

WASHINGTON STATE  
MINORITY AND JUSTICE COMMISSION

COMMISSION MEETING



NORTHWEST AFRICAN AMERICAN MUSEUM  
SEATTLE, WASHINGTON  
FRIDAY, JUNE 24, 2016  
9:00 A.M. - 1:00 P.M.



# MINORITY AND JUSTICE COMMISSION

NORTHWEST AFRICAN AMERICAN MUSEUM, SEATTLE, WASHINGTON

FRIDAY, JUNE 24, 2016 (9:00 A.M. – 1:00 P.M.)

JUSTICE MARY YU, CO-CHAIR

JUSTICE CHARLES W. JOHNSON, CO-CHAIR

## AGENDA

CONFERENCE CALL NUMBER: 1-877-820-7831 PASSCODE: 358515#

### CALL TO ORDER - 9:00 a.m. – 9:10 a.m.

- Call to Order and Introductions
- Approval of April 1, 2016, Meeting Minutes

### CO-CHAIRS' REPORT – 9:10 a.m. – 10:10 a.m.

- Debrief Symposium
  - Comments from those who attended
  - Should the Commission host a 2017 Symposium?
- Pre-trial Justice Task Force
- Department of Justice LFO grant
- Grant opportunities for MJCOM
- Requests for sponsorship from external organizations
- National Consortium on Racial and Ethnic Fairness in the Courts Annual Conference Report

### STAFF & COMMITTEE REPORTS – 10:10 a.m. – 11:00 a.m.

- **Staff Report – Stacy Smith**
  - Racial Impact Statement legislation update
  - Law student liaisons
  - “Transforming juvenile justice and school discipline” Conference
  - **2017 Commission proposed meeting schedule; 8:30 a.m.-12:30 p.m.; locations TBD**
    - **February 3, 2017**
    - **April 7, 2017**
    - **June 30, 2017**
    - **September 22, 2017**
    - **December 1, 2017**
- **Juvenile Justice Committee – Annie Lee**
- **Education Committee – Justice Stephens**
  - **Fall Annual Conference**
    - Topic: Perceptions of Justice Part II: Working Towards Proactive Leadership – Reducing the Harmful Effects of Implicit Bias – Justice Stephens
      - Monday, September 12, 1:00-3:30 p.m.
    - Topic: Jury Diversity and Implicit Bias, What Should Courts Do? – Judge Doyle
      - Monday, September 12, 3:30-5:00 p.m.
    - Topic: Pre-Trial Justice: Reducing the Rate of Incarceration
      - Tuesday, September 13, 1:30-4:15 p.m. (60-minute timeslot)
- **Workforce Diversity Committee – Bonnie Glenn**
- **Outreach Committee – Judge Yule**

### MUSEUM TOUR – 11:00 a.m. – 1:00 p.m.

### ADJOURNMENT

### NEXT MEETINGS:

- Friday, September 23, 2016 – 8:45 a.m.-12:45 p.m., location TBD
- Friday, December 2, 2016 – 8:45 a.m.-12:45 p.m., location TBD



**Washington State Minority and Justice Commission (WSMJC)**  
**Friday, April 1, 2016**  
**11:45 a.m. – 1:00 p.m.**  
**Gonzaga University School of Law**  
**Spokane, Washington**



**MEETING NOTES**

**Commission Members Present**

Justice Mary Yu, Co-Chair  
 Justice Charles Johnson, Co-Chair  
 Judge Veronica Alicea-Galvan  
 Judge Lisa Atkinson  
 Prof. Lori Bannai  
 Ms. Anne Benson  
 Judge Linda Coburn  
 Sgt. Adrian Diaz  
 Mr. Mike Diaz  
 Judge Lisa Dickinson  
 Prof. Jason Gillmer  
 Ms. Bonnie Glenn  
 Ms. Anne Lee  
 Commissioner Joyce McCown, Ret.  
 Ms. Karen Murray  
 Ms. P. Diane Schneider  
 Judge Kimberly Walden  
 Judge Dennis Yule, Ret.

