

WASHINGTON STATE  
MINORITY AND JUSTICE COMMISSION

COMMISSION MEETING



TUKWILA COMMUNITY CENTER, BANQUET ROOM C  
12424 42ND AVE S  
TUKWILA, WA 98168  
FRIDAY, JANUARY 31ST, 2020  
9:00 A.M.— 12:00 P.M.



## MINORITY AND JUSTICE COMMISSION

TUKWILA COMMUNITY CENTER, BANQUET ROOM #C

12424 42ND AVE S, TUKWILA, WA 98168

FRIDAY, JANUARY 31<sup>ST</sup>, 2020

9:00 A.M. – 12:00 P.M.

JUSTICE MARY YU, CO-CHAIR

JUDGE G. HELEN WHITENER, CO-CHAIR

Teleconference: 1-877-820-7831

Passcode: 358515#

### AGENDA

#### CALL TO ORDER 9:00 – 9:05 a.m. (5 minutes)

- Welcome and Introductions
- Approval of November 8<sup>th</sup> Meeting Minutes

#### CO-CHAIRS' REPORT 9:05 – 9:30 a.m. (25 minutes)

- **Personnel and Membership Update**
  - Judge Whitener has been named Education Committee co-chair.
  - Discussion of Commission Openings and Recruitment of New Members.
- **2020 Symposium Planning** – Joint Symposium on Race and Gender, June 3, 2020
  - Working Topic: *Mass Incarceration of Women and Girls*.
  - Discuss status of Planning Committee.
- **UP Program Report** – Trish Kinlow and Rajyanessa Canos
  - Update on King County Unified Repayment Program

#### LAW STUDENT LIAISONS – Project Presentations 9:30 – 10:30 a.m. (60 minutes)

- **Gonzaga University** - *Restoring Faith in the Justice System for Marginalized Voices*
  - Hisrael Medina Carranza (2L), Francis Dela Cruz (3L), Rigoberto Garcia (2L), Dalia Trujillo (2L)
- **University of Washington** - *A Day in the Life of a UW Law Student*
  - Sydney Bay (3L), Mary Ruffin (2L), Furhad Sultani (2L), Casey Yamasaki (3L)
- **Seattle University** - *The Mass Incarceration of Transgender People of Color*
  - Beverly Tsai (3L), Cloie Chapman (3L), Denise Chen (1L), Peggy Rodriguez (2L)

## COMMISSION LIAISONS & COMMITTEE REPORTS 10:30 – 11:50 a.m. (80 minutes)

- **Immigration Enforcement at Courthouses** – Annie Benson & Judge Michael Diaz
  - Update on the GR38 Rule Change Submission.
  - Vote to Approve Official Commission Public Comment on Rule Change.
- **Caseload Forecast Council General Disproportionality Report** – Duc Luu, Caseload Forecast Council
  - Report on Findings of Racial Disproportionality in Statewide Felony Sentencing for FY2019.
- **Tribal State Court Consortium** – Judge Lori K. Smith
  - Updates on 2020 Regional Meeting.
- **Outreach Committee** – Lisa Castilleja and Judge Michael Diaz
  - Discuss and Vote on Merger of Workforce Diversity Committee into Outreach Committee.
  - Discuss and Vote on Amended Outreach Committee Mission Statement and Goals.
- **Workforce Diversity Committee** – Judge Veronica Alicea-Galván & Judge Bonnie Glenn
  - Status Update of the National Consortium on Racial and Ethnic Fairness in the Courts (NCREC) 2022 Annual Conference Proposal.
  - Meeting Locations for 2020.
- **Education Committee** – Judge Lori K. Smith and Judge G. Helen Whitener
  - Upcoming Education Events in 2020
    - Judicial College, January 26-31, “*Emerging Through Bias*” – Judge Whitener & Judge Alicea-Galvan
    - Appellate Judges’ Spring Program, March 22-25, “*All the Real Indians have Died Off and 20 other Myths About Native Americans*” – Roxanne Dunbar-Ortiz
    - SCJA Spring Program, April 26-29, “Immigrant Families Tool Kit” & “Juvenile Justice”
    - DMCMA Annual Conference, May 17-20, “*Preparing for the Big Waive: Re-addressing LFOs*”
    - DMCJA Spring Program, May 31-June 3, “*Poverty Simulation*” – Co-sponsored with Gender and Justice
  - 2020 Conference Proposals Submitted
    - Annual Fall Judicial Conference, September 13-16:
      - “*Law, Language, and Power: an Exploration of Discrimination and Tribal Jurisdiction in the Pacific Northwest*” – Alexandra Liggins
      - Co-Sponsor of Holocaust Museum’s “*Law, Justice, and the Holocaust: How the Courts Failed Germany*” with Gender and Justice Commission
      - Co-Sponsor of “*Working with DisAbled Jurors*” with Interpreter’s Commission
  - Book Club Update
- **Juvenile Justice Committee** – Annie Lee and Asst. Chief Adrian Diaz
  - Update on SCJA Spring Program Juvenile Justice Session.
  - Discuss Judicial Focus Group for Judicial Curriculum.
- **Jury Diversity Task Force** – Judge Steve Rosen and Judge Mike Diaz
  - Update on Jury Diversity & Community Engagement Pilot Project - Cynthia
- **MJC Liaisons**
  - **Gender Justice Study** – Judge Bonnie Glenn
  - **Domestic Violence Workgroup** – Theresa Cronin
  - **Sentencing Task Force** – Judge Veronica Alicea-Galván
  - **Office of Equity Task Force** – Kitara Johnson
  - **WPI Jury Orientation Video** – Leah Taguba
  - **SCJA Self-Represented Litigants Workgroup** – Theresa Cronin and Josh Treybig
  - **BJA Education Task Force** – Justice Yu and Judge Whitener

**STAFF REPORT 11:50 – 12:00 p.m. (10 minutes)**

- **Staff Report** – Cynthia Delostrinos
  - LFO Updates
  - Shout Outs

**Next MJC meeting: Friday, March 13, 2020, AOC SeaTac Office.**

**Please complete, sign, and mail your travel reimbursement forms to Commission staff.**



# Minority and Justice Commission

## 2020 Meeting Dates

Teleconference Number: 1-877-820-7831

Passcode: 358515#

Date	Time	Location
Friday 01/31/20	9:00 AM – 12:00 PM	Tukwila Community Center 12424 42nd Ave S. Banquet Room #C Tukwila, WA 98168
Friday 03/13/20	9:00 AM – 12:00 PM	AOC SeaTac Office 18000 International Blvd. Suite 1106 SeaTac, WA 98188
Friday 05/29/20	9:00 AM – 12:00 PM	Excelsior Integrated Care Center, 3754 W Indian Trail Rd. Spokane, WA 99208
Friday 06/03/20 Supreme Court Symposium	8:30 AM – 1:00 PM	Temple of Justice 415 12 <sup>th</sup> Ave SW Olympia, WA 98504
Friday 07/31/20	9:00 AM – 12:00 PM	AOC SeaTac Office 18000 International Blvd. Suite 1106 SeaTac, WA 98188
Friday 09/18/20	9:00 AM – 12:00 PM	Location TBD ( <i>tentative: Tacoma, WA</i> )
Friday 11/13/20	9:00 AM – 12:00 PM	AOC SeaTac Office 18000 International Blvd. Suite 1106 SeaTac, WA 98188

Please contact Frank Thomas at [Frank.Thomas@courts.wa.gov](mailto:Frank.Thomas@courts.wa.gov) or

360-705-5536 if you have any questions.



## MINORITY AND JUSTICE COMMISSION

AOC SEATAC OFFICE  
18000 INTERNATIONAL BLVD, SUITE 1106, SEATAC, WA  
FRIDAY, SEPTEMBER 8, 2019  
9:00 A.M. – 12:00 P.M.  
JUSTICE MARY YU, CO-CHAIR  
JUDGE G. HELEN WHITENER, CO-CHAIR

Teleconference: 1-877-820-7831  
Passcode: 358515#



### MEETING NOTES

#### Commission Members Present

Justice Mary Yu, Co-Chair  
Judge Helen Whitener, Co-Chair  
Justice Debra Stephens  
Professor Lorrain Bannai  
Mr. Jeffrey Beaver - phone  
Judge Johanna Bender  
Professor Robert Boruchowitz  
Ms. Lisa Castilleja  
Judge Linda Coburn  
Ms. Theresa Cronin  
Chief Adrian Diaz  
Judge Mike Diaz  
Judge Lisa Dickinson - phone  
Judge Theresa Doyle – phone  
Professor Jason Gillmer  
Mr. Anthony Gipe  
Judge Bonnie Glenn  
Ms. Kitara Johnson  
Ms. Anne Lee  
P. Diane Schneider  
Judge Lori K. Smith  
Mr. Travis Stearns  
Ms. Leah Taguba – phone  
Mr. Joshua Treybig  
Mr. Christopher Sanders  
Ms. Katherine Svoboda

#### Guests

Ms. Esperanza Barboa, *ATJ Board Liaison*  
Ms. Tiffanie Ellis  
Ms. Cecile Gerner  
Ms. Deanna George  
Ms. Laura Edmonston, *Embedded Law Librarian*  
Ms. Jessica Tsao

#### Student Liaisons Present

Ms. Cloie Chapman  
Ms. Denis Chen – phone  
Ms. Beverly Tsai  
Ms. Sydney Bay  
Ms. Mary Ruffin  
Mr. Furhad Sultani  
Mr. Casey Yamasaki  
Mr. Hisrael Medina Carranza  
Mr. Francis de la Cruz  
Mr. Rigo Garcia  
Ms. Dalia Trujillo  
Ms. Peggy Rodriguez

#### AOC Staff Present

Ms. Cynthia Delostrinos  
Ms. Moriah Freed  
Mr. Frank Thomas

## CALL TO ORDER

The meeting was called to order at 9:00 a.m.

The September 13<sup>th</sup> meeting minutes were approved.

## CO-CHAIRS REPORT

### **Congratulations!**

- Cynthia Delostrinos – Tukwila City Council
- Justice Debra Stephens – Chief Justice of the Washington State Supreme Court
- Judge Anthony Gipe – Judge at Kent Municipal Court, will be sworn in later this year

### **Personnel Update**

Frank Thomas, new Court Program Analyst with the Minority and Justice Commission, introduced himself to the Commission and received a warm welcome.

### **Commission and Committee Vacancies**

Please nominate and encourage people to join the Commission – 5 seats are open. If you know people that are interested in the Commission's work, consider asking them to join a Committee. Committee members do not have to be Commission members, and it is a good way to begin engagement with the Minority and Justice Commission. Current Commission members are also encouraged to participate in Committees to stay active.

Justice Yu will be speaking to members with poor attendance.

### **2020 Symposium Planning**

The next Supreme Court Symposium will be held on June 3, 2020. The Temple of Justice currently remains the location. Feedback concerning the space and logistical limitations will be taken into consideration during planning.

The 2020 Symposium on race, gender and the courts will be hosted jointly with the Gender and Justice Commission. The Gender and Justice Commission is embarking on a large study to evaluate gender bias in the courts through the lens of race equity. A topic of mutual interest will be selected for the symposium.

Attendance of CLJ judges may be impacted due to the DMCJA conference on May 31<sup>st</sup>.

### **Office of Equity Task Force**

The Commission received a letter from the Governor's Interagency Council on Health Disparities. They are convening a Task Force that will be working on developing a proposal on creating a Washington State Office of Equity, with the goal of promoting access to equitable opportunities and resources to reduce disparities and improve outcomes across all sectors of government.

They are looking for a representative from the Commission who can give the perspective of the judicial branch on the Task Force.

**ACTION** – Contact Justice Yu, Judge Whitener, or Ms. Delostrinos if you are interested in serving as the MJC representative or would like to provide input as a Commission member.

## PRESENTATIONS – IMMIGRATION ENFORCEMENT AT COURTHOUSES

**Immigration Enforcement at Courthouses** – Annie Benson, Judge Michael Diaz, and the Washington Immigrant Solidarity Network, Mr. Roberto White

The Commission has historically addressed issues relating to immigration. This topic has been brought back to the forefront because of the ICE and CBP arrests that have been taking place at our state courthouses. We devoted our last meeting in June to addressing this issue, and heard from several people who have witnessed and/or worked with clients who have been arrested or are afraid to appear in court. There have been incidents of immigrants even being scared to enter the Temple of Justice. Arrests have become more frequent in Washington. This is an issue that heavily concerns the Commission.

➤ **Memo on State Action Concerning ICE Enforcement at Courthouses** – Mr. Roberto White

Mr. White read his memo on ICE enforcement at courthouses to open the discussion with the Commission.

➤ **Update on proposed rule and protocol changes** – Ms. Annie Benson

There is an access to justice crisis happening on the ground. It is a public safety issue, beyond just our courts. The Commission has been stepping up to take lead on the issue in Washington, and is hoping to partner to address community needs. Currently, there are 3 proposed rule and protocol change strategies.

- RPC 8.4 Revision - If adopted, this change would prevent all lawyers from sharing information with ICE. A proposed court rule
- Proposed court rule - Would lift up the writ of protection and make it a rule
- Proposed court protocol – Could create issues at mixed use buildings, such as facilities housing both courts and police departments. Judges can control their courtroom, but cannot extend protocols to other departments.

What are the next steps if the Commission chooses to support the proposed Court Rule? There is concern that ICE might be uncooperative in utilizing the ‘sensitive locations’ provision, because they have been before, and there could be additional pushback from other entities. Have these factors been considered?

➤ **Washington Immigrant Solidarity Network** – Ms. Victoria Mena

The Washington Immigrant Solidarity Network (WAISN) was founded after the last presidential election in response to increased threats against Washington’s immigrant community. WAISN encourages communities to take action by combatting ICE action with rapid response, including reporting incidents, text message alert systems, and through community training. So far, they have trained over 800 people across Washington.

They have documented arrests in 18 counties across Washington so far, but suspect there is ICE activity in more counties. WAISN has launched multiple efforts to combat immigration enforcement activity, including a policy table, labor immigration table, fair fight bond fund, and an accompaniment program. They are responding by building a strong statewide coalition.

➤ **Update on current arrest incidents and litigation** – Judge Mike Diaz

This is not a new issue, and is a serious area of concern that needs addressing in order for people to access justice. We are currently working with the Gender and Justice Commission Ad-Hoc Committee on reviewing court rules surrounding the courthouse arrests.

The issue has also been discussed with the Attorney General’s office regarding response actions. A best practices memo will be sent out by May 2020 because of the Keep Washington Working act. We are hoping to get more information as litigation efforts progress.

Additionally, there will be a meeting in early October between the Chief Justices of Oregon and Washington, and the district courts to discuss concerns of the courts and action they can take to promote safety and access to justice.

Questions and concerns from Commission members were raised. Judge Whitener inquired if any data has been collected regarding immigration enforcement against non-latinx immigrant communities. The focus seems to be on latinx immigration enforcement, but other immigrant communities in Washington are also scared to access courthouses. It is hard to measure people who are “hiding” and not accessing services. It was noted that Eastside Legal Services is currently working on to address this concern.

Assistant Chief Diaz raised concern of collaborating with Sheriff’s departments who also operate jails, especially in more conservative communities. Some of these communities may be more likely to cooperate with ICE.

**ACTION** – The Commission would like to form a group of interested parties to work on arrest issues and response. Contact Ms. Annie Benson if interested in assisting.

**ACTION** – Ms. Annie Benson and Ms. Victoria Mena will circulate resources to the Commission. They also shared the WAISN reporting hotline (1-844-724-3737) to report ICE activity throughout Washington.

**ACTION** – Contact Ms. Annie Benson or Judge Mike Diaz if you can help with proposed rule and protocol changes.

## **STAFF REPORT**

### **MJC Summer Intern** – Ms. Cynthia Delostrinos

The Minority and Justice Commission has been working with Roberto White this summer. He is a junior at the University of Chicago, but grew up in Seattle and is back this summer to intern with the Commission and the Northwest Immigrant Rights Project.

Mr. White prepared a memo related to ICE and CBP enforcement at courthouses, and how other states and communities have been responding, which is in the meeting packet and will be shared at the meeting. He also worked with Ms. Delostrinos on jury diversity issues, and created a profile for Judge Bender. This interview will be posted on the MJC Facebook page.

### **LFO Grant Updates** – Ms. Cynthia Delostrinos

The LFO grant will be ending this September. We will be working on analyzing all of the data we’ve collected and strategizing on the next steps on how to continue to support and fund the LFO Calculator. AOC will fund the LFO calculator until December, with a grant pending from the Arnold Foundation. Work on a final report will begin after the last LFO Consortium meeting on September 16. Judge Coburn just returned from a presentation at the Court Technology Conference this past week, where she was able to report on the extensive work completed.

The work around reforming the LFO system will continue, and is far from done. There are many others working on tackling it from other angles. There was a CLE for attorneys to teach them about relief, remission, and waivers. There are LFO Reconsideration Days taking place all over the state, with the next one happening in Pierce County on September 25. The Pierce County LFO Reconsideration Day is at capacity, with over 1000 people registered!

Even though the grant is ending, the work is just beginning. We need to continue to be vigilant on these issues.

### **2020 Meeting Schedule**

The meeting schedule is in the packet. We will no longer create outlook invites for the meetings, so Commission members will need to add them to their calendars on their own.

### **Shout Outs**



- Justice Yu – Crosscut Courage in Elected Office
- Judge Whitener – APEX Justice CZ Smith Award
- Judge Veronica Alicea-Galvan – Elected to Board for National Consortium on Race and Ethnic Fairness in the Courts
- Judge Linda Coburn – For work on the LFO Calculator
- Annie Benson & Judge Mike Diaz – For their work on responding to immigration issues
- Judge Johanna Bender – For her work on the LGBTQ Bench Guide

## LAW STUDENT LIAISONS

### New Law Student Liaisons

The Commission welcomed the new law student liaisons, and the law student liaisons introduced themselves to the Commission. An open invitation was extended for the students to participate in Committee work and be active during their time with the Commission.

#### Gonzaga University

- Hisrael Medina Carranza (2L), Francis Dela Cruz (3L), Rigoberto Garcia (2L), Dalia Trujillo

#### University of Washington

- Sydney Bay (3L), Mary Ruffin (2L), Furhad Sultani (2L), Casey Yamasaki (3L)

#### Seattle University

- Beverly Tsai (3L), Cloie Chapman (3L), Denise Chen (1L), & Peggy Rodriguez (2L)

## COMMISSION MEMBER AND COMMITTEE REPORTS

### Tribal State Court Consortium – Judge Lori K. Smith

#### ➤ Welcome New Staff

The Tribal State Court Consortium has welcomed a new staff person, Ms. Kathryn Akeah. She has hit the ground running!

#### ➤ Missing and Murdered Indigenous Women session

The annual Tribal State Court Consortium meeting will be on September 22 at 12:00 pm in Vancouver, WA before the Fall Conference. The TSCC will also be sponsoring a session at the Fall Conference on the issue of Missing and Murdered Indigenous Women. The session will highlight the ongoing issue, lack of documentation and action by State courts. Ms. Annita Luchessi, Sovereign Bodies Institute, will be the speaker.

#### ➤ 2020 Regional Meeting

Next year, The Regional meeting will be held at the Temple of Justice. A final date is still being decided.

### Workforce Diversity Committee – Judge Veronica Alicea-Galván and Judge Bonnie Glenn

Judge Glenn and Judge Galvan both attended the National Consortium on Race and Ethnic Fairness in the Courts Annual Conference in Miami, FL. Judge Galvan was recently named to serve on the board. The next meeting will be in New Brunswick, NJ in 2020.

- Judges of color directory
- Presented at SU conference – gavel gap, LFOs and calculator
  - Ideas for MJC Meeting Locations for 2020 – Judge Bonnie Glenn
    - Judge Glenn wanted to propose two possible meeting locations for next year's meetings: 1) Echo Glenn, 2) Pioneer Human Services

## **Education Committee – Justice Debra Stephens and Judge Lori K. Smith**

### ➤ **Upcoming Judicial Education Sessions**

The following are programs that the Commission has/will be sponsoring:

- 2019: Annual Judicial Conference: September 22 – 25, 2019, Vancouver, WA
  - *Keynote Address: Judge Xiomara Torres, Multnomah County Circuit Court*
  - *Crisis of Missing and Murdered Indigenous Women*
  - *Surviving the Big Waive: A look at how courts can and must respond to defendants' legal right to readdress legal financial obligations (LFOs)*
  - *Cruel and Unusual Punishment: Youth, Race and the Law*
  - *Pre-Trial Justice: Bail, Risk Assessments, and Reforms*
- 2019: District and Municipal Court Line Staff Regional Trainings on Implicit Bias, October 4-18
- 2019: Washington State Coalition for Language Access Conference, October 25 - Tacoma
- 2020: Judicial College, January – *Judge Whitener & Judge Galvan*
- 2020: Conference Proposals
  - *Superior Court Judges' Association Spring Program, April 26-29 – Immigrant Families & Juvenile Justice*
  - *District and Municipal Court Managers' Annual Conference, May 17-20 - LFOs*
  - *District and Municipal Court Judges' Spring Program, May 31-June 3 – Poverty Simulation – proposed with GJC (3 hour program)*
  - *Judicial Conference – TBD*

### ➤ **Book Club in a Box**

The Minority and Justice Commission's 'Book Club in a Box' is starting up. The first round of books have been purchased after receiving recommendations. They include fiction, non-fiction, and some shorter books. Commission members and student liaisons are invited to lead a book club. They also are hoping to expand the program and purchase more books as book clubs get started.

**ACTION** – Send book recommendations to Justice Stephens for the Minority and Justice Commission 'book club in a box.'

## **Juvenile Justice Committee – Annie Lee and Assistant Chief Adrian Diaz**

### ➤ **Equal Justice Overview: Youth, the Eighth Amendment & the Law**

The Commission will be sponsoring a session at Fall Conference entitled "Equal Justice Overview: Youth, the Eighth Amendment & the Law." The session will go in depth for judges transitioning into juvenile courts and cover topics such as juvenile development to give judges a core curriculum for handling juvenile cases. History repeats itself, and we need to be diligent and careful to see that our young people are treated fairly in court by trained and qualified judges.

## **Outreach Committee – Lisa Castilleja and Judge Michael Diaz**

### ➤ **Dignity, Fairness, and Respect PSA**

The Dignity, Fairness, and Respect PSA was put on hold pending ICE courthouse arrests. It does not feel appropriate or honest to tell communities that courthouses are safe at this point in time. Filming will resume once a solution is reached.

### ➤ **Annual Tri-Cities Youth and Justice Forum**

The annual Tri-Cities Youth and Justice Forum will be held on November 1<sup>st</sup> in Pasco, WA. Please think about contributing or attending. Some funding has been lost for this event, and we do not want to charge students or lost outreach efforts. We are currently recruiting volunteers for career or college fairs.

