



Gender Justice Study Advisory Committee

April 20, 2020
10:00 AM – 12:30 PM
Zoom Webconference

Meeting Minutes

Members Present:

Justice Sheryl Gordon McCloud, Co-Chair
Dr. Dana Raigrodski, Co-Chair
Director Jim Bamberger
Dean Mario Barnes
Judge Linda Coburn
Graciela Gomez Cowger
Judge LeRoy McCullough
Justice Raquel Montoya-Lewis
Judge Kathleen O'Connor, Ret.
Becky Roe
Judge Steve Scott, Ret.
Tarra Simmons
Judge Michael Spearman, Ret.
Director César Torres
David Ward
Secretary of State Kim Wyman
Sharese Jones, on behalf of Dep't. of Corrections Secretary
Stephen Sinclair

Members Absent:

Director Anita Khandelwal
Director Thomas Krzyminski
Karen Murray
Representative Mike Pellicciotti
Senator Judy Warnick

Guests Present:

Kalia Hobbs
Nicole Hurst
Alyssa Lund
Judge Barbara Mack, Ret.
Jennifer Ritchie
Judge Jacqueline Shea-Brown
Leika Suzumura
Julie Tergliafera
Andrea Vitalich
Marla Zink

Staff Present:

Kelley Amburgey-Richardson
Cynthia Delostrinos
Moriah Freed
Sierra Rotakhina

- I. Welcome and Introductions - Justice Sheryl Gordon McCloud, Gender Justice Study Co-Chair
 - Justice Gordon McCloud opened the meeting and welcomed participants. Participants introduced themselves briefly.
 - In addition to Advisory Committee (AC) members, some study topic leads were able to join the meeting. They each introduced themselves and shared their role in the study. Marla Zink noted she is really excited for AC feedback to help leads move the writing forward.

- Justice Gordon McCloud asked for any corrections to the minutes. No corrections noted, minutes deemed approved as presented.

II. Gender Justice Study Status Update - Dr. Dana Raigrodski, Gender Justice Study Co-Chair

- General update: we were able to get a grant extension through June 2021 to really dig into the research and collect and analyze pilot project data more completely.

Priority Areas Research Update

- The feedback we received at the AC meeting in September has been essential and helpful to move the study work forward.
- We have been able to conduct research on 10 more topics since September meeting.
- Described role of leads, we have them for most topics. These are subject matter experts.
- Data analysis of jury summons data – partnership with WPI Committee to complete an analysis of existing data.
- Existing researchers: Kat Goering, Ophelia Vidal
- New contracts: Dr. Tatiana Masters, Julie Tergliafera, Claire Mocha
- Pilot projects update:
 - Childcare Centers Pilot
 - Complete – students will share their findings later on the call
 - DV-MRT Pilot
 - Researchers identified, working on scope of research
 - Reaching out to DV-MRT programs across state to learn more about what they are doing to inform evaluation
 - Mass Incarceration of Women
 - Research questions, scope of work finalized
 - Goal is to get a better understanding of women incarcerated in WA to inform study and future research
 - Dr. Masters contract executed, work in progress
 - Survey on Workplace Harassment
 - Dr. Gertseva of WSCCR leading development of survey tool
 - We do need feedback about which court audiences should receive and complete the survey. Employees, contractors, others?
 - AC did not provide specific feedback on this. Dr. Raigrodski invited feedback via email.
- Advisory Committee Member discussion and feedback
 - Judge Coburn is really excited to see results of DV-MRT Pilot
 - COVID-19 has changed the way it is delivered. Her court is setting up probation officers with Zoom license so they can do MRT remotely. A few other courts are doing this.
 - Doesn't change DV-MRT substantively but remote dynamic means greater access. They don't have to drive to court. Plus, doesn't require security or depend on court business hours. Probation officer can hold meetings remotely in the evening. More accessible.