**Student Liaisons Present**

Mr. Jamie Cuevas Jr.  
 Ms. Sarah Erickson  
 Mr. Frank Ovono  
 Ms. Harkiran Sekhon  
 Mr. Joshua Treybig

**Members Not Present**

Justice Debra Stephens  
 Mr. Jeffrey Beaver  
 Prof. Robert Boruchowitz  
 Mr. Steve Clem  
 Prof. William Covington  
 Judge Theresa Doyle  
 Ms. Marie Eggart  
 Mr. Russell Hauge  
 Mr. Uriel Iñiguez  
 Ms. Yemi Fleming-Jackson  
 Ms. Carla Lee  
 Judge LeRoy McCullough  
 Judge Lori Smith  
 Mr. Travis Stearns  
 Judge Gregory Sypolt  
 Mr. John Yasutake

**AOC Staff Present**

Ms. Stacy Smith

**Guests**

Ms. Kate Sanburn

**APPROVAL OF MINUTES**

The meeting minutes from the February 5, 2016, meeting were approved.

**CO-CHAIRS REPORT**

**Legislative Priorities from the Board for Judicial Administration (BJA)**

BJA asked for the Commission’s input on legislation for the 2017 Legislative Session. A Commission ad hoc sub-committee will vet legislation and raise issues with BJA. Justice Yu will communicate the Commission’s issues with BJA; these issues will correspond with and be fielded through existing MJC committees. The following members volunteered to serve on the sub-committee: Judge Galvan, Karen Murray, and Annie Lee (specifically for juvenile justice issues). Proposals and comments must be submitted by June 1, 2016.

### **2016 Supreme Court Symposium – May 25, Temple of Justice**

Planning is continuing for the Symposium. The 2016 Symposium will be held at the Temple of Justice on Wednesday, May 25, 2016. The theme is “Pre-Trial Justice: Reducing the Rate of Incarceration.” Professor Cynthia Jones has accepted the invitation to be the keynote speaker and will participate by Skype.

### **Vancouver Ron Davis Community Forum – April 17, Clark College**

Planning is ramped up for the Community Forum and film viewing of “3 ½ minutes 10 bullets”. A number of sponsors are supporting the event.

## **PRESENTATIONS**

There were no presentations at this meeting.

## **STAFF REPORT**

### **Staff Report – Stacy Smith**

The Commission is working on a number of events. A calendar of events is included in the meeting packet.

The Commission supported House Bill 2076 regarding racial and ethnic impact statements. The bill did not pass but was attached as a budget proviso. More details to follow.

## **COMMITTEE REPORTS**

### **Law Student Liaisons**

#### **Gonzaga**

The Gonzaga Law Student Liaisons’ Culture & Ethics Symposium was in progress and scheduled to run from 9:00 a.m. until 4:00 p.m. at the law school.

#### **Seattle University & University of Washington**

The SU and UW Student Liaisons are continuing to plan a racial justice training with the City of Seattle Office of Civil Rights. The training may not happen spring semester due to time constraints from the City department and school schedules.

There was unanimous agreement to continue having law student liaisons for another year. The law schools will handle the process of selecting new students to replace those who are graduating.

#### **Juvenile Justice Committee**

“Opportunity Gap” legislation passed; new exclusions in suspension are capped at the academic term; schools are required to provide support to children during times of exclusion

The letter regarding juvenile incarceration was sent to Commission members for review. The Access to Justice Board signed off on the letter as a statement of agreement with the issues. The letter identifies systemic issues that affect minority youth. Members discussed to whom the letter should be addressed and released so as to have the greatest impact statewide for all children of color. The Commission can develop a revised letter, an op-ed piece, a report, or other statement that can timely respond to this issue and that takes into consideration the

Commission's status as a Supreme Court Commission. The Juvenile Justice Committee will decide on next steps.

