



**Washington State Minority and Justice Commission (WSMJC)**  
**Friday, December 4, 2015**  
**8:45 a.m. – 12:45 p.m.**  
**Tukwila Community Center, Tukwila Washington**



**MEETING NOTES**

**Commission Members Present**

Justice Mary Yu, Co-Chair  
 Ms. Manal Al-ansi  
 Judge Veronica Alicea-Galvan  
 Judge Lisa Atkinson  
 Prof. Lori Bannai  
 Ms. Annie Benson  
 Prof. Robert Boruchowitz  
 Judge Linda Coburn  
 Sgt. Adrian Diaz  
 Mr. Mike Diaz  
 Judge Lisa Dickinson  
 Judge Theresa Doyle  
 Ms. Marie Eggart  
 Ms. Sara Erickson  
 Ms. Bonnie Glenn  
 Mr. Russell Hauge  
 Ms. Angela Jones  
 Ms. Anne Lee  
 Ms. April Liu  
 Judge LeRoy McCullough  
 Ms. Karen Murray  
 Mr. Frank Ovono  
 Ms. Desiree Phair  
 Ms. Harkiran Sekhon  
 Judge Lori Smith  
 Mr. Travis Stearns  
 Justice Debra Stephens  
 Ms. Sara Taboada  
 Mr. Joshua Treybig  
 Judge Kimberly Walden

**Members Not Present**

Justice Charles Johnson, Co-Chair  
 Mr. Jeffrey Beaver  
 Mr. Steve Clem  
 Prof. William Covington  
 Prof. Jason Gillmer  
 Mr. Uriel Iñiguez  
 Ms. Yemi Jackson  
 Ms. Carla Lee  
 Commissioner Joyce McCown  
 Ms. P. Diane Schneider  
 Judge Gregory Sypolt  
 Mr. John Yasutake  
 Judge Dennis Yule, Ret.

**AOC Staff Present**

Ms. Cynthia Delostrinos

**Guests**

Ms. Jaime Hawk  
 Ms. Leticia Hernandez  
 Judge Steve Rosen

**APPROVAL OF MINUTES**

The meeting minutes from the October 9, 2015, meeting were approved.

**CO-CHAIRS REPORT**

**Staff Changes/Transitions**

Ms. Cynthia Delostrinos is the new Manager for Supreme Court Commissions. Interviews for the Minority and Justice Commission replacement is in progress and the applicant pool is promising.

### **New Membership Guidelines – Proposed Changes to Bylaws**

Justice Yu discussed proposed amendments to the bylaws regarding membership. Proposed changes include: (1) If you are a member and miss three consecutive meetings, unexcused, then you will be removed from the Commission; (2) In order to ensure members are participating in the work of the Commission, all members must participate in at least one standing or ad hoc committee; (3) the bylaws require 6 meetings per year and there are many Commission sponsored events each year. The chairs would like to be able to deem Commission sponsored events as designated meetings.

This is a second reading of the changes. The Bylaws Committee discussed even further changes to the document which are in the back of the packet.

Judge McCullough made a motion to accept the newly proposed changes to the bylaws for approval at the next meeting. Seconded. The Commission agreed unanimously.

Justice Yu made a motion to table all bylaw changes until next meeting. Commission agreed unanimously. A summary of bylaw changes will be sent to the Commission after the meeting for additional review.

### **Legislative Members of Color Work Session**

The Minority and Justice Commission was invited to participate in a legislative work session put together by Senator Bob Hasegawa. Senator Hasegawa is a member of the Legislative Members of Color Caucus, a bipartisan group of lawmakers. Justice Yu spoke on behalf of the Commission in support of Racial Impact Statement Legislation. Other presenters at the hearing included Dave Boerner from the Sentencing Guidelines Commission, John Clayton from the Juvenile Rehabilitation Administration, Jim Bamberger from the Office of Civil Legal Aid, and Dr. Alexis Harris from the University of Washington to discuss legal financial obligations.

You can review video recordings from the hearings here:

- Pt. 1: [https://youtu.be/zKbllfs\\_0uE](https://youtu.be/zKbllfs_0uE)
- Pt. 2: <https://youtu.be/Q4P-CxwlZDg>
- Pt. 3: <https://youtu.be/bwjQedrw37I>

### **SCJA Letter Re: LFO Report/Study**

The co-chairs received a letter from the president of the Superior Court Judges' Association, Judge Harold Clarke, regarding a proposed study to look at legal financial obligations (LFOs) and their impact on minority and disenfranchised populations. The letter was a formal request for the Commission to conduct the study, and the co-chairs were pleased that the superior court judges care about this issue. The Commission has been and will continue to be a leader in LFO reform in the state.

Ms. Cynthia Delostrinos noted that there is about \$3500 allocated in this fiscal year's budget for research and for work on LFOs. Judge McCullough noted that per Commission bylaws, additional funding can be sought from outside sources if necessary.

