



**MINORITY AND JUSTICE
COMMISSION**
ZOOM VIDEOCONFERENCE
FRIDAY, JULY 22ND, 2022
9:00 A.M. – 12:00 P.M.
JUSTICE MARY YU, CO-CHAIR
JUDGE VERONICA GALVÁN, CO-CHAIR



MEETING NOTES

Commission Members

Jeffrey Beaver
 Professor Bob Boruchowitz
 Judge Johanna Bender
 Lisa Castilleja
 Judge Faye Chess
 Professor Mark Chinen
 Judge Linda Coburn
 Grace Cross
 Judge Theresa Doyle (ret.)
 Chad Enright
 Judge Anthony Gipe
 Judge Bonnie Glenn
 LaTricia Kinlow
 Judge LeRoy McCullough
 Karen Murray
 Christopher Sanders
 P. Diane Schneider
 Judge Ketu Shah
 Travis Stearns
 Judge Leah Taguba
 Josh Treybig
 Jeremy Walker

AOC Staff

Kelley Amburgey-Richardson
 Cynthia Delostrinos
 Frank Thomas

Liaisons

Wanda Barrett, *Embedded Law Librarian*
 Esperanza Borboa, *Access to Justice Board*
 Sarah Max, *SU Law*
 Leslie Burnett, *SU Law*
 Stephanie Chavez, *SU Law*
 Monica Mendoza-Castrejon, *SU Law*
 Angel Torres Mann, *UW Law*

Guests

Judge Sara Dannen
 Dr. Lisette Garcia
 Jaime Hawk
 Martha Ramos
 Magda Baker
 Corliss Samaniego
 Kayley Corillo
 Michelle Enright
 Mark Cooke
 Larry Jefferson
 Chanel Rhymes
 Kirsten Wysen

CALL TO ORDER

The meeting was called to order at 9:00 AM

Welcome and Introductions

- The MJC Co-chairs introduced themselves.
- Attendance was called via roll-call

Approval of May 12th Meeting Minutes

- The minutes were approved as presented.

Recognition of Service: Frank Thomas

- Justice Yu recognized MJC Program Analyst Frank Thomas for his service to the Commission.
- An engraved gavel from the Supreme Court was presented to symbolize his contributions to change in the law.

GUEST PRESENTATION – Drivers Relicensing Task Force (WDRT), Martha Ramos, Jaime Hawk, Magda Baker, Corliss Samaniego, and Mark Cooke

- Proposed GR 9 Amendment: Changes to Infraction Rules for Courts of Limited Jurisdiction
- Materials Included in Meeting Packet
- Data shows that “failure to pay” infraction offenses are enforced with a high degree of racial disproportionality. This is despite the poor documentation of Latin/Hispanic race and ethnicity that often get truncated in the data into white categories.
- Unpaid debt is associated with poor health outcomes.
- For most people, reliable transportation is a requisite for work, and thus a drivers’ license is essential. Many clients ignore payment because they do not know about payment plans and cannot manage the stress of a bill they cannot afford. An “inability to pay” option would alleviate this initial reaction and provide a means of responding to the court.
- Courts “should have guidance” when a person is unable to pay, and have an alternative plan. Payment plans as low as \$10/mo. are rarely applied but would be hugely beneficial to clients living in poverty.
- IRLJ Proposal: require payment plan if driver lacks current ability to pay, as determined by GR 34(a)(3), (4). One option is to make payment plans mandatory if determined within 21 days that person cannot pay in full. If driver does not return petition, then court would be obliged to establish payment plan. If driver is not contacted to have a plan established within 90 days, ticket goes to collections.
- Part of the goal is to have uniform systems. SB5226 made significant changes to moving violations policy, specifically that inability to pay is not a reason to suspend a driver’s license. The legislation state that payment plans and recourse need to be passed via Court Rule. Settled case in Thurston Cty. Recognized suspensions for inability to pay violated due process rights.
- Would add a line to tickets that says yes, I did commit the infraction, but I have an inability to pay.