- Dr. Raigrodski asked, should we have an appendix or something that talks about how practices/procedures have been modified due to COVID? Or incorporate into existing sections?
 - Graciela Gomez Cowger – everything has changed with pandemic.
 - This is a way to really assess what this means for legal profession, access. It would be foolish to not address this. A missed opportunity if we were not to reevaluate based on what we have learned, how well we are getting on doing meetings remotely, accessing justice system in a way we didn't know was possible. What impact will this have for the future? How can we make access to justice better?
 - Going online has brought opportunities but also challenges. Has seen people use the pandemic as litigation tool rather than bona fide need. Has seen egregious behavior. However, in terms of access to justice, this is an opportunity. We have seen issues with remote schooling – kids can't participate because they don't have internet. Is there a way to set up access points with internet that are more accessible than going to court may be?
 - Justice Gordon McCloud – there is a basis for this with current Supreme Court orders that address remote access in some of our priority areas already (e.g., DVPO)
 - Judge Mack – CSEC impact with having kids at home.
 - Becky Roe – we have a great opportunity to expand our reach and a lot of the services. Has been amazed at how quickly people have adapted and responded to it. Doesn't think people will want to go back to in-person appearance for everything.
 - Judge Scott – it will have a long term impact, but wouldn't want people to lose opportunity to have face to face interaction.
 - César Torres – there are ways for in-person interaction that doesn't require a courtroom. Could we begin identifying things that can be done in a new different way? Maybe we will say, "Why were we ever doing it the old way?" There are risks and needs that we can try to take into account with these new ways of conducting business.
 - Dr. Raigrodski – feedback indicates that we need to reference in some way. We will probably not have the capacity/time to do a very in-depth look with recommendations within the timeline of the current study.
 - Justice Gordon McCloud – there are going to be a lot of changes now. There is going to be some preliminary data now. There is going to be better data in a year or two. This may be an area where we can make recommendations for future pilots, based on what we see now. E.g., some lower trial court judges hold court in locations outside of courthouse now (library, community center). Is that something that could be expanded? We may not have data to put in our report, but we can recommend future data collection, pilots.
 - Judge McCullough shared addition feedback via email following the meeting:
 - With regard to the DV-MRT evaluation, by all means, we should add consideration and evaluation of the social media/distant learning option,

even if it is only mentioned as an area for further study. Such current or future report might look at:

- a. In a non-pandemic situation, who should be eligible for this option? Should the initial assessment by the professional indicate whether the subject is a proper candidate for this; or does the subject need the personal face-to face engagement, at least initially?
 - For those who are approved for the option, can there be a separate evaluation or track as to efficiency of these on-line interventions?
 - Are there gender or cultural issues that would suggest greater effectiveness of traditional vs on-line intervention for the person/subject?
 - Use of online option means less requirements to miss work or to hire baby sitters. What about the cost of MRT itself; is it a barrier?
 - Should persons with physical disabilities in particular be favored for the option?
 - Is a community center or library a venue option, especially for those with no or little computer access or connections?
- Dr. Raigrodksi – we have legal framework and social science research, but we need information about what is happening on the ground (e.g., “how is new firearms legislation working on the ground?”). Do we raise the questions and leave them as open-ended (for things where we can’t provide affirmative answers)? Should we have a “recommendations for researchers” section?
 - There were “nods” from some AC members. No specific feedback.
 - Justice Gordon McCloud errs on the side of identifying the questions so others can take them up in the future.

III. Childcare Center Evaluation Pilot Project Findings – Julie Teragliafera and Alyssa Lund, UW School of Public Health, Community Oriented Public Health Practice Program

- Justice Gordon McCloud introduced the student presenters. This is an incredibly impressive set of public health students, who had considered all aspects of the project they wanted to implement. This is a presentation that is about as high level as anything she has seen on this topic.

