

CALL TO ORDER

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

The March 13th and May 29th meeting minutes were approved as presented.

GUEST PRESENTATIONS

Reparations in Washington State: Presentation by Seattle University Law Fellows, Dontay Proctor Mills, Mynor Lopez, Same Sueoka, and Carsen Nies

See distributed memo for additional information.

The Seattle University Law Fellows presented on a memo distributed to the Commission that proposes for the Minority and Justice Commission to engage in a research study of reparations for Black and Indigenous communities of color. The memo categorizes reparations into 3 main categories: monetary, cultural, and land reparations.

Washington is on stolen land. Charles Mitchell was brought to Olympia, WA with the same legacy of anti-black racism as the rest of the country. Modern racism in Washington bars people of color from economic opportunity, from the New Deal to the burgeoning cannabis industry. It is responsible for disparate court outcomes, and outcomes in every institution.

They are hoping that the Commission hears the proposal and will start working towards anti-racism in courts by presenting an education program at the 2022 Court Symposium that will cover 1,) the history of racial oppression and exclusion in Washington State; 2.) different examples of reparations that have been made in the United States; and 3.) suggested reparations measures that Washington may take. A symposium on these issues would align with the MJC's Education Committee's goal to improve the administration of justice by eliminating racism and its effects by offering and supporting high quality education programs designed to improve the cultural competency of legal professionals

They recommend working with community organizations, and to continue to work to build trust between the community and the judicial system. As things stand, there are currently several opportunities where MJC can help repair relationships with communities of color, such as encouraging the Court to eliminate the bar exam, which disproportionately impacts people of color and dissuades them from entering the legal profession. MJC should also use its influence to build trust with communities of color. In 2019, robbery 2 was struck from the list of three strikes offenses, but was not made retroactive. 62 majority Black inmates will die in prison as a result.

The goal is to address these issues at the 2022 Supreme Court Symposium. What does a Justice system with anti-racism as an organizing principle look like? Policy has been "race neutral" and color blindness does not fix the issues. Race needs to be put at the forefront to solve these problems.

ACTION: Frank Thomas will circulate the Seattle University memo on reparations.

Presentation by Driver's Relicensing Task Force: Martha Ramos, Ameshia Lawton, Guy Oron, Juliana Tesfu, Jen Lombardi, Corliss Samaniego, Emnet Wypsen

See distributed memo for additional information.

The Driver's Relicensing Task Force is a group of concerned volunteers consisting of community members, lawyers, etc. who see relicensing as a major community issue. There are currently no legislative members, but they are in contact with legislators who support the issue.

Through license suspension and its criminalization, the policies have unfairly impacted poor communities and communities of color. The system of licensing is an interlocking structure that limits the mobility of poor, disabled, and undocumented individuals, leading to other economic

disadvantages such as lack of employment. A simple traffic ticket can lead to not just suspensions, but also unsafe interactions with law enforcement and immigration enforcement. A license can mean the difference between poverty and a living wage, and is even more dire when unemployment is high.

The Task Force sees programs such as King County's UP program as a temporary solution. Working with courts has been difficult due to the unified court system. Each court does repayment and relicensing differently. A model like the LFO reconsideration days could be followed to lower or reconsider payments.

The Task Force is asking the Commission to support two actions: 1) Commit ongoing support from MJC at task force meetings and their work and 2) That MJC pursue a stay of license revocation due to the pandemic and the Governor's emergency order.

The Task Force was in contact with the Governor's Office in April, and was told they do not have authority to issue a stay of license revocation due to separation of powers. This might be incorrect, as the statute to report to the Department of Licensing is a law, not a choice the courts make.

ACTION: The Minority and Justice Commission will look into setting up a Zoom call between Washington and other states that have gotten rid of license revocation for failure to pay.

Announcement of Race and Criminal Justice System Task Force 2.0: Professor Bannai

10 years ago, the Race and Criminal Justice System Task Force 1.0 was founded after some Supreme Court Justice made racist comments about black criminality. The group unified to discuss the root of disproportionalities and other discrimination issues. The goal was to create a document that was not just a study, but a pathway forward. MJC has served as a conduit for many of the action items from the initial report in 2012.

Now, the Task Force is ready to reconvene and write a new report. MJC has been asked to join organizationally, and individual members are invited to participate in their own capacity. The requirement to participate is minimal, and will be based on whatever time people can contribute. There will be 4 working groups that individuals can join, with a final report to be submitted on July 1, 2021.

ACTION: A vote on approving the task force will be conducted via email.