- There is no interest rate associated with the payment plans or collections clause.
- Question: does this court rule address those who do not speak English? A: if a person doesn't speak English and doesn't respond to initial notice, they still have 90 days to establish the payment plan. Justice Yu: worthwhile for Frank Thomas to note this court rule to the Interpreter's Commission.
- Questions: why do traffic infractions have only 30 or 33 day establishment period, where others have 90? Answer: the 30 days is statutory from the legislature, and the policy rationale for longer periods is to allow more leeway to respond.
- Judge Coburn: placing the notice on the initial citation has less impact on jurisdictions, whereas the follow-up establishment notice will place a larger burden on court staff. A: the legislation itself requires that information be on the notice of citation.
- Justice Yu: any discussion of changing the citation form so that courts do not have to do the secondary notice? Answer: will certainly need to have updated forms. The Task Force Coalition has draft revisions to forms which correspond to the changes.
- Trish Kinlow: excited about the proposed changes, because frontline staff are having to deal with the court customers directly. The King County Unified Payment Plan has the same objective to set clients up on a payment plan. The reality is that many court customers have to choose between legal debts and other necessities. UPP sets up customers on \$25/mo. plans. In the spirit of "Equal access to justice" not simply "access" to justice. Losing a license puts a hindrance on everything else in life. Customers often appreciate communications via email, and updated websites relating to payment plan policies help provide another resource to direct court customers to manageable alternatives. For this same reason, want as many courts as possible in WA to sign up for UPP program.

CHAIR & STAFF REPORT

Equity Research Update – Frank Thomas and Lisette Garcia (WSSCR)

- Research priorities for MJC include two ongoing projects:
 - Collecting and analyzing pretrial detention data in the 10 largest counties in the state.
 - Working with Dr. Peterson, WSSCR, on this.
 - It has been a yearlong process to gather data. Robust data set.
 - Excited to analyze and move forward with making recommendations.
 - Hope to deliver preliminary findings late summer/early fall, followed by a full report later in the year.
- Plea bargaining:
 - Measure racial disproportionality in incarceration as a result of this process.
 - Thurston County has agreed to participate.
 - Will be looking to measure racial disproportionality in a number of ways.
 - Will try to isolate effect on sentence length. Will be dealing with only a few data points, and will try to isolate effects as much as possible given the data set.
 - Historically researchers have looked at initial charge to final sentence, which leaves a black box over plea bargaining process and its impacts. Hope that in analyzing data, will be able to isolate what other information we need to collect and analyze.
- It is a challenge to provide data and the historical context. Often when data is presented in the context of race, racial disproportionality, there is no explanation of the cause of what we are seeing. We want to provide this context when presenting data analyses.

- Want to take a larger scope look at this to show the underlying issues. Professor Muhammed's presentation to the SCJA is an example of showing the historical context that current issues are built from and on.
- Goals: provide historical context for the data, provide explanation from a policy standpoint.
- Examples of this work: Girls of Color in Detention report, LFO Consortium report and accompanying Living with Conviction report from impacted individuals.

- **Jury Diversity Study Update** – Frank Thomas and Lisette Garcia
 - Statewide jury survey is in progress. This was legislatively mandated. Reaching out to every court in the state but it is optional to participate. 170,000 responses so far. This will be the largest jury survey in our state to date.
 - Survey asks about race, other factors such as sexual orientation, and barriers.
 - At each phase of the process, it appears we are losing diversity.
 - One challenge in doing race-based research is race data is not collected or recorded in a uniform way. Asking for race with specificity and asking for perception data – what do they think other people view them as?
 - Cynthia Delostrinos Johnson noted that they worked closely with courts. Some courts have decided not to participate. Others have decided to add additional variables. Report will indicate which courts declined to participate. Shout out to Pierce County and Chris Gaddis – they have been wonderful to work with.
 - Goal of the research team that this will be mandatory, analyze data over time. Have submitted a legislative proposal to the BJA that this be ongoing and mandatory.
 - Data collection ends at the end of 2022. Report is due June 2023. Aiming to get them a preliminary report before 2023 legislative session.
 - Not providing findings at this time for the integrity of the research and reporting process. It is too early to identify findings and trends.
 - LaTricia Kinlow clarified that some courts may have chosen not to participate because they do not have jury data, having not held a jury trial during the pandemic. The research team will conduct a survey of courts that declined to participate to understand the different reasons why they declined.
 - It's a yearlong survey. Started a bit early in December 2021. Happening right now, in real time. If you get a jury summons today in a participating jurisdiction, it will come with a link to our survey.
 - Karen Murray asked if there are certain areas of the state that are not participating.
 - It is more difficult for rural courts to participate, due to lack of jury trials or technological constraints.
 - They are offering a paper survey, but this can still be a challenge for small courts. Hopeful to onboard more rural jurisdictions in the future.

- **Racial Justice Consortium Implementation Team** – Cynthia Delostrinos and Frank Thomas
 - Cynthia provided an overview of the Consortium's founding and participants.
 - Goal to address system racism in the courts following the killing of George Floyd.
 - Patricia Lally led us through a yearlong effort. The last meeting was in May. Created an action plan.