Presentation of Findings

- Gender and Justice Commission requested the evaluation. The pilot is one aspect of overall Gender Justice Study. Primary inquiry, “do the childcare programs impact access for parents/guardians?”
- Many barriers to getting to court to conduct court business. Looking to see, is child care one of the things that gets you over the barrier?
- Shared evaluation plan (see written meeting materials) for both Kent and Spokane locations.

- Discussed population of interest and capacity and time limitations. Narrowed down to parents who access court, including those who knew about the center and those who didn't. For those who knew about it, included both those who chose to use and those who didn't.
- Used both data provided by child care centers and original data gathered through interviews and written surveys.
- Provided an overview of outreach efforts conducted by court staff. Most common for parents to learn about the center from court staff, at the court house, on the day of court.
- Shared demographics of parents (see written materials) and capacity of child care centers.
- Overwhelmingly (92%), parents/guardians reported that these onsite child care centers improved their ability to access court/attend to court business. More women strongly agreed than men. Statistically significant difference.
- Barriers to accessing program
 - Hours of operation are 8am – 4:30pm, closed for lunch. Barrier for parents who need to be at court at opening, through lunch/after hours (e.g., jury service).
 - Leaving child with stranger.
- Recommendations
 - Gender and Justice Commission – partner with county and state-level initiatives to identify opportunities, allies, and strategies. Support Children's Home Society (CHSW) of Washington to conduct further research.
 - CHSW – populations who are historically underrepresented are just not coming to court. Should send information about program out with jury summonses, court paperwork, and translate materials into top five languages. Should also expand hours and staffing capacity. Lunch hour closure is a huge barrier. Staffing requirements have also caused closures when staff are ill/not available. Opportunity for "floaters," in Spokane with other CHSW staff. Kent needs additional staffing to be open at lunch.
- Next Steps
 - Distribute findings and infographic, when Commission approves. Contribute to overall Gender Justice Study Report.

Q & A and Discussion

- César Torres Questions
 - Has CHSW made affirmative decisions to limit marketing due to capacity concerns? Letting people know ahead of time would be best way to reach people.
 - Kalia Hobbs – child care centers know that they have greater capacity, especially during school year. They recognize there is an opportunity to grow, market their service. More to do with capacity to do outreach than with capacity to care for additional children. Outreach could come from CHSW or could come from court (e.g., going out with summonses). Room for growth all around.
 - Had they requested this from court yet and faced challenges?
 - Kalia Hobbs – to her understanding it has not been requested yet. Especially after evaluation, hopes it will be top of mind and an opportunity to move forward.
 - Does childcare center collect info about type of case/proceeding? Yes, it's on registration form.

- Keeps coming back to capacity. Could we make a recommendation for funding, expansion in report? Careful consideration of how they are funded, who should fund them.
 - Alyssa Lund – Spokane center is funded by county taxes and grants, recently got a grant to hire a new staffer. Kent is funded by private donations.
 - Justice Gordon McCloud added that Kent is funded at least partly by jurors donating their daily stipend

- Graciela Gomez Cowger Questions
 - Critical to understanding who is actually using these services. Repeat or one-time? Understand target audience/user. Make connection between target user and mechanism for outreach. How are outreach efforts tailored?
 - Julie Tergliafera – did gather data about repeat children, but didn't have repeat parents. Unclear if different parent was bringing. Interviews indicated people have used more than once. Learned about it at court, but then knew for the future.
 - Graciela Gomez Cowger – effective outreach is critical, or resources will be wasted.

- David Ward Questions
 - Likes inclusive nature of intake form and survey. Options for: man, women, trans man, trans woman, non-binary.
 - Responses were low in terms of people with limited English proficiency. Surprising?
 - Julie Tergliafera – we believe data reflects which participants needed the basic registration form in another language rather than primary language/language spoken in the home. Most people felt comfortable with English form.
 - Dana noted this point should be added to report.