ACTION: Ask your own organizations if anyone is interested in joining the Race and Criminal Justice System Task Force 2.0, or contact Professor Bannai or Frank Thomas if you are interested in joining.

CO-CHAIRS' & COMMITTEE REPORTS

Personnel and Membership Update

- LaTricia Kinlow has been appointed as the DMCMA representative. Congratulations!
- The new Legislation & Rules Committee is seeking members. Because AOC staff cannot testify on bills on behalf of the Commission, MJC is seeking members who are interested in speaking before the legislature. Currently, Judge Doyle, Chris Sanders, and Annie Benson have volunteered. Contact Frank Thomas if you are interested in joining.

ACTION: Contact Frank Thomas if you are interested in joining the new Legislation & Rules Committee.

2020 Symposium Steering Committee

- The Symposium, “*Behind Bars: The Mass Incarceration of Women and Girls*,” has been suspended until June 2nd, 2021.
- Symposium hours have been expanded to 8:45 a.m.-1:00 p.m. to accommodate 5 panels.
- The research project: *Girls of Color Detention Report and LFO Reconciliation Day Survey*, in collaboration with WSCCR.

Tribal State Court Consortium – Judge Lori K. Smith

- The Spring Regional Meeting was cancelled due to COVID-19. TSCC is hoping to circle back in 2021. The Annual Meeting will also be cancelled because Fall Conference has been cancelled.
- The June edition of updates is delayed. The Tribe that is being spotlighted needs permission from their Tribal Council.
- AOC is working on an online training module for court rule 82.5

Education Committee – Judge Lori K. Smith and Justice G. Helen Whitener

- Professor Lorraine Bannai and Christopher Sanders have joined the Education Committee.
- Session Proposals:
 - DMCJA 2021 Spring Conference *due September 30th*
- **Cancelled: Annual Fall Judicial Conference, September 13-16:**
 - Co-Sponsor of Holocaust Museum’s “*Law, Justice, and the Holocaust: How the Courts Failed Germany*” with Gender and Justice Commission
 - Co-Sponsor of “*Working with DisAbled Jurors*” with Interpreter’s Commission
 - *Jurisdiction: CR 82.5 Where State and Tribal Court Intersect. A Discussion of Overlapping Jurisdiction and GR 82.5* by NWTJA.

LISTENING SERIES: COMMUNITY PANEL

The Minority and Justice Commission hosted the first of what will be a series of listening panels on race and the community. For this panel, the Commission invited leaders from the Black community to share some thoughts on systemic racism, their work, and how courts can help restore confidence in our judicial processes

Speakers included: Nikkita Oliver, Corwin Scott, Brianna Rollins, Chukundi Salisbury and Dominique Davis.

Panelists:

- Nikkita Oliver, *Co-Director, Creative Justice NW (Seattle)*
- Corwin Scott, *CEO, Evergreen Empowerment Group (Tacoma)*
- Brianna Rollins, *Census Outreach, The Carl Maxey Center (Spokane)*
- Chukundi Salisbury, *CEO, Seaspot media group (Seattle)*
- Dominique Davis, *CEO/Founder, Community Passageways (Seattle)*

1. What does an anti-racist judge look like? What does it look like to be an anti-racist in the legal profession?

Brianna Rollins: Starts with yourself, your personal self, then inner circle, and then society. Leave your biases at home. Talk to your children, intervene with colleagues. End white silence.

Corwin Scott: Leave your biases at home. This includes the crime shows, cop shows etc. Teach your children that racism exists, and at work to do what you can to stop colleagues. There are things we can do on a day-to-day basis. End white silence and speak up when you feel something is wrong. Starts in the workplace.

Nikkita Oliver: King County built a new youth jail for 240 million dollars. For a county that talks about zero youth detainment, what is the purpose of this new facility if not to continue detainment? Imagine if that money had been used to help elevate the communities that otherwise will be incarcerated. Repurposing the facility now feels like a slap in the face to those who advocated against it for years.

Due to failure to pay child support, her father was incarcerated. She lost more than financial support, but a relationship with her father as a result. There is nothing easy about criminal court.

Briana Rollins: An action step anyone can take is to pick up the phone and tell them not to build a new jail in Spokane.

Nikkita Oliver: We need to go back and revisit cases. It will be a lot of work, but it was a lot of work to lock everyone up. A lot of judges can go back and work on that. Get people out of jail. Often, all people need was a resource and an opportunity. Not about rehabilitation, but opportunity.

Young prosecutors recently wrote a memo arguing how they cannot support the racist structure. Change is happening at the individual level. Push for new legislation, regulations, and rules to reinvent the criminal punishment system. We need stronger words from those in power – judges and justices.