➤ **Minority and Justice Commission Poster**

Mr. Anthony Gipe's artwork has been selected for the next Minority and Justice Commission poster. Posters will be printed by the end of the year, and he will be donating a signed print.

**Update: LGBTQ Judicial Officer Directory** – Judge Johanna Bender

The Directory is completed. Judge Bender will have copies available at the upcoming Fall Judicial Conference. Thank you to QLAW for partnering with us and the Gender and Justice Commission on this effort.

An option was given to LGBTQ identifying judicial officers to opt-in on different levels of information circulation.

**Diversity on the Bench Outreach**

The Judicial Institute is reaching out to mid-career lawyers in Eastern Washington. They will be visiting Gonzaga University first. The Judicial Institute is currently seeking suggestions for groups to meet with.

**ACTION** – Send outreach suggestions to Judge Johanna Bender. Ms. Theresa Cronin will connect with Judge Bender.

The meeting was adjourned at 12:13 p.m.

For our project, we are focusing felony disenfranchisement, because this is a topic that disproportionality affects our communities of color. As a way for us to address this bias, we intend to focus on the tangible effects that felony disenfranchisement has on voting rights. Undoubtedly, as we focus on the tangible aspects of this issue, we will also touch upon the intangible aspects of felony disenfranchisement.

We plan on doing this by bringing attention to this issue to students of color, and generally students from minority populations. Our goal is to empower them to be civilly engaged and to be involved in their communities. The final component we will focus on will be to provide education about voting rights to formerly incarcerated individuals.

### Request Form

<b>Full name and contact information of organization and persons making the request:</b>	Hisrael Carranza, <a href="mailto:hcarranza@lawschool.gonzaga.edu">hcarranza@lawschool.gonzaga.edu</a> Francis DeLa Cruz, <a href="mailto:fdelacruz@lawschool.gonzaga.edu">fdelacruz@lawschool.gonzaga.edu</a> Rigoberto Garcia, <a href="mailto:rgarcia@lawschool.gonzaga.edu">rgarcia@lawschool.gonzaga.edu</a> Dalia Pedro Trujillo, <a href="mailto:dpedrotrujillo@lawschool.gonzaga.edu">dpedrotrujillo@lawschool.gonzaga.edu</a>
<b>Type of request (please check one)</b>  <b>SUPPORT includes:</b> Publicity – WSMJC listed as a “supporter” on all promotional materials and helps advertise.  <b>CO-SPONSORSHIP includes:</b> Publicity – WSMJC listed as a “co-sponsor” on all promotional materials and helps advertise.  Funding based on available WSMJC funds.  Planning support for the event.	<input type="checkbox"/> <b>SUPPORT (Level 1)</b> Indicate if you would also like:  <input type="checkbox"/> Guest speaker – WSMJC member(s) provide speaking services on behalf of the Commission <input checked="" type="checkbox"/> <b>CO-SPONSORSHIP (Level 2)</b> Indicate if you would also like:  <input type="checkbox"/> Guest speaker – WSMJC member(s) provide speaking services on behalf of the Commission
<b>Name, date, time, and location of the event or project:</b>	<b>Name of Project:</b> Restoring Faith in the Justice System for Marginalized Voices  <b>Date &amp; Time:</b> More details to be presented at the January meeting.  <b>Location:</b> Locations will be presented by the January meeting.

<p><b>If funding is requested, total amount of funds requested and tentative budget:</b></p>	<p>By the time we present our project to the MJC, we should have a more concrete headcount which will allow us to determine a more exact monetary figure. (we should know this once we meet with school district/school reps).</p> <p>Tentatively, we estimate that we will visit 1 high school and present to 40-50 students.</p> <ul style="list-style-type: none"> <li>• <u>Print Materials</u>: we plan on passing out an informational pamphlet to students. <ul style="list-style-type: none"> <li>○ Office Depot: approximately \$50-\$55 for 150 folded, two-sided, black and white pamphlets.</li> <li>○ Office Depot: approximately \$25-\$30 for 150 one-page survey.</li> <li>○ Community Info Distribution - we might have to generate another info pamphlet or seek out community agencies that already have materials to distribute</li> </ul> </li> <li>• <u>Food</u>: we plan on providing students with pizza from Pizza Pipeline. <ul style="list-style-type: none"> <li>○ 1 colossal pizza feeds approximately 10 people. As such, we will need 12 colossal pizzas (approximately 4 pizzas per school).</li> <li>○ 12 colossal pizzas will be approximately \$420-\$450 (veggie pizzas cost more because of the added toppings - we will likely provide 3 pepperoni and 1 veggie per school)</li> <li>○ Disposable paper plates – \$7-\$8</li> <li>○ Napkins — \$5</li> </ul> </li> <li>• Swag <ul style="list-style-type: none"> <li>○ MJC stickers will be handed out to students if we can order them</li> </ul> </li> </ul>
<p><b>Purpose and objectives of the request:</b></p>	<p>Felony disenfranchisement is a national and state problem that adversely affects People of Color (POC) in our communities. In alignment with the MJC’s mission, our purpose is to take affirmative steps to help alleviate this problem because it affects POC disproportionately, which in turn isolates them from civic engagement and makes them distrustful of our judicial system.</p> <p>Following the model of the MJC, we aim to focus on education, juvenile justice and outreach as we address felony</p>



	<p>disenfranchisement and the marginalization of voices of color from the justice system.</p> <p>Our objectives are to educate through outreach by engaging young voices in civic engagement, educating our communities about felony disenfranchisement and destigmatize the idea that a felony conviction means you are not capable of civic engagement.</p>
<p><b>Event agenda or project schedule, if available:</b></p>	<p><b>Project Schedule:</b> Our project will be achieved in two phases, the first part focusing on high school students and the second phase focusing on individuals with felony convictions.</p> <p><b>January:</b> The focus for the month of January has been logistics.</p> <ul style="list-style-type: none"> <li>• We have reached out to school district officials, student organizations and schools and are working with them to figure out the best way to reach students.</li> <li>• We have reached out to local organizations and are in communication with them as we work through the logistics of our project.</li> </ul> <p><b>February:</b> The focus for the month of February will be high school outreach.</p> <ul style="list-style-type: none"> <li>• Once we have finalized what school(s) we are going to visit, our goal is to schedule an event before February 20. We want to give students who attend our presentation the opportunity to attend the event “Behind the Hashtag” with Patrice Cullors, co-founder of Black Lives Matter.</li> </ul> <p><b>March:</b> The focus for the month of March will be on individuals with felony convictions.</p> <ul style="list-style-type: none"> <li>• In March, we will shift to working with individuals who have been formerly incarcerated.</li> <li>• Our primary focus for this event is to raise awareness and to provide the community with the correct information as it pertains to Washington law.</li> <li>• We will be working with the ACLU and “I did Time” to make sure we are reaching the right audiences and providing the correct information.</li> </ul>
<p><b>Target audience:</b></p>	<p>Our target audience has two components. Our first audience is students from underrepresented communities and students</p>

	<p>considered “at risk.” Our second audience are going to be formerly incarcerated individuals who might have been misinformed as to whether or not they can vote in the state of Washington.</p> <p>As we work on our project, we will be collaborating with the following organizations to make sure that we bring the necessary expertise to our students, and to our formerly incarcerated community members. The following organizations are working with us, and supportive of our project, the ACLU of Washington, the Spokane Branch of the NAACP, “I did Time.” Additionally, we are also working with Carmen Pacheco Jones, a community organizer.</p> <p>In terms of working with the students, we have been in contact with the Community Engagement Office of the Spokane School Districts, and are working with us to find the most effective way to reach students. They are helping us find the student organizations and school programs that align with our project.</p>
<b>Expected attendance or number of persons who will benefit:</b>	<p>We don’t foresee presenting in front of entire student bodies. Rather, we intend to collaborate with the school district/HS reps to determine students of color that would most benefit from our presentation and narrow the size of the audience to 40-50 per school.</p> <p>By narrowing the number down, we feel it will allow us to better answer questions that may come up and presume students will be more willing to ask questions because of the smaller group size.</p>
<b>Other methods or sources being used to raise funds, if any:</b>	
<b>Plan to collect outcome data and evaluate the impact of the project (i.e., survey):</b>	<p>We plan on generating a one-page survey with a rating scale (1 not helpful; 5 very helpful OR 1 strongly disagree; 5 strongly agree). We will also include space where students can write-in comments.</p> <p>After each presentation, we will pass out the survey and ask students to provide us with feedback.</p> <p>Instead of seeking data from all schools after all the presentations have been completed, we feel it is better to have the students complete the survey right after the presentation while the information is fresh in their minds.</p>

## Request Form

<b>Full name and contact information of organization and persons making the request:</b>	<p>University of Washington School of Law Student Liaisons, Supreme Court Minority Justice Commission</p> <p>Casey Yamasaki, <a href="mailto:ctyama3@uw.edu">ctyama3@uw.edu</a></p> <p>Furhad Sultani, <a href="mailto:furhads@uw.edu">furhads@uw.edu</a></p> <p>Mary Ruffin, <a href="mailto:mary322@uw.edu">mary322@uw.edu</a></p> <p>Sydney Bay, <a href="mailto:sbay@uw.edu">sbay@uw.edu</a></p>
<b>Type of request (please check one)</b>  <b>SUPPORT includes:</b>  Publicity – WSMJC listed as a “supporter” on all promotional materials and helps advertise.  <b>CO-SPONSORSHIP includes:</b>  Publicity – WSMJC listed as a “co-sponsor” on all promotional materials and helps advertise.  Funding based on available WSMJC funds.  Planning support for the event.	<p><input type="checkbox"/> <b>SUPPORT (Level 1)</b></p> <p>Indicate if you would also like:</p> <p><input type="checkbox"/> Guest speaker – WSMJC member(s) provide speaking services on behalf of the Commission</p> <p><input checked="" type="checkbox"/> <b>CO-SPONSORSHIP (Level 2)</b></p> <p>Indicate if you would also like:</p> <p><input type="checkbox"/> Guest speaker – WSMJC member(s) provide speaking services on behalf of the Commission</p>
<b>Name, date, time, and location of the event or project:</b>	<p><b>Title:</b> A Day in the Life of a UW Law Student</p> <p><b>Subtitle:</b> <i>A day for undergraduate affinity group members to experience a day in the life of a law student: the highs and the lows. The Supreme Court Minority Justice Commission and the UW Law Student Liaisons have co-sponsored this event to give undergraduate students the opportunity to experience law school.</i></p> <p><b>Date:</b> During the week of February 24-28. (The exact days will depend on the classes the students attend Monday-Thursday during the week.)</p> <p><b>Time:</b> 3-4 hours (for a law school class and a post-debrief)</p> <p><b>Location:</b> University of Washington School of Law</p>

	<p>William H. Gates Hall</p> <p>4293 Memorial Way NE</p> <p>Seattle, WA 98195</p>
<p><b>If funding is requested, total amount of funds requested and tentative budget:</b></p>	<p><b><u>Total: \$1,200</u></b> (Itemized below)</p> <p>Food &amp; drinks, \$900</p> <p>Printing, \$300: reading materials, agenda, survey</p>
<p><b>Purpose and objectives of the request:</b></p>	<p>The University of Washington School of Law has a stark low number of students of color. Additionally, there are many undergraduate students of color at UW and many of them are very interested in a career in law, yet they know very little about UW Law's program. As UW Law students, we have an opportunity to mentor students who are thinking about law school and giving them the opportunity to see themselves inside the walls of the law school. We also have an opportunity to share with the commission and the law school concerns of prospective law students. Our goal is to connect with the many (40+) affinity groups on campus to find students who are interested in attending our event. We want to give them the law school experience so they can feel more confident in applying to law schools. Additionally, we want to know what barriers they see when thinking about law school and the reasons they have for wanting to attend UW Law so that we can inform and educate our own school's admissions process.</p> <p><b>Classes to attend:</b></p> <ul style="list-style-type: none"> <li>- Federal Courts with Professor Elizabeth Porter (Monday or Wednesday 10:30-12:20)</li> <li>- Evidence with Professor Nicolas Peter (Monday or Wednesday 1:30-3:20)</li> <li>- Employment Discrimination with Professor Eric Schnapper (Tuesday or Thursday from 1:30-3:20)</li> <li>- Civil Procedure with Professor Jeffrey Feldman (Tuesday or Thursday 8:30-10:20)</li> </ul>

	<ul style="list-style-type: none"> <li>- Administrative Law with Professor Ryan Calo (Tuesday or Thursday from 1:30-3:20)</li> <li>- Professional Responsibility (Monday or Wednesday 10:30-12:20)</li> <li>- American Indian Law with Eric Eberhard (Tuesday or Thursday 1:30-3:20)</li> <li>- Human Rights &amp; Justice Seminar with Professor Gonza (Monday 1:30-3:20)</li> <li>- Feminist Jurisprudence with Professor Ragrodoski (Monday and Wednesday 1:30-3:20)</li> </ul> <p>This will not only create an open conversation about students of color coming to UW Law, but will create a mentorship opportunity to allow the undergrads to have connections with law students and law professors. This could also lead to future events that would allow students to come see mock trial and other events that occur at the law school.</p>
<p><b>Event agenda or project schedule, if available:</b></p>	<p><i>Tentative agenda:</i></p> <ul style="list-style-type: none"> <li>- <b>Prior to the event:</b> <ul style="list-style-type: none"> <li>o Get permission from 2-3 professors to have 10-15 undergraduate students attend their class.</li> <li>o Reach out to undergraduate affinity groups with an event flyer and sign up.</li> <li>o Undergraduate students will receive a description of the class, the readings that would be required for the class, and information on where to meet.</li> </ul> </li> <li>- <b>Day of the event:</b></li> <li>- 30 minutes: The undergraduates will meet up with law student guides (2 law student mentors) <ul style="list-style-type: none"> <li>o Discuss: The student of color experience and the: <ul style="list-style-type: none"> <li>▪ LSAT</li> <li>▪ UW Law application process</li> <li>▪ UW Law's scholarship programs</li> <li>▪ Classes and schedule</li> <li>▪ Externship opportunities</li> </ul> </li> </ul> </li> </ul>



	<ul style="list-style-type: none"> <li>- 50 minutes: Attend the first part of law school class</li> <li>- 10 minutes: break</li> <li>- 40 minutes: Debrief after the class:             <ul style="list-style-type: none"> <li>o What did the undergrads notice?</li> <li>o What did you find interesting?</li> <li>o What was difficult about the class?</li> <li>o Experiences as a POC in the class                 <ul style="list-style-type: none"> <li>▪ What did you notice?</li> </ul> </li> </ul> </li> <li>- 40 minutes: Lunch + networking             <ul style="list-style-type: none"> <li>o Networking with students in the class the undergraduate students just attended</li> </ul> </li> <li>- <b>Post-event:</b> <ul style="list-style-type: none"> <li>▪ Gauge interest in coming to UW Law</li> <li>▪ Find out what would help persuade them to come to UW Law and what would prevent them from applying or attending</li> <li>▪ Connect them with students who might have similar areas of interest in the law</li> </ul> </li> </ul>
	<p>Undergraduate law student affinity groups:</p> <ul style="list-style-type: none"> <li>● Arab Student Association</li> <li>● African Student Association</li> <li>● Asian/Asian Pacific American Law Students Association</li> <li>● Black Student Union</li> <li>● Eritrean &amp; Ethiopian Student Union</li> <li>● Filipino American Student Union</li> <li>● First Generation Huskies</li> <li>● First Nations at UW</li> <li>● Indian Student Association</li> <li>● MEChA (Movimiento Estudiantil Chicano de Aztlán)</li> <li>● Muslim Students Association</li> <li>● Polynesian Student Alliance</li> <li>● Queer People of Color Alliance</li> <li>● Brotherhood Initiative</li> </ul>

<b>Expected attendance or number of persons who will benefit:</b>	30-45 University of Washington undergraduate students
<b>Other methods or sources being used to raise funds, if any:</b>	
<b>Other co-sponsors, if any:</b>	N/A
<b>Plan to collect outcome data and evaluate the impact of the project (i.e., survey):</b>	<p>We would do a post-survey to find out:</p> <ul style="list-style-type: none"> <li>- What are barriers for students of color coming to law school generally? And UW specifically?</li> <li>- What are resources that are needed to help support students of color through the prospective students process and during law school?</li> <li>- Whether these type of programs and mentorship events are helpful?</li> <li>- What else do undergrads want to see about law school?</li> </ul>

## **The Mass Incarceration of Transgender People of Color**

MJC Student Liaisons | Seattle University School of Law

### **General Information**

Event Title: **The Mass Incarceration of Transgender People of Color**

Date: April 6, 2020

Time: 12:00PM to 1:00PM

Location: Seattle University School of Law, Room C5

### **Event Description**

This event will feature 3-4 guest speakers who will discuss their work, insight, and experiences with transgender people of color who are incarcerated or were formerly incarcerated. The event may occur as a special edition to a regularly occurring event, Seattle University of Law's "Social Justice Monday" (SJM) hosted by the Access to Justice Institute.

The goal of this event is to provide the Seattle University School of Law community with information about the experiences and unique obstacles that transgender people of color face when they interact with police in the community, become incarcerated, and re-enter into society. Because a number of students at Seattle University wish to pursue a career in criminal justice, it is necessary to encourage learning about marginalized identities, and more specifically intersecting marginalized identities, and how they interact with the criminal justice system. Further, this event dovetails nicely with a recent petition by law school students to degender the restrooms in the law school. We plan on collaborating with those involved in this petition and other student organizations that support LGBTQ+ students and students of color.

The 40 minute presentation will be divided equally among speakers and will feature infographics to illustrate the statistics relevant to the speaker's information. These infographics may be shared online, and thus the information of the presentation can be shared with the community. We have access to the school's social media pages and there is an option to livestream the entire presentation. We can also work more with the communications department to promote the event and share its content more broadly.

**Call to Action:** In the last ten minutes of the event we will email the infographic to each attendee. Then the MC will call upon each attendee to share the infographic on social media accounts and email/text to their groups. Again, this call to action can be shared through the law school's communications as well.

**Police/Carceral State:** Seattle U Law Professor and trans activist Dean Spade teaches a number of courses that touch on this issue. We hope to have him speak, but if not he will connect us with others in the community who are involved in addressing these issues. It is important to develop

this concept at the start of the presentation as mass incarceration has led to a higher need for criminal justice work. It was recently announced that he will be on medical leave for the spring semester, so we have not been able to contact him yet.

**Incarceration:** The U.S. Supreme Court held that "deliberate indifference" to ongoing physical and sexual violence against a transgender prisoner by other prisoners violated the Eighth Amendment Protection against Cruel and Unusual Punishment. *Farmer v. Brennan*, 511 U.S. 825, 828, 114 S. Ct. 1970, 128 L. Ed. 2d 811 (1994). In Washington, legislation has been passed to strengthen protections for transgender prisoners. Prisons must consider initial screening results when making housing and program assignments to protect transgender prisoners. Facilities must also provide accommodations for transgender individuals who wish to shower separately from other inmates. Finally, jails and prisons are required to provide training to correctional staff that specifically addresses safety concerns for transgender and gender non-conforming prisoners.

Although there are official policies in place and channels to report discrimination or violence against transgender prisoners, those channels do not necessarily offer viable options to safety for transgender prisoners. The goal of this event is to parse through the obstacles transgender prisoners face and to understand how their gender identity or expression leads to discrimination.

**Re-entry:** Organizations such as Disability Rights Washington, Solid Ground, and a few attorneys in the King County Public Defenders' Office have programs designed to support people re-entering into the community after being incarcerated. Many formerly incarcerated individuals need assistance finding housing, reapplying for benefits, and finding employment. This section will explore unique challenges that transgender people of color face in the re-entry phase.

## **Objectives**

1. Provide information regarding a specific incarcerated population and how their intersecting marginalized identities pose unique challenges while navigating this system.
2. Encourage the law school community to participate in public education on this issue.
3. Create infographics that can be disseminated to a larger audience to inspire discussion of this issue in the broader community.

## **Target Audience & Outreach Plan**

Social Justice Mondays have a fairly consistent attendance. We can easily boost this turnout with more action on social media and by partnering with student organizations to share with their membership. Many of these student organizations are connected to groups in the community who provide legal aid and other services to marginalized communities. By utilizing this network, we will be able to share this information with a wide range of people in the community.

Recently, on October 7, 2019, a letter was submitted to Dean Annette Clark by a concerned student regarding the lack of gender-neutral restrooms for transgender and gender-non-confirming students. A Change.org petition was also created. There has been significant discussion among students about this topic. Therefore, this event will be germane and important to the current discussions and issues at the law school.

Though the presentation will be primarily directed towards the law school community, we hope to connect with other groups (listed below) that work on these issues. Further, given Seattle University's involvement in the greater Seattle area, we will likely reach other community members in our outreach efforts. For these reasons, it is important that the information conveyed can be comprehended by people with various education levels. The infographics should be very helpful in disseminating this information to the public.

Lavender Rights Project, QLaw, WA State Bar Association, Lambda Legal Services. Disability Rights WA, Trans in Prison Justice Project, National Center for Transgender Equality, ACLU Washington, Washington Community Action Network

### **Event Agenda**

11:50am Set Up/Doors Open (attendees sign in and get food/drinks)  
12-12:05pm Opening remarks and introductions given by MJC Liaisons  
12:05-12:15 Police and the Carceral State (Prof. Dean Spade, Seattle University School of Law)  
12:15-12:25 Incarceration I (Anne Krook, Chair of the Board of Directors, Lambda Legal)  
12:25-12:35 Incarceration II (Danny Waxwing, Disability Rights Washington)  
12:35-12:45 Re-Entry and Community Resources (Dusty LaMay, Lavender Rights Project)  
12:45-12:50 Questions, Call to Action

### **Budget**

<b>Item</b>	<b>Budget</b>	<b>Summary</b>
<b>Infographic</b>	<b>\$200</b>	<b>We will use the infographic to generate ongoing education that will be shared. Cloie Chapman's partner will create the infographics for an agreed upon fee.</b>
<b>Food &amp; Drink</b>	<b>\$500</b>	<b>Because the event will be at SU, we will have to order food/refreshments through their catering company.</b>

### **Risk Assessment**

We are not concerned about any reactions to the material presented but have discussed the potential for a bias-related incident to occur. We are aware of the appropriate procedures and have discussed it with the staff members responsible for responding.