### **Education Committee**

- **Appellate Judges' Spring Conference**
  - Topic: Mass Incarceration – Justice Stephens
    - Tuesday, April 5, 8:30-10:30 a.m.
    - Presenters: Prof. Dave Boerner, Judge Becker, Judge McCullough, Ms. Bonnie Glenn, Dr. Amanda Gilman
    - Overview: The program will begin with a historical overview of the goals and philosophy of the Sentencing Reform Act. Prof. Boerner will give an overview of the trends since the Act, looking at where WA is and how it got here. Ms. Glenn and Dr. Gilman will speak on trends on the juvenile side. The program will conclude with a panel discussion from Judge McCullough, Judge Becker, Prof. Boerner, Ms. Glenn, and Dr. Gilman.
- **SCJA Spring Conference**
  - Topic: Bail – Judge Doyle
    - Monday, April 18, 1:30-3:30 p.m.
    - Presenters: Mr. Cliff Keenan, Judge Bartheld, Professor van Wormer, Judge Kessler, Judge Doyle
    - Overview: Presentation will address the problems with money bail and look at alternative methods. Also to be addressed are CR 3.2 and the projects currently underway in Yakima and Spokane. Judge Bartheld will review the Yakima Project. Professor van Wormer will address the Spokane project, which will look at data, alternatives to money bail, and examine the character of those currently being held in jail. Cliff Keenan will provide the keynote portion of the presentation. The program will conclude with Judge Kessler examining Washington laws and bail alternatives.
- **DMCJA Spring Conference**
  - Topic: Relicensing – Judge Coburn & Judge Walden
    - June 6, 9:30-11:20 a.m.
    - Overview: The purpose of the session is to give judges ideas of options, alternatives, and a model program on relicensing and things judges can do post-judgment on traffic fines and fees. Key issues that will be presented include the disproportional impact of traffic fines and fees on communities of color and individuals living in poverty; successful programs that courts across the state are implementing in order to address problem of unpaid/outstanding traffic fine debts and defendants that lack the ability to pay; and an in-depth look at a new relicensing program and the success that it is bringing to Spokane County.
- **Fall Annual Conference**
  - Topic: Perceptions of Justice Part II: Working Towards Proactive Leadership – Reducing the Harmful Effects of Implicit Bias – Justice Stephens
    - Monday, September 12, 1:30-3:00 p.m.
    - Presenters: Dr. Tony Greenwald, Greg Taylor, Panel (TBD)
    - Overview: In 2015, the Minority and Justice Commission presented the training “Perceptions of Justice: The Separate Realities of the Justice System” at all of the spring judicial conferences (Appellate Judges, SCJA,

and DMCJA). This session will be a follow-up presentation that will build off of the trainings from last year. The key issues to be presented include an update on implicit bias data; a review and analysis of local issues; and concrete recommendations on reducing the harmful effects of implicit bias.

- Topic: Jury Diversity and Implicit Bias, What Should Courts Do? – Judge Doyle
  - Monday, September 12, 3:30-5:00 p.m.
  - Presenters: Judge Bill Bowman, Mr. Sal Mungia, Judge Steve Rosen
  - Overview: Judge Bowman will present practical tips and techniques for dealing with Batson challenges today. Judge Rosen will discuss the statewide Jury Pool Diversity project currently underway. Mr. Mungia will discuss the proposed rule regarding Batson challenges.

### **Workforce Diversity Committee**

- The Judges of Color Directory is currently being updated. Requests for updated information has been sent to the minority bar associations. A Judges of Color Reception will be held during Fall Conference in Spokane.
- A webpage will be added and dedicated to the Youth and Law forums (YALF) as a place where stakeholders can go for resources as they plan forums in their areas. It was suggested that a YALF Facebook page be created to connect forum graduates and students; a hashtag can be created for each forum to further engage communities; a live feed on the webpage can be considered as well. Judge Galvan offered to help with the social media presence; student liaisons may also be a resource.
- The Committee is exploring how best to participate in the WSBA Pro Tem training Aug. 19-20 at the WSBA Training Center.
- The Committee updated its goals for 2016.

### **Outreach Committee**

#### **Website:**

The following updates have been made: list of members updated; committee member lists updated; home page is consistently updated with Commission news; revised bylaws and Commission renewal order added; member bios/pics currently being updated.

#### **Artwork:**

Committee will be working with Ashby Reed, Board Member and Artist with ONYX Fine Arts. Mr. Reed painted the 2015 featured artwork, “Urban Despair.” He has a large network of artists and organizations throughout the state that the Committee will connect with for soliciting artwork.

#### **Youth & Law Forums:**

April 23 (Seattle); October 6 (Tri-Cities); December 9 (Spokane)

### **Other Business**

#### **National Consortium on Race and Ethnic Fairness**

The Commission will be sending Judge Veronica Alicea-Galvan and Judge Lori-Kay Smith to the Conference that will be held May 25-27 in Williamsburg, VA. The theme is “Engaging Communities: Building Trust and Increasing Confidence.”

### **NEXT COMMISSION MEETING:**

Wednesday, May 25, 2016, from 8:30 a.m. – 1:00 p.m., Temple of Justice, Olympia, WA