- Internal team is assessing how to implement action plan, keep court partners connected.
 - Looked at six key areas. View website for more detail: <https://racialjusticeconsortium.net/>
 - Seeing a shift in the courts. E.g., DMCJA put out their annual priorities and one of them is to address these recommendations.
 - Anticipate that implementation of RJC priorities and recommendations will intersect with all MJC activities.
- **Race Equity in Child Welfare Colloquium Update** – Frank Thomas
 - Frank discussed the ongoing effort to create a full Colloquium series on race and child welfare, and Cynthia will join to discuss the commonalities between the Colloquium and RJC reform work identified in child welfare.
 - Interested in this colloquium fitting in with RJC recommendations re: child welfare, and with MJC's spring programming, specifically the national conference and other education.

COMMISSION LIAISON & COMMITTEE REPORTS

GR 31 & CrR 2.1: Relating to Juvenile Records – Justice Yu and Annie Lee

- Discuss status of recently-adopted court rules applying best-practices for confidentiality to state juvenile records.
 - MJC Joined OPD in proposing rule modifications to GR 31 and CrR 2.1. It went through ordinary public comment process and was adopted by Court in March, 2022. Following adoption, there was significant pushback from parties impacted by or tasked with implementing the changes, namely media representatives and Clerks.
 - In May, the Court placed the rule on hold, as the Court devises a process to review and understand the challenges to implementation. The rule remains on hold until the Court can assess the proper path forward.

NCREF National Conference – Judge Galvan and Frank Thomas

- Date selected: May 21-24, 2023
- Supreme Court Symposium Date: May 22nd, 2023
- MJC will host the National Conference of the NCREF. NCREF was founded in 1989 by four states – NY, NJ, Michigan, and WA. Was inspired by Justice CZ Smith.
- Members from the NCREF National Board will participate alongside Commission members on planning the Conference.
- Have committed to a program highlighting the historical and legal context surrounding Japanese internment during WWII.
- Plan to offer multimedia informative programs, such a films on racial justice and US history (i.e. Jeff Robinson's film on US history of racism).

Education Committee – Judge Lori K. Smith

- Recap: DMCJA Spring Conference Program, *Racial Equity Tool Kit* – Judge Anthony Gipe

- Keynote program at DMCJA Spring Conference. Topic was proposed by Judge Walden and Judge Leone jointly by DMCJA Education Committee and MJC. Judge Chang gave an hour-long presentation on the impact of race on criminal justice. Then presented a series of shorter, focused presentations to create a tool kit of issue knowledge for the attendees. Court Customer Service; Reform of sentencing and supervision; LFOs; implementation issues; and how to be a good ally and cultural competence.
- What differs this year from previous years is that this was not a one-off program; the presenters from the program will lead lunch-time discussions on the areas of interest identified in the program tool kit series.

Outreach Committee – Judge Bonnie Glenn and Lisa Castilleja

- 2022 Artwork Poster Update – Frank Thomas
 - Frank is working with AOC Communications staff and the artist to finalize the proof of the poster. Rollout of the final poster is expected in the coming months.
- CZ Smith Award Recap – Lisa Castilleja
 - Virtual program has been a great opportunity to highlight the events throughout campus. UW Law hosted the 2022 virtual program. SU will host next year's program, and it is yet to be determined whether that program will include an in-person element.
 - Online registration for October Youth & Justice Forum is open. Save the Date for November 4th Tri-Cities YnJ Forum is now available.

MJC Liaisons

- **Sentencing Task Force – Judge Veronica Galván'**
 - Task Force is back meeting at hybrid basis. Are now looking at the state sentencing grid. The consensus structure of work makes it challenging, because one objection vetoes any proposal. However, consensus process gives more persuasive power to make change at the legislature. Expect more information on consensus decisions at September meeting.
 - A question in chat about whether bringing back parole has been discussed. A: not specifically, but have been discussing corresponding issues with cases of similar offense having disparity in where they appear in the grid.
- **Access to Justice Board – Esperanza Borboa**
 - Board members take on various liaison responsibilities. ATJ Board has lots of turnover recently which has presented challenges to maintaining those obligations.
 - Internal Equity work group has improved intentionality with how the Board conducts itself and its administrative processes.
 - Delivery systems committee has been extremely busy.
 - Completed healthy alliance assessment to determine how best to change how ATJ functions with the alliance overall.
 - Eviction Rights Council demographic data collection program.
 - Law School Deans presented to the ATJ Board.
 - Report on perception of young people's experience with civil legal aid.
- **WPI Jury Instruction Video – Judge Leah Taguba**

- Cost to recast and improve diversity of original edited video is doable, estimated at \$20,000. Overall, the delay from COVID caused a conceptual disconnect from the Court's original priorities. Obstacles encountered resulted in lost opportunities. WPI is committed to incorporating the changes.

ADJOURNMENT

The meeting was adjourned at 12:03 PM