



GENDER AND JUSTICE COMMISSION (GJCOM)

AOC SEATAC OFFICE – **LOWER PLAZA**
18000 INTERNATIONAL BLVD, SEATAC WA
FRIDAY, SEPTEMBER 5, 2014 (8:45 A.M. – 12:00 P.M.)

MEETING NOTES

Members Present: Chief Justice Barbara A. Madsen, Chair; Justice Sheryl Gordon McCloud, Vice-Chair; Ms. Sara Ainsworth, Ms. Laura Contreras, Ms. Josie Delvin, Judge Michael Evans, Dr. Margaret Hobart, Ms. Grace Huang, Judge Judy Jasprica, Ms. Trish Kinlow, Professor Taryn Lindhorst, Ms. Judith A. Lonquist, Judge Eric Lucas, Judge Richard Melnick, Mr. Ron Miles, Judge Marilyn Paja, Judge Mark Pouley, Ms. Leslie Savina, Judge Ann Schindler, Ms. Gail Stone, Judge Tom Tremaine, Mr. David Ward, Ms. CaroLea Casas (Student Liaison, University of Puget Sound), Ms. Alexandra Kory (Student Liaison, Seattle University, Law School, Ms. Danielle Pugh-Markie, Supreme Court Commissions Manager, and Ms. Pam Dittman, Program Coordinator

Members Absent: None

Guests: Ms. Laura Jones, King County Sexual Assault Resource Center

CALL TO ORDER

The meeting was called to order at approximately 8:45 a.m. Introductions were made. The July 11, 2014, meeting notes were approved.

COMMISSION BUSINESS

Chair Report – Chief Justice Barbara A. Madsen

- Washington Initiative for Diversity (WID)
The Gender and Justice Commission (GJCOM) has been involved in the WID (formerly known as the Initiative for Diversity Governing Council (IDGC)) since its inception. Staff have provided administrative support and also the GJCOM has provided monetary support for many of its efforts. Judith Lonquist is the GJCOM's representative to the WID.

The WID is planning for their 2015 Judicial Institute which is an effort to educate attorneys, particularly attorneys of color and women attorneys who may be interested in seeking office. This training highlights how to become elected and/or appointed to the bench as a way of mentoring attorneys who want join the bench and bring more diversity to the bench in the process. The training is held every other year to accommodate elections and differing court levels. This training is not the same as the pro tem training being conducted by the Washington State Bar Association (WSBA) and the District and Municipal Court Judges' Association (DMCJA) Diversity Committee. This training focuses on how to take the next step of becoming a judicial officer, not just being a pro tem judicial officer.

Additionally, the WID is undergoing its own transition and is bringing together its membership to brainstorm ways to consolidate efforts relating to diversity that are happening around the state, particularly Western Washington. This is in part to help define what is diversity, how is it measured, and how the various minority bars are addressing the issue and identify ways the WID can support the various efforts or consolidate the efforts to provide a more streamlined focus.

Staff Report – Danielle Pugh-Markie and Pam Dittman

- **Activities**

- **HB 1840 Implementation Work**

We are finalizing the contract with the Washington State Coalition Against Domestic Violence (WSCADV) to move forward on this project. WSCADV's proposal is for work to be conducted between now and the end of the calendar year. We will also be reaching out to the National Council of Juvenile and Family Court Judges (NCJFCJ) and the Battered Women's Justice Project (BWJP) who are collaborating on firearms issues. They may be able to provide technical assistance on this issue.

Several questions were raised regarding this project and the requirements of HB 1840. For example, the law includes more than firearms surrender. The new provision gives the court the authority to order the surrender of firearms and concealed pistol licenses in connection with no contact and protection orders. The provision tracks what the Federal statute says, but it also creates a state crime for violating these provisions and putting the onus on state law enforcement to help enforce this as opposed to the federal Bureau of Alcohol, Tobacco, Firearms, and Explosives.

Part of the implementation work is to determine whether firearms are being surrendered and how courts are handling this. Examples: does the surrender have to be immediate, does it have to be within five days, and then more importantly and separate from that, what happens next; was there follow up and by whom, was there proof filed, what was law enforcement's role, etc.

