



Washington State Minority and Justice Commission (WSMJC)

Friday, July 18, 2014

8:45 a.m. – 12:00 p.m.

Maleng Regional Justice Center, Kent



MEETING NOTES

Commission Members Present

Justice Mary I. Yu, Co-Chair
 Judge Veronica Alicea-Galvan
 Judge Lisa Atkinson
 Prof. Robert C. Boruchowitz (teleconference)
 Prof. William Covington (teleconference)
 Jennifer Davis-Sheffield (teleconference)
 Judge Theresa Doyle
 Marie Eggart (teleconference)
 Uriel Iñiguez
 Prof. Jason Gillmer
 Carla C. Lee
 Commissioner Joyce J. McCOWN (teleconference)
 Judge LeRoy McCullough
 Karen W. Murray
 Judge Lori K. Smith
 Travis Stearns
 Justice Debra Stephens
 Judge Vicki J. Toyohara

Members Not Present

Justice Charles W. Johnson, Co-Chair
 Prof. Lori Bannai
 Jeffrey A. Beaver
 Ann E. Benson
 Judge Deborah D. Fleck
 Bonnie J. Glenn
 Russell Hauge
 Yemi Jackson
 Rosa Melendez
 P. Diane Schneider
 Judge Mariane C. Spearman
 Judge Gregory D. Sypolt
 Judge Dennis D. Yule, Ret.

AOC Staff Present

Kathy Bradley
 Cynthia Delostrinos
 Danielle Pugh-Markie

APPROVAL OF MINUTES

The meeting minutes from the May 2, 2014, meeting were approved with no corrections.

CO-CHAIRS REPORT

MEMBERSHIP

New Commission Member – Judge Lisa Atkinson

Judge Lisa Atkinson is the newest member to be appointed to the Commission. She is a tribal court judge currently practicing in Edmonds, Washington.

MAY 20, 2014, SYMPOSIUM – Recap

The Symposium to the Supreme Court on Juvenile Adolescent Brain Development was a huge success. Many people were impressed by the presentations and the Symposium has been a great promotion of where we are going with the Commission. The youth panel was outstanding and was well received by the members of the court, and they will be doing a site visit to Green Hill School in Chehalis, Washington, in the next few weeks. The recording of the Symposium is available on the Minority and Justice Commission website. The Commission is committed to continuing to host annual Symposiums and a possible suggested topic for next year's Symposium is on reentry.

JUNE 9, 2014, PERCEPTIONS OF JUSTICE – Recap

The researchers' presentation was well received. There was a good turnout and the makeup of the audience was very diverse. The audience's questions and comments livened the discussion around the issues. The researchers were very pleased with the opportunity to directly interact with the people for whom they did the report. The event was recorded and is available on TVW and also on the Minority and Justice Commission Web site.

Next Steps – Follow-up

There was concern that district and municipal court judges were not able to participate in the Perceptions of Justice event because it was at the same time as their spring conference. The Commission would like to follow up with them and the superior court judges to get an idea of how they feel about the results of the study. The Commission is in a good position to help them address the perceptions that the public, particularly people of color, have of the courts. We could take a programmatic approach to the different court levels by making ourselves available to the judges and presenting the findings of the report to them, hearing what their problems are in terms of trying to improve the confidence in their courts, and helping them find solutions.

One place we could start to have these conversations is in the Tri-Cities when we travel there for the Youth and Justice Forum. It was decided that the plan would be to hold a private meeting with judges in that area on the night of the Youth and Justice Forum, November 7, 2014. Commission members said they would reach out to their colleagues in the Tri-Cities area to try to set this up.

The Commission talked about other possible next steps to address the results of the report. One suggestion was to collaborate with law enforcement and to have ongoing discussions about the findings of the report and then develop a plan that would involve the community. Another suggestion was to examine the practices in misdemeanor courts. The misdemeanor courts receive the highest volumes of people and many are dealing with inadequate resources to meet the demand.

Another suggestion for the Commission to pursue in follow-up to the report was to connect back with the Sentencing Guidelines Commission on the topic of our last joint meeting, which was to change drug-conviction scoring. It is widely known that people of color are disproportionately impacted by drug convictions. Even though counties are now generally moving away from drug convictions, the old drug convictions still show up and are taken into consideration in sentencing. The Commission is interested in holding another joint meeting with the Sentencing Guidelines Commission to continue the discussions. The last suggestion was to work with law enforcement on possibly sponsoring training programs for officers, recognizing that individuals' first contact with the criminal justice system is with law enforcement.

