could be “supervised” for multiple convictions at the same time.

The start date of a supervision term would begin with sentencing, rather than waiting for one supervision to end. If tolling occurs, then all supervisions are paused simultaneously.

Task Force Recommendation: The terms of community custody shall run concurrently to each other unless the court expressly orders community custody run consecutively. Such changes clarify the presumption of community custody to be concurrent for both instances in which multiple terms of community custody can exist:

1. Between multiple current counts contained in one sentencing; and
2. When individuals have a current term of community custody ordered who also still have a term of community custody from a prior, unfinished term.

The changes allow the courts discretion to expressly order terms be served consecutively. This proposal includes a provision related to sentences that were previously imposed, which gives clear direction to DOC to set the relationship between multiple causes and/or sentences as concurrent unless the court had ordered otherwise.

Compliance Credit

Community custody is a portion of a person's sentence served in the community, under the supervision of the Department of Corrections. While on community custody, the individual is subject to a variety of conditions. If those conditions are violated, the individual may be required to serve the remaining portion of their time in confinement. While some individuals are eligible for earned early release from incarceration for good behavior and good performance ("good time"), there is no similar allowance for community custody. The Department of Corrections is not currently permitted to reduce a person's time on community custody based on their good behavior.

Task Force Recommendation: The Task Force recommends changes to the law that would allow most individuals on community supervision to earn time off of their community custody sentence. This Compliance Credit may only be awarded to individuals who have clearly shown positive behavior. Compliance with supervision plus completion of specific treatment, programming or reentry goals, may result in the granting of Compliance Credit. The result is that higher performing individuals move off of supervision more quickly, thereby allowing DOC to focus limited resources on those individuals who need it the most. DOC shall collect data by race, gender, age, location of those granted Compliance Credit and of those with Compliance Credit revoked.

For more information about the Task Force please visit: <https://ruckelshauscenter.wsu.edu/criminal-sentencing/>

2020 Proposed Work Plan of the Task Force

This work plan covers the Task Force meetings planned for 2020, leading up to the development of the final report.

Per the budget proviso, the Task Force is charged with reviewing state sentencing laws, including a consideration of the report of the Sentencing Guidelines Commission and to develop recommendations for the purpose of:

- (a) Reducing sentencing implementation complexities and errors;
- (b) Improving the effectiveness of the sentencing system;
- (c) Promoting and improving public safety.

Initial Report – December 31, 2019: The Task Force is to submit an initial report, including findings and recommendations, to the governor and the appropriate committees of the Legislature by December 31, 2019.

Final Report – December 31, 2020: The Task Force is to submit a final report by December 31, 2020.

Task Force Working Groups

Two Task Force Member Working Groups - focusing on the two clusters of topics/potential policy actions identified by the Task Force during its October 2019 meeting - that will identify, research, and analyze potential recommendations for the entire Task Force to consider.

Working Group 1: Sentencing Effectiveness and the Sentencing Grid

Working Group 2: Reentry and Reducing Recidivism

The Task Force will consider and winnow potential recommendations during summer/fall 2020 meetings to arrive at a consensus package of recommendations to be described in the December 2020 final report.

Working Group 3: The Task Force also established a **Legislation Working Group** comprised of the four Legislative members and the non-Legislative co-chairs, tasked with drafting legislation on the policy recommendations provided in the December 31, 2019 Initial Report. The Task Force may decide to re-convene this working group to assist in drafting legislation for 2021 based on the final report of policy recommendations, due on December 31, 2020.

The Ruckelshaus Center Facilitation Team will be providing facilitation services; preparing meeting agendas, materials, and summaries; and assisting in the writing of draft and final reports on behalf of the Task Force.

KEY MILESTONES FOR COMPLETING THE DECEMBER 2020 REPORT:

- Initial Draft of Task Force recommendations at meeting #9 in September.
- Refined list of draft recommendations at Task Force meeting #10 in October.
- Draft report by Oct 26 for discussion at meeting #11 in November.
- Final draft report completed by November 23 for final agreement at meeting #12 in December.
- Final report submitted to Governor's Office and the Legislature on December 31, 2020.