We will also be checking with the Washington Association of Sheriffs and Police Chiefs (WASPC) to ascertain whether they have developed a model policy for distribution and use.

- **Actions**

Staff:

- Check/set up a meeting with WASPC to see if they are developing a model policy and if so, how we can collaborate.
 - Draft a public records request to go out to all law enforcement agencies. Attach some of the model practices that other counties such as King, Pierce, and Thurston have in place for surrender of firearms.

- GJCOM Logo
At the July meeting, it was decided to resubmit the request for a logo design to a larger audience. CaroLea Casas is taking the lead on this project and has put together a list of 55+ institutions to reach out too. She will be rolling out a request to each institution based on when they are back in school. The final deadline for submittals is November 9, 2014. We agreed at the July planning meeting to provide up to \$500 as a “prize/scholarship” to the winning entry.
- National Consortium of Racial and Ethnic Fairness in the Courts Conference
In June, we sent a team to this Conference comprised of representatives and staff from both the Minority & Justice and Gender & Justice Commissions. Judge Tom Tremaine and Danielle Pugh-Markie attended on behalf of the GJCOM. It was a great experience, especially since Washington State had played such a large part of the creation of this Consortium. It provided the opportunity hear about other states’ efforts on addressing racial and ethnic fairness in the courts. There was a discussion on legal financial obligations (LFOs) and unfortunately, Washington State was highlighted as one of the states that has concerns and issues with LFOs and how they are managed or viewed.
- National Council of Juvenile and Family Court Judges’ Conference (NCJFCJ)
In July, we sent a team of nine (9) judicial officers to the NCJFCJ Annual Conference. Additionally, when we arrived two other Washington judicial officers were found to be in attendance, Judge Ted Strong, Yakama Tribal Court, and Judge Doug Federspiel, Yakima County Superior Court. We were able to include them in our activities and invite them to the breakfast where we met to debrief and discuss the sessions we attended and any follow-up we would like to do. Attendees found sessions such as adolescent brain development and how it may impact juvenile rehabilitation informative and also the firearms presentations on how other states are working through these issues in relation to no contact and protection orders very informative. During the firearms session, attendees found out that Washington State is 16th in the nation for entering orders into the federal database. Several of the judicial officers are continuing this conversation.
- Domestic Violence Symposium
The GJCOM through STOP grant funds is supporting the DV Summit. We have been working with Judge Elizabeth Berns and Deborah Greenleaf and have been notified there will be 39 judicial officers in attendance. This is the largest number of judicial officers attending.
- Sexual Assault Grant and Judicial Training
We received a \$50,000 grant from Office on Violence Against Women (OVW), Department of Justice (DOJ) to develop and provide judicial training on sexual violence. There will be two, one and a half day, duplicate trainings held on each side of the state. We are working with Laura Jones, King County Sexual Assault Resource Center (KCSARC); Claudia Bayliff and Lynne Hecht Schafran, National Judicial Education Program (NJEP); and Dr. Russell Strand, U.S. Army Military Police School Behavioral Sciences Education Division. Additionally, we have

secured tribal Judge Raquel Montoya Lewis as faculty and will be inviting other state judicial officers to be faculty.

Save the Dates: February 9-10, 2015, at the Tukwila Community Center and February 12-13, 2015, at the Spokane Public Health Building.

The other piece of this training is we have been asked by our grant monitor to present a webinar as part of the training. The webinar would occur in December and would be a stand-alone session and used as a “teaser” for the training. Members also suggested doing another talk about sexual assault protection orders, cyberstalking, or non-consensual pornography and provide practical information on how to address it when it comes up in the courtroom. We will be checking with the national technical assistance providers to help us develop and launch this webinar.

