

2021 GENDER JUSTICE STUDY SELECT RECOMMENDATIONS FOR THE INTERBRANCH ADVISORY COMMITTEE

CONVENE INTERBRANCH DATA ACCURACY MEETING

- After rigorous study and analysis, the Gender and Justice Commission identified data quality and improvement as one of the top five umbrella recommendations from its [2021: How Gender and Race Affect Justice Now](#) study, specifically relating to the collection of data disaggregated by gender, race, ethnicity, and sexual orientation.
- The Gender and Justice Commission requests that the Interbranch Advisory Committee, under its [legislative authority](#), convene a dedicated meeting or work group, to address significant data inconsistencies, limitations and gaps that exist across government to ensure the work of our branches does not ignore, or deepen, current systemic inequities.
- Efforts to cross reference data sets across and within branches is hindered by the use of diverging collection, categorization and coding practices, sometimes resulting in unreliable data analysis. One specific example relates to the relative invisibility of the Latino/Latinx population in some state data sets.
- Different agencies and organizations are conducting siloed efforts to improve data quality and standardize collection practices, however a coordinated effort is needed to ensure the reliability of comparative data sets in tracking outcomes across systems.
- The Gender and Justice Commission has engaged in preliminary conversations with outside branch agency representatives and is happy to recommend invitees and partners, including, but not limited to: Department of Health, Office of Superintendent of Public Instruction, Division of Children Youth and Families, Department of Social and Health Services, Office of Financial Management, State Ethnic Commissions, Educational Opportunity Oversight and Accountability Committee, Governor's Health Disparities Council, State Board of Health, Caseload Forecast Council, Washington State Center for Court Research, Administrative Office of the Courts, Supreme Court Commissions, Court Associations, The State Office of Equity, The Environmental Justice Council, and The HEAL Act Interagency Workgroup.

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EXPAND SENTENCING ALTERNATIVES, AFFIRMATIVE DEFENSES, AND MITIGATING FACTORS

- The Gender and Justice Commission's 2021: [How Gender and Race Affect Justice Now](#) study highlighted the upward trend in the incarceration of women, and notably women of color, and the disproportionate negative consequences for children and families.
- The Study recommends legislation allowing judges the ability to consider sentencing alternatives, affirmative defenses, and mitigating factors for litigants who are victims of trauma, sexual exploitation or have primary caregiving responsibilities. Specifically, the Legislature may consider:
 - Recognition of primary caregiving as a mitigating factor in sentencing
 - Affirmative defenses for victims of sexual exploitation and other crimes committed as a direct result of their exploitation
 - Legislation to retroactively account for trauma-based criminalization and incarceration
 - Increasing access to, and eligibility for, sentencing alternatives to prison confinement for parents