## COMMISSION MEMBERS

Justice Charles W. Johnson  
Co-Chairperson  
Washington State Supreme Court

Justice Mary I. Yu  
Co-Chairperson  
Washington State Supreme Court

Judge Veronica Alicea-Galvan  
King County Superior Court

Judge Lisa Atkinson  
Shoalwater Bay Tribal Court

Professor Lorraine Bannai  
Seattle University School of Law

Mr. Jeffrey A. Beaver  
Miller Nash Graham and Dunn

Ms. Ann Benson  
Washington Defender Association

Professor Robert C. Boruchowitz  
Seattle University School of Law

Mr. Steve Clem  
Douglass County Prosecuting Attorney

Judge Linda Coburn  
Edmonds Municipal Court

Professor William Covington  
University of Washington School of Law

Sergeant Adrian Diaz  
Seattle Police Department

Mr. Mike Diaz  
Attorney at Law

Judge Lisa Dickinson  
Judge Pro Tem

Judge Theresa Doyle  
King County Superior Court

Ms. Marie Eggart  
Asotin County Clerk's Office

Professor Jason Gillmer  
Gonzaga University School of Law

Ms. Bonnie J. Glenn  
Rehabilitation Administration

Mr. Russell Hauge  
Justice Center, Council of State Governments

Mr. Uriel Iñiguez  
Commission on Hispanic Affairs

Ms. Yemi Fleming-Jackson  
Microsoft Corporation

Ms. Anne Lee  
TeamChild

Ms. Carla C. Lee  
King County Prosecuting Attorney's Office

Commissioner Joyce McCown, Retired  
Court of Appeals, Division III

Judge LeRoy McCullough  
King County Superior Court

Ms. Karen Murray  
Associated Counsel for the Accused

Ms. P. Diane Schneider  
WA State Coalition for Language Access

Judge Lori K. Smith  
King County Superior Court

Mr. Travis Stearns  
Washington Appellate Project

Justice Debra L. Stephens  
Washington State Supreme Court

Judge Greg D. Sybolt  
Spokane County Superior Court

Judge Dennis D. Yule, Retired  
Benton-Franklin County Superior Court

# STATE OF WASHINGTON MINORITY AND JUSTICE COMMISSION

June 21, 2016

Honorable Barbara A. Madsen  
Washington State Supreme Court  
Temple of Justice  
Post Office Box 40929  
Olympia, Washington 98504-0929

Dear Chief Justice Madsen,

On Wednesday, May 25, 2016, the Minority and Justice Commission held the Supreme Court Symposium titled, "Pre-Trial Justice: Reducing the Rate of Incarceration," to discuss pre-trial issues within Washington courts. At the Symposium, the Court was asked to support a Pre-trial Justice Task Force that would examine existing pre-trial processes and address factors that lead to racial and ethnic disproportionality in these processes.

Pre-trial justice is garnering national attention as data shows the challenges that exist in current front-end systems. Even short stints in jail before trial can lead to an increased likelihood of an individual missing school, getting fired from jobs, losing housing, and as a result, having a higher risk of recidivism. It has also been shown that those held pre-trial receive harsher punishments than those able to post bond, even though, nine in ten defendants who remain in jail pre-trial are there because they have not posted or cannot post a bond.

Some Washington jurisdictions are currently examining these pre-trial issues. For example, Spokane County received a grant from the MacArthur Foundation to reduce jail overcrowding. With the grant, Spokane is currently implementing new bail practices and risk assessment tools. Yakima County was selected as one of three national recipients of the Department of Justice's "Smart Pretrial" grant. The idea behind the Yakima pre-trial release program is to maintain public safety while allowing lower-risk suspects to remain productive as they await resolution of their criminal cases.

**Administrative Office of the Courts ♦ Post Office Box 41170 ♦  
Olympia, Washington 98504-1170  
Telephone (360) 705-5327 ♦ Telefacsimile (360) 956-5700  
E-mail: [Minority.Justice@courts.wa.gov](mailto:Minority.Justice@courts.wa.gov) ♦ Website: [www.courts.wa.gov](http://www.courts.wa.gov)**

The Minority and Justice Commission is in an extraordinary and unique position to bring together stakeholders from across the state to create the Pre-trial Justice Task Force. We can provide the platform necessary to address this systemic barrier facing people of color and to maintain a criminal justice system that is fair for all citizens of Washington State.

Thus, we write to request your support in the creation of the Pre-trial Justice Task Force supported by the Minority and Justice Commission.

Thank you for considering this request. Please do not hesitate to contact us if you have any questions.