**Student Liaison Contact Information**

Cloie Chapman, chapma15@seattleu.edu

Denise Chen, chend5@seattleu.edu

Peggy Rodriguez,

rodriguezpeg@seattleu.edu

Beverly Tsai, tsaib@seattleu.edu

**Request Form**

<b>Full name and contact information of organization and persons making the request:</b>	Cloie Chapman, Denise Chen, Peggy Rodriguez, Beverly Tsai
<b>Type of request (please check one)</b>  <b>SUPPORT includes:</b>  Publicity – WSMJC listed as a “supporter” on all promotional materials and helps advertise. <b>CO-SPONSORSHIP includes:</b>  Publicity – WSMJC listed as a “co-sponsor” on all promotional materials and helps advertise.  Funding based on available WSMJC funds.  Planning support for the event.	<input type="checkbox"/> SUPPORT (Level 1)  Indicate if you would also like:  <input type="checkbox"/> Guest speaker – WSMJC member(s) provide speaking services on behalf of the Commission  <input type="checkbox"/> <b>CO-SPONSORSHIP (Level 2)</b>  Indicate if you would also like:  <input type="checkbox"/> Guest speaker – WSMJC member(s) provide speaking services on behalf of the Commission
<b>Name, date, time, and location of the event or project:</b>	The Mass Incarceration of Transgender People of Color  Tentatively April 6, 2020 12:00-12:45 PM  Seattle University School of Law
<b>If funding is requested, the total amount of funds requested and tentative budget:</b>	\$700 (budget shown above)
<b>Purpose and objectives of the request:</b>	<ol style="list-style-type: none"> <li>1. Provide information regarding a specific incarcerated population and how their intersecting marginalized identities pose unique challenges while navigating this system.</li> <li>2. Encourage the law school community to participate in public education on this issue.</li> </ol>

	3. Create infographics that can be disseminated to a larger audience to inspire discussion of this issue in the broader community.
<b>Event agenda or project schedule, if available:</b>	Listed above.
<b>Target audience:</b>	Students, faculty and staff of Seattle University School of Law (and the main campus), greater Seattle community, civil legal aid and policy advocacy organizations.
<b>Expected attendance or number of persons who will benefit:</b>	50-60
<b>Other methods or sources being used to raise funds, if any:</b>	N/A
<b>Other co-sponsors, if any:</b>	Seattle University School of Law student organizations: OUTLaws, Future Prosecutors for Social Justice, Gideon's Army (Public Defenders), Incarcerate Mother's Advocacy Project
<b>Plan to collect outcome data and evaluate the impact of the project (i.e., survey):</b>	A sign-in sheet will be circulated at the start of the event and those who attended will be emailed a survey along with the infographics.

February 3, 2020

**By Email and 1<sup>st</sup> Class U.S. Mail**

Susan L. Carlson  
Clerk of the Supreme Court  
P.O. Box 40929  
Olympia, WA 98504-0929  
[supreme@courts.wa.gov](mailto:supreme@courts.wa.gov)

Dear Madam Clerk,

Please accept the following comments to the Proposed New Washington State Court Rule GR 38, published for comment in November 2019. These comments are jointly made on behalf of the Washington State Minority and Justice Commission (MJC), Washington State Interpreter Commission (together, “Commissions”), and the Washington State Access to Justice Board (Board).

The Commissions and the Board [unanimously] support adoption of this Court rule, with certain amendments discussed below.

The Commissions and the Board [unanimously] believe that the adoption of this Court rule is in line with the fundamental mission of their organizations to protect all persons’ access to our State Courts, where the vast majority of justice is sought and achieved in this State.

The Commissions and the Board believe that the failure to enact such a rule would weaken our system of justice, close the doors to the most vulnerable, make our communities less safe, and pervert the fair and equal treatment of all, to which we all aspire.

As a long-time member of the MJC -- a jurist from eastern Washington -- stated, there may be no more important challenge to accessing the Court in our generation than the federal actions that necessitate this rule.

*About the Commissions and the Board*

The Washington State Supreme Court established the MJC nearly 30 years ago, based upon the “fundamental principle of the fair and equal treatment of all” and the recognition that “any system of justice ... must be examined continuously” to ensure it is “meeting the needs of all people governed, to include people of color.” See Order of the Supreme Court dated October 4, 1990. The MJC is tasked with identifying “the concerns ... regarding lack of equal treatment” and “to make recommendations for judicial improvement.” *Id.* The State Supreme Court overwhelmingly has renewed the order of establishment every five years since enactment.

The Washington State Supreme Court created the Interpreter Commission to ensure equal access to justice and to support the courts in providing access to court services and programs for all individuals regardless of their ability to communicate in the spoken English language. The Interpreter Commission serves as a policy making and advisory body to the Washington Courts, including the Administrative Office

of the Courts (AOC), concerning court interpreters and language assistance in general. The Commission sets policy for the courts and the Court Interpreter Program, which is responsible for interpreter certification, registration, testing, continuing education, training, and discipline. The Commission is also responsible for strategic planning and working with educational institutions and other interpreter program stakeholder groups to develop resources to support court interpreting in Washington. The Commission is actively involved in developing and supporting judicial and court administrator education on issues affecting language access in our courts.

The Access to Justice Board was established by the Washington State Supreme Court in 1994 for a two-year evaluation period, reauthorized November 1996 for an additional five years and made permanent on November 3, 2000. *See* Order of the Supreme Court. The board was specifically tasked “to promote and facilitate equal access to justice in Washington State for low and moderate income people.” *Id.* The board historically provides leadership on issues facing the delivery of civil legal services in our state and has been a model for many other states in the country.

The Commissions and the Board, thus, view these comments in line with their fundamental mission, as the issues herein implicate equality, access, and justice.

### *Comments*

#### Procedural, Legal and Factual Background

Twice in the last several years, the Chief Justice of the Washington State Supreme Court wrote the leadership of the United States Department of Homeland Security (DHS) to express the Court’s concern about immigration officers and agents taking enforcement action in and around our State’s courthouses. Chief Justice Fairhurst explained that such enforcement action impeded the fundamental mission of our courts, which is to ensure due process and access to justice for everyone regardless of their immigration status, whether such persons were victims in need of protection from domestic violence, witnesses summoned to testify, or families who may be in crisis. The Chief Justice further explained that enforcement action in and around our local courts deterred individuals from accessing our courthouses, spread fear in our immigrant communities, both those lawfully present and those undocumented, and thus made our communities less safe. The MJC and the Board wholly support the Chief Justice’s analysis of our local justice system’s interests and concerns she raised about this enforcement action.

The Chief Justice respectfully asked DHS to mitigate enforcement actions in and around our local courthouses and asked DHS to designate the courthouses and their immediate vicinities as “sensitive locations.” The Chief Justice and the Chief Justice of Oregon’s Supreme Court met earlier this year to discuss the same. On November 21, 2019, U.S. Attorney General Bill Barr and the Acting Secretary of DHS wrote the Chief Justices, advising that, under the Supremacy Clause of the United States Constitution, court rules “cannot and will not govern the conduct of federal officers” and urged the Chief Justices to “reconsider these misguided rules.”

However, two federal district courts this year have held that the common law privilege to be free from civil arrests while at court or while travelling to and from courthouses, upon which the instant rule is based, is “still operative” and “applies” to immigration civil arrests. *See State of New York et al. v. U.S. ICE et. al*, No. 19-cv-8876, (S.D.N.Y., Order of December 19, 2019). One of these federal district courts has granted a preliminary injunction, enjoining DHS from “civilly arresting parties, witnesses, and others

attending Massachusetts courthouses on official business while they are going to, attending, or leaving the courthouse.” See *Ryan et. al. v. U.S. ICE et al.*, No. 19-cv-11003 (D.MA., Order of June 20, 2019).

Finally, there is no factual dispute that immigration-related civil arrests have been occurring at or near our state courthouses regularly and that the effect on our immigrant communities has been profound. To take but one example of the type of litigants who are being excluded from our courts: victims are unwilling to seek the protection or services of the courts; victims are unwilling to report crimes; and victims and others unwilling to serve as witnesses. This type of enforcement is making our communities less safe.

In short, productive conversations with DHS have been attempted in good faith and been unsuccessful, and the proposed GR 38 is on sound legal-footing and factually ripe.

#### Amendments

A coalition of advocacy organizations has proposed amendments to the proposed new GR 38. These proposed amendments are largely technical or for purposes of clarification. The Commissions and the Board support all of these changes. The Commissions and the Board also believe that “participants” in a proceeding should include parents or guardians in a juvenile court or dependency proceeding.

Otherwise, [every member] of each Commission and the Board are supportive of the GR 38 and respectfully urge the Supreme Court to adopt it.

Thank you for your consideration.

MJC

IC

ATJ Board

[List all members in support for each Commission]

Salvador Mungia (Chair)  
Judge Laura Bradley (Chair-Elect)  
Hon. David Keenan  
Francis Adewale  
Esperanza Borboa  
Mirya Muñoz-Roach  
Lindy Laurence  
Terry J. Price  
Michelle Lucas  
Hon. Frederick Corbit

PROPOSED **AMENDMENT LANGUAGE** TO COURT RULE PROHIBITING CIVIL ARRESTS

1. No person shall be subject to civil arrest without a judicial arrest warrant or judicial order for arrest while the person is inside a court of law of this state in connection with a judicial proceeding or other business with the court.
2. No person shall be subject to civil arrest without a judicial arrest warrant or judicial order for arrest while the traveling to a court of law of this state for the purpose of participating in any judicial proceeding, accessing services or conducting other business with the court, or while traveling to return home or to employment after participating in any judicial proceeding, accessing services or conducting business with the court. Participating in a judicial proceeding includes, but is not limited to, participating as a party, witness, interpreter, attorney or lay advocate. Business with the court and accessing court services includes, but is not limited to, doing business with, responding to, or seeking information, licensing, certification, notarization, or other services, from the office of the court clerk, financial/collections clerk, judicial administrator, courthouse facilitator, family law facilitator, court interpreter, and other court and clerk employees.
3. Washington courts may issue writs or other court orders necessary to enforce this court rule.  
**Unless otherwise ordered, the civil arrest prohibition extends to within one mile of a court of law. In an individual case, the court may issue a writ or other order setting forth conditions to address circumstances specific to an individual or other relevant entity.**

**For purposes of this rule:**

- A. “Court of law” means any building or space occupied or used by a court of this state and adjacent property, including but not limited to adjacent sidewalks, all parking areas, grassy areas, plazas, court-related offices, commercial spaces within buildings or spaces occupied or used by a court of this state, and entrances to and exits from said buildings or spaces.
- B. “Court Order” and “Judicial Warrant” include only those warrants and orders signed by a judge or magistrate authorized under Article III of the United States Constitution or Article IV of the Washington Constitution or otherwise authorized under the Revised Code of Washington. Such warrants and orders do not include civil immigration warrants or other administrative orders, warrants or subpoenas that are not signed by a judge or magistrate as defined in this section. Civil immigration warrant means any warrant for a violation of federal civil immigration law issued by a federal immigration authority and includes, but is not limited to, administrative warrants issued on forms I-200 or I-203, or their successors, and civil immigration warrants entered in the national crime information center database.
- C. “Subject To Civil Arrest” includes, but is not limited to, stopping, detaining, holding, questioning, interrogating, arresting or delaying individuals by state or federal law enforcement officials or agents acting in their official capacity.

[Washington State MJC]

February 3, 2020

**By Email and 1<sup>st</sup> Class U.S. Mail**

Susan L. Carlson  
Clerk of the Supreme Court  
P.O. Box 40929  
Olympia, WA 98504-0929  
[supreme@courts.wa.gov](mailto:supreme@courts.wa.gov)

Dear Madam Clerk,

Please accept the following comments to the Proposed Amendment to Comment to Rule of Professional Conduct 4.4 – Respect For Rights Of Third Person, published for comment in November 2019. Adoption of this commentary amendment is aligned with the Commission’s mission to ensure all persons have access to our State Courts, where the vast majority of justice is sought and achieved. The Minority and Justice Commission supports adoption of the proposed amendment pursuant to the revised language put forward by proponents and supported by the Washington State Bar Association.

The Washington State Supreme Court established the MJC nearly 30 years ago, based upon the “fundamental principle of the fair and equal treatment of all” and the recognition that “any system of justice ... must be examined continuously” to ensure it is “meeting the needs of all people governed, to include people of color.” *See* Order of the Supreme Court dated October 4, 1990. The MJC is tasked with identifying “the concerns ... regarding lack of equal treatment” and “to make recommendations for judicial improvement.” *Id.* The State Supreme Court overwhelmingly has renewed the order of establishment every five years since enactment.

Rule 4.4 was promulgated in the wake of the Washington Supreme Court’s decision in *Salas v. Hi-Tech Erectors*, 168 Wn.2d 664, 230 P.3d 583 (2010). That decision and RPC 4.4 acknowledge that “issues involving immigration status carry a significant danger of interfering with the proper functioning of the justice system.” *See* RPC 4.4. These dangers are now upon us.

Participation in judicial proceedings has never been without risk for noncitizens. However, current circumstances have dramatically escalated the well-founded fears of Washington’s immigrant communities when faced with participating in judicial proceedings or accessing our courts. In pending litigation requesting Washington’s Western Federal District Court to enjoin ICE and Border Patrol from making courthouse arrests, the Attorney General documents that there have been over 200 documented arrests at Washington courthouses by federal immigration authorities since 2018. *See State of Washington v. Department of Homeland Security*, Case 2:19-cv02043, Compl. at 52. These are civil arrests of persons believed to have violated civil immigration laws.

These actions are interfering with access to our courts for noncitizens throughout our state. Immigrant communities are afraid to seek protection, answer criminal charges, pay fines or access the many other necessary services courts provide. The Commission believes it is incumbent on our

public institutions to take necessary actions to address this access to justice crisis in our communities.

Adopting proponent's amendment to RPC 4.4 is one such necessary action. RPC 4.4 currently sets forth prohibitions on a lawyer reporting a third party or witness to immigration authorities. The current rule is limited to civil matters. The Commission believes such guidance is now imperative to ensure that prosecutors and defense attorneys are given the benefit of clear guidance and transparent expectations on this complex issue. See *Justice Compromised: Immigration Arrests At Washington State Courthouses*, University of Washington Center for Human Rights, 2019. (Documenting immigration reporting practices of Grant, Clark and Adams County prosecuting attorneys' offices.)

The Commission has reviewed the amendments to the proposed amendment put forward by the Washington State Bar Association and agreed upon by proponents. The Commission supports these amendments on the basis that they streamline the rule and provide enhanced clarity,

The Commissions respectfully urge the Supreme Court to adopt the proposed amendment to the commentary for RPC 4.4.

Thank you for your consideration.

MJC



**Proponent's response to CPE's Exhibit B:**

**EXHIBIT B**

**COMMITTEE ON PROFESSIONAL ETHICS**

**SUGGESTED RULE CHANGES**

**RULES OF PROFESSIONAL CONDUCT 4.4 COMMENT (4)**

The duty imposed by paragraph (a) of this Rule includes a lawyer's assertion or inquiry about a third person's immigration status when the lawyer's purpose is to intimidate, coerce, or obstruct that person from participating in a civil or criminal matter. Issues involving immigration status carry a significant danger of interfering with the proper functioning of the justice system. See *Salas v. Hi-Tech Erectors*, 168 Wn.2d 664, 230 P.3d 583 (2010). When a lawyer is representing a client in a civil or criminal matter, a lawyer's communication to a party or a witness that the lawyer will report that person to immigration authorities, or a lawyer's report of that person to immigration authorities, furthers no substantial purpose of the ~~civil~~ adjudicative system if the lawyer's purpose is to intimidate, coerce, or obstruct that person. [Sharing personal information with federal immigration authorities, including but not limited to, home address, court hearing dates, citizenship or immigration status, or place of birth, absent a court order, for the purpose of facilitating civil immigration arrests is conduct that constitutes a report of a person to immigration authorities for purposes of this rule.]

A communication in violation of this Rule can also occur by an implied assertion that is the equivalent of an express assertion prohibited by paragraph (a). See also Rules 8.4(b) (prohibiting criminal acts that reflect adversely on a lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects), 8.4(d) (prohibiting conduct prejudicial to the administration of justice), and 8.4(h) (prohibiting conduct that is prejudicial to the administration of justice toward judges, lawyers, LLLTs, other parties, witnesses, jurors, or court personnel or officers, that a reasonable person would interpret as manifesting prejudice or bias on the basis of sex, race, age, creed,

23 religion, color, national origin, disability, sexual orientation, or marital status).

24 Lawyers employed by local, state and federal government entities engaged in authorized

25 activities within the scope of lawful duties are presumptively not in violation of this Rule unless

26 there is clear indication of no substantial purpose other than to intimidate, coerce, or obstruct a

27 third person from participating in a legal matter.

28

*The Supreme Court*  
*State of Washington*

**MARY E. FAIRHURST**  
CHIEF JUSTICE  
TEMPLE OF JUSTICE  
POST OFFICE BOX 40929  
OLYMPIA, WASHINGTON  
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E-MAIL MARY.FAIRHURST@COURTS.WA.GOV

December 30, 2019

Dear Presiding Judges:

Before my tenure as Chief Justice ends, I want to follow up with you about the immigration issue. As the leaders of the trial courts, you play an important role both in our courts and in each of your communities. The presiding judge is often called upon to be the visible face and voice of our branch to the public. You also are the one who sets and cultivates the culture within each of your courthouses and courtrooms, and influences how court staff interacts with those we serve.

As one of my final actions, I am making a special request of you. I ask that each of you do all you can to ensure that our local courthouses and courtrooms remain open and accessible to everyone who seeks justice from our branch. The problem of immigration arrests at or around our courthouses has deeply troubled me because of the effect it has on our immigrant populations and the growing perception that we are a cooperating entity in those arrests. I do not dispute the legal right of federal authorities to implement the law and to keep our communities safe. However, I do oppose using our locations as the site for those arrests. Our courthouses should be treated as “sensitive locations” like schools and hospitals, as a place where everyone should be free to come and go without fear. Our courthouses should not be used as a magnet for targeting certain populations, regardless of their legal status.

As you may know, the Attorney General of Washington State has filed a lawsuit in federal court involving the issue of state courthouse arrests and their impact on our court operations. That is a separate matter and this letter is not intended to entangle ourselves in that matter. Rather, this letter is an appeal to the presiding judges and through them, the other judges and court staff, to consider how each of you might take steps at your court to ensure that the judicial branch and the courts remain a welcoming entity to everyone and that state court matters proceed in a dignified and respectful manner.

My request is made after undertaking other attempts to curb the arrests. Over the years I and my predecessor have communicated and met with immigration officials. Recently, together with the Chief Justice of Oregon, I met with the U.S. Attorneys for the States of Washington and Oregon. They all appreciated the opportunity for honest and civil dialogue regarding our concerns. The Court has also published a proposed rule for comment that touches upon this topic.

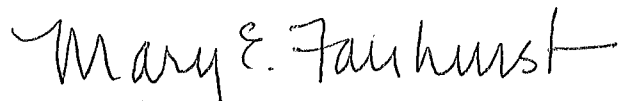
Because we are a decentralized form of court system, I am appealing to you. I encourage you to develop protocols for all court personnel that will answer their questions on protecting all litigants when they are in our courtrooms and provide understanding of the difference between administrative warrants and judicially authorized warrants. There are many steps that can be taken to ensure access to justice such as permitting telephonic/video testimony, ensuring certified interpreters are available, allowing children to remain with their parents in hearings, and certainly not allowing immigration arrests to occur inside our courtrooms. You may wish to convene a meeting of other justice agencies to explore other options for ensuring safe access to our courts. For example, the Thurston District and Superior Court Judges recently undertook such an effort and developed a policy regarding law enforcement entering their courthouses. It is an interim policy and serves to engage the broader community in a dialogue while providing guidance to court staff.

I was very proud to deliver the 2019 "State of the Judiciary" address before our State Legislature. It provided an opportunity for me to discuss all of the wonderful and innovative work of our courts around the state. What I will miss the most is hearing, on a regular basis, all of the miracles, large and small, that occur in our courts every day. You bring resolution to conflict, healing to families, closure to victims, and accountability under the rule of law.

Working individually and together, on behalf of those that we faithfully serve, we can, and are, making a difference. Together, we will not fail. We can change the world to be what we want it to be, and we must ensure that all who seek justice, find it.

Thank you for your service and thank you for the privilege of serving as your judicial colleague for the last seventeen years. You shall be in my thoughts and prayers every day.

With joy and great affection,

A handwritten signature in black ink that reads "Mary E. Fairhurst". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

Mary E. Fairhurst  
Chief Justice

**ADULT  
GENERAL DISPROPORTIONALITY REPORT  
FISCAL YEAR 2019**

**REPORT TO THE LEGISLATURE  
ESSB 6032, SECTION 126 (3)  
PASSED BY THE 2018 LEGISLATURE**



**State of Washington  
Caseload Forecast Council  
[www.cfc.wa.gov](http://www.cfc.wa.gov)**

**December 2019**

## **State of Washington**

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Office of Financial Management

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**Clela Steelhammer**  
Senior Criminal Justice Policy Analyst

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# EXECUTIVE SUMMARY

## Background

The 2018 Legislature directed the Caseload Forecast Council (CFC) to submit a General Disproportionality Report annually prior each legislative session<sup>1</sup>. This report contains the following:

- a. Percentages based on the total number of adult felony sentences in each crime category, distributed by race;
- b. Percentages based on the total number of adult felony sentences reduced to misdemeanors in each crime category, distributed by race;
- c. Percentages of Washington State’s general adult at-risk population, between the ages of eighteen and fifty-four distributed by race;
- d. A complete list of felony offenses in each crime forecasting category; and
- e. Limitations in the data.

“Disproportionality” in adult felony sentencing is defined as the degree to which the demographic composition of adult felony offenders differs from that of the general state population. Disproportionality may arise in many stages of the criminal justice system. As such, this report summarizes but does not investigate the causes of disproportionality in sentencing. For the purposes of this report, disproportionality is measured by a ratio, the percentage of a group in an event such as sentencing, relative to the percentage of that group in the population.

Adult Sentencing Disproportionality Ratio Calculation:

$$\text{Ratio} = \frac{\% \text{ racial group in sentencing}}{\% \text{ racial group in the Washington state population}}$$

A ratio lower than one means that a racial group’s proportion of the total felony sentences in Washington State is lower than the racial group’s proportion of the total Washington state population.

A ratio higher than one means that a racial group’s proportion of the total felony sentences in Washington State is higher than the racial group’s proportion of the total Washington state population.

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<sup>1</sup> ESSB 6032 Section 126(3)



A ratio equal to one means that a racial group's proportion of the total felony sentences in Washington State is equal to the racial group's proportion of the total Washington state population.

The ethnicity data in felony sentences submitted to the CFC are inconsistent; therefore, the CFC uses race in all analyses. The general statewide population is provided by the Forecasting and Research Division at Office of Financial Management.

CFC staff collects only felony sentences from 39 counties in Washington State. The raw data of gross misdemeanor and misdemeanor sentences in this report were compiled and shared by the Administrative Office of the Courts. There may be more than one offense which may be a felony, gross misdemeanor, misdemeanor, or any combination of those in one sentence. In this report, we include only sentences having at least one offense which was initially charged as a felony but was later reduced to a gross misdemeanor or a misdemeanor in the final sentence(s).