- Commercial Sexual Exploitation of Children (CSEC)

The Commission on Children in Foster Care (CCFC) partnered with the GJCOM to raise awareness among judges on the co-occurrence of sex trafficking and the dependency and delinquency systems and to help court officials identify these children and appropriately respond to their needs. As part of this partnership, a training on the commercial sexual exploitation of children was held August 2, 2014. Judge Marilyn Paja and Judge Tom Tremaine both attended on behalf of the GJCOM. The panel was comprised of Ms. Leslie Briner, YouthCare; Ms. Tammy Sneed, Connecticut Department of Children and Families; and Commissioner Catherine Pratt, Compton Juvenile Court.

This workshop highlighted the dynamics of CSEC covering recruitment and grooming tactics used by traffickers, trafficker and buyer profiles, victim identification, impact of trauma, and challenges to rehabilitation. Faculty also discussed how child welfare in Connecticut collaborates and responds to CSEC victims and how judicial officers in Los Angeles County created a collaborative court (STAR – Succeed Through Achievement and Resilience) to respond to youth arrested or disclosed involvement in prostitution.

The evaluations were favorable and indicated how we need to continue the conversation internally, look at promising practices across the nation, and continue to provide training with a multi-disciplinary approach including law enforcement, attorneys, parole/probation officers, advocates, and other state systems.

The next phase of the collaboration is to support a small group of judicial officers to attend the National Domestic Sex Trafficking Judicial Institute, November 3-5, 2014, in Reno, Nevada.

- GJCOM and STOP Grant Budgets

We have provided a general outline of the budget for the GJCOM for the current fiscal year. We will provide this at each meeting. As you can see, we have already

allocated our funds for the fiscal year, so we need to be cognizant of what we can support.

As you may recall, we were simultaneously running three STOP grants this calendar year. We have completely spent down two of the grants and 75 percent of the last grant, which we have allocated all remaining funds to be spent by the end of the calendar year. We are working with the Washington State Department of Commerce on the application for the Federal Fiscal Year 2014 (FFY14) STOP Grant. The Administrative Office of the Courts (AOC) through GJCOM staff administer the five percent set-aside to the courts. For FFY14, the set-aside is \$133,192 of which \$34,926 is required to be used for sexual assault work. This is a new provision and we will need to look at our approach of how we support trainings, events, and other domestic violence related activities. Additionally, a portion of these funds are used to support staff salaries and benefits.

GUEST SPEAKER

Laura Jones of the King County Sexual Assault Resource Center (KCSARC) was the guest speaker. Laura assisted with the development and writing of the Sexual Offense Judicial Bench Guide (2013) and KCSARC is one of the partners for the upcoming judicial officer sexual assault training in 2015. KCSARC is a non-profit organization located in Renton and has approximately 50 employees providing comprehensive services to victims of sexual assault and their families. KCSARC has 11 legal advocates who carry a caseload of 70-80 cases.

Laura is the CourtWatch Program Manager. CourtWatch was implemented in 2010, through an OVW grant. The program was not founded in response to any particular problem but was viewed as a way to gather data that would support anecdotal evidence about what was happening in the courts to help ensure that the system is responsive to sexual assault cases and to supplement client services. CourtWatch has two purposes: 1) to ensure the system is responsive and effective in how it handles cases of sexual violence; and 2) to engage the public to take responsibility for how the system is handling these cases and raise public awareness about some of the unique issues surrounding sexual violence.

The Program has 30 volunteers who go into courtrooms at the King County Superior Court level and observe felony level criminal sexual assault cases or civil sexual assault protection order cases. The cases are monitored and then staff volunteers research the cases using public records to determine how the cases were handled. KCSARC has been able to work with judicial leadership about case management and impacts on the victim. CourtWatch Reports can be found at: <http://www.kcsarc.org/courtwatchreports>

Members engaged in a thoughtful discussion after the presentation with Laura fielding questions such as:

- Have you seen cases where, at least in King County, judges have appointed counsel to petitioners? How do they pay for that? So you inform the victims or the petitioners that they can get an attorney appointed? Have you contacted the local law schools to see if the legal clinics could help?

