

GUEST INITIATIVES

Announcement and Acknowledgement: Course License Suspension Order

The relicensing task force presented at the last Minority and Justice Commission meeting regarding statutory provisions to report to the Department of Licensing for failure to appear. The group had been trying to get attention of the Governor's office on the issue, and reached out to the Commission for assistance. The Supreme Court entered an order authorizing the delay in reporting due to failure to appear. This allows courts of limited jurisdiction to not report for failure to appear. Thank you to Judge Coburn for your continued involvement, and to the DMCJA for their complete support.

Martha Ramos thanked the Commission and gave an update on next steps, including community education and legislative action.

MJC Race Equity Summit Proposal

The idea for a race equity summit was born from feedback provided by the BJA and SCJA, in direct response to the outcry after the murder of George Floyd and the Black Lives Matter movement. Instead of the judicial organizations creating a new entity to tackle race and equity in the justice system, the Minority and Justice Commission would act as the "umbrella entity" to assist and educate the other groups. The Commission would continue to retain its own independence from the other judicial organizations. Additionally, acting as the "umbrella entity" could provide the Commission with more influence in working with the other judicial organizations. This is an opportunity for the Commission to step up in visibility, and remain forefront as the entity to address race equity issues within the judiciary.

Because the Commission has often been the most accessible place for community involvement, what steps can be taken to ensure community involvement in the race equity summit?

- A small workgroup from MJC could be created to bring in community voice. The Outreach Committee will further explore this option.
- Currently, barriers such as meeting modality, time, social hierarchy, and other factors impact community participation in Commission meetings. How can these barriers be overcome, both for the Commission and the race equity summit, to make meetings more inclusive?

ACTION: The Outreach Committee will further explore how to include the community in the race equity summit, as well as how to increase community participation in Commission meetings. Annie Benson and Annie Lee are interested in assisting.

ACTION: Reach out to Judge Coburn for assistance in getting on the DMCJA agenda to present proposals.

2022 Symposium Proposal: *Reparations in Washington State*

The SU Law Fellows presented their memorandum on reparations at the last Commission meeting that outlined their recommendations. Two of the main recommendations were: Reparations in Washington State as the 2022 Symposium topic, and research on reparations in Washington, if there is funding available. They are interested to see if the Commission has given these two proposals additional thought, or if they are ready to take action on the recommendations.

Because 2022 is still two years out, the fellows are interested in pursuing additional concrete action the judiciary and the Commission can take. Currently, there is time set aside on Friday afternoons for judicial education, which might be a good opportunity to present on the topic of reparations sooner.

VOTE: The Commission unanimously approved the 2022 Symposium topic of *Reparations in Washington State*.

MJC Participation on Race and Criminal Justice System Task Force 2.0

The first meeting of the Race and Criminal Justice System Task Force 2.0 occurred last week. Over 100 people joined the meeting in support of the work! The Commission is being asked formally to join the Task Force as their own entity. Individuals are also encouraged to join as representatives of their own organizations. Judge Coburn, Professor Boruchowitz, Karen Murray, and Annie Benson are all interested in attending the task force.

The goal is to have a report completed by July 1, 2021, with “mini reports” possibly being issued along the way. Options for presenting the report to the judiciary close to the completion date will be explored.

VOTE: The Commission unanimously approved support and participation in the Race and Criminal Justice System Task Force 2.0.

ACTION: Justice Yu will ask if the Court is open to receiving the final report in September 2021.

ACTION: Contact Lorraine Bannai if interested in participating in the Task Force.

Update on Judicial Institute 2020 Programs

Flyers for the upcoming events for Eastern Washington have been included in the packet – they will be conducted via Zoom in partnership with Gonzaga University. Dates to note include:

- October 14, 2020 – Yakima CLE, most appropriate for practicing attorneys
- October 15, 2020 – with Gonzaga called “Bridging the Gavel Gap,” open to a wider audience with the goal of demystifying the judiciary

CO-CHAIR & STAFF REPORT

Shout Outs

- Judge Diaz has been appointed Chief Judge of King County Juvenile Court. He will be stepping down from the Commission due to his new responsibilities.
- Chief Diaz has been appointed Chief of Police in Seattle.
- Katie Svoboda has been appointed judge, and will be stepping away from the Commission as the WAPA representative.
- Judge Coburn will be taking on a new judicial role at the Court of Appeals

2020 Symposium Steering Committee

The Symposium, “*Behind Bars: The Mass Incarceration of Women and Girls*,” has been suspended until June 2nd, 2021. The Symposium will be held from 8:45 a.m.-1:00 p.m. at the Temple of Justice.

The Symposium Steering Committee recommended the undertaking of a research report looking at juvenile girls and detention, which will be discussed in the staff report.

The Symposium Steering Committee is also looking to undertake a pretrial justice research project to evaluate aspects of the criminal justice system for racial and gender inequity that haven’t previously been scrutinized. The first stage of the multi-step project would analyze bail data from local county jails and look for patterns of disproportionality.

The Committee also wants to redouble our look into large-scale solutions in light of a greater mandate for systemic reform.