## Findings<sup>2</sup>

- In FY2019, the total number of adult felony sentences imposed between July 1, 2018 and June 30, 2019 in Washington was 24,257.
- The rate and number of sentences imposed in FY2019 are summarized as follows (excluded 96 sentences with unknown race):

32.6 % Property (7,887)	1.9 % Robbery (468)
27.9 % Drugs (6,750)	1.1 % Failure to Register as Sex Offender (266)
20.2 % Assaults (4,879)	0.4 % Manslaughter (97)
10.9 % Other Felonies (2,635)	0.2 % Murder 2 (60)
4.4 % Sex (1,054)	0.3 % Murder 1 (65)

- Racial Distribution of Adult Felony Sentences in FY2019:

73.2% Caucasian (17,689)
12.6% African American (3,052)
7.9% Hispanic (1,909)
3.2% Native American (762)
3.1% Asian and Native Hawaiian and Other Pacific Islander (749)

---

<sup>2</sup> The numbers of sentences referenced in this report are as of November 25, 2019. These are subject to change as missing sentencing data becomes available.

- Trends in Disproportionality:

In FY2019, African Americans and Native Americans had disproportionality ratios higher than one for the at-risk age group between 18 and 54 as well as the total adult population. In the recent analyses on felony-reduced-to-gross misdemeanor-and-misdemeanor sentences, those racial groups also had disproportionality ratios higher than one: 3.84 (African American) and 1.49 (Native American).

Asians and Native Hawaiians and Other Pacific Islanders had disproportionality ratios lower than one in all observations: adult sentences, at-risk-age adult sentences and adult felony-reduced-to-gross misdemeanor-and-misdemeanor sentences.

Caucasians had disproportionality ratios close to one in all observations: adult sentences, at-risk-age adult sentences and adult felony-reduced-to-gross misdemeanor-and-misdemeanor sentences.

### **Limitations**

This report summarizes but does not investigate the causes of disproportionality in sentencing.

Every year, the data set of Adult Felony Sentences may include sentences of offenders younger than 18 years who committed serious offenses and were discretionarily or mandatorily sentenced in Adult courts. This special set of data is not included in this report due to its small percentages. These cases are reported in another annual report, the Statistical Summary of Adult Felony Sentencing.

Comments or questions may be directed to the Council at:

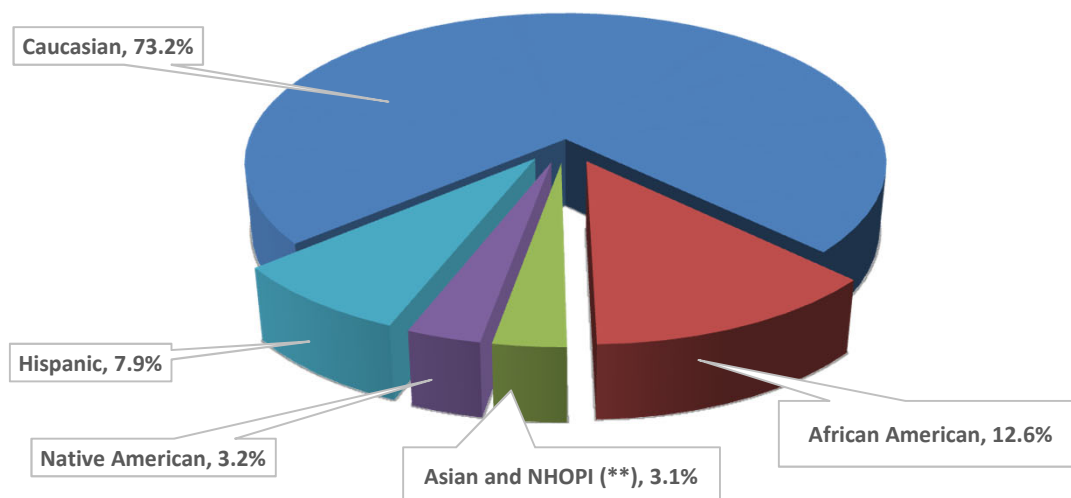
Duc Luu | (360) 664-9377 | [Duc.Luu@cfc.wa.gov](mailto:Duc.Luu@cfc.wa.gov)  
Caseload Forecast Council  
P.O. Box 40962  
Olympia, WA 98504-0962

If you would like a copy of this document in an alternative format, please contact Duc Luu at the above email, phone number, or address.

**Table 1**  
**Adult Felony FY 2019 Sentences**  
**Racial Distribution (All ages)**

Forecasting Categories	Caucasian	African American	Asian and NHOPI (**)	Native American	Hispanic	Unknown	Grand Total (excl. Unknown)
<b>FY2019 Sentences</b>							
Assault	3,131	936	151	153	508	35	4,879
Drug	5,286	584	165	198	517	15	6,750
Failure To Register As Sex Offender	189	48	5	8	16	1	266
Manslaughter	60	17	10	4	6	0	97
Murder 1	39	13	-	4	9	0	65
Murder 2	41	8	2	-	9	0	60
Other Felonies	1,876	357	76	100	226	3	2,635
Property	6,037	856	273	240	481	28	7,887
Robbery	253	129	27	24	35	2	468
Sex	777	104	40	31	102	12	1,054
Total Sentences	17,689	3,052	749	762	1,909	96	24,161
<b>% of Sentences in Race</b>	<b>73.2%</b>	<b>12.6%</b>	<b>3.1%</b>	<b>3.2%</b>	<b>7.9%</b>		<b>100%</b>

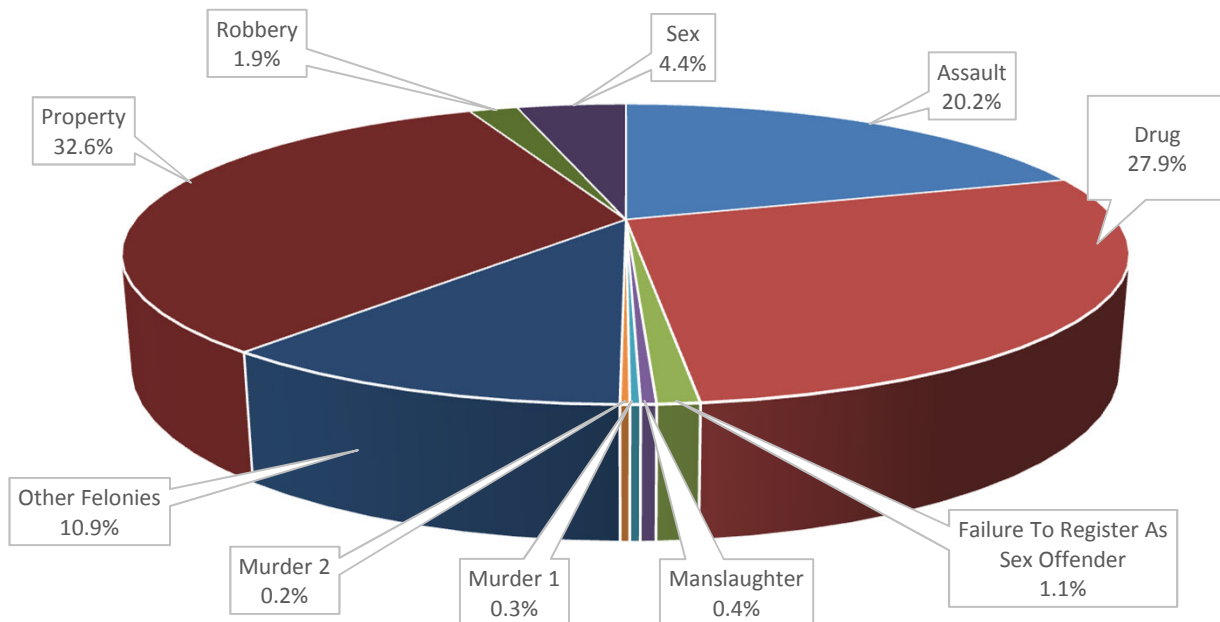
(\*\*) including Native Hawaiian and Other Pacific Islander



**Table 2**  
**Adult Felony FY 2019 Sentences**  
**Race Distributed by Crime Category (All ages)**

Forecasting Categories	Caucasian		African American		Asian and NHOPI (**)		Native American		Hispanic		Unknown		Grand Total (excl. Unknown)	
<b>FY2019 Sentences</b>	<b>0</b>	<b>%</b>	<b>0</b>	<b>%</b>	<b>0</b>	<b>%</b>	<b>0</b>	<b>%</b>	<b>0</b>	<b>%</b>	<b>0</b>	<b>%</b>	<b>0</b>	<b>%</b>
Assault	3,131	18%	936	31%	151	20%	153	20%	508	27%	35	0	4,879	20.2%
Drug	5,286	30%	584	19%	165	22%	198	26%	517	27%	15	0	6,750	27.9%
Failure To Register As Sex Offender	189	1%	48	2%	5	1%	8	1%	16	1%	1	0	266	1.1%
Manslaughter	60	0%	17	1%	10	1%	4	1%	6	0%	0	0	97	0.4%
Murder 1	39	0%	13	0%	-	0%	4	1%	9	0%	0	0	65	0.3%
Murder 2	41	0%	8	0%	2	0%	-	0%	9	0%	0	0	60	0.2%
Other Felonies	1,876	11%	357	12%	76	10%	100	13%	226	12%	3	0	2,635	10.9%
Property	6,037	34%	856	28%	273	36%	240	31%	481	25%	28	0	7,887	32.6%
Robbery	253	1%	129	4%	27	4%	24	3%	35	2%	2	0	468	1.9%
Sex	777	4%	104	3%	40	5%	31	4%	102	5%	12	0	1,054	4.4%
<b>Total Sentences</b>	<b>17,689</b>	<b>100%</b>	<b>3,052</b>	<b>100%</b>	<b>749</b>	<b>100%</b>	<b>762</b>	<b>100%</b>	<b>1,909</b>	<b>100%</b>	<b>96</b>		<b>24,161</b>	<b>100%</b>

(\*\*) including Native Hawaiian and Other Pacific Islander



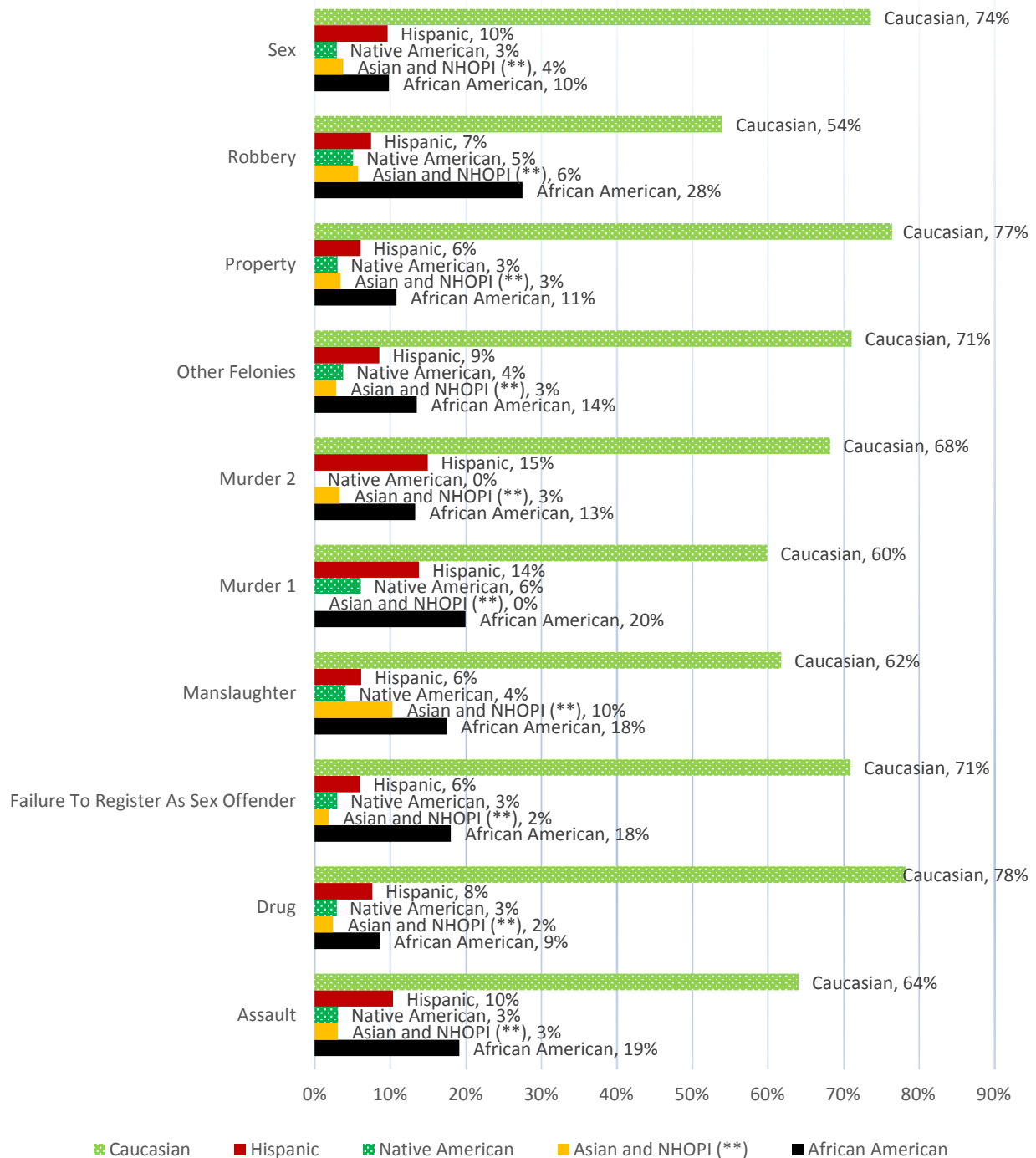
**Table 3**  
**Adult Felony FY 2019 Sentences**  
**Crime Category Distributed by Race (All ages)**

Forecasting Categories	Caucasian	African American	Asian and NHOPI (**)	Native American	Hispanic	Unknown	Grand Total (excl. Unknown)
<b>FY2019 Sentences</b>							
Assault	3,131	936	151	153	508	35	4,879
	64%	19%	3%	3%	10%		100%
Drug	5,286	584	165	198	517	15	6,750
	78%	9%	2%	3%	8%		100%
Failure To Register As Sex Offender	189	48	5	8	16	1	266
	71%	18%	2%	3%	6%		100%
Manslaughter	60	17	10	4	6	-	97
	62%	18%	10%	4%	6%		100%
Murder 1	39	13	-	4	9	-	65
	60%	20%	0%	6%	14%		100%
Murder 2	41	8	2	-	9	-	60
	68%	13%	3%	0%	15%		100%
Other Felonies	1,876	357	76	100	226	3	2,635
	71%	14%	3%	4%	9%		100%
Property	6,037	856	273	240	481	28	7,887
	77%	11%	3%	3%	6%		100%
Robbery	253	129	27	24	35	2	468
	54%	28%	6%	5%	7%		100%
Sex	777	104	40	31	102	12	1,054
	74%	10%	4%	3%	10%		100%
Total Sentences	17,689	3,052	749	762	1,909	96	24,161
<b>% of Sentences in Race</b>	<b>73%</b>	<b>13%</b>	<b>3%</b>	<b>3%</b>	<b>8%</b>		<b>100%</b>

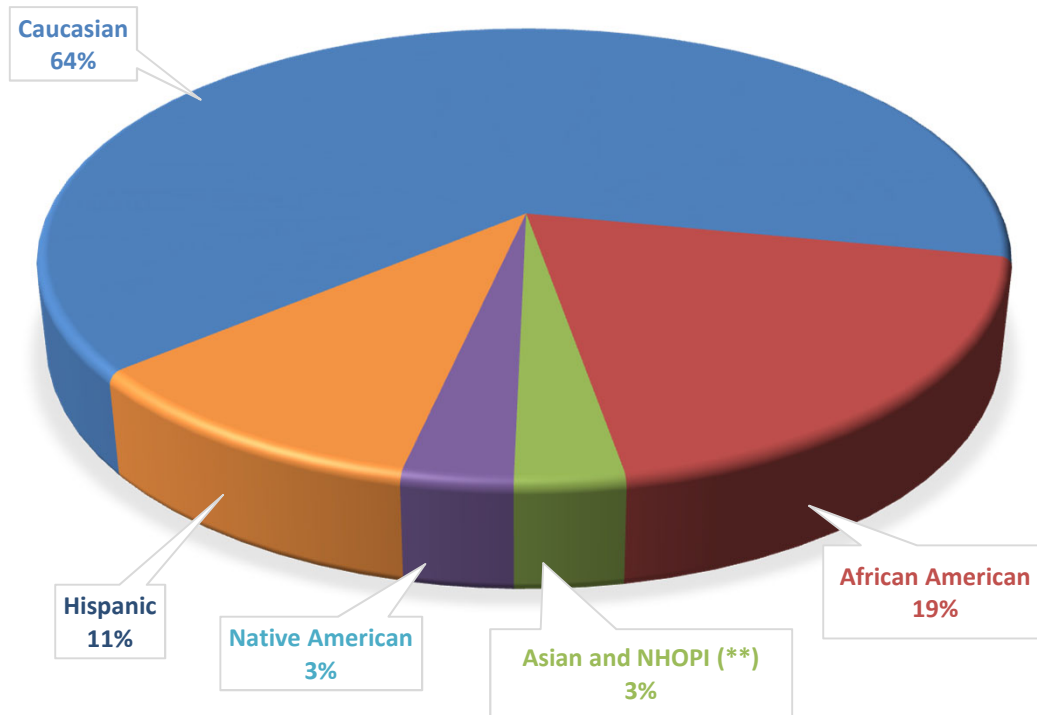
(\*\*) including Native Hawaiian and Other Pacific Islander