A motion was made to have the Minority and Justice Commission take on a study, in support of the SCJA letter, to look at the disproportional impact of LFOs, with the constructs of such a study yet to be determined. Seconded. Unanimously approved.

## **STAFF REPORT**

### **13<sup>th</sup> Annual Tri-Cities Youth and Justice Forum**

Ms. Cynthia Delostrinos reported back on the 13<sup>th</sup> Annual Tri-Cities Forum, which took place at Columbia Basin College in Pasco, WA, on November 6, 2015. It was the largest group of students that the forum has ever accommodated, with around 280 students registered to attend. The agenda was slightly changed this year to allow for more conversation between students and volunteers, with round tables set up throughout the room and designated times for discussion.

Comments from Commission members who attended the forum included:

- It was wonderful being able to sit and interact with the students
- The scenarios this year around social media really engaged the students in thoughtful conversations
- 280 students attended, one of the biggest forums to date
- It was recommended that we should use the same format for next year's forum

### **2016 Proposed Meeting Dates**

Ms. Cynthia Delostrinos proposed the new meeting dates for 2016. There was emphasis on the fact that many of the meetings do not have locations set yet due to the lack of availability at the SeaTac AOC office.

The Outreach Committee recommended that the June 24 meeting be held in Yakima or the Tri-Cities area. The intent is to have our meetings be community based. Please put the 2016 dates on your calendars and be aware that many meeting locations are still TBD. We will do our best to get you updated locations as soon as possible. If anyone has any connections to certain venues in the community, please let staff know.

Some possible venue recommendations:

- Annex and Seattle University
- Delridge Community Center

### **Jury Demographic Survey Report**

At the last Commission meeting it was reported that the Commission had begun conducting a survey to collect data on juror demographics throughout the state. The purpose of the study is to get a snapshot of the demographics of jury pools, and to see if the jury selection process we have in place now reflects the diversity of our state. There were some questions about the survey process that Commission members had, and so we invited Judge Steve Rosen, Seattle Municipal Court, to come present to us about the origin of the survey and its intended outcomes.

Judge Rosen noticed the lack of diversity amongst the jury pools in his court, and so he began to look into the issue. He called together a group of stakeholders around the issue to develop the best approach to tackle the problem of lack of juror diversity, and the group helped develop the survey that is now being used.

The surveys were sent out in September 2015 to selected courts, based on number of jury trials held and geographic diversity. One of the main concerns was that not all jurors in participating courts are filling out the form, and we have been internally looking at the data in order to figure out the rate at which jurors were actually filling out the surveys. We will be working with courts on how to increase their response rates.

We have been working with Seattle University and have been able to identify a professor who is willing to help us run a report on the data.

### **Pretrial, Detention, and Reform – Jaime Hawk, ACLU**

Ms. Jaime Hawk came to the meeting to present on the work that she is involved in related to the criminal pretrial process. She currently serves as the Smart Justice director at the ACLU.

She identified three areas for progress: First, there are national efforts being undertaken by the Pretrial Justice Institute (PJI). They have launched “Three Days Count”, a national initiative by PJI to raise awareness about the number of people who are detained pretrial, not due to risk of flight or danger to the public, but that are just too poor to post bail. PJI is working to implement smarter pretrial practices for public defenders, reducing unnecessary arrests, replacing cash money bail, and reducing the detained population to a small number of high risk/flight risk pretrial holds. PJI has been asked to administer some federal grant projects and Yakima County was selected as one of those sites.

Secondly, there is work being done around the state on these issues. This year, Yakima County has been looking at reducing their prison population by looking at a new risk assessment tool. By February 1, they will be ready to implement the tool. The hope is that the tool will be a model for other counties and jurisdictions across the state. Spokane County received funding from the MacArthur Foundation for safety and justice planning. They began looking at the pretrial detention population in the jail, how long are folks being detained, and whether there is racial disparity. Also, the Board of Commissioners in Thurston County approved funding to establish and expand an area for pretrial services that will do a better job of assessing pretrial risks and needs.

Lastly, the Washington State Bar Association’s Council on Public Defense is also looking at pretrial issues. They formed a workgroup looking at bail. They are particularly looking at best practices and alternative models and the different possibilities to reform the current bail system.

For further questions, Ms. Jaime Hawk can be contacted at [jhawk@aclu-wa.org](mailto:jhawk@aclu-wa.org).

## **COMMITTEE REPORTS**

### **Juvenile Justice Committee**

The Juvenile Justice Committee met yesterday. One of the areas the group is looking into is juvenile auto-decline. Another issue that the workgroup is interested in looking into are youth between the ages of 8-12 who are referred to the juvenile justice system, as there is not much that is known about 8-11 year olds or the race/ethnicity of that group. The committee is also interested in the Washington State Center for Court Research (WSCCR) report on truancy. Dr. Carl McCurly will be presenting at the next Juvenile Justice Committee meeting and perhaps attending the Commission meeting in February.