Sincerely,



Justice Charles Johnson  
Co-Chair



Justice Mary Yu  
Co-Chair

## Department of Justice LFO Grant Abstract

### **Applicant POC**

Washington State Minority and Justice Commission

Cynthia Delostrinos

(360) 705-5327

[Cynthia.Delostrinos@courts.wa.gov](mailto:Cynthia.Delostrinos@courts.wa.gov)

1206 Quince St SE

Olympia, WA 98504

### **Application Information**

The Price of Justice: Rethinking the Consequences of Justice Fines and Fees

Project Title: Legal Financial Obligations in Washington State

Proposed Start Date: October 1, 2016

Proposed End Date: October 2019

Funding Amount Requested: \$499,816

### **Project Location and Applicant Type**

Project Location: Washington State

Applicant Type: State

### **Project Abstract**

Washington State has been the subject of local and national reports looking critically into its practices involving court fines and fees. It has one of the highest interest rates in the nation on criminal debts, yet defendants in Washington's superior courts are disproportionately poor. It ranks last in the nation for state funding of trial courts, placing local governments with the responsibility of determining funding for its trial courts. As a non-unified court system, differing practices across the state result in large disparities in the amount of LFOs that are imposed, amounts of which can range from a couple hundred dollars to a couple thousand. Despite a common belief among the various stakeholders that widespread LFO reform is needed, the political landscape has made it difficult to bring together all of the parties to discuss reform, until now.

The goal of this project is to bring together criminal justice partners across the state to work collaboratively in sharing and compiling data around LFOs, and to use the data to support changes in legislation, court rules, and practices involving LFOs. There are three strategies that this project will undertake to accomplish this goal. First, a statewide LFO Stakeholder Consortium will be established, composed of individuals who manage different parts of the LFO system. Second, a comprehensive study of LFOs in Washington State will be conducted, which will aim at increasing the accessibility of information regarding fines, fees, and costs related to the LFO system, and also provide a basis to recommend best practices. Lastly, the project will involve developing and implementing a new and innovative approach to help judges make a determination of a defendant's ability to pay by using a LFO Calculator modeled from a calculator created by a judge in Washington State.

As the applicant of this project, the Washington State Supreme Court's Minority and Justice Commission has the ability to convene all of the stakeholders in an effort to address LFOs in Washington State. Some of the stakeholders that join the Commission in its application include the Washington State Supreme Court, judicial associations from all levels of court in the state, the association of prosecuting attorneys, office of public defense, the association of county clerks, legal aid, advocacy organizations, community based organizations, and Dr. Alexis Harris, national leading expert on justice fines and fees.

# Executive Summary: Health Impact Review of HB 1674

## Allowing Youthful Offenders Who Complete their Confinement Terms Prior to Age Twenty-One Equal Access to a Full Continuum of Rehabilitative and Reentry Services

Evidence indicates that HB 1674 has potential to improve health outcomes and decrease recidivism for youthful offenders convicted as adults; which in turn has potential to decrease health disparities for this population as well as disparities by race/ethnicity.

### BILL INFORMATION

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**Sponsors:** Representatives Pettigrew, Walsh, Goodman, Walkinshaw, Kagi, Appleton, Reykdal, Moscoso, Ormsby, McBride, Jinkins

#### Summary of Bill:

- Provides the Department of Social and Health Services (DSHS) with custody of youth who are convicted as adults and expected to complete their term of confinement before their 21<sup>st</sup> birthday.
- Provides that while in the custody of DSHS youth convicted as adults shall have the same access to services and programming as youth convicted in juvenile court.
- Provides that the Department of Corrections (DOC) will maintain custody authority over youth who are convicted as adults whose terms of confinement are set to end after they turn 21. The DOC, with the consent of the Secretary of DSHS, will transfer the child to a DSHS facility until they turn 21, at which time they must be returned to a DOC facility. These youth need approval from DOC to take any leave from a DSHS facility.

### HEALTH IMPACT REVIEW

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#### Summary of Findings:

This health impact review found the following evidence regarding the provisions in HB 1674:

- Strong evidence that placing youthful offenders convicted as adults in DSHS custody and providing access to adolescent specific services would likely improve health outcomes for these youth.
- Strong evidence that placing youthful offenders convicted as adults in DSHS custody and providing access to adolescent specific services would likely reduce recidivism among these youth.
- Very strong evidence that reducing recidivism for youth convicted as adults would likely improve health outcomes these youth.
- Very strong evidence that improving health outcomes for youth convicted as adults would likely decrease health disparities.

### FULL REVIEW

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For review methods, logic model, strength-of-evidence analyses, and citations of empirical evidence refer to the full health impact review: <http://sboh.wa.gov/Portals/7/Doc/HealthImpactReviews/HIR-2015-06-HB1674.pdf>

For more information contact:  
(360)-236-4106 | [hir@sboh.wa.gov](mailto:hir@sboh.wa.gov)  
or go to [sboh.wa.gov](http://sboh.wa.gov)