Staff Report – MJC Research Project Updates

➤ **LFO Reconsideration Day Research – Cynthia Delostrinos**

Two LFO (legal financial obligation) reconsideration days took place last year in Pierce and Kitsap counties, with the others scheduled being cancelled due to COVID. MJC was able to hire a researcher to look at the Pierce County data to see who participated in the event. The goal was to find out how much debt was waived or reduced, and what outcome occurred for the cases that received relief. Cynthia Delostrinos shared preliminary findings of the data that showed large amounts of debt waived and participants feeling positive about the event. Work is now being conducted to look at AOC data on case and accounting information. A report will hopefully be finished by the end of the year to provide recommendations.

While the reconsideration days could be conducted via Zoom, it is important to note that LFOs can be reconsidered any day, not just on specific reconsideration days. This information is not displayed on court websites, and staff do not readily provide this information to the public. The belief that LFO reconsideration is limited to certain days should be of concern, when law requires LFOs to be reconsidered by petition normally. Pressure from the public put on presiding judges to revisit LFOs could be a first step in seeing change on this issue.

➤ **MJC-WSCCR Juvenile Detention Special Report Update – Frank Thomas**

MJC has commissioned a special report to fill in gaps that were found during research from the Gender Justice Study. A final report is anticipated to be published before the next Commission meeting. A draft copy of the report has been provided to the Juvenile Justice Committee to discuss in their breakout session how to address the starkest disparities in the report. Washington has an opportunity to confront the incarceration of young people and meet their needs in alternate ways, as shown with lower rates of incarceration during COVID.

➤ **Jury Diversity Project Update – Cynthia Delostrinos**

Cynthia Delostrinos and Chris Gaddis, Pierce County Superior Court Administrator, were planning to launch the Jury Diversity Project in early 2020. Due to COVID, the project has now been moved online to a virtual format. An honorarium and stipend will still be offered to participants.

The city of Lakewood was identified as being the most diverse city in Pierce County, but with the least diverse juror pool in the county. The project will look at the barriers to jury participation.

ACTION: Cynthia Delostrinos will reach out to ask for help on the project from the Commission when it is needed.

➤ **Discuss Pretrial Justice Report – Frank Thomas**

The Pretrial Justice Report is the four-stage project discussed as part of the Symposium Steering Committee. Each stage looks at a discretionary point in the pretrial and adjudicative process – charge decisions by prosecutors, bail decisions by judges, plea negotiations by prosecutors, and sentencing decisions by judges. The first available, and most affordable, stage to look at is bail decisions by soliciting bail data from the state's largest jurisdictions. WSCCR gave a high-end quote of \$4000 to accomplish that task. Would the Commission like to move forward with the research?

ACTION: Email Frank Thomas with any concerns or comments related to whether or not to move forward with the research by WSCCR.

COMMISSION LIAISON & COMMITTEE REPORT

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

- **DMCJA 2021 Spring Conference**
 - *Proposed: “Legal Status” of LFO Collections, and Legal Debt as a Historical Means of Oppression*
- **SCJA 2021 Spring Conference**
 - 2020 Rollover: Immigrant Families Tool Kit
 - 2020 Rollover: Juvenile Justice Session
 - *Proposed: History of LFOs and Legal Debt, and Cycles of Poverty*
- **Discuss Housing Justice Emergency Webinar with SCJA & OCLA**
 - A webinar is needed due to people not being able to pay rent because of COVID and the ongoing issue it is presenting.
- **Friday Forum Webinars**
 - Could the education committee put together webinars for the Friday forum? Implicit bias has been addressed. Systemic issues need to be addressed within the system through education.

BREAKOUT WORKGROUPS

Outreach Committee

➤ **Judges of Color Directory and Gavel Gap Event**

The Outreach Committee discussed upcoming projects and how to transition certain events online. The Judges of Color directory will be updated after the 2020 election, with the Gavel Gap reception likely not possible in-person this year. The Gonzaga University students held an amazing online event, and could possibly assist with planning an online Gavel Gap event.

➤ **Membership Recommendations & Community Involvement**

In the past the Outreach made membership recommendations to the Commission. This is something worth considering again. We want to continue the evolution of the Commission – bylaws, mission statements, and how we can better accommodate the community and other organizations.

Juvenile Justice Committee

The main priority of the JJ Committee for 2021 understanding the rapidly changing juvenile carceral landscape due to COVID pandemic and the movement for Black Lives – in terms of vocal commitment for change. The change in political will and necessity created by public health risks have created unprecedented opportunity. □ Judicial curriculum we had talked about is in line with these priorities. Those with authority to implement change. Huston-Sconiers retroactivity ruling is another key example.

ACTION: talk to the three judges in KC who are doing it differently, and figure out what is enabling them to reduce the juvenile detention population. If we can get judges to talk to their colleagues it would benefit more greatly.

Rules and Legislation Committee

The newly formed Rules and Legislation Committee met for the first time. Housekeeping was covered – the new Committee decided to meet regularly as a group, and will be reaching out to Frank Thomas for assistance in scheduling. The value of being a “nimble organization” was discussed, including which types of bills to support and how they will be supported. The group is excited to move forward, as the formation of such a group under the Commission has been an ongoing point of discussion.