### **Supreme Court Symposium 2016 – Possible Topics**

The date for the Supreme Court Symposium for 2016 is set for May 25<sup>th</sup> at the Temple of Justice. There were several ideas floated around at the meeting in regards to possible topics for the upcoming Symposium. As a reminder, the audience for the Symposium are the members of the Supreme Court.

### **Potential topics for the Symposium**

- Dynamic between police and the community
- School to prison pipeline / Disproportionality in school discipline
- Front-end of the criminal justice system (bail, plea bargaining, misdemeanors, etc.)
- Healthcare and justice (mental health)
- Firearms
- Juvenile auto-decline (treating juveniles as adults)
- Jury diversity

Justice Yu invited the Commission to email her comments on the potential topics for further deliberation and decision.

### **Minority and Justice Commission – 25<sup>th</sup> Anniversary**

Ms. Cynthia Delostrinos noted that this idea was brought up at the last meeting. It was mentioned how the Judges of Color Reception went very well, and doing something like that could probably work, with a short program and small reception. It was proposed that we pull together a committee that is interested in working on it and coming back with a proposal. Law firms in town have been instrumental in the past with hosting Commission events and might be willing to host this event. There should be a press release about the Minority and Justice Commission's work over the last 25 years, which should go out around the same time as the reception and the work should be highlighted at the reception.

### **Education Committee**

Spring conference planning is heavy in the works. The Commission will be sponsoring trainings at each of the different court associations' spring conferences. Judge Doyle is organizing the SCJA presentation on bail. It is important for judges to understand how bail and securing bail works. Judge Doyle met with Jaime Hawk and was connected with the Pretrial Justice Institute, which is ready to come out to the conference and collaborate on the presentation. The focus will be to show cost effective alternatives to money bail. There are two pages that were included in the meeting materials on the presentation topic for review. The Yakima County and Spokane County pretrial projects will also be discussed. Justice Stephens is planning the Appellate conference, which will be a presentation on mass incarceration. Judge Walden and Judge Coburn are working on the DMCJA conference presentation on relicensing. The intent of the training is to give the judges the nuts and bolts for a comprehensive outlook on the relicensing process, how to set up a regional process, and what some courts across the state are doing.

### **Workforce Diversity Committee**

Two items that are in the works are the Judges of Color Directory and the follow-up to the LSAC grant and Youth and Law Stakeholder Meeting. Justice Smith got a copy of the photos from the Judges of Color Reception and was very happy to be able to see the turnout. The Youth and Law Stakeholder meeting brought together groups around the state that plan youth and law type programming. The meeting was well attended with over 20 people. We were able to share

information about each others' programs and what we are hoping is to gather all of the information about the different programs and create a resource guide that will help others duplicate these forums across the state and in different jurisdictions where there may not be such programs offered.

### **Outreach Committee**

Ms. Cynthia Delostrinos reported in the absence of Judge Yule. One of the things discussed was the meeting dates and locations. The Committee is also wanting to work on updating the website. Commission member bios and pictures are still missing; you may be getting an email from Judge Yule if your information is still missing.

### **Law Student Liaisons**

#### **Gonzaga**

Ms. Angela Jones and Frank Ovono were present on behalf of the Gonzaga Law Student Liaisons. Their proposal focused on putting together a culture, ethics, and law symposium. The purpose is to bring legal practitioners together around these topics. The date is tentatively set for March 2016, and they are working with students and faculty to determine the best time. The symposium would be located at the law school. The target audience would be students and local legal practitioners, students and faculty from the University of Idaho, and interested community members. The format would include workshops for dialogue. Potential topics would include tribal courts and restorative justice, disproportionality in the justice system, immigration, and legal system demographics. The largest anticipated expense would be lunch. Perhaps molding the symposium to allow CLE credits or having some of the justices attend can serve as an incentive for people to attend. Judge McCullough suggested connecting with Gloria Ochoa and Commissioner McCown.

There was a motion to accept the proposal from Gonzaga for their spring event, and to allow them to use the \$1500 funding allocated for their project. Unanimously approved.

### **Seattle University and University of Washington**

Student Liaisons from SU and UW came together in September. Much of their discussion looked into micro aggressions. The Campus Climate survey that was conducted by SU indicated that 30% of the students felt like they wanted to leave the school because there was not a sense of belonging. The student liaisons proposed the idea of hosting a summit in the spring with all three law schools. They would like to create a survey to help structure the topics of the summit. There was a discussion around how to involve students and faculty who normally would not choose to attend an event of this sort. Justice Yu requested that a concrete proposal be developed and shared prior to any decisions being made by the Commission on a summit.

### **NEXT COMMISSION MEETING:**

Friday, February 5, 2016, from 8:45 a.m. – 1:00 p.m. location TBD.