### CHART 3.

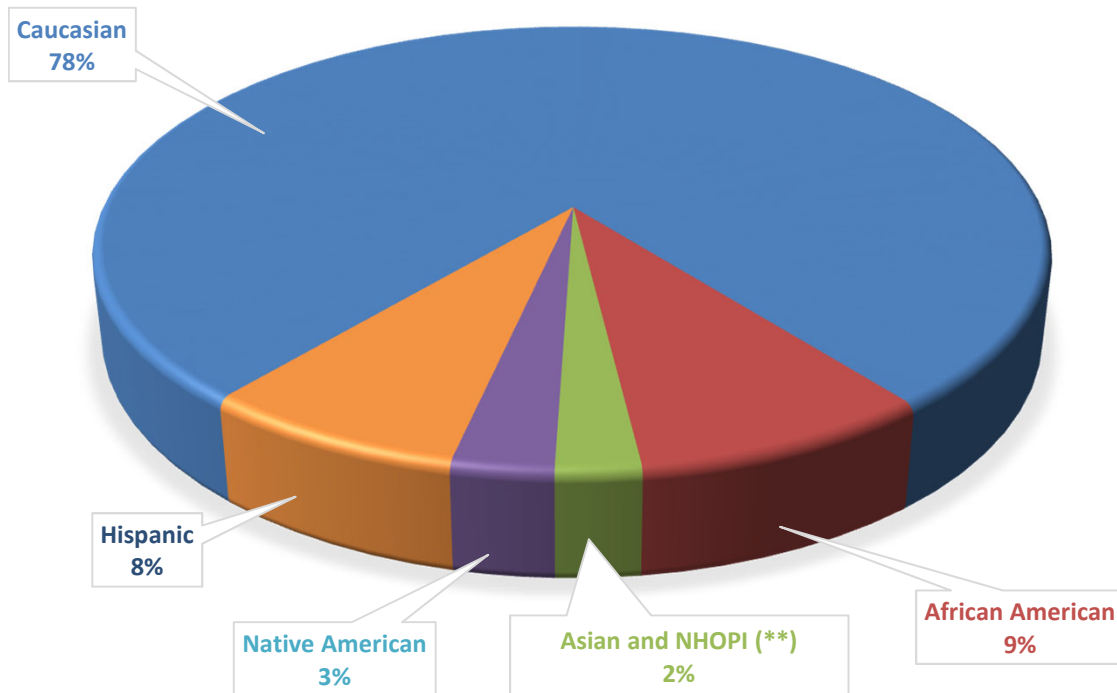
## FY2019 ADULT FELONY SENTENCES DISTRIBUTED BY RACE AND CRIME CATEGORY



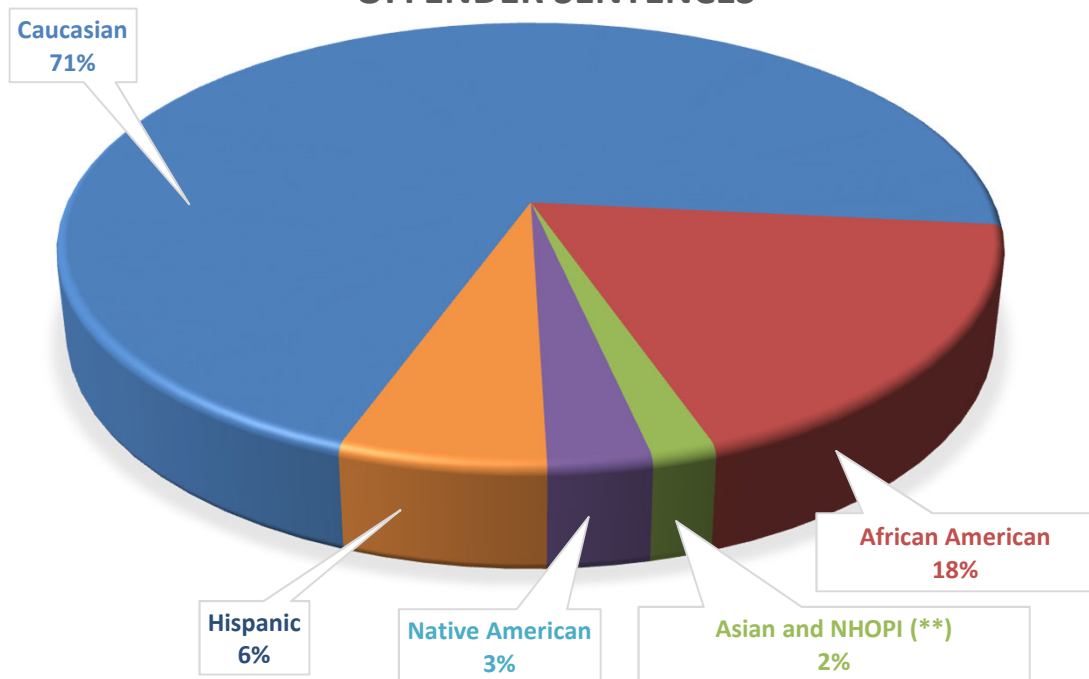
**CHART 4. FY2019 ASSAULT SENTENCES**



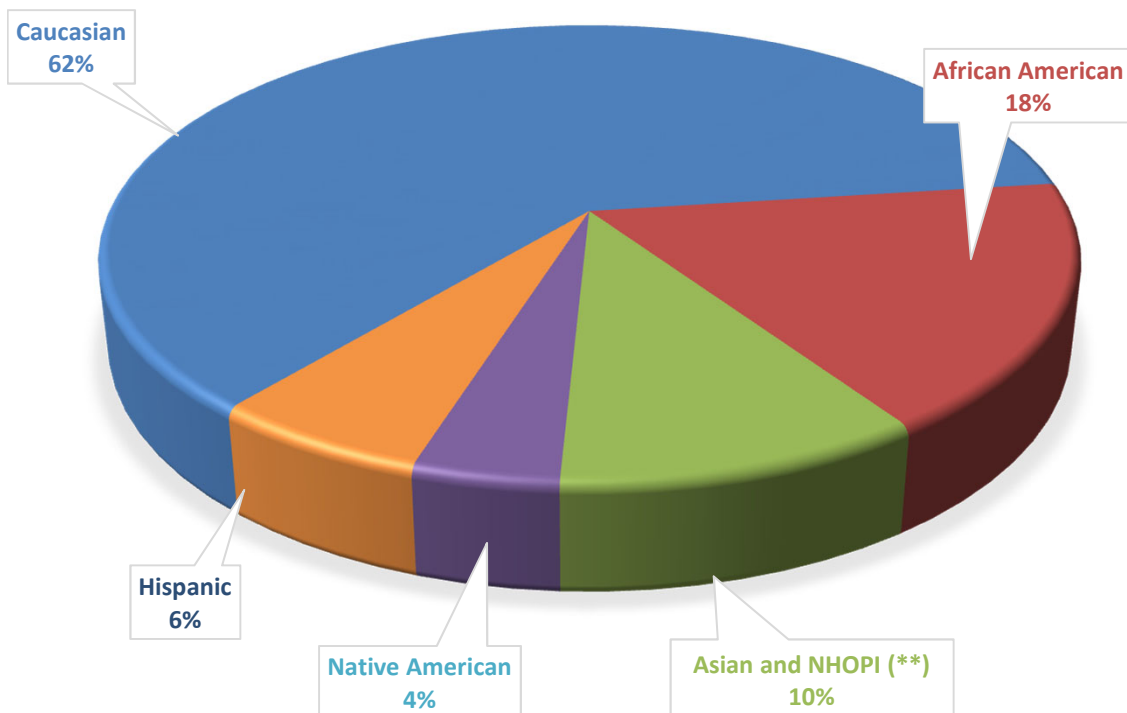
**CHART 5. FY2019 DRUG SENTENCES**



**CHART 6. FY2019 FAILURE TO REGISTER AS SEX OFFENDER SENTENCES**

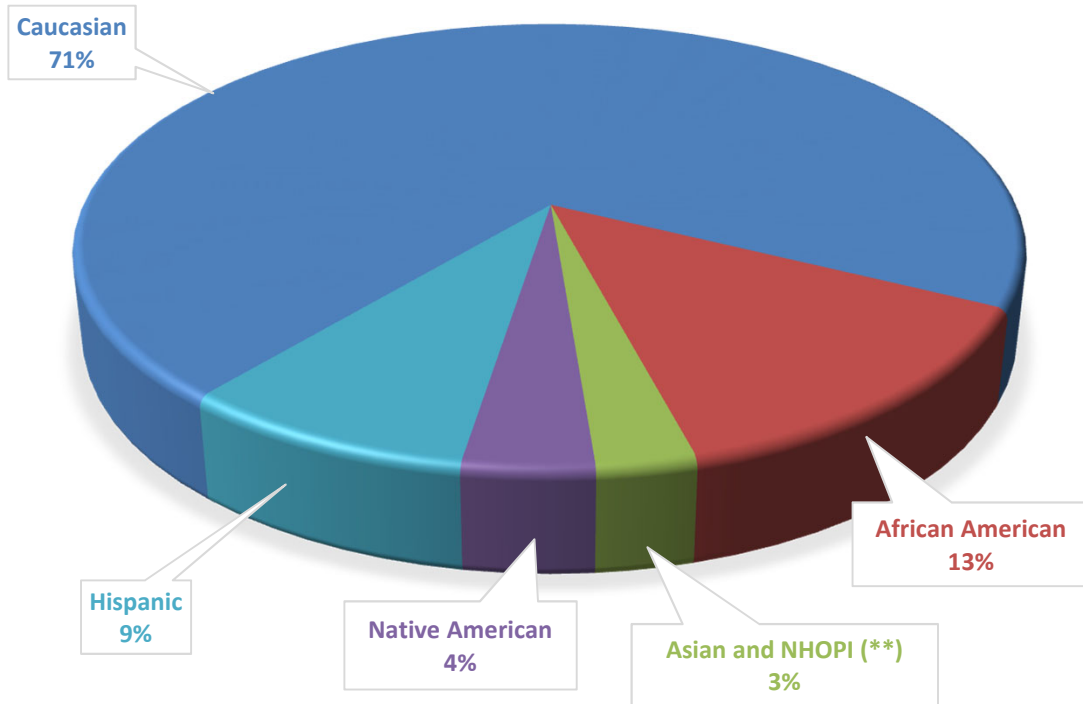


**CHART 7. FY2019 MANSLAUGHTER SENTENCES**

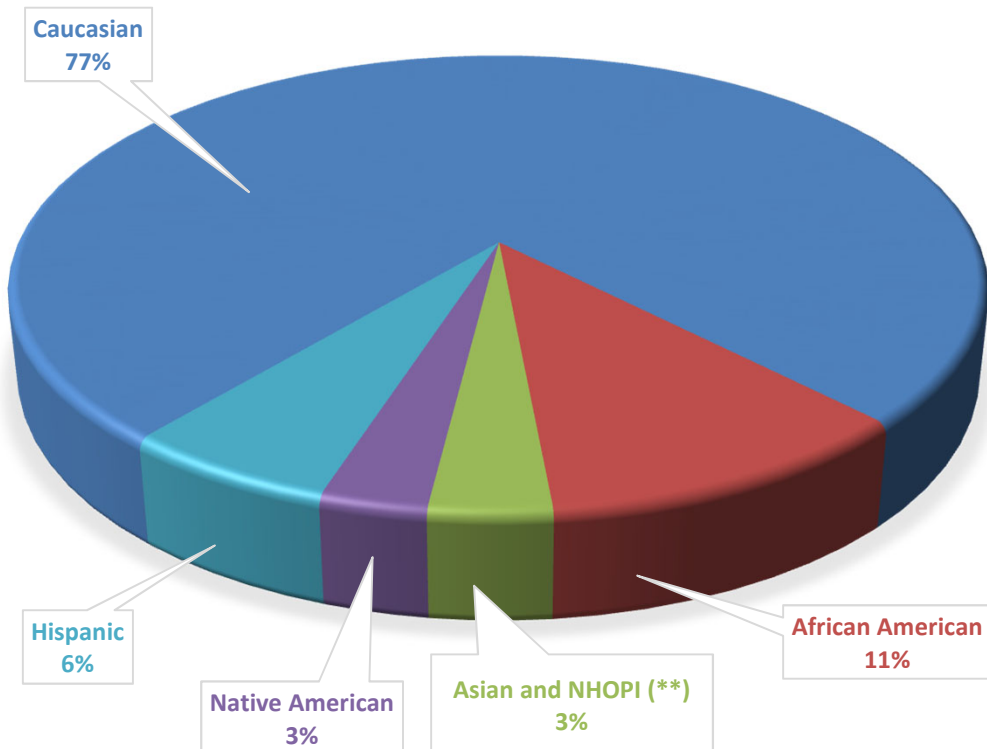




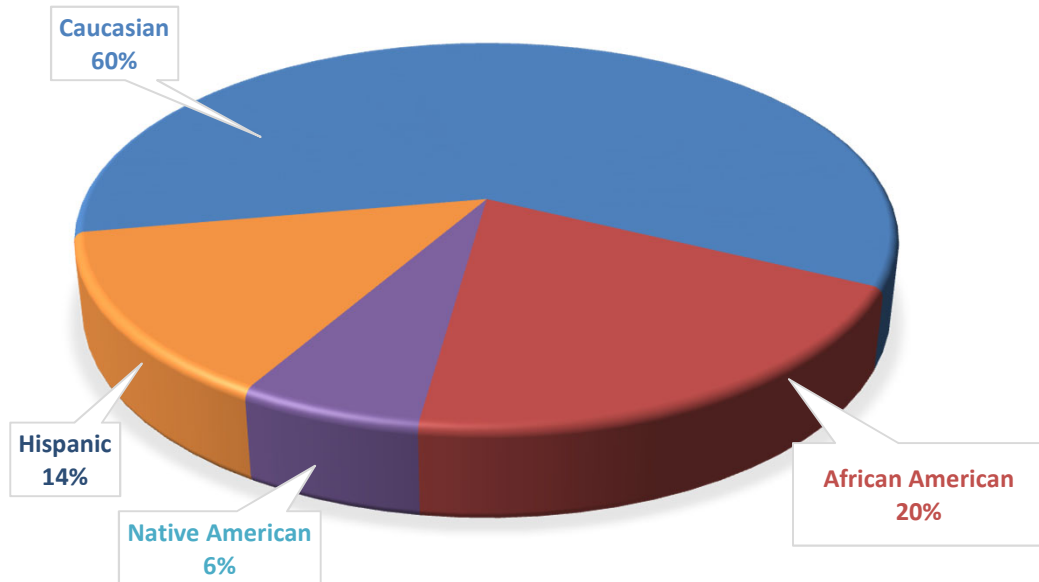
**CHART 8. FY2019 OTHER FELONIES SENTENCES**



**CHART 9. FY2019 PROPERTY SENTENCES**



**CHART 10. FY2019 MURDER 1 SENTENCES**



**CHART 11. FY2019 MURDER 2 SENTENCES**

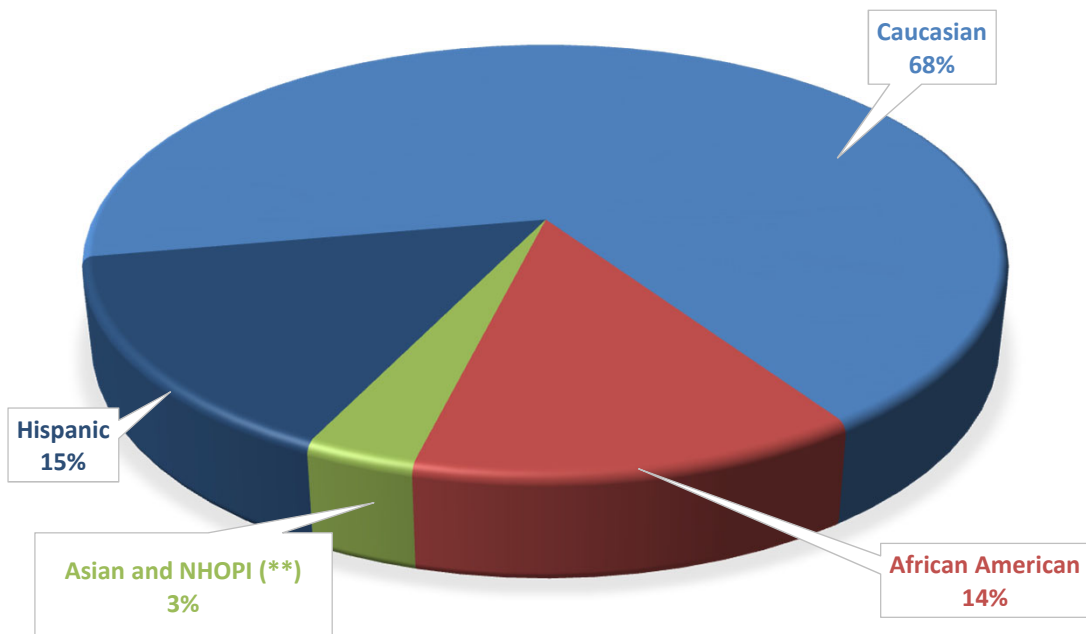


CHART 12. FY2019 SEX SENTENCES

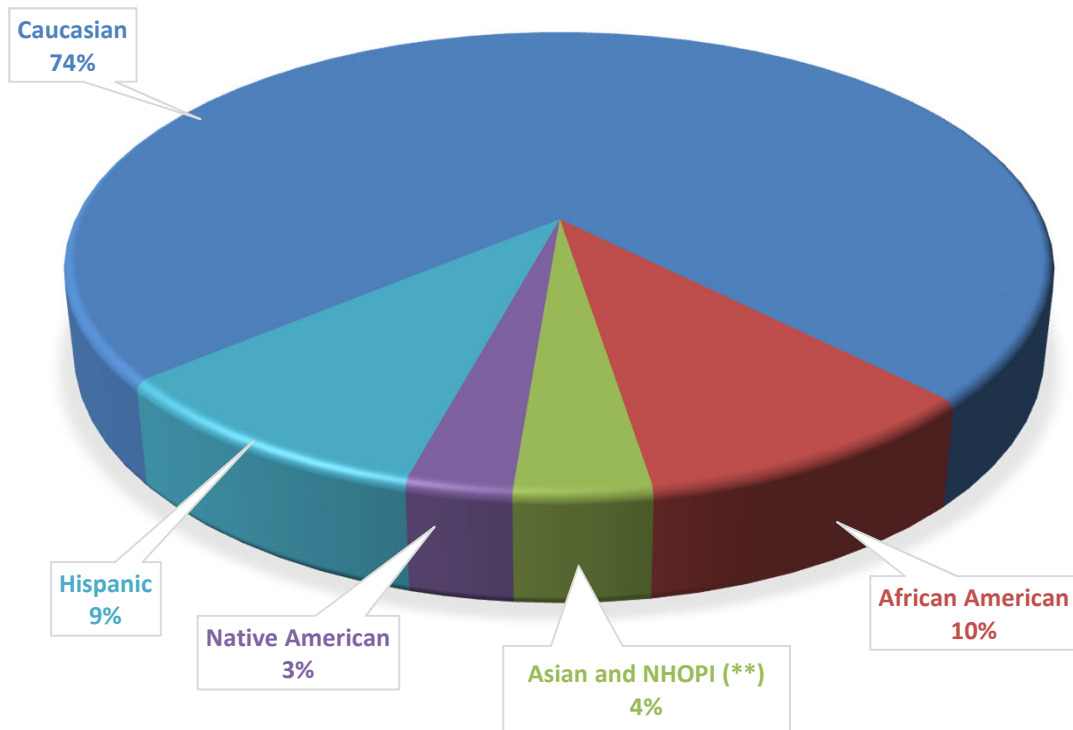
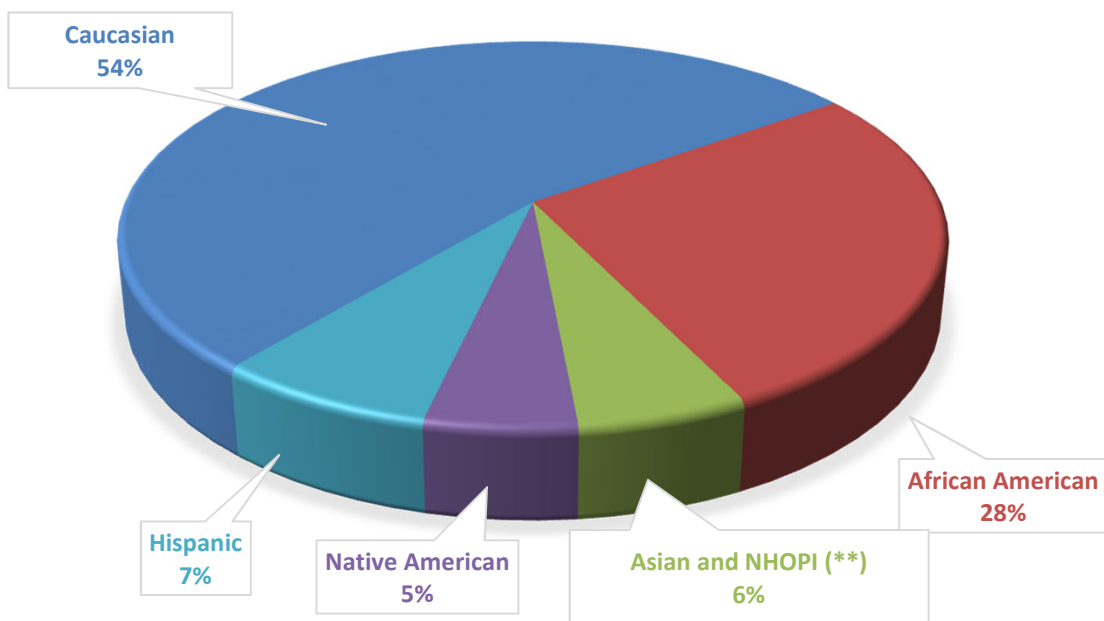


CHART 13. FY2019 ROBBERY SENTENCES



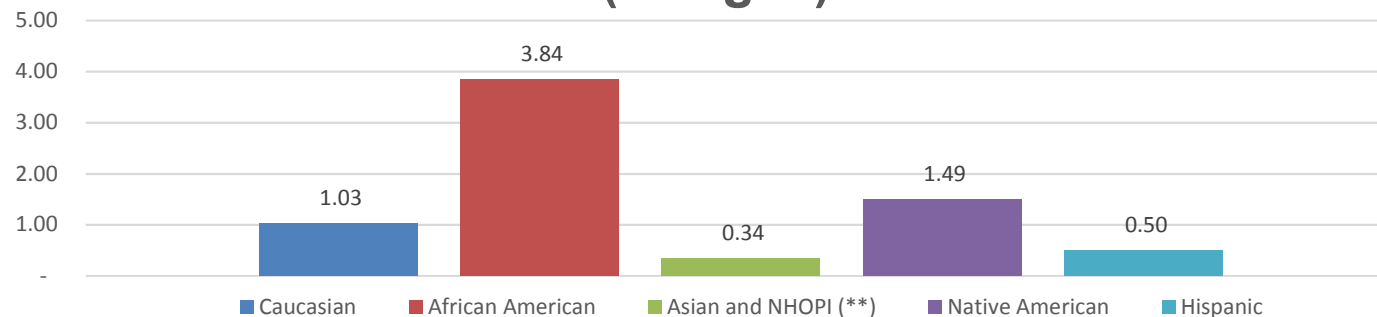
**Table 4.**  
**Adult Felony-Reduced-To-Gross Misdemeanor & Misdemeanor Sentences**  
**vs. Population (all ages) in FY 2019**

Forecasting Categories	Caucasian		African American		Asian and NHOPI (**)		Native American		Hispanic		Unknown		Grand Total (excl. Unknown)	
Sentences (at age 18 or older)	count	%	count	%	count	%	count	%	count	%	count	%	count	%
Assault	870	34%	216	47%	42	41%	20	26%	97	39%	59	34%	1,245	36%
Drug	309	12%	23	5%	4	4%	6	8%	24	10%	22	13%	366	11%
Failure To Register As Sex Offender	21	1%	4	1%	-	0%	-	0%	1	0%	2	1%	26	1%
Manslaughter	1	0%	-	0%	-	0%	-	0%	1	0%	-	0%	2	0%
Murder 1	-	0%	-	0%	-	0%	-	0%	-	0%	-	0%	-	0%
Murder 2	1	0%	-	0%	-	0%	-	0%	-	0%	-	0%	1	0%
Other Felony	311	12%	54	12%	13	13%	8	11%	38	15%	24	14%	424	12%
Property	955	37%	122	27%	33	32%	34	45%	70	28%	52	30%	1,214	35%
Robbery	43	2%	24	5%	4	4%	4	5%	5	2%	6	3%	80	2%
Sex	76	3%	16	3%	6	6%	4	5%	15	6%	7	4%	117	3%
Total Sentences	2,587	100%	459	100%	102	100%	76	100%	251	100%	172	100%	3,475	100%
% of Sentences in Race	74%		13%		3%		2%		7%				100%	
2018 Count of Race (*)	4,686,706		223,273		555,951		95,314		934,839		0%		6,496,083	
Race distribution	72%		3%		9%		1%		14%				100%	
<b>Ratio Sentence vs. Population</b>	<b>1.03</b>		<b>3.84</b>		<b>0.34</b>		<b>1.49</b>		<b>0.50</b>					

(\*) Data are from the 2019 OFM State Population Forecast for 2018, excluding the group of 2 or more races, which is 199,421, as there is not such race group in sentencing data

(\*\*) including Native Hawaiian and Other Pacific Islander

## Ratio: Sentences to Racial Population (all ages)



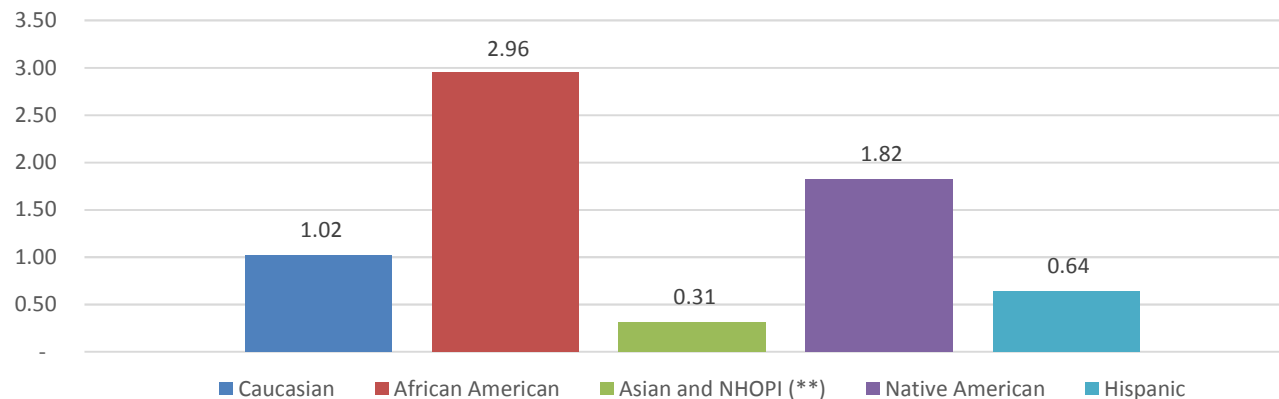
**Table 5.**  
**Adult Felony FY2019 Sentences vs. Population (aged 18-54)**