Laura indicated appointing counsel usually doesn't happen. The problem is that there are so few public defenders that can assist them and the victims usually do not have the

means to pay an attorney, so they go unrepresented. KCSARC is currently exploring ways to assist victims of sexual assault with legal representation. For example, as mentioned, we may consider asking law schools to assist with clinics or we do know some of the larger firms have domestic violence pro bono programs and there has been discussion with them about taking on sexual assault cases.

- Over the years, there have been at least some very high profile stories where the criminal defendant is pro se and cross examined the victim, does this happen frequently? So is there any confusion in the court rules as to whether the rules of evidence apply in these hearings?

Laura indicated that pro se defendants are not the norm. The court has discretion to relax the rules of evidence, just as in any other type of a protection order hearing, but sexual assault protection order hearings are treated much differently than say domestic violence protection order hearings. And depending on the age of the parties too, even if a parent is petitioning on behalf of a minor, sometimes the court will require the minor to come and testify. Sometimes they won't. If there's a Child Protective Service (CPS) report or law enforcement sometimes, they'll say, well that's hearsay and you have to bring in that person to testify. Sometimes not. So you just really don't know going in.

COMMITTEE REPORTS

- Work plans – Pam Dittman

We have included the draft of the work plans as discussed during the July 11, 2014, retreat. As mentioned previously, these work plans assist the members and staff in workload, staying on top of projects, and prioritizing projects. The goal is to keep a history of what we're doing, keep track of the time commitments on various efforts, but also to really purposefully and meaningfully plan and try to meet the needs of all the various projects we have going on. This also allows us to celebrate and acknowledge projects and the efforts that were made to complete it.

- **Actions:**

- Members

Please send Danielle and/or Pam your name if you are interested in working on any of these projects as outlined in the plans.

- Staff

Setup individual meetings with the Chairs or leads on the various projects to discuss the work plans and develop realistic goals and objectives and timelines.

- Communications – Ron Miles

Ron Miles has stepped in as the Chair of this Committee. Judge Lucas, Judge Paja, and Gail Stone also indicated they will serve on this Committee. The major areas of focus are to make recommendations to the GJCOM on website content and developing the annual report.

- **Actions:**

- Staff

- Schedule conference call to: 1) discuss committee work, 2) develop survey re, website, and 3) flesh out the work plan.

- Maintain a running list of accomplishments, training sessions, work projects, etc., that will assist with developing the annual report.
- Domestic Violence Committee – Judge Judy Jasprica
The Committee has been focused on the sentencing and monitoring report. We are discussing with the Center for Court Innovation how they analyzed the data. Our next steps will be to choose sites and conduct site visits.
- Education Committee – Judge Rich Melnick
Evaluations from the past conferences and/or training sessions sponsored by the GJCOM are included in the meeting packet.
 - Fall Annual Conference.
The GJCOM is sponsoring the 90-minute session on *Adverse Childhood Experiences (ACEs)* with Dr. Christopher Blodgett and Judge Melnick as presenters. The session will cover what are ACEs and how to identify them. Then we will break out into small groups with hypotheticals and a report back to help identify best practices and how to use the information in crafting protection orders and in dissolution cases.

The GJCOM and Minority and Justice Commission (MJCOM) are cosponsoring the 180-minute session *Race: The Power of an Illusion* with Dr. Khatib Waheed. Participants will be guided through a discussion on the court's role in determining race and ethnicity and how our social institutions "make" race by disproportionately channeling resources, power, status, and wealth.

- District and Municipal Court Judges Spring Program – 2015
We received the request for proposals for this Conference. Proposals are due by October 24, 2014.
- **Actions:**
 - Members
Submit ideas for proposals to Danielle and/or Pam.
 - Staff
Forward the information to Judge Melnick, Judge Jasprica, and Judge Evans.
- Superior Court Judges Spring Program – April 26-29, 2015
The announcement for proposals was received after the GJCOM meeting. Proposals are due by October 3, 2014. Same actions apply from above.
- Appellate Spring Conference – 2015
The theme of the Conference is the Magna Carta and its influence on modern law and how we analyze it. There is a 90-minute block that most likely the GJCOM can submit a proposal for. Danielle and Judge Melnick have been discussing several ideas that would be relevant to the Appellate court judicial officers.