Executive Summary

What does it take to meld three distinct organizations into one that meets the needs of Washington’s children and families? What types of cultural changes must happen in order to ensure all children and youth achieve outcomes that leads to their becoming productive adults? These are a few of the questions the Department of Children, Youth, and Families (DCYF) Oversight Board grappled with since its inception.

The first annual Department of Children, Youth, and Families (DCYF) Oversight Board legislative report is the culmination of work undertaken by the Board from 2018 to 2019. With a total of 21 Board member positions, Board membership includes bicameral and bipartisan legislators, tribal representatives, judicial officers, youth and parent representatives, law enforcement, a physician, and subject matter experts in the juvenile justice and rehabilitation, child welfare and early learning fields.

As the DCYF Oversight Board’s work got underway in 2019 with the hiring of an executive director and a support staff, the Board turned its focus to ensure that the intended vision of DCYF, as designed by the Blue Ribbon Commission of 2016 and codified in House Bill 1661 of 2017, is realized. The DCYF Oversight Board has vested interest in the success of the department and its ability and commitment to improve outcomes for children, youth, families, and providers across Washington State.

This report includes guidance provided by the Oversight Board to DCYF on areas the Board deems a priority to keep the department on track to achieve its mandate. Guidance is provided both as overarching agency-wide themes, as well as specifically aligned to the stated outcomes that drive the purpose and define the expectations of the new department.

Agency-Wide Guidance:

- Prioritize culture change within the department and with a specific investment in partnerships external to state government.
- Ensure a sustainable strategy for performance-based contracting for all direct client services.
- Maximize opportunities provided by a secured integrated data warehouse to track outcomes of children and families across the continuum of care.
- Improve communication strategies to families and providers on the implementation of RCW, WAC and policy changes.
- Continue to streamline and create efficiencies in processes, data collection and sharing, and other administrative functions to ensure it does not hinder service delivery.
- Adhere to full implementation of the Indian Child Welfare Act and Washington State Indian Child Welfare Act.
- Fully implement all federal and state laws within specified time-frames.

Stated Outcomes Guidance:

1. Reducing racial and ethnic disproportionality and disparities in system involvement and across child and youth outcomes

- Prioritize and maintain focus on racial and ethnic disproportionality and disparities
- Expand lens to include geography, LGBTQ+ and ability status
- Disaggregate performance measures by race, ethnicity, income and geography
- Report on DCYF workforce retention rates, including disaggregation by race and ethnicity
- Develop mechanism to measure race and ethnicity similarly across continuum of care



2. Improving child development and school readiness through voluntary, high quality early learning opportunities

- Fully implement the Internal Review Process for Child Care Facility Licensing Compliance Agreements
- Design communication strategies to be inclusive and meet the needs of early learning providers across the state

3. Preventing child abuse and neglect

- Fully implement the Families First Prevention Services Act (FFPSA), including emphasis on parent education and services for pregnant mothers, while equally supporting culturally responsive programs that best serve tribes and communities of color
- Develop a DCYF culture that is supportive and responsive to the trauma experienced by the workforce

4. Improving child and youth safety, permanency, and well-being

- Address workforce retention rates for Social Services Specialists
- Bolster and formalize partnerships with other state agencies, tribes and providers
- Prioritize developing relationships between biological, foster and kinship caregivers

5. Improving reconciliation of children and youth with their families by increasing family reunification and increasing the number of youth who are reunified with their family of origin

- Increase service array in all geographic regions of the state, with a particular rural focus
- Provide wrap-around services and a collaborative approach for families involved in court systems
- Ensure tribal law is understood and supported in practice
- Add family reunifications measure to agency performance dashboard

6. Improving adolescent outcomes

- Ensure youth are not being released from state care into homelessness

- Partner to prioritize diversion opportunities and service provision for adolescent services
- Align programs and communications between child welfare, juvenile justice and juvenile rehabilitation for dual-system youth, and those at-risk of being dual-system youth
- Develop adolescent outcomes to be measured and tracked
- Develop youth feedback mechanism at each field office or facility
- Continue stakeholder engagement to understand county needs for implementing SB 5290, prohibiting detention for status offenses