Forecasting Categories	Caucasian		African American		Asian and NHOPI (**)		Native American		Hispanic		Unknown		Grand Total (excl. Unknown)	
Sentences (At-Risk: 18-54 only)	count	%	count	%	count	%	count	%	count	%	count	%	count	%
Assault	2,922	18%	880	31%	145	20%	149	20%	494	27%	33	39%	4,590	20%
Drug	4,946	30%	536	19%	150	21%	188	26%	506	27%	14	16%	6,326	28%
Failure To Register As Sex Offender	162	1%	46	2%	5	1%	7	1%	16	1%	1	1%	236	1%
Manslaughter	55	0%	17	1%	10	1%	2	0%	6	0%	-	0%	90	0%
Murder 1	28	0%	10	0%	-	0%	4	1%	9	0%	-	0%	51	0%
Murder 2	35	0%	8	0%	2	0%	-	0%	8	0%	-	0%	53	0%
Other Felony	1,762	11%	341	12%	72	10%	97	13%	219	12%	3	4%	2,491	11%
Property	5,821	35%	824	29%	268	37%	237	32%	472	25%	23	27%	7,622	33%
Robbery	243	1%	125	4%	27	4%	23	3%	34	2%	2	2%	452	2%
Sex	648	4%	90	3%	36	5%	27	4%	97	5%	9	11%	898	4%
Total Sentences	16,622	100%	2,877	100%	715	100%	734	100%	1,861	100%	85	100%	22,809	100%
% of Sentences in Race	73%		13%		3%		3%		8%				100%	
2018 Count of Race (*)	2,816,669		169,072		399,684		69,983		506,225		0%		3,961,633	
Race distribution	71%		4%		10%		2%		13%				100%	
<b>Ratio Sentences vs. Population</b>	<b>1.02</b>		<b>2.96</b>		<b>0.31</b>		<b>1.82</b>		<b>0.64</b>					

(\*) Data are from the 2019 OFM State Population Forecast for 2018, excluding the group of 2 or more races, which is 163,022, as there is not such race group in sentencing data

(\*\*) including Native Hawaiian and Other Pacific Islander

## Ratio: Sentences to Racial Population (At risk, aged 18-54)



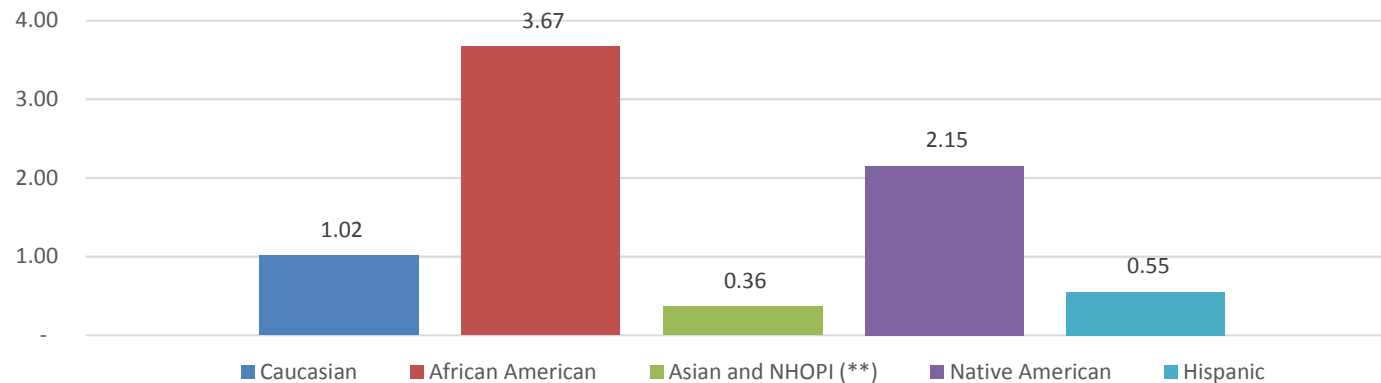
**Table 6.**  
**Adult Felony FY 2019 Sentences vs. Population (age 18+)**

Forecasting Categories	Caucasian		African American		Asian and NHOPI (**)		Native American		Hispanic		Unknown		Grand Total (excl. Unknown)	
FY2018 Sentences (at age 18 or older)	count	%	count	%	count	%	count	%	count	%	count	%	count	%
Assault	3,127	18%	933	31%	150	20%	153	20%	507	27%	35	36%	4,870	20%
Drug	5,286	30%	584	19%	165	22%	198	26%	516	27%	15	16%	6,749	28%
Failure To Register As Sex Offender	189	1%	48	2%	5	1%	8	1%	16	1%	1	1%	266	1%
Manslaughter	60	0%	17	1%	10	1%	4	1%	6	0%	-	0%	97	0%
Murder 1	37	0%	11	0%	-	0%	4	1%	9	0%	-	0%	61	0%
Murder 2	39	0%	8	0%	2	0%	-	0%	8	0%	-	0%	57	0%
Other Felony	1,876	11%	357	12%	76	10%	100	13%	226	12%	3	3%	2,635	11%
Property	6,037	34%	856	28%	273	36%	240	31%	481	25%	28	29%	7,887	33%
Robbery	252	1%	128	4%	27	4%	24	3%	35	2%	2	2%	466	2%
Sex	776	4%	104	3%	40	5%	31	4%	102	5%	12	13%	1,053	4%
Total Sentences	17,679	100%	3,046	100%	748	100%	762	100%	1,906	100%	96	100%	24,141	100%
% of Sentences in Race	73%		13%		3%		3%		8%				100%	
2018 Count of Race (*)	4,686,706		223,273		555,951		95,314		934,839		0%		6,496,083	
Race distribution	72%		3%		9%		1%		14%				100%	
<b>Ratio Sentences vs. Population</b>	<b>1.02</b>		<b>3.67</b>		<b>0.36</b>		<b>2.15</b>		<b>0.55</b>					

(\*) Data are from the 2019 OFM State Population Forecast for 2018, excluding the group of 2 or more races, which is 199,421, as there is not such race group in sentencing data

(\*\*) including Native Hawaiian and Other Pacific Islander

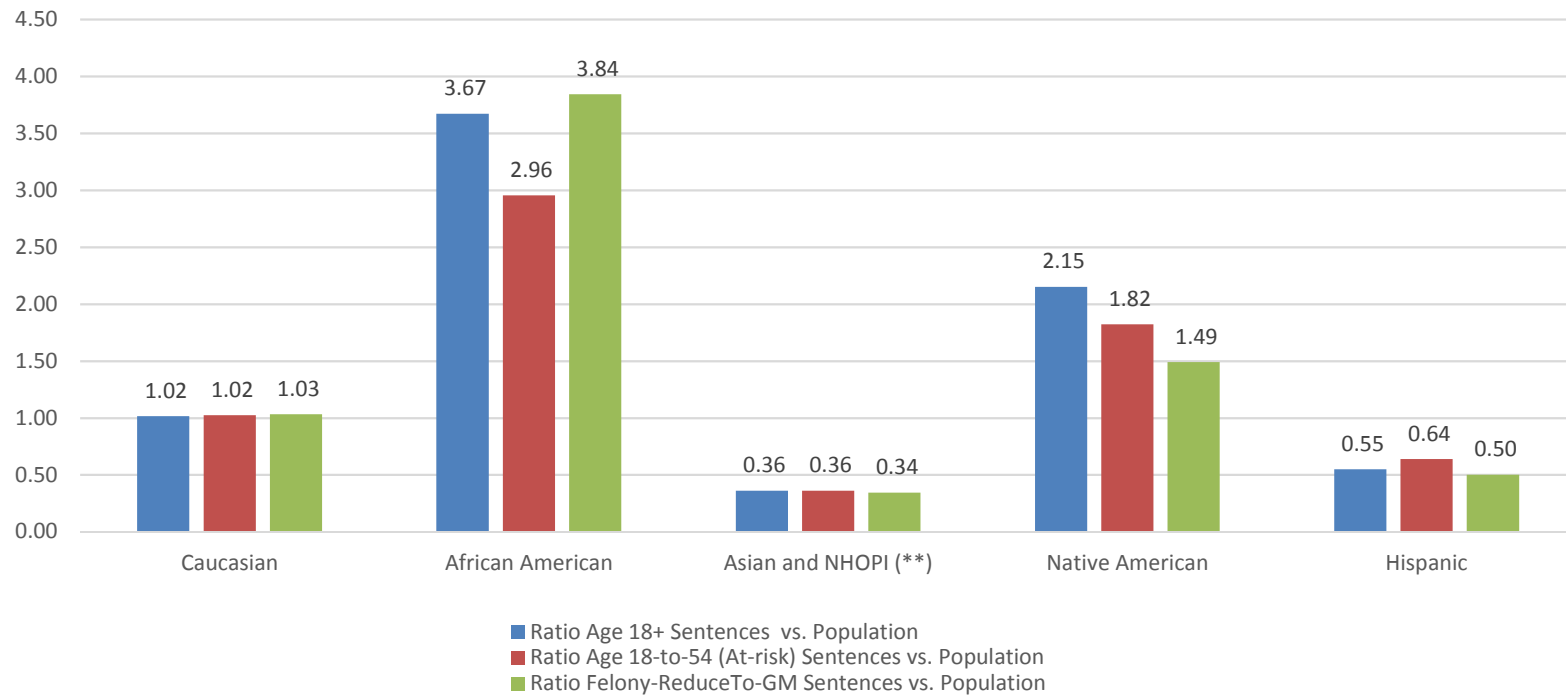
## Ratio: Sentences to Racial Population (all ages)

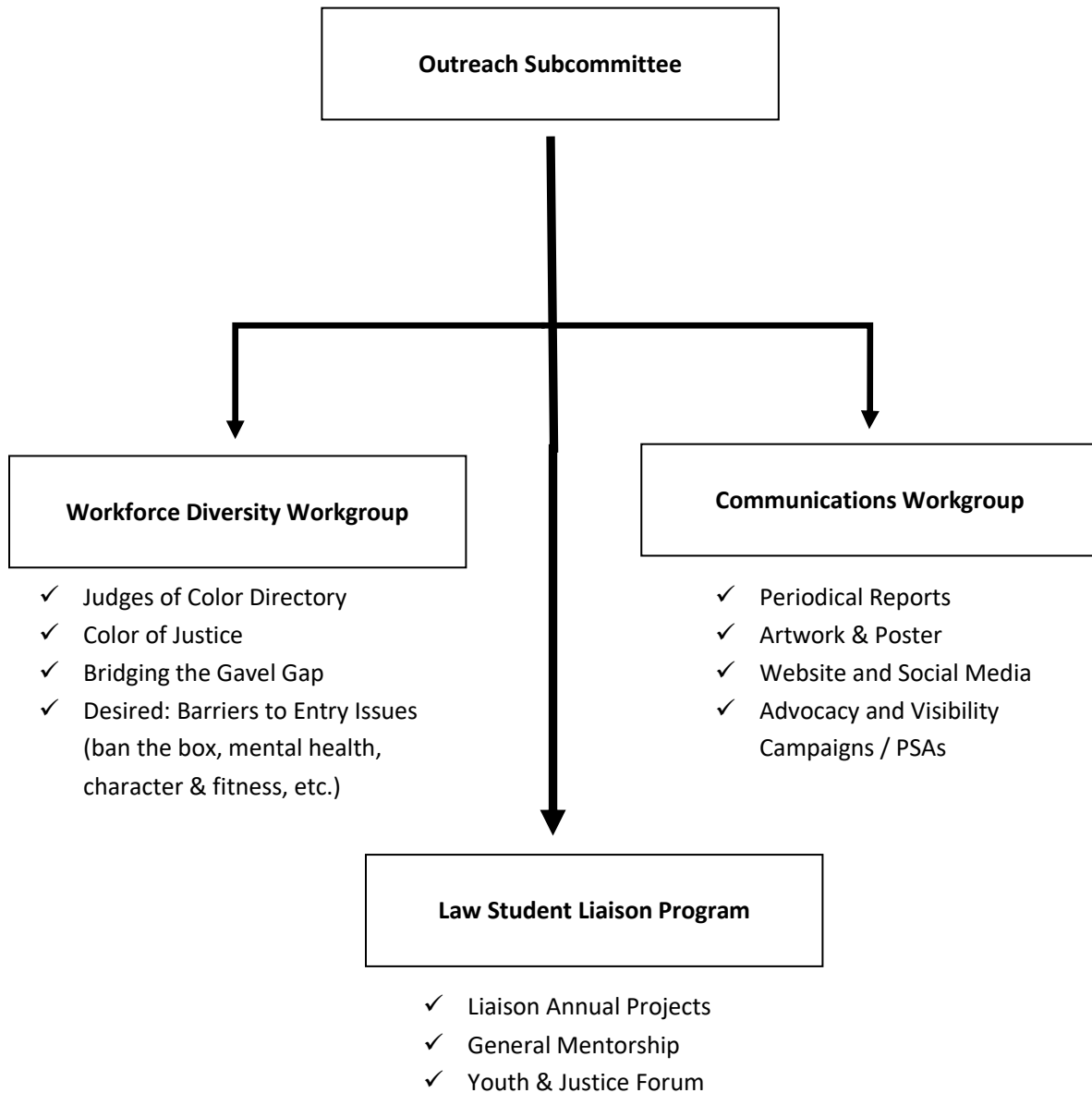


**Table 7.**  
**Comparison of all ratios FY 2019**

Ratio	Caucasian	African American	Asian and NHOPI (**)	Native American	Hispanic
Ratio Age 18+ Sentences vs. Population	1.02	3.67	0.36	2.15	0.55
Ratio Age 18-to-54 (At-risk) Sentences vs. Population	1.02	2.96	0.36	1.82	0.64
Ratio Felony-ReduceTo-GM Sentences vs. Population	1.03	3.84	0.34	1.49	0.50

(\*\*) including Native Hawaiian and Other Pacific Islander







## Outreach Committee Draft Mission Statement and Goals

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### Outreach Committee New Language (Proposed):

The mission of the Outreach Committee is to facilitate communication between the Washington State Minority and Justice Commission, the public, and the legal and court communities of Washington State, including to promote equal employment in judicial and non-judicial leadership positions for racial, ethnic and cultural minorities, and to study and improve the conditions under which minorities or persons of color interact with and participate in the justice system.

### Goals:

- Establish, maintain and enhance sustained relationships between courts, legal community organizations and other public and private agencies engaged in work relating to the courts and diversity.
- Oversee development and production of the Commission's periodic reports.
- Obtain artwork expressing an issue important to the Commission's goals and mission for the Commission's annual poster.
- Assist the Commission in broadening its exposure to the public and constituencies it serves by recommending and facilitating Commission meetings, mass communications, social media engagement, and public events at community locations and forums throughout the state.
- Study the status, importance and benefits of a representative workforce in the courts, state judicial agencies, and the bar.
- Conduct and facilitate internal and external outreach about the status, importance and benefits of a representative workforce in the justice system.
- Coordinate with the Commission's Education Committee and other entities to ensure that a representative workforce remains a regular part of the continuing education of the courts, bar and other stakeholders.
- Develop resource materials that can be used to improve the conditions needed to develop and sustain a diverse workforce in the courts and the state's judicial agencies.
- Provide guidance and mentorship for the Commission's Law Student Liaison program.

### Outreach Committee Original Language:

The mission of the Outreach Committee is to facilitate communication between the Washington State Minority and Justice Commission and the public and, specifically, the legal and court communities of Washington State, regarding interaction with and participation in the justice system by minorities or persons of color.

### Original Outreach Goals:

- Establish, maintain and enhance sustained relationships between courts, legal community organizations and other public and private agencies engaged in work relating to the courts and diversity.
- Oversee development and production of the Commission's annual report.
- Obtain artwork expressing an issue important to the Commission's goals and mission for the Commission's annual poster.
- Assist the Commission in broadening its exposure to the public and constituencies it serves by recommending and facilitating Commission meetings and other public events at locations and in communities throughout the state.
- Create and maintain materials such as brochures and multi-media products such as videos and the Commission's website.

Evaluate and recommend individuals for appointment to the Commission's membership.

### Workforce Diversity Committee Original Language:

The mission of the Workforce Diversity Committee is to promote equal employment and to study and improve the conditions needed to increase the opportunities for racial, ethnic and other traditionally underrepresented minorities to be employed by and supported in the justice system, including judicial and non-judicial leadership positions.

### Workforce Diversity Original Goals:

- Study the status, importance and benefits of a representative workforce in the courts, their state administrative agency, and the bar.
- Conduct internal and external outreach about status, importance and benefits of a representative workforce in the justice system.
- Coordinate with the Commission's Education Committee and other entities to ensure that these issues are a continuous and regular part of the continuing education of the courts, bar and other stakeholders.
- Develop resource materials that can be used to improve the conditions needed to develop and sustain a diverse workforce in the courts and their state administrative agency.

**TOPIC AREA:**

*Educational programs need to relate to the entire judiciary at all court levels. Be specific regarding what will be covered, why it will be covered and how it relates to the judicial officers daily roles and responsibilities*

**PROPOSED SESSION TITLE:** *Law, Language, and Power: An Exploration of Discrimination and Tribal Jurisdiction in the Pacific Northwest*

**STATUS:**

\_\_\_ Received Date: \_\_\_\_\_  
 \_\_\_ Accepted  
 \_\_\_ Not Accepted  
 Why: \_\_\_\_\_

**PROPOSED BY:** The Minority and Justice Commission, The Tribal State Court Consortium, and The Northwest Tribal Court Judges Association, The Commission on Children in Foster Care

**CONTACT NAME:** Judge Lori K. Smith and Judge G. Helen Whitener

**CONTACT PHONE:** 206-464-6047

**CONTACT EMAIL:** Lori.Smith@courts.wa.gov

**TARGET AUDIENCE:**

- ☒ Experienced Judges  
☒ New Judges  
☒ Court Level: Appellate and Trial

**PROPOSED DURATION:**

- ☐ 90 Minutes  
☒ 3 Hours  
☐ Other: \_\_\_\_\_

**SESSION TYPE:**

- ☒ Plenary  
☐ Choice  
☐ Colloquium  
☐ Other: \_\_\_\_\_

**IS THERE A LIMIT TO THE NUMBER OF PARTICIPANTS?**

- ☐ Yes  
☒ No  
 If yes, maximum number: ---

**REQUIRED COMPONENTS**

*The session must address the following essential areas of information:*

Substantive Knowledge	How it Relates to Their Work	Skills, Attitudes & Beliefs
<ul style="list-style-type: none"> <li>Identify common terms and phrases with discriminatory origins.</li> <li>History of NW laws discriminating against Native Americans.</li> <li>Local tribal history, practice, and law, and overlapping tribal and state court jurisdiction. Explain delineation between state trial courts and tribal jurisdiction.</li> <li>Share recent changes to Court Rule 82.5, which allows and encourages communication</li> </ul>	<ul style="list-style-type: none"> <li>Unconscious bias in our common law heritage affects legal precedent and modern interpretations of law. Trial judges must know the origins of the language before them, and appellate judges must not perpetuate harmful bias.</li> <li>Mindfulness in use of language and the historical harms that rhetoric has caused.</li> <li>Historical discrimination faced by NW minorities impacts who comes before the court and why.</li> </ul>	<ul style="list-style-type: none"> <li>Understanding how bias and misperceptions are passed along through language, and exploring the use and result of such language. Mindfulness.</li> <li>Understanding the important and longstanding role of sovereign tribal courts.</li> <li>Learn how to be mindful of the implied messages in the language we use.</li> </ul>

between state and tribal court judges when dealing with cross-jurisdictional issues		
<b>RECOMMENDED FACULTY (Include contact information):</b> Ms. Alexandra Liggins, co-founder of Phoenix Consulting Group, Inc and member of Tlingit Tribe (Ms. Liggins is confirmed).		
<b>[Additional faculty will be added at a later time]</b>		
<b>SESSION DESCRIPTION:</b> Describe the purpose of the session and key issues to be presented. Explain what judicial officers will learn in the course and how the information will apply to their work in the courts ( <i>this information will be included in the program flyer as your session description</i> ).  The program is two sessions combined into one, and can be presented together as a 3-hour plenary or separately as 90-minute sessions.  The first half of the session will explore biases and misperceptions passed along by the use of common language, the origin of its use, and the perpetuation of biases as a result of its use. The audience will then practice techniques for increasing mindfulness in their speech and reducing the perpetuation of bias in our language, whether writing opinions or speaking to persons in their courtroom from the bench. This portion will be presented by Ms. Alexandra Liggins, a professional public speaker with decades of experience who specializes in workplace inclusion and cultural competency. She is also of Tlingit decent and has presented in the past on discriminatory Northwest laws against Native Americans that mirrored Jim Crow laws in the Southern US.  The second portion will focus on local tribal courts. A profile on a selection of local tribal courts will introduce the judges to the history, practice and laws of tribal jurisdiction. The judges will then hear when and how tribal and state court jurisdiction overlaps under current law, and will do exercises to draw on the distinctions between the two court systems.		

**LEARNING OBJECTIVES:** Describe what participants will be able to do as a result of this session.

Identify discrimination against Native Americans in Northwest legal history and its impact on the courts today. Identify implicit biases in our own everyday language and learn how to eliminate language with a harmful history and be mindful of our language moving forward.

Understand the long history of discrimination against Native Americans in the region, the impetus for sovereign tribal jurisdiction, and the ways our state courts reinforce or undermine tribal sovereignty.

Understand the overlapping and distinct jurisdictional authority between state trial courts and tribal courts. Trace the distinct history, practice, and legal doctrine of tribal courts up through today. Discuss recent changes to Court Rule 82.5 – Tribal Court Jurisdiction. Be able to apply these jurisdictional rules to different fact patterns.

**FUNDAMENTALS COVERED:** Describe the case law, best practices, or “nuts and bolts” that will be addressed during the session.

Critical analysis of discrimination in the Pacific Northwest, which informs and in many ways predicts the outcomes that the court produces today.

Legal writing and persuasive speech: learning tools and techniques to add mindfulness to the written and oratory opinions of judicial officers. Taking stock of the many implicit biases in our common language and developing alternative approaches which will reduce the transmission of bias from our courts.

Survey history and current issues in tribal law and jurisdiction in Washington state. Apply CR 82.5.

**PARTICIPANT RESOURCES:** Describe the resources faculty will recommend participants reference when handling the key issues described in this session (*e.g., bench books, checklists, bench cards, websites, organizations, agencies, etc.*).

**[Additional resources may be added at a future time, and we are open to recommendations]**

**PROPOSED TEACHING METHODS AND ACTIVITIES:** Describe how the session will be presented to actively engage the audience in the education (e.g., *small/large group discussion, hypotheticals, case study review, role play, lecturette, etc.*).

Lecture and discussion; hypotheticals and role play; large group discussion.

**DIVERSITY AND INCLUSION:** Describe how the session will incorporate issues of diversity and inclusion into the topic. (*Consider different perspectives and experiences relating to gender, ethnicity, race, nationality, sexuality, socio-economic status, ability, language, age, etc.*)

This program centers the work and authority of the state tribal courts, which have and continue to provide a critical protection against historical discrimination in the region. Better understanding of the long and sordid history of harm against Northwest Native Americans will help judicial officers better contextualize the role of the state court system and how the law has not always been wielded in the state for good.

The use of loaded language disproportionately harms people of color, and reforming our seemingly-innocuous language which carry these harms is a vital step towards fostering an inclusive environment.