- Secretary Kim Wyman Questions
 - Do we have an opportunity here with COVID to do some research into if remote-access court impacts who attends court, who has to continue hearings, (etc.)? Could we get at the question of if remote-access court increases access for parents/guardians or if coming to court in-person increases access for parents/guardians if they are attending a court with an on-site child care center?
 - Dr. Dana Raigrodski noted that remote-access can indeed have its own barriers. For example, the types of court cases that are closed due to COVID raises concerns that those in need are not accessing from home due to safety concerns.

- Questions/Comments on Limitations of Data
 - Judge Spearman – is courthouse childcare reducing number of bench warrants? Do demographics reflect those who use court, in addition to overall county demo?
 - Justice Gordon McCloud – if word getting out through advocates, prosecution, missing those who are defendants, defense witnesses, jurors.

- Judge Coburn Questions
 - Is it drop in only? Would hate for information to go out with jury summons, etc., and then not have capacity.
 - You can call and make reservations. Not sure about restrictions. Can call and say I have x children, x ages, can make a reservation for dates and times, pretty far in advance.
 - Can call ahead to make reservations (call-in information posted online for each childcare center)
 - Closing at lunch is at odds with court business. Especially jurors.
 - Kalia Hobbs – they recognize this barrier, but have experienced staffing issues. They would need to hire more staff to stagger lunch hours.

- Dean Barnes Questions
 - Do we have confidence in sample? It may in fact be representative, but what it's telling us is that a big subset of people who need the services are not accessing them. We know those people exist. Would there be an option to offer less spots during lunch hour, to still be open but for a smaller number of kids?

- Judge McCullough Questions and Comments
 - The Child Care Center report was also impressive.
 - Not just what service is provided, but is it the service that is needed? Future research should include a community assessment--an inquiry into "if people knew service was available, would they use it?"
 - How many court users would benefit from the on-site child care service and what should that service look like (how do we make a good thing better?). The Commission through its final report and otherwise might then work with courts and legislators to meet the actual need. If the courts/state cannot accommodate on site, can we partner with the YMCA, YWCA or other entity to handle the overflow?
 - Equitable principles should guide the Child care Center improvements, including diversity of marketing, recruitment and staffing efforts; and consideration of children with disabilities who may need the facility.
 - Evaluations should consider whether there should be decompression time for the parent, i.e. does a parent who has just completed a toxic stressful hearing need some time to calm down before rushing to pick up the child?

IV. Draft Plan for Community Engagement/Public Comment on Draft Report - Sierra Rotakhina, Gender Justice Study Project Manager

Brief overview of Draft Plan

- Pulled up document to show AC what was being referenced.
- Thank you to one of our Research Analysts, Ophelia Vidal, for developing this draft list of stakeholders.

- Asked the AC for feedback and guidance on three aspects of the plan: 1) send additional organizations, groups, and individuals who should receive copies of the draft report, 2) share ideas on how to engage and hear from populations who are unlikely to respond using written public comments, and 3) provide feedback on the workflow (e.g. order of reviewing draft sections) included in the materials.