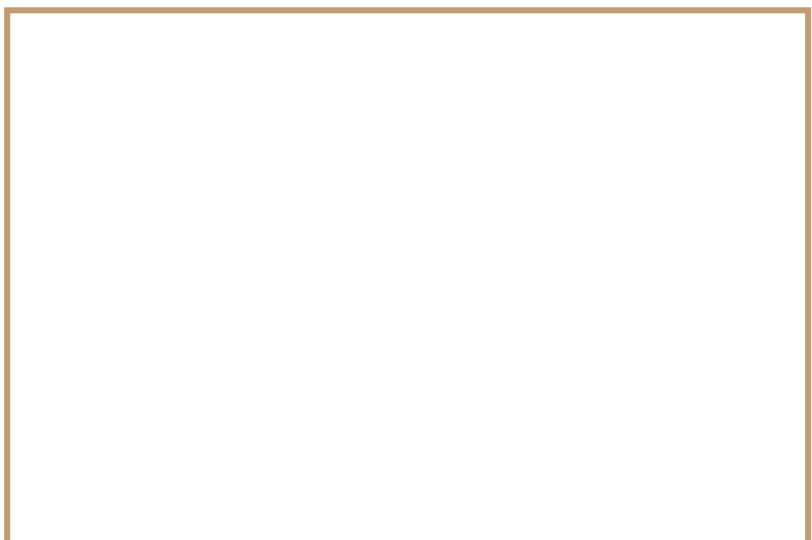
7. Reducing future demand for mental health and substance use disorder treatment for system involved youth

- Approach social-emotional learning and child well-being needs on same footing as child safety
- Prevent youth exiting treatment from entering into homelessness
- Increase flexibility of services available to parents in treatment to reduce amount of time children are in out-of-home care

8. Reducing criminal justice involvement and recidivism

- Continue to strengthen relationships with local juvenile court leadership
- Investigate the link between early interventions and juvenile rehabilitation outcomes
- Partner with courts to optimize implementation of SB 6550, increasing number and types of cases that are diversion-eligible
- Fully implement “JR to 25” and track outcomes of this implementation

With the full formation of DCYF as of July 2019, with the Department of Early Learning, Children’s Administration and Juvenile Justice and Rehabilitation are under one agency, now is the time to address and heal wounds that developed from previous structures and systems. The Department has the opportunity to create a new culture focused on the safety, healthy development, and well-being of the children and families who come to its door. Together, we seek to support children, youth, families and providers as partners in achieving better outcomes for communities across our State, and the realization of the vision formed by the 2016 Blue Ribbon Commission on the Delivery of Services to Children and Families.



Building on Washington’s successes by emphasizing diversity, equity and inclusion

While a number of publications have called Washington the best state in the nation and the one with the strongest economy, our successes are not enjoyed by all Washingtonians. Systemic barriers such as institutional racism prevent access to equal opportunities and hamper the advancement of too many Washingtonians.

The facts bear this out. We know that black and Native American babies face higher mortality rates. We know that students with disabilities and students of color have lower high school graduation rates than their peers. We know that women earn only 80 cents on the dollar compared to their male counterparts — and that women of color earn even less. We know that discrimination in the criminal justice system leads to disproportionate sentencing. We know that disparities in state contracting exist.

If we are truly to live up to our title as the best state, Washington must be the best for all Washingtonians regardless of their race, ethnicity, country of origin, immigration status, disability, sexual orientation, gender identity, age and military status.

Gov. Inslee knows that our state is a better place to live and work when we embrace workforce diversity, equity and inclusion through the elimination of barriers to growth and opportunity. This allows each employee to contribute their full measure of talent and builds our capacity to deliver innovative, effective and culturally relevant

services to all the people of Washington. Over the past several years, he has signed executive orders to develop employment plans for [veterans](#), hire more [individuals with disabilities](#), maintain safe and secure spaces for [LGBTQ public employees](#) and collect only necessary information to serve those who are [immigrants](#). His supplemental budget invests in a number of programs to make Washington’s workforce more inclusive, diverse and representative of the people it serves.