*If you need assistance with this question, please let us know and we can connect you with a representative who can help with identifying ways to incorporate diversity and inclusion into your topic.*

**ANTICIPATED COST:**

Transportation accommodation, lodging and printing materials - \$1000

**FUNDING RESOURCES:**

Minority and Justice Commission

**TOPIC AREA:**

*Educational programs need to relate to the entire judiciary at all court levels. Be specific regarding what will be covered, why it will be covered and how it relates to the judicial officers daily roles and responsibilities*

**PROPOSED SESSION TITLE:** Law, Justice, and the Holocaust:  
How the Courts Failed Germany

**STATUS:**

☐ Received Date: \_\_\_\_\_  
☐ Accepted  
☐ Not Accepted  
 Why: \_\_\_\_\_

**PROPOSED BY:** Gender and Justice Commission, Minority and Justice Commission

**CONTACT NAME:** Kelley Amburgey-Richardson, GJC Staff

**CONTACT PHONE:** (360) 704-4031

**CONTACT EMAIL:** [kelly.amburgey-richardson@courts.wa.gov](mailto:kelly.amburgey-richardson@courts.wa.gov)

**TARGET AUDIENCE:**

☒ Experienced Judges  
☒ New Judges  
☒ Court Level: All

**PROPOSED DURATION:**

☒ 90 Minutes  
☐ 3 Hours  
☐ Other: \_\_\_\_\_

**SESSION TYPE:**

☒ Plenary  
☐ Choice  
☐ Colloquium  
☐ Other: \_\_\_\_\_

**IS THERE A LIMIT TO THE NUMBER OF PARTICIPANTS?**

☐ Yes  
☒ No  
 If yes, maximum number: ---

**REQUIRED COMPONENTS**

*The session must address the following essential areas of information:*

Substantive Knowledge	How it Relates to Their Work	Skills, Attitudes & Beliefs
<ul style="list-style-type: none"> <li>Historical information about how judicial officers facilitated Nazis' ability to carry out their agenda</li> <li>Examples of challenges to the fair and impartial administration of justice in the U.S.</li> </ul>	<ul style="list-style-type: none"> <li>The meaning of Holocaust history and its implications for the profession</li> <li>Requirement to be fair and impartial</li> </ul>	<ul style="list-style-type: none"> <li>Role of judicial officers in combatting bias</li> <li>Responsibility to hold the public trust</li> </ul>

**RECOMMENDED FACULTY (Include contact information):**

Ann O'Rourke, Program Coordinator, United States Holocaust Memorial Museum

- 202.488.2610
- [aorourke@ushmm.org](mailto:aorourke@ushmm.org)

Dr. William Meinecke, Historian, United States Holocaust Memorial Museum

**SESSION DESCRIPTION:** Describe the purpose of the session and key issues to be presented. Explain what judicial officers will learn in the course and how the information will apply to their work in the courts (*this information will be included in the program flyer as your session description*).

The Nazi period presented the judiciary with intense personal and professional dilemmas. Judges were among the few inside Germany who could have challenged the legitimacy of the regime as well as the laws restricting civil rights and guarantees of property. And yet the overwhelming majority did not. Instead, over the 12 years of Nazi rule, most judges not only upheld the law but interpreted it in broad and far-reaching ways that facilitated, rather than hindered, the Nazis' ability to carry out their agenda. The decisions they made left millions vulnerable to the racist, homophobic, and antisemitic ideology of the Nazi state.

In the Museum's Law, Justice, and the Holocaust program for judges, participants seek to critically examine the pressures faced by German jurists under the Nazis. Using legal decrees, judicial opinions, and case law of the period, they study the role of judges in the destruction of democracy and the establishment of the Nazi German state. This close scrutiny of the past provides a framework for a debate on the role of the judiciary in the United States today: what is the responsibility of judges to the legal system as a whole? What have been the challenges to a fair and impartial administration of justice in the United States? What can judges do to ensure that the kinds of failures that led to the Holocaust do not happen in this country?

**LEARNING OBJECTIVES:** Describe what participants will be able to do as a result of this session

Judicial Officers will:

- Reflect on the meaning of Holocaust history and its implications for their profession.
- Critically examine the pressures faced by German jurists under the Nazis.
- Examine their own roles and responsibilities by studying the decision making, the opportunities, and often the failures of their counterparts in Nazi Germany that helped lead to mass murder.
- Be able to answer the following questions:
  - What is the responsibility of judges to the legal system as a whole?
  - What have been the challenges to a fair and impartial administration of justice in the United States?
  - What can judges do to ensure that the kinds of failures that led to the Holocaust do not happen in this country?



**FUNDAMENTALS COVERED:** Describe the case law, best practices, or “nuts and bolts” that will be addressed during the session.

- Legal decrees, judicial opinions, and case law of the period, to study the role of judges in the destruction of democracy and the establishment of the Nazi German state.
- Roles and responsibilities of judicial officers to:
  - Preside in fair and impartial manner
  - Maintain the public trust in the judiciary
  - Ensure the effective and unbiased administration of justice

**PARTICIPANT RESOURCES:** Describe the resources faculty will recommend participants reference when handling the key issues described in this session (*e.g., bench books, checklists, bench cards, websites, organizations, agencies, etc.*).

- Holocaust Museum educational materials
- Reports/articles from other entities, for example:
  - [The Pink Triangle: From Nazi Label to Symbol of Gay Pride](#) from the History Channel  
From the report, “The United States Holocaust Memorial Museum estimates 100,000 gay men were arrested and between 5,000 and 15,000 were placed in concentration camps. Just as Jews were forced to identify themselves with yellow stars, gay men in concentration camps had to wear a large pink triangle.”
  - [Women and the Holocaust: Courage and Compassion](#) from the United Nations  
From the report, “Women were required to perform hard labour, which, along with malnutrition and stress, had an adverse effect on their ability to conceive and care for their children....Women also experienced anxiety over the fate of their children, and feared sexual abuse and rape.”

**PROPOSED TEACHING METHODS AND ACTIVITIES:** Describe how the session will be presented to actively engage the audience in the education (*e.g., small/large group discussion, hypotheticals, case study review, role play, lecturette, etc.*).

- Lecture
- Large group discussion, potentially using responder unit questions
- Case study review of legal decrees, judicial opinions, and case law of the period

**DIVERSITY AND INCLUSION:** Describe how the session will incorporate issues of diversity and inclusion into the topic. *(Consider different perspectives and experiences relating to gender, ethnicity, race, nationality, sexuality, socio-economic status, ability, language, age, etc.)*

This session is explicitly focused on the role of the courts in addressing race bias and antisemitism. The Commission plans to ask presenters to also incorporate issues of gender and bias against LGBTQ people.

*If you need assistance with this question, please let us know and we can connect you with a representative who can help with identifying ways to incorporate diversity and inclusion into your topic.*

**ANTICIPATED COST:**

\$0 (it is our understanding that the museum puts on the program free of charge)

**FUNDING RESOURCES:**

If there are costs, they will be minimal, and the Gender and Justice Commission will cover them

**TOPIC AREA:**

*Educational programs need to relate to the entire judiciary at all court levels. Be specific regarding what will be covered, why it will be covered and how it relates to the judicial officers daily roles and responsibilities*

**PROPOSED SESSION TITLE: Juries and Inclusive Justice: Empowering disAbled Jurors**

**STATUS:**

\_\_\_ Received Date: \_\_\_\_\_  
 \_\_\_ Accepted  
 \_\_\_ Not Accepted  
 Why: \_\_\_\_\_

**PROPOSED BY:** Supreme Court Interpreter Commission and Minority and Justice Commission; Judge David Keenan

**CONTACT NAME:** Robert Lichtenberg, Interpreter Commission Analyst

**CONTACT PHONE:** 360-350-5373

**CONTACT EMAIL:** Robert.Lichtenberg@courts.wa.gov

**TARGET AUDIENCE:**

- ☒ Experienced Judges  
☒ New Judges  
☐ Experienced Commissioners  
☐ New Commissioners

**PROPOSED DURATION:**  
(Including break times)

- ☒ 90 Minutes  
☐ 3 Hours  
☐ 2 Hours  
☐ Other:

**SESSION TYPE:**

- ☐ Plenary  
☒ Choice  
☐ Colloquium

**IS THERE A LIMIT TO THE NUMBER OF PARTICIPANTS?**

- ☐ Yes  
☒ No

If yes, maximum number:

**REQUIRED COMPONENTS**

*The session must address the following essential areas of information:*

Substantive Knowledge	How it Relates to Their Work	Skills, Attitudes & Beliefs
<ul style="list-style-type: none"> <li>Legal requirements concerning seating and accommodating disabled jurors.</li> <li>Legal requirements concerning disqualifying disabled potential jurors.</li> </ul>	<ul style="list-style-type: none"> <li>Best practices when accommodating disabled jurors, including things such as note-taking, how best to present testimony, evidence handling, and conduct of jury room deliberations.</li> </ul>	<ul style="list-style-type: none"> <li>Seeing past an individual's disabilities to think creatively about how they can fully participate in our system of justice as jurors.</li> </ul>

**RECOMMENDED FACULTY (Include contact information):**

Judge David Keenan, King County Superior Court, (206)477-1486, david.keenan@kingcounty.gov.

Judge David Whedbee, King County Superior Court, (206) 477-1669, David.whedbee@kingcounty.gov  
 (Judge Whedbee practiced disability rights law and is disabled.)

Donna Walker, Certified Signed Language Court Interpreter Specialist, donnainterpreter@gmail.com

Donna Cole-Wilson, Licensed Speech-Language Pathologist, Provail, Inc., donnac@provail.org

One or two panelists with vision, speech, or hearing disability - (to be determined) [Judge Keenan recently presided over a tort motor vehicle trial in which he seated a completely blind juror; Judge Keenan might see if that juror can participate in the panel.]

**SESSION DESCRIPTION:** Describe the purpose of the session and key issues to be presented. Explain what judicial officers will learn in the course and how the information will apply to their work in the courts (*this information will be included in the program flyer as your session description*).

The session is intended to educate judges concerning (1) what the law requires in terms of seating and accommodating disabled jurors, (2) when the law allows a disabled potential juror to be disqualified, and (3) best practices when accommodating disabled jurors.

**LEARNING OBJECTIVES:** Describe what participants will be able to do as a result of this session.

Attendees presiding over jury selection and jury-related proceedings will understand when the law requires them to accommodate disabled jurors, e.g., jurors whose vision, speech, or hearing is impaired; when the law allows them to disqualify a disabled potential juror, e.g., where the potential juror's vision is impaired and the important issues in the case turn on visual evidence; and how to accommodate disabled jurors throughout the jury-related proceedings and jury deliberations, e.g., by allowing blind jurors to use devices for note-taking, providing descriptive information to blind jurors regarding visual information (such as crash diagrams), speech-augmentation devices to enable jurors with speech disabilities to participate as jurors or the provision of interpreters or personal assistants.

**FUNDAMENTALS COVERED:** Describe the case law, best practices, or "nuts and bolts" that will be addressed during the session.

The session will cover disability law as it relates to jury selection and juror accommodation, and best practices to employ when accommodating disabled jurors, such as the use of software, ensuring that lawyers and witnesses are descriptive during examination, testimony, and argument, and, e.g., allowing vision-impaired jurors extended time to feel physical evidence, when appropriate. It also will address how judges can properly enable disabled jurors to effectively participate in jury deliberations and what corresponding jury instructions and procedures should be given to jurors and parties involved in closed-room deliberations.

**PARTICIPANT RESOURCES:** Describe the resources faculty will recommend participants reference when handling the key issues described in this session (*e.g., bench books, checklists, bench cards, websites, organizations, agencies, etc.*).

Participants will receive bench cards outlining the law and best practices and references to related published or online materials, organizations, and resource agencies.

**PROPOSED TEACHING METHODS AND ACTIVITIES:** Describe how the session will be presented to actively engage the audience in the education (*e.g., small/large group discussion, hypotheticals, case study review, role play, lecturette, etc.*).

Moderated panel, starting with an overview of the law, questions concerning the law, the approaches available to make effective participation possible, the perspective of disabled individuals regarding what it is like to serve on a jury as a disabled individual, and discussion of both real-life (*e.g., how Judge Keenan worked with a completely blind juror*) and hypothetical situations (*e.g., jurors who need vision, hearing, or speech accommodations while in jury deliberation*).

ANTICIPATED COST: \$1700 FUNDING RESOURCES: Interpreter Commission

**DIVERSITY AND INCLUSION:** Describe how the session will incorporate issues of diversity and inclusion into the topic. (*Consider different perspectives and experiences relating to gender, ethnicity, race, nationality, sexuality, socio-economic status, ability, language, age, etc.*)

This session will address the efforts of our courts to address the need for greater jury diversity through the inclusion of persons with disabilities to serve as jurors. By and large, persons with disabilities wish to serve as jurors but often do not do so because they do not perceive courts as having the resources or knowledge on how to accommodate their needs while serving as jurors and ask for exemptions from service. For those who do seek to serve, they are often preempted from selection by attorneys who argue the person may or may not be capable of properly evaluating the evidence that may be offered.

This presentation will also remove previous pre-conceptions about persons with disabilities and their capabilities, which will reduce discriminatory bias in our courts, starting with judges.

*If you need assistance with this question, please let us know and we can connect you with a representative who can help with identifying ways to incorporate diversity and inclusion into your topic.*

# JURY DIVERSITY ADVISORY GROUP

## FOCUSING ON THE LAKEWOOD COMMUNITY

### APPLY TODAY

**Adults (18+) in the Lakewood and surrounding communities who wish to participate on the Jury Diversity Group please visit this link or scan the QR Code on this form.**

**[www.surveymonkey.com/r/PSHFX6D](http://www.surveymonkey.com/r/PSHFX6D)**



Scan this QR code with  
your phone camera.



### MAKE A DIFFERENCE

The group will help inform policy efforts to increase diversity of juries in Pierce County and Washington State.



### COMPENSATION

Participants will be paid a \$200 stipend upon completion.

## WHY JURY DIVERSITY IS IMPORTANT

The 6th Amendment of the Constitution guarantees a defendant a jury selected from a fair cross-section of the community—yet data has shown that jurors in several courts in Washington are not racially reflective of the community.

Compared to all-White juries, racially mixed juries tended to deliberate longer, discuss more case facts, and bring up more questions about what was missing from the trial.

A diverse jury furthers the goal of ensuring litigants and the public that the system is fair and impartial.

Lakewood is the most diverse city in Pierce County, yet has the highest “no response” rate to jury summons’ in the entire county. Our goal is to understand the reasons behind that.

## CONTACT US



Cynthia Delostrinos  
Supreme Court  
Commissions Manager



Cynthia.Delostrinos  
@courts.wa.gov



<b>Title</b>	<b>Author(s)</b>	<b>Year Published</b>	<b>Publisher</b>	<b>Summary</b>
1- Beyond the Algorithm: Pretrial Reform, Risk Assessment, and Racial Fairness	Sarah Picard, Matt Watkins, Michael Rempel, Ashmini Kerodal (Center for Court Innovation)	2019	Center for Court Innovation	Advocates a targeted risk-informed approach to pretrial decision-making to minimize racial bias
2- Family Court Judicial Guide to Domestic Violence Risk Factors	New York- Erie County Family Court	2015	New York- Erie County Family Court	Risk factors tailored to family law proceedings
3- Implementation Manual: DV Risk Factor Guide for Civil Courts Project			Center for Court Innovation, State Justice Institute	Purpose of the guide: Increase the capacity of civil judges and self-represented litigants to identify and respond to domestic violence risk factors in civil protective order hearings. Three risk factor guide templates and an Implementation Manual.
4- The problems with risk assessment tools	Chelsea Barabas, Karthik Dinakar and Colin Doyle	2019	New York Times	Pretrial risk assessments overestimate risk of pretrial violence.
5- Pretrial Reform Task Force Report	Intisar Surur, Andrea Valdez	2019	Washington's Pretrial Reform Task Force	Does not take a position on whether a risk assessment tool should be used at pretrial; however, if one is used, some of the recommendations the task force made include- identify desired goals, define terms, compare data, clarify risk being measured, and validate for predictive accuracy and race neutrality. Also includes recommendations about data collection,

				analysis and dissemination from pretrial.
6- The Average Predictive Validity of Intimate Partner Violence Risk Assessment Instruments	Jill Messing and Jonell Thaller	2013	Journal of Interpersonal Violence	Study examines predictive validity of five intimate partner violence risk assessment tools: ODARA, SARA, DVSI, K-SID, and DA.
7- Myths & Facts: Using Risk and Needs Assessments to Enhance Outcomes and Reduce Disparities in the Criminal Justice System	Dr. Cara Thompson	2017	National Institute of Corrections	Provides a description of research to dispel three myths: 1) that professional judgment is more accurate than standardized risk and needs assessments for predicting criminal justice outcomes; 2) the use of risk and needs assessments increases the likelihood of imprisonment; 3) use of risk and needs assessment increases ethnic and racial disparities within criminal justice system
8- Human Biases are Baked into Algorithms		2019	94.9 (PBS Seattle) Marketplace show, with speaker Safiya Noble	Discusses recent articles about the APPLE CREDIT CARD that gave married women (who happened to have better credit scores than their husbands), a lesser credit limit on its AI than their own husbands! Explains that AI algorithms cannot solve/ account for past disproportionality and



				biases of the past that are built into the data itself.
9- Optimizing Youth Risk Assessment Performance	Zachary Hamilton, Melissa Kowalski, Alex Kigerl, Douglas Routh	2019	Criminal Justice and Behavior	Study seeks to improve Washington State Juvenile Court Assessment.
10- Interp of the National DMC Relative Rate Indices for Juvenile Justice System Processing	Charles Puzzanchera, Sarah Hockenberry	2013	National Center for Juvenile Justice	Explanation of Relative Rate Index (RRI) and disproportionality
11- Recrafting youth risk assessment	Zachary Hamilton, Melissa Kowalski, Roger Schaefer, Alex Kirgerl	2019	Deviant Behavior	Many risk assessments used in juvenile justice are adopted "off the shelf" and not adapted to fit unique characteristics of justice-involved youth from a particular jurisdiction. This study looks at the Postive Achieve Change Tool (PACT) from Iowa and how adaptation raised predictive accuracy by 7% and reduced racial disparity.
12- Validated DV risk assessments overview	Amanda Gilman (WSCCR)	2019	None	Provides overview of validated DV risk assessment tools
13- Review of DV Risk Assessments excerpted from 2018 DV Risk Assessment Work Group Report	Elizabeth Drake, Faith Lutze	2018	Excerpted from DV Risk Assessment Report to legislature	Tables and charts showing predictive accuracy of risk assessment tools and IPV risk assessment characteristics

14- Certifying and removing disparate impact	Michael Feldman, Sorelle A. Friedler, John Moeller, Carlos Scheidegge, Suresh Venkatasubramania	2015		Determining disparate impact (bias) is harder with computer algorithms. It might not be possible to disclose the process or how the algorithm makes its decisions. Proposes making inferences based on the data the algorithm uses.
15- Interrater Reliability of Violence Risk Appraisal Guide Scores Provided in Canadian Criminal Proceedings	John Edens, Jennifer Cox, Brittany N. Penson, Jared R. Ruchensky, Shannon Toney Smith	2016	Psychological Assessment	Study examines reliability of Violence Risk Appraisal Guide (VRAG) scores in Canadian criminal cases based on concerns about "field reliability" due to inconsistent scoring among forensic examiners in adversarial settings (legal system).
16- PCL-R Score in Civilly Committed Sex Offenders	Marcus Boccaccini, Darrel Turner, Daniel Murrie	2011	Law and Human Behavior	Examined the ability of Psychopathy Checklist-Revised (PCL-R) total scores from state and defense evaluators to predict future misconduct among civilly committed sex offenders. For comparison, also examined predictive validity when two state experts evaluated the same offender.
17- Evaluator Differences in Psychopathy Checklist- Revised Factor and Facet Scores	Marcus Boccacini, Daniel Murrie, Katrina Rufino, Brett Gardner	2013	Law and Human Behavior	Looks at evaluator differences in PCL-R scoring. Findings provide positive support for the benefits of PCL-R training, and also suggest that despite training, evaluator differences may be evidence in field settings.

18- Do Some Evaluators Report Consistently Higher or Lower PCL-R Scores Than Others	Marcus Boccaccini, Darrel Turner, Daniel Murrie	2008	Psychology, Public Policy, and Law	Findings raise concerns about field reliability of forensic assessment-vary based on who hired evaluator (state vs. defense)
19- Clark County prosecutor calls for changes to law on domestic violence defendants	Jack Heffernan, Jerzey Shedlock	2019	The Columbian	Reports on recent DV homicide after defendant released on bail. Suggests that risk/lethality assessment scores should be given more weight by the court when setting bail.
20- Bias In, Bias Out	Sandra Mayson	2019	The Yale Law Journal	Article's premise is that when looking to past events to predict the future, any method of prediction will project past inequalities forward in time. Argues that the criminal justice system needs to more clearly identify "risks that matter" and acknowledge that some risk may be "impossible to measure without racial distortion."
21- Assessing Risk Assessment in Action	Megan Stevenson	2018	Minnesota Law Review	Part I: overview of evidence-based criminal justice, risk assessments, and bail reform movement; Part II: discusses empirical literature on risk assessment and explores some reasons why impacts of risk assessment may be different or more complicated than expected; Part III: empirical evaluation of pretrial risk assessment in Kentucky. Part IV: lessons that can be

				drawn from Kentucky's experience with risk assessment.
22- Civil Rights and Pretrial Risk Assessment Instruments	David Robinson, Logan Koepke	2019	Safety+Justice Challenge (John D. and Catherine T. MacArthur Foundation)	Outlines the critique of pretrial risk assessment tools from civil rights perspective.
23- Layers of Bias	Laurel Eckhouse, Kristian Lum, Cynthia Conti-Cook, Julie Ciccolini	2019	Criminal Justice and Behavior	Framework for understanding bias in risk assessments is layers. Top layer- bias in risk assessment models; second layer- biases embedded in data; final layer- conceptual issues- fair to make decisions about individuals based on groups? Fairness at foundation is essential for fairness in top layers.
24- Algorithmic Risk Assessment in the Hands of Humans	Megan Stevenson, Jennifer Doleac	2019		Evaluation of risk assessment at sentencing phase. Failure to reduce recidivism in part explained by judicial discretion- leniency to younger defendants. Conflicting goals may have led to overestimation of judicial prediction errors.

