



Board for Judicial Administration (BJA) Meeting
Friday, February 17, 2023, 9:00 a.m. – 11:00 a.m.
Videoconference

MEETING MINUTES

BJA Members Present:

Chief Justice Steven González, Chair
Judge Tam Bui
Judge Alicia Burton
Judge Samuel Chung
Judge George Fearing
Judge Marilyn Haan
Judge Dan Johnson
Judge Mary Logan
Judge David Mann
Justice Raquel Montoya-Lewis
Terra Nevitt
Judge Rebecca Pennell
Judge Jacqueline Shea-Brown
Judge Rebecca Robertson
Dawn Marie Rubio
Judge Jeff Smith

Guests Present:

Ellen Attebery
Ashley Callan
Robert Mead
Tammie Ownbey
Tori Peterson
Judge Kevin Ringus
Kris Thompson

**Administrative Office of the Courts
(AOC) Staff Present:**

Nicole Ack
Crissy Anderson
Judith Anderson
Cynthia Delostrinos
Jeanne Englert
Heidi Green
Brittany Gregory
Kyle Landry
Penny Larsen
Carl McCurley
Dirk Marler
Stephanie Oyler
Christopher Stanley
Caroline Tawes
Frank Thomas

Call to Order

Judge Bui called the meeting to order at 9:01 a.m.

Presentation: Washington State Racial Justice Consortium

Cynthia Delostrinos and Frank Thomas reviewed the creation and focus of the Racial Justice Consortium, and identified key areas where the Consortium can have impact and where action may be taken. The 2022 Action Plan was included in the meeting materials, as were key areas of work recommended to the BJA.

Small Group Discussions

Meeting participants broke into groups to discuss the following questions:

1. Of the recommendations, what two should the BJA prioritize to help move the branch forward and why?

While all the issues are important, the groups tended to prioritize alternatives to incarceration, data collection, and legal financial obligations (LFOs).

- Improved data collection:
 - Data collection is a huge issue that needs to be discussed; is BJA the right place to discuss this?
 - Discussed the prioritization of improved data collection, both internal and external, which affects all the other bullet points. Data collection could start with data collection of the makeup of the judicial branch and using consistent terminology.
 - Language access;
 - Keeping families together (culture change in child welfare);
 - Alternatives to Incarceration and community-based services:
 - Give Superior Courts the option to provide probation services;
 - Resources in DOC are limited and classes occur late in the sentence, lives are already disrupted.
 - Eliminate court fines and fees:
 - Efforts could focus on LFOs, court funding, and budget packages;
 - The issue with fines and fees elimination is that the state would have to take on the funding of courts. Haven't seen any movement from the state and it becomes a local vs. state funding issue. Also, it does not feel like blanket elimination is right because it's a viable means for accountability.
 - Greater transparency and examination of pretrial and sentencing:
 - One group discussed the Sentencing Reform Act and how constraining it can be. Courts often operate in a low information environment, and it may be difficult for a judge to know the defendant in front of her or him. Having funding for more judges and law clerks would be helpful.
 - More resources and access to reentry services:
 - Although the judicial branch does not have jurisdiction over reentry programs, we should be at the table for that discussion.
2. What are actionable steps the BJA could take to advance these priorities?
 - State funding to support state mandates (sentencing, fines and fees);
 - Advocate for the data for justice package.
 3. What challenges do you anticipate and what are strategies to overcome them?

Data Collection: Collecting data is the foundation for everything.

Challenges:

- Data identifies gaps; however, it needs to be collected accurately and consistently;
- We collect data, however there is so much to review and break down. How do we collect, manage, create meaningful data and utilize it?
- There is key data missing which we are unable to retrieve. Often the legislature is asking for data and are “shocked” when they find that we are not collecting it. We need to collect and share the information. For instance, Therapeutic Courts collect data but we have not taken a deep dive into it. The data collected needs to be consistent from every court and we need to determine if we are collecting the correct data beyond what the grant asks for;
- Other data that needs to be collected is information on judicial officers—race and gender—we do not have a good picture of our bench. The Minority and Justice Commission (MJC) developed a directory of judicial officers of color. It is the only data known at this time but we need to expand that information. For example, data is requested by the Salary Commission but we don’t have much to give them. Perhaps we can begin to ask those registering for our spring programs and/or Judicial College to fill out profiles. If the BJA and the court system is about diversity, equity and inclusion, this data is needed, we need to be transparent. Also suggested working with the various Associations.

Strategy: Training about the importance of correct and consistent data and more training on data collection in general.

Alternative to Incarceration: BJA has a Task Force focused on this issue.