Operating budget investments

The Equity Office

Create an office to provide technical assistance to state agencies that request help to reach their inclusion goals. The office will hire eight staff, of whom two will be innovation officers, to assist agencies in using best practices and change management, and to promote systemic and cultural changes. In addition, the office will provide opportunities for community engagement in state government decision-making processes. The Equity Office will help agencies identify policies, procedures, practices, statutes, rules and budget

decision-making practices that may perpetuate inequities. The office will also design an online performance dashboard to measure agencies' progress in meeting diversity goals. (\$1 million General Fund-State)

Statewide diversity, equity and inclusion training

Create and offer a standardized curriculum so state employees receive uniform training on diversity, equity and inclusion. The online training, which will be created and delivered by the Department of Enterprise Services, will be offered statewide and at no charge to agencies with fewer than 3,000 employees. (\$800,000 Enterprise Services Account)

Office of Minority and Women's Business Enterprises

- Increase the pool of qualified Office of Minority and Women's Business Enterprises-certified businesses for public contracting. The more businesses that OMWBE can certify will widen diversity among contractors. (\$200,000 GF-S)
- Set up an electronic database to better monitor how much money is spent on OMWBE-related contracts starting with six of the state's largest agencies, which are responsible for two-thirds of the state's overall spending in the private sector, and two higher education institutions. (\$600,000 GF-S)
- Provide technical assistance to companies wanting to become OMWBE-certified. This is especially useful to smaller companies that lack the resources or time to apply for certification. (\$132,000 GF-S)

- Conduct outreach activities to minority businesses to encourage them to become OMWBE-certified. (\$216,000 GF-S)

Educator professional training

Designate funds already appropriated for professional development for educators in the 2020–21 school year for training on racial literacy and cultural responsiveness. This will help to close opportunity gaps for Washington students and promote diversity, equity and inclusion. (\$39.7 million, already appropriated)

Capital budget investments

Mt. Zion housing

Cover pre-construction costs for a 64-unit affordable housing project for seniors who have been displaced or are at risk of being displaced due to gentrification in the Seattle Central District. (\$250,000 bonds)

El Centro de la Raza building

Make life-safety seismic retrofits and ADA upgrades to improve the safety and accessibility of the facility, benefiting the 14,000 people served annually through its programs and services. (\$2 million bonds)

Seattle Central District Public Development Authority

Replace the roof and mechanical systems at the former Seattle Vocational Institute facility, which will serve residents of the Seattle Central District through services and educational opportunities. (\$10 million bonds)

Future Work

(Excerpt from the Task Force's preliminary report)

The Task Force will continue this project in 2020 to fulfill the responsibilities outlined in [ESHB 1109](#) (section 221, subsection 7). Members will submit a final proposal to the Governor and Legislature by July 1, 2020 that includes further recommendations for the Office of Equity's operations. The content below highlights some of the Task Force's plans.

Glossary: The Task Force will build a glossary of terms related to diversity, equity, and inclusion that provides further depth and intentionality for the concepts included in this report and its final proposal. Where appropriate, the Task Force will minimize redundancies by incorporating the work of other bodies.

Government-to-Government Relations: The Task Force hopes to engage tribes in this work and incorporate their input and feedback. It is important to hear tribes' perspectives on what an Office of Equity can do to help advance government-to-government relations.

Executive-Level Management: The Task Force will recommend a plan for the Office of Equity to use as it engages executive-level management at all agencies. It will highlight approaches that have been effective in balancing technical assistance and accountability in similar government settings.

Community Engagement: The Task Force will continue to engage communities to gather input and feedback. It will recommend additional strategies for promoting community outreach and engagement.

Data: The Task Force will consider additional mechanisms related to establishing standards for the collection, analysis, and reporting of disaggregated data. It will identify strategies the Office of Equity can use to help de-silo government work and push approaches upstream to address root causes of inequities. The Task Force will also explore decolonizing methodologies and recommend strategies to support this work.

Public Dashboard & Reporting: The Task Force will continue to work with Results WA and other partners to determine what a public dashboard should look like. It will also provide additional details around evaluation and reporting.

Accountability & Enforcement: The Task Force will explore additional accountability and enforcement mechanisms, including audits and possible consequences for non-compliance and non-improvement. It will consider different models of ombuds and recommend practices for the Office of Equity.