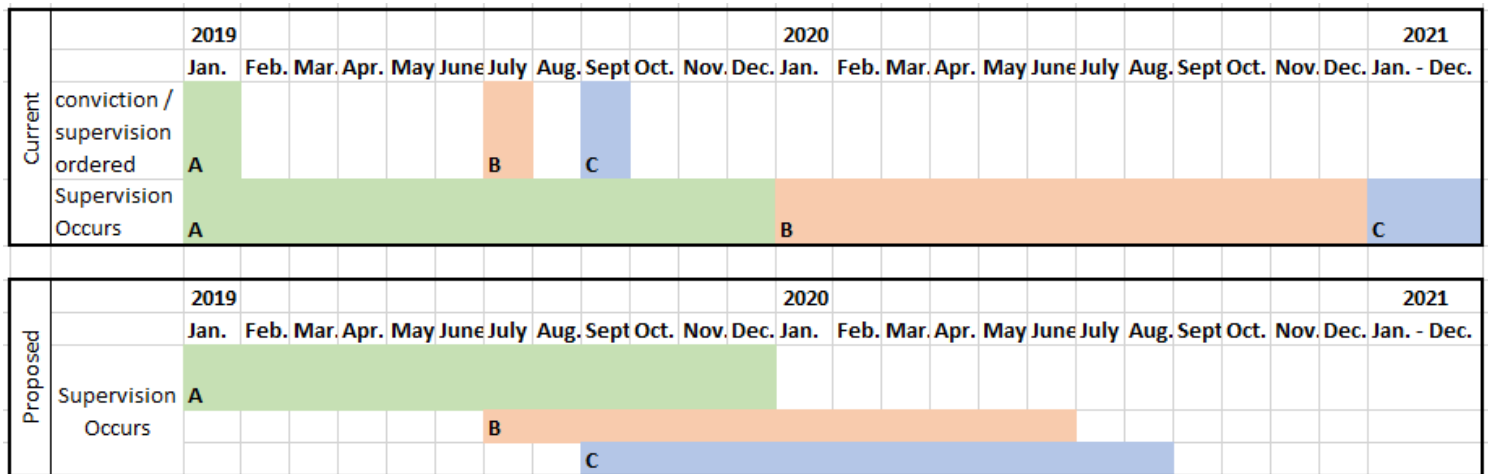
## Actions and Recommendations for the 2020 Legislative Session

The budget proviso directs the Task Force to review state sentencing laws, including the report of the Sentencing Guidelines Commission and to submit an initial report, including findings and recommendations, to the Governor and appropriate committees of the Legislature by December 31, 2019. Provided below are the Task Force's findings and policy recommendations for the 2020 Legislative session.

The Task Force has established a Legislation Working Group comprised of the four Legislative members and the non-Legislative co-chairs, tasked with drafting legislation on each of these policy recommendations.

### Concurrent Community Supervision

According to the Sentencing Reform Act (SRA), judges determine sentences for felony offenses by selecting a determinate sentence from a range listed in statute. Ranges are determined by reference to the sentencing grid. When a person is convicted for multiple offenses in the same case, the court imposes separate sentences, including terms of confinement, for each offense. In this situation, the SRA requires sentences to run concurrently – the person serves both sentences simultaneously, with the longest period of confinement impacting the potential release date. If the person commits a new offense while still serving their sentence for a previous felony, including during a period of community custody, the term of confinement for the new offense does not commence until the expiration of the sentence for the prior offense, unless a judge imposes an exceptional sentence based on mitigating circumstances.



Current statutes lack clarity on the relationship between a current term of community custody and prior, unfinished term(s) as to whether they should be served concurrently or consecutively. The graphic above shows how an individual may receive three 12-month supervision terms over the course of 2019, but current law states that (unless explicitly ordered as concurrent) the terms are served consecutively—one supervision does not start until the prior term ends; nor does the treatment that would be required as a condition of the subsequent violation.

Any tolling event(s) in 2019 would not only adjust the end date of supervision A (which could be for a drug related crime) but also adjust the start date of Supervision C (which could be for a domestic violence-related crime). Under the current system, DOC is not able to fully supervise an individual in a manner that accounts for all their needs due to sequencing supervision terms and corresponding conditions (e.g., anger management or cognitive behavior therapy for domestic violence would not start until well after that violation).

Changing the presumption from consecutive to concurrent terms of supervision, a judge could still require consecutive terms, but by default an individual could be “supervised” for multiple convictions at the same time.

The start date of a supervision term would begin with sentencing, rather than waiting for one supervision to end. If tolling occurs, then all supervisions are paused simultaneously.

**Task Force Recommendation:** The terms of community custody shall run concurrently to each other unless the court expressly orders community custody run consecutively. Such changes clarify the presumption of community custody to be concurrent for both instances in which multiple terms of community custody can exist:

1. Between multiple current counts contained in one sentencing; and
2. When individuals have a current term of community custody ordered who also still have a term of community custody from a prior, unfinished term.

The changes allow the courts discretion to expressly order terms be served consecutively. This proposal includes a provision related to sentences that were previously imposed, which gives clear direction to DOC to set the relationship between multiple causes and/or sentences as concurrent unless the court had ordered otherwise.

### Compliance Credit

Community custody is a portion of a person's sentence served in the community, under the supervision of the Department of Corrections. While on community custody, the individual is subject to a variety of conditions. If those conditions are violated, the individual may be required to serve the remaining portion of their time in confinement. While some individuals are eligible for earned early release from incarceration for good behavior and good performance ("good time"), there is no similar allowance for community custody. The Department of Corrections is not currently permitted to reduce a person's time on community custody based on their good behavior.

**Task Force Recommendation:** The Task Force recommends changes to the law that would allow most individuals on community supervision to earn time off of their community custody sentence. This Compliance Credit may only be awarded to individuals who have clearly shown positive behavior. Compliance with supervision plus completion of specific treatment, programming or reentry goals, may result in the granting of Compliance Credit. The result is that higher performing individuals move off of supervision more quickly, thereby allowing DOC to focus limited resources on those individuals who need it the most. DOC shall collect data by race, gender, age, location of those granted Compliance Credit and of those with Compliance Credit revoked.

*For more information about the Task Force please visit: <https://ruckelshauscenter.wsu.edu/criminal-sentencing/>*

## 2020 Proposed Work Plan of the Task Force

This work plan covers the Task Force meetings planned for 2020, leading up to the development of the final report.

Per the budget proviso, the Task Force is charged with reviewing state sentencing laws, including a consideration of the report of the Sentencing Guidelines Commission and to develop recommendations for the purpose of:

- (a) Reducing sentencing implementation complexities and errors;
- (b) Improving the effectiveness of the sentencing system;
- (c) Promoting and improving public safety.

**Initial Report – December 31, 2019:** The Task Force is to submit an initial report, including findings and recommendations, to the governor and the appropriate committees of the Legislature by December 31, 2019.

**Final Report – December 31, 2020:** The Task Force is to submit a final report by December 31, 2020.

### Task Force Working Groups

Two Task Force Member Working Groups - focusing on the two clusters of topics/potential policy actions identified by the Task Force during its October 2019 meeting - that will identify, research, and analyze potential recommendations for the entire Task Force to consider.

#### Working Group 1: Sentencing Effectiveness and the Sentencing Grid

#### Working Group 2: Reentry and Reducing Recidivism

The Task Force will consider and winnow potential recommendations during summer/fall 2020 meetings to arrive at a consensus package of recommendations to be described in the December 2020 final report.

**Working Group 3:** The Task Force also established a **Legislation Working Group** comprised of the four Legislative members and the non-Legislative co-chairs, tasked with drafting legislation on the policy recommendations provided in the December 31, 2019 Initial Report. The Task Force may decide to re-convene this working group to assist in drafting legislation for 2021 based on the final report of policy recommendations, due on December 31, 2020.

The Ruckelshaus Center Facilitation Team will be providing facilitation services; preparing meeting agendas, materials, and summaries; and assisting in the writing of draft and final reports on behalf of the Task Force.

### KEY MILESTONES FOR COMPLETING THE DECEMBER 2020 REPORT:

- Initial Draft of Task Force recommendations at meeting #9 in September.
- Refined list of draft recommendations at Task Force meeting #10 in October.
- Draft report by Oct 26 for discussion at meeting #11 in November.
- Final draft report completed by November 23 for final agreement at meeting #12 in December.
- Final report submitted to Governor's Office and the Legislature on December 31, 2020.

## Letter from Co-chairs

Dear Governor Jay Inslee and the Washington State Legislature,

On behalf of the Department of Children, Youth, and Families (DCYF) Oversight Board we are honored to present you with this report on the progress in implementation of House Bill (HB) 1661 of 2017. While the Department was only fully constituted on July 1 of this year, the Oversight Board has noted tremendous progress on implementation of a new organizational structure and a policy framework designed to accomplish the vision embodied in HB 1661. While it is much too early to judge the outcome, there is great promise in the work to date, and some areas of concern that need additional work and attention. We offer a number of expectations for the Department as it embarks on its first full year of implementation.

The DCYF Oversight Board is a diverse and inclusive entity created to oversee the transition, development and implementation of DCYF. In 2019, the DCYF Oversight Board began the initial work of establishing a shared understanding and purpose across a diverse membership of twenty-one individuals, all with first-hand experience and knowledge in at least one of the fields representing DCYF's continuum of care: early learning, child welfare, and juvenile justice and rehabilitation.

This year has been one of learning - from the Department of Children, Youth and Families, from one another as Board members, and from our partners and stakeholders who are dedicated to seeing better outcomes for our children, youth and families in Washington State. The promise of DCYF lies in the focus on integrated services, transparency and alignment across the continuum of care as detailed in the Blue Ribbon Commission Report of 2016. Every child, parent, caregiver, teacher, and social worker deserves to be respected and supported, to have access to healing-centered engagement and to play a role in securing the well-being of children and their families.

In this report, we acknowledge the time and capacity building needed to develop DCYF in a manner that is fully equipped to achieve its mandate. We also describe the Board's work activities thus far, and provide guidance to DCYF on the priorities to pursue in order to stay on track towards achieving the vision that holds the well-being of our children and families at the heart, and central purpose, of this work.

Quality early learning opportunities, robust home visiting services to benefit children and their parents, full support of all parents, proper access and availability of training opportunities for service providers, accountability and capacity building for contractors, cultural responsiveness in all federally and state funded programs, strategic alignment of integrated adolescent programs, positive work culture development for a highly effective and supported workforce, seamless transitions between and out of various systems for youth and their families and expansion of private/public partnerships are just some of the components we deem essential for DCYF's success.



We continue to expect that the department will develop and maintain a results-driven strategy on reducing and eliminating disparities and disproportionality across race, ethnicity, income, sexual orientation and expression, geography and ability status across all child and family services fields, as this is how we will all achieve better outcomes for all children, youth and families in Washington.

Now that the Department and the Oversight Board are both fully up and running, we look forward to a continued positive working relationship that focuses on celebrating successes, pushing where needed to make adjustments and realignments, and being patient with the course of change while challenging ourselves to do more, faster.

We are looking forward to the challenge and the opportunity to work together on this important mission.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ruth Kagi".

Representative Ruth Kagi (Ret.), DCYF Oversight Board Co-Chair

A handwritten signature in cursive script, appearing to read "Tana Senn".

Representative Tana Senn, DCYF Oversight Board Co-Chair

## Executive Summary

What does it take to meld three distinct organizations into one that meets the needs of Washington's children and families? What types of cultural changes must happen in order to ensure all children and youth achieve outcomes that leads to their becoming productive adults? These are a few of the questions the Department of Children, Youth, and Families (DCYF) Oversight Board grappled with since its inception.

The first annual Department of Children, Youth, and Families (DCYF) Oversight Board legislative report is the culmination of work undertaken by the Board from 2018 to 2019. With a total of 21 Board member positions, Board membership includes bicameral and bipartisan legislators, tribal representatives, judicial officers, youth and parent representatives, law enforcement, a physician, and subject matter experts in the juvenile justice and rehabilitation, child welfare and early learning fields.

As the DCYF Oversight Board's work got underway in 2019 with the hiring of an executive director and a support staff, the Board turned its focus to ensure that the intended vision of DCYF, as designed by the Blue Ribbon Commission of 2016 and codified in House Bill 1661 of 2017, is realized. The DCYF Oversight Board has vested interest in the success of the department and its ability and commitment to improve outcomes for children, youth, families, and providers across Washington State.

This report includes guidance provided by the Oversight Board to DCYF on areas the Board deems a priority to keep the department on track to achieve its mandate. Guidance is provided both as overarching agency-wide themes, as well as specifically aligned to the stated outcomes that drive the purpose and define the expectations of the new department.

### **Agency-Wide Guidance:**

- Prioritize culture change within the department and with a specific investment in partnerships external to state government.
- Ensure a sustainable strategy for performance-based contracting for all direct client services.
- Maximize opportunities provided by a secured integrated data warehouse to track outcomes of children and families across the continuum of care.
- Improve communication strategies to families and providers on the implementation of RCW, WAC and policy changes.
- Continue to streamline and create efficiencies in processes, data collection and sharing, and other administrative functions to ensure it does not hinder service delivery.
- Adhere to full implementation of the Indian Child Welfare Act and Washington State Indian Child Welfare Act.
- Fully implement all federal and state laws within specified time-frames.

## Stated Outcomes Guidance:

### 1. Reducing racial and ethnic disproportionality and disparities in system involvement and across child and youth outcomes

- Prioritize and maintain focus on racial and ethnic disproportionality and disparities
- Expand lens to include geography, LGBTQ+ and ability status
- Disaggregate performance measures by race, ethnicity, income and geography
- Report on DCYF workforce retention rates, including disaggregation by race and ethnicity
- Develop mechanism to measure race and ethnicity similarly across continuum of care



*"We must recognize that the further upstream we provide services, the better off kids, families and the state will be."*  
-Rep. Tana Senn

### 2. Improving child development and school readiness through voluntary, high quality early learning opportunities

- Fully implement the Internal Review Process for Child Care Facility Licensing Compliance Agreements
- Design communication strategies to be inclusive and meet the needs of early learning providers across the state

### 3. Preventing child abuse and neglect

- Fully implement the Families First Prevention Services Act (FFPSA), including emphasis on parent education and services for pregnant mothers, while equally supporting culturally responsive programs that best serve tribes and communities of color
- Develop a DCYF culture that is supportive and responsive to the trauma experienced by the workforce

### 4. Improving child and youth safety, permanency, and well-being

- Address workforce retention rates for Social Services Specialists
- Bolster and formalize partnerships with other state agencies, tribes and providers
- Prioritize developing relationships between biological, foster and kinship caregivers

### 5. Improving reconciliation of children and youth with their families by increasing family reunification and increasing the number of youth who are reunified with their family of origin

- Increase service array in all geographic regions of the state, with a particular rural focus
- Provide wrap-around services and a collaborative approach for families involved in court systems
- Ensure tribal law is understood and supported in practice
- Add family reunifications measure to agency performance dashboard

### 6. Improving adolescent outcomes

- Ensure youth are not being released from state care into homelessness

- Partner to prioritize diversion opportunities and service provision for adolescent services
- Align programs and communications between child welfare, juvenile justice and juvenile rehabilitation for dual-system youth, and those at-risk of being dual-system youth
- Develop adolescent outcomes to be measured and tracked
- Develop youth feedback mechanism at each field office or facility
- Continue stakeholder engagement to understand county needs for implementing SB 5290, prohibiting detention for status offenses

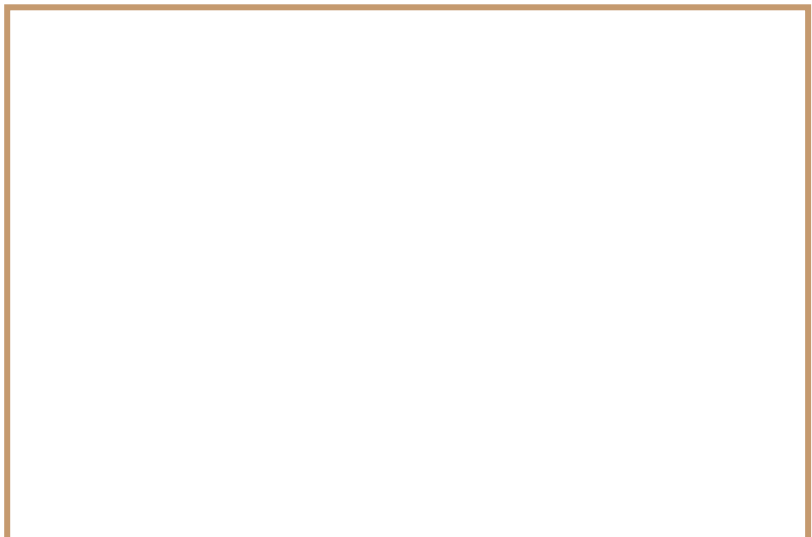
**7. Reducing future demand for mental health and substance use disorder treatment for system involved youth**

- Approach social-emotional learning and child well-being needs on same footing as child safety
- Prevent youth exiting treatment from entering into homelessness
- Increase flexibility of services available to parents in treatment to reduce amount of time children are in out-of-home care

**8. Reducing criminal justice involvement and recidivism**

- Continue to strengthen relationships with local juvenile court leadership
- Investigate the link between early interventions and juvenile rehabilitation outcomes
- Partner with courts to optimize implementation of SB 6550, increasing number and types of cases that are diversion-eligible
- Fully implement “JR to 25” and track outcomes of this implementation

With the full formation of DCYF as of July 2019, with the Department of Early Learning, Children’s Administration and Juvenile Justice and Rehabilitation are under one agency, now is the time to address and heal wounds that developed from previous structures and systems. The Department has the opportunity to create a new culture focused on the safety, healthy development, and well-being of the children and families who come to its door. Together, we seek to support children, youth, families and providers as partners in achieving better outcomes for communities across our State, and the realization of the vision formed by the 2016 Blue Ribbon Commission on the Delivery of Services to Children and Families.



# Building on Washington's successes by emphasizing diversity, equity and inclusion

*While a number of publications have called Washington the best state in the nation and the one with the strongest economy, our successes are not enjoyed by all Washingtonians. Systemic barriers such as institutional racism prevent access to equal opportunities and hamper the advancement of too many Washingtonians.*

The facts bear this out. We know that black and Native American babies face higher mortality rates. We know that students with disabilities and students of color have lower high school graduation rates than their peers. We know that women earn only 80 cents on the dollar compared to their male counterparts — and that women of color earn even less. We know that discrimination in the criminal justice system leads to disproportionate sentencing. We know that disparities in state contracting exist.

If we are truly to live up to our title as the best state, Washington must be the best for all Washingtonians regardless of their race, ethnicity, country of origin, immigration status, disability, sexual orientation, gender identity, age and military status.

Gov. Inslee knows that our state is a better place to live and work when we embrace workforce diversity, equity and inclusion through the elimination of barriers to growth and opportunity. This allows each employee to contribute their full measure of talent and builds our capacity to deliver innovative, effective and culturally relevant

services to all the people of Washington. Over the past several years, he has signed executive orders to develop employment plans for [veterans](#), hire more [individuals with disabilities](#), maintain safe and secure spaces for [LGBTQ public employees](#) and collect only necessary information to serve those who are [immigrants](#). His supplemental budget invests in a number of programs to make Washington's workforce more inclusive, diverse and representative of the people it serves.

## Operating budget investments

### The Equity Office

Create an office to provide technical assistance to state agencies that request help to reach their inclusion goals. The office will hire eight staff, of whom two will be innovation officers, to assist agencies in using best practices and change management, and to promote systemic and cultural changes. In addition, the office will provide opportunities for community engagement in state government decision-making processes. The Equity Office will help agencies identify policies, procedures, practices, statutes, rules and budget

decision-making practices that may perpetuate inequities. The office will also design an online performance dashboard to measure agencies' progress in meeting diversity goals. (\$1 million General Fund-State)

### **Statewide diversity, equity and inclusion training**

Create and offer a standardized curriculum so state employees receive uniform training on diversity, equity and inclusion. The online training, which will be created and delivered by the Department of Enterprise Services, will be offered statewide and at no charge to agencies with fewer than 3,000 employees. (\$800,000 Enterprise Services Account)

### **Office of Minority and Women's Business Enterprises**

- Increase the pool of qualified Office of Minority and Women's Business Enterprises-certified businesses for public contracting. The more businesses that OMWBE can certify will widen diversity among contractors. (\$200,000 GF-S)
- Set up an electronic database to better monitor how much money is spent on OMWBE-related contracts starting with six of the state's largest agencies, which are responsible for two-thirds of the state's overall spending in the private sector, and two higher education institutions. (\$600,000 GF-S)
- Provide technical assistance to companies wanting to become OMWBE-certified. This is especially useful to smaller companies that lack the resources or time to apply for certification. (\$132,000 GF-S)

- Conduct outreach activities to minority businesses to encourage them to become OMWBE-certified. (\$216,000 GF-S)

### **Educator professional training**

Designate funds already appropriated for professional development for educators in the 2020–21 school year for training on racial literacy and cultural responsiveness. This will help to close opportunity gaps for Washington students and promote diversity, equity and inclusion. (\$39.7 million, already appropriated)

### **Capital budget investments**

#### **Mt. Zion housing**

Cover pre-construction costs for a 64-unit affordable housing project for seniors who have been displaced or are at risk of being displaced due to gentrification in the Seattle Central District. (\$250,000 bonds)

#### **El Centro de la Raza building**

Make life-safety seismic retrofits and ADA upgrades to improve the safety and accessibility of the facility, benefiting the 14,000 people served annually through its programs and services. (\$2 million bonds)

#### **Seattle Central District Public Development Authority**

Replace the roof and mechanical systems at the former Seattle Vocational Institute facility, which will serve residents of the Seattle Central District through services and educational opportunities. (\$10 million bonds)

## Future Work

(Excerpt from the Task Force's preliminary report)

The Task Force will continue this project in 2020 to fulfill the responsibilities outlined in [ESHB 1109](#) (section 221, subsection 7). Members will submit a final proposal to the Governor and Legislature by July 1, 2020 that includes further recommendations for the Office of Equity's operations. The content below highlights some of the Task Force's plans.

**Glossary:** The Task Force will build a glossary of terms related to diversity, equity, and inclusion that provides further depth and intentionality for the concepts included in this report and its final proposal. Where appropriate, the Task Force will minimize redundancies by incorporating the work of other bodies.

**Government-to-Government Relations:** The Task Force hopes to engage tribes in this work and incorporate their input and feedback. It is important to hear tribes' perspectives on what an Office of Equity can do to help advance government-to-government relations.

**Executive-Level Management:** The Task Force will recommend a plan for the Office of Equity to use as it engages executive-level management at all agencies. It will highlight approaches that have been effective in balancing technical assistance and accountability in similar government settings.

**Community Engagement:** The Task Force will continue to engage communities to gather input and feedback. It will recommend additional strategies for promoting community outreach and engagement.

**Data:** The Task Force will consider additional mechanisms related to establishing standards for the collection, analysis, and reporting of disaggregated data. It will identify strategies the Office of Equity can use to help de-silo government work and push approaches upstream to address root causes of inequities. The Task Force will also explore decolonizing methodologies and recommend strategies to support this work.

**Public Dashboard & Reporting:** The Task Force will continue to work with Results WA and other partners to determine what a public dashboard should look like. It will also provide additional details around evaluation and reporting.

**Accountability & Enforcement:** The Task Force will explore additional accountability and enforcement mechanisms, including audits and possible consequences for non-compliance and non-improvement. It will consider different models of ombuds and recommend practices for the Office of Equity.