Grace Huang suggested something that would explore how you deal with the concept of precedent and how it impacts the concepts of a diverse society. Maybe

there would be someone who could speak to the feminist perspective of legal precedent. Ideas were Janet Ainsworth from Seattle University and Justice Rebecca Love Kourlis (Retired) from the Institute for the Advancement of the American Legal System. <http://iaals.du.edu/>

▪ **Actions:**

- Judge Melnick with speak with Grace on her proposal.

○ Misdemeanant Corrections Association

Trish Kinlow provided members a flyer on regional training for probation officers and others. The training has sessions on domestic violence and mental health issues. The training is Monday, October 27, 2014 from 9:00 a.m. – 4:00 p.m. at the Washington State Criminal Justice Training Center in Burien. The cost is \$35. Participants can be awarded up to 5 hours of CEUs. For more information, contact Molly Davidson at mdavidson@cityofcheney.org or Shane Wolf at shane.wolf@clark.wa.gov.

○ Mission Creek

Judge Paja and Danielle have been meeting with the administration at Mission Creek Correctional Facility. This is a low-risk women's facility outside of Belfair. On October 10-11, 2014, Mission Creek is holding a Conference for their incarcerated women. There are speakers that focus on services for women when they are released. We will be looking at the National Association of Women Judges program "Success: Inside & Out" and determine if this is something we can use as part of the Conference. Justice Susan Owens is providing the opening remarks. The administrator has asked the GJCOM to assist with a panel or presenter. Members discussed various topics: overview on the dynamics of family violence/domestic violence (or what is a healthy relationship); or something on building esteem.

Judge Paja will be in attendance as will Alex Kory, Justice Gordon McCloud, and Danielle.

○ **Actions:**

- Judge Paja to reach out to Jake Fawcett, WSCADV.
- Staff
Danielle to reach out to Mette Earlywine, WSCADV.
Send the agenda to the GJCOM members' listserv.

● Incarcerated Women & Girls – Sara Ainsworth

This Committee has two projects it has been focused on. The first project is the public records request to all jails and correctional facilities asking if they have adopted a policy on shackling for pregnant women and girls, whether they provide training to their correctional staff, what kind(s) of materials are provided to incarcerated women & girls upon arrival, and when they are pregnant. We will have a response to the Commission at the next meeting.

The second project is increasing access to justice for incarcerated women and girls; in particular, dealing with lack of access to appointed counsel, not having appointing

counsel, not knowing where your children are or when they are in foster care, or not getting to court when hearings have been scheduled.

We held a stakeholders meeting on July 31, and it was well attended by public defenders, prosecutors, Department of Corrections staff, advocates, jail personnel, clerks, and judicial officers. While we did invite someone from the Children's Administration, they were not represented. We will make a targeted effort to bring them into the discussion.

There appeared to be some areas where we can address some of these problems through policy or processes. There were other areas where a legislative fix may be needed, but the consensus of the group was to address problems through the systems and communicate. We did have agreement of a smaller group to continue to meet and work through the issues that were presented.

The Committee leadership has been invited to attend the Department of Corrections' Gender Responsive Task Force meetings. We are going to continue talking to DOC and determine if this is a good fit for us and who would be able to attend on our behalf.

- Tribal State Court Consortium – Judges Mark Pouley and Tom Tremaine
We will be sponsoring a session at the Fall Annual Conference. The session will be focusing on the *Indian Child Welfare Act (ICWA)* and also provide the opportunity to discuss how to structure the Consortium. The session will provide a nice context to talk about a substantive area where tribal courts and state courts often times share jurisdiction, and can communicate and collaborate more effectively.
- Women in the Profession – Judith Lonquist
We are in the planning stages for the 5th Annual Law Student and Judicial Officer Reception which has been scheduled for October 24, 2014, at Seattle University. Ms. Alex Kory is our student liaison this year and is assisting with the event.

The other project that we will address is the judicial evaluation form for use in political judicial campaigns. We will schedule a conference call to begin this discussion and have a report for the Commission.

The meeting was adjourned at 12:00 p.m.