Advisory Committee Member Discussion and Feedback

- David Ward notes that NW Women’s Law Center has been called Legal Voice since 2009. Thinks we should add new LGBTQ Commission. Tarra Simmons seconded this recommendation.
 - Becky Roe – King County Sexual Assault Resource Center (KCSARC) should be added.
 - Justice Gordon McCloud – Judge McCullough suggested via email in advance of the meeting that minority bar associations be added. We may need to shift to include more judicial branch entities rather than executive branch since the study is about court.
 - Judge McCullough also suggested the following organizations via email: Mother Africa; Washington Coalition of African Leaders; Seattle Indian Center; Chief Seattle Club; Faith Action Network, Rev Paul Benz; Church Council of Greater Seattle, Exec Director Michael Ramos; Mockingbird Society of Seattle (emphasis on youth foster care and other issues); Eastside Sexual Assault center for Children/Harborview Sexual Assault Center; Seattle-King County NAACP, Carolyn Riley-Payne; Pacific NW NAACP, Gerald Hankerson; Somali Community Service of Seattle; DADS, a community group that works to reunite fathers (and mothers) with their children post court-ordered separations.
 - It is important to actively solicit the youth voice.
 - Judge Spearman – Washington Defender’s Association and Washington Association of Prosecuting Attorneys, Commission on African American Affairs, Commission on Women’s Affairs.
 - Tarra Simmons – people who have experienced criminal justice and child welfare systems first hand.
 - Judge Coburn – Tribal State Court Consortium.
 - Cynthia Delostrinos – Mockingbird Society (Judge McCullough seconded this recommendation), WA Immigrant Solidarity Network
 - Judge McCullough provided guidance via email for community feedback on these and the other issues – we might consider notices that feedback is welcome through audio. Again, the digital divide is real so we want to invite and maximize cross community input options. This might take the form of a number to call "if you would like to comment." That number should be toll-free with language options.
- V. Writing about Overlapping Priority Areas - Justice Gordon McCloud and Dr. Dana Raigrodski
- Provided a brief overview and examples of topic areas that overlap, our ideas and work so far to coordinate these sections.
 - Sierra Rotakhina is doing a great job connecting leads whose topics overlap. Dr. Raigrodski suggests call-out box to highlight these overlapping areas.
 - How can final report be user friendly, address these overlapping areas?
 - Advisory Committee Members Discussion

- Judge Coburn – real voices sprinkled through report, those who are directly impacted.
 - Use the incredible network of people engaged in the study to find which organizations have direct lines with people to interview, and pull quotes.
 - Becky Roe – important to have voices from the public for overlapping issues. NW Immigrant Rights Project and Columbia Legal Services would have women with critical stories.

- Dean Barnes – will there be a methods section?
 - We can make a broad claim about intersectionality, anti-essentialism. Can do it up front and/or carry throughout.
 - This is a failing of reports like this – not handled with nuance that reflect the commitments you know people doing the work have. Likes thought of carrying it forward with individual voices.
 - Sierra Rotakhina – yes, will have methods section and agree that it is vital to talk about these issues up front in the report and throughout the report.

- César Torres - It seems that we could elaborate on the theme that emerged by having the study identify and select 3 to 5 individuals whose lives have been fundamentally impacted by aspects of the justice system (criminal/incarceration; juvenile justice; DV/SA; family law; and/or workplace/law school), who present some combination of these overlapping priorities, and weave their stories through the study.

- Discussion of Differences from 1989 Report
 - Judge Scott notes that 1989 report was simplified version of this. A report not a study. Where does this study go? To the Commission to do something with it? Will there be public forums, opportunity to offer input, react to it?
 - Justice Gordon McCloud
 - Decision to conduct research differently was intentional. Objective legal/social science research vs. subjective surveys.
 - We are planning to have a roll-out to the public so media and law reviews pick it up.
 - Goal 1 - how have we done in the last 30 years, based on recommendations from 1989 study?
 - Goal 2 – how do we change the world going forward?
 - We haven't decided if the report will take the form of new recommendations, but we want it to be concrete enough that a Legislator can pick it up and say, "I've gotten a lot of questions from constituents about x, what do I need to know about where things are and what is needed." Allocate funds accordingly.
 - Judge Scott likes this approach. Rather than making specific recommendations and then letting it go. Study can be used by whoever thinks it's of use, more open as to what can be done with it.
 - Becky Roe - I believe we need to make recommendations based on the pilots and research done to date. Otherwise, I'm afraid the valuable information will be shelved and useless.

VI. Next Steps & Adjournment – Justice Gordon McCloud

- We are inviting your input on what we do with the report, what's the conclusion? Is it recommendations, additional pilots, funding for certain programs?
- Thank you for taking your time for a meeting during this really difficult time. We wish you and your family health and safety.
- Next meeting is scheduled for 8/26/20 – we hope in person.