ACTION: Two anti-racist texts were suggested by the panelists for listeners to read. These titles were *How to Be an Antiracist* by Ibram X. Kendi and *So You Want to Talk about Race?* by Ijeoma Oluo.

2. What are judges and courts doing wrong? What are we doing that contributes to structural racism? What are we doing right and what do you want to see more of?

Dom Davis: The courts are starting to listen, and operate outside of their usual parameters. In negotiation right now with prosecutors' office for mitigation of a young person's charged, due to the open-door policy with the prosecutor's office. Defense attorneys are calling community interventionists to come to the aid of young defendants.

Brianna Rollins: During the pandemic, courts have been dropping warrants and releasing youth to home for health safety. We are at risk of sliding back. COVID has proved that the reasons for locking youth up are no longer true. The court needs to come to the community.

Corwin Scott: Courts are starting to work cross jurisdictionally, and are using divestment programs. There are Seattle specific warrant clearing events. To build community trust, you need to be visible in the community. Drug courts – divestment. Veterans court, mental health court, etc. Being available to the community. Courts considering indigency and LFOs. There are judges in King County doing a good job considering all factors.

3. What does your organization do and how do you reach clients? What role does the court system play in your work?

Dom Davis: About walking it out, staying with them for the long term. Opportunity not just rehabilitation.

Corwin Scott: I started at the Evergreen State College. Now we do LFO reconsideration, job coaching, parenting plans, etc.

Brianna Rollins: Currently doing census outreach.

ACTION: A proposal was suggested to change the name of the MJC task force to the MJC change force. It could include attorneys, judges, and community advocates to initiate real change and hold ourselves accountable.

4. In what ways does your personal approach, professional discipline, or cultural worldview differ from the approach of the courts?

Nikkita Oliver: We've been talking restorative justice in Seattle for a long time, but it is a bastardized version. Restorative justice looks at a circumstance, and asks, "What are all the conditions that lead to that outcome?" We do not see that holistic approach in the courts. Courts are not designed to account for our collective contributions to harms that occur. Youth in the justice system are ultimately being accountable for the harms done to their community.

Justice is multi-faceted. Trying to keep our kids from touching the court system; courts are ill-suited to improve outcomes for people. Need to re-divert resources away from this flawed system. Need to listen to people closest to the point of impact – people who have been criminalized have the most wisdom about these challenges, and are often most muted in the conversation.

Absolutely believe in accountability and responsibility, but social contracts also require compassion and care. Think critically about the harm that the current system causes.

Corwin Scott: We have an impact to actually put boots on the ground and visit and work with programs designed to develop and uplift community. With the recent murders in our community, we do not see the empathy with regards to the courts' approach.

Dom Davis: Murders and shootings in south king county recently. Little to no media attention on shootings, would be vastly different if kids were white. How do you build a village to sustain a community when the village has been decimated? Communities are giving aid the system should be giving. Let communities heal their own if the system refuses to do it.

Brianna Rollins: In social work, there is a saying that the goal is to "work yourself out of a job," because the goal is that there will be no one left who needs the help. Legal community does not appear to be doing the same.

5. What comes from this panel?

Chukundi Salisbury: I hope this is the beginning of a reform where the courts listen to the community, but also to look at what brought a person into court in the first place. What are the structures that that person was living in? Community must also keep in mind that many legal roles are elected positions. I feel that the public should have the opportunity for a forum like this where the community can voice their concerns and frustrations.

Judges and people in the system should take this as a moment to add empathy and compassion to their toolkit. It's an opportunity to look at everything with a new lens, including government policy. When people say they're hurting we don't hear it – our skin has become thick. Hope people take a second look at things, then work on it themselves. Speak up personally and systemically. At the next meeting, there could be some type of check in – what happened or didn't happen?

Brianna Rollins: Tired of repeating myself. This is conversation number one of many. I hope that MJC listens and does some of the things suggested. Policy changes. I'll have to wait and see and then hold you accountable.

Dom Davis: What does it look like to have community organizations represented with prosecuting attorneys at the table? How can community organizations be represented at the table? *Power shift needs to happen, power needs to be shared.* Needs to come from the top down. People making decisions need to hear the pain and frustration. It took us shutting down everything, getting all distractions out of the way, for people to care and participate. Action needs to be taken.

Closing Remarks – Justice Yu and Justice Whitener

We hear you. It was important for us to listen today, to be quiet and listen. Fight must continue. Thank you to Commission members for attending and listening. Reflect on challenge and invitation to listen and do more. Leverage our power to do more and impart change.