Challenges:

- The biggest cost to these types of programs is running them. Who runs them, who monitors the individual, and who pays for it. At one court, the jail is understaffed so they cannot help with program so it doesn’t come out of the Executive budget, the courts are expected to find the funding. Can we get there, yes, but not without funding and a structure;
- The jail turnover on the East side of the state is high. One court would like to see litter crews back. They were terminated when COVID hit;
- Reentry resources. A lot of individuals come out of jail who don’t have access to resources. More access to parenting classes or drug treatment is key. These classes aren’t available until later in their sentence, so they aren’t fully internalized. Job resources could also help bolster the supports;
- We need to figure out what the court’s role is in working with/problem solving with the Department of Corrections (DOC);
- The community can be frustrated with the courts as well when someone is released or there are shifts in the way things are handled. Ideological differences mean education may not be the fix for community feedback.

Strategy: Perhaps this question can be presented and worked through via the Interbranch Advisory Committee (in conjunction with the Task Force).

Strategy: Would like to see counties pool/share their resources. For instance, Pierce County shares resources; the court level doesn't matter. We don't have to do this individually.

Strategy: BJA needs to be proactive in addressing and understanding limited DOC resources.

Language Access

Challenges:

- A court struggled with getting a Spanish-speaking interpreter yesterday. In-person resources are an issue sometimes (unpredictable);
- Is there a statewide resource for translating court forms? Would be great to have consistency in translation of forms across the state.

Strategy: AOC could coordinate/lead the way with forms translation. Courts may be willing to pay for it, but consistency is important.

Other Challenges: Financial challenges with keeping families together and modification of LFOs.

Strategy: There may be projects for the Public Engagement and Education Committee, such as increasing transparency on processes.

Strategy: There needs to be continued funding from the Legislature. BJA could have conversations on data collection and funding.

Judge Bui thanked Cynthia Delostrinos and Frank Thomas for their presentation.

BJA Task Forces

Alternatives to Incarceration Task Force

The Task Force will send a survey to court administrators in mid-March on what alternatives to incarceration are available and how those alternatives are funded.

Court Security Task Force

The Task Force is working on the Court Security budget request. Task Force members have been meeting with legislators and encouraged everyone to reach out to their legislators. The shared cost model has improved reception of the Court Security funding request.

Remote Proceedings Workgroup

The workgroup report was included in the meeting materials.

Standing Committee Reports

Budget and Funding Committee (BFC)

BFC members are meeting with legislators.

Court Education Committee (CEC)

The CEC report was included in the meeting materials. Judge Bui thanked staff and faculty for a successful Judicial College.

Legislative Committee (LC)

BJA request legislation has all passed out of the policy committees. Bills about housing, LFOs, and *Blake* topics are getting a lot of attention. A complete LC report was included in the meeting materials.

Policy and Planning Committee (PPC)

The PPC had no report.

November 18, 2022 Minutes

The November 18, 2022, meeting minutes were approved by consensus with no changes.

Information Sharing

- Judge Haan expressed concern about an issue she sees regularly. Some elderly court customers have problems with remote proceedings because they don't know how to work computers or access Zoom. This creates a large population without access to justice if they can't come to court physically.
- Judge Robertson added there are court customers who don't have access to technology or the ability to charge their phone. Several courts have also had problems with Zoom bombing, and Judge Robertson suggested courts create a plan to deal with this. Brittany Gregory said the Legislature is interested in working with courts on remote proceedings, and Penny Larsen will bring this issue to the attention of the Remote Proceedings Workgroup. These issues will be addressed in the Remote Proceedings Workgroup survey, and will be part of their best practices report.
- Dawn Marie Rubio noted an issue raised by the Department of Emergency Management regarding video auditors or "First Amendment auditors." Members of the public video or audio record state agencies and courts with the goal of testing the auditors' constitutional rights and government transparency. They generally do not engage in illegal activities, but may try to enter non-public areas or photograph employee desks. BJA members were encouraged to speak with their associations and develop a plan to respond to this situation. AOC is exploring how to offer suggestions or develop an information sheet for the courts.

Participants were asked to send their notes from the small group discussions to Jeanne Englert.

Adjourn

The meeting adjourned at 10:45 a.m.

Recap of Motions from the February 17, 2023 Meeting

Motion Summary	Status
Approve the November 18, 2022, meeting minutes.	Done

Action Items from the February 17, 2023 Meeting

Action Item	Status
BJA members were encouraged to speak with their associations and develop a plan to respond to video auditors or First Amendment auditors.	
Participants were asked to send their notes from the small group discussions to Jeanne Englert.	
<u>November 18, 2022, BJA Meeting Minutes</u> <ul style="list-style-type: none">• Post the minutes online• Send minutes to the Supreme Court for inclusion in the En Banc meeting materials.	Done