A task force was created to come up with a plan for follow up. The task force included Bob Boruchowitz, Justice Debra Stephens, Judge LeRoy McCullough, Jennifer Sheffield, Uriel Iniguez, Judge Theresa Doyle, and Judge Lori Smith. Minority and Justice Commission staff will create a PowerPoint that Commission members can use to give presentations on the findings of the Justice in Washington State study. The task force will develop a plan that involves Commission members hosting conversations about the findings of the report and getting feedback from the courts and other stakeholders on what we can do to address the lack of confidence in the courts by minority populations. Justice Stephens shared that she was

going to be speaking on a diversity panel at the Washington State Association for Justice's Conference, and will be presenting information about the report to that audience.

One program that was highlighted during the meeting was the King County Prosecutor's Office's Law Enforcement Assisted Diversion (LEAD) Program. It is an adult diversion program that runs out of Belltown and White Center. If officers notice that an individual has an underlying drug problem, they have the authority to send them to a treatment center instead of referring them to be prosecuted. It is a way to divert individuals away from the criminal justice system and into treatment. The results of the program will come out towards the end of this year. The Commission is interested in hearing about the results, and will reach out to LEAD about possibly setting up a meeting once the results are available.

Mr. Travis Stearns highly recommended the book, "Racing to Justice" by John Powell. Mr. Powell was a speaker on implicit bias at a recent conference put on by the Washington Defenders Association (WDA). His presentation was recorded and Commission members can view it on the WDA website. He was recommended as a possible faculty speaker for future Commission education events.

STAFF REPORTS

BUDGET

The budget for the last fiscal year was presented by staff. In mid-June there was roughly \$23,000 left to be spent. Staff and the co-chairs met to discuss how the remaining balance would be spent and came up with two ideas. First, \$2,000 would be given to sponsor the 2014 Tri-Cities Youth and Justice Forum. Staff is already working with a planning committee to prepare for this event. Secondly, all of the remaining balance on the last day of June will be applied to the Civil Legal Needs Study. The Commission will be working with a tighter budget next year so it is important that we make sure we support the study now with any funds we currently have. The way our budget works is that any money that is not spent by the end of the fiscal year gets reverted back. In the past years the Commission has underspent, so it is very important that we begin to spend all of the money we are allotted. We have a responsibility to keep putting on programs and use the funds that have been allocated to us.

A proposed 2014-2015 budget was also presented. The numbers are based on the previous year's expenditures and include some of the commitments that have already been agreed upon for this next year. The proposed budget is not meant to be the final word in how money will be spent, but is only meant to be a tool for the Commission when thinking about how we want the money to be spent this upcoming year.

Spring Conferences – There is a line item for sponsoring education sessions at both the District and Municipal Court Judges' Association (DMCJA) and the Superior Court Judges' Association (SCJA) spring conferences. It was asked that we include sponsorship of a cultural competency education session at the Appellate Judges' Conference. Staff will work with Justice Stephens on planning for a presentation at the Appellate Judges' Conference.

Jury Diversification Research – It was suggested that our next research efforts could go towards looking into the issue of jury diversification. It was mentioned that there are

already individuals that are spearheading these efforts statewide. Judge Rosen from Seattle has been looking into this issue and is working with Appleseed in Eastern Washington. Additionally, the Escalating Cost of Litigation Task Force of the Washington State Bar Association is also looking into this issue on the civil side. Commission members expressed interest in sponsoring a research study to look at the question of why minorities are not consistently participating in juries. Justice Yu will contact Judge Rosen about the Commission supporting his efforts. We have the opportunity to bring groups together on issues impacting minority communities, and we should never compete with others' efforts, but rather offer a home and space to have a statewide impact.

Youth and Justice Forums – The Commission will continue to sponsor Youth and Justice Forums around the state. One forum that the Commission has not yet provided sponsorship to is in Chelan, and we hope to reach out to them in support. Additionally, staff has been contacted by individuals in Yakima who are interested in starting a Youth and Justice Forum. Commission members suggested that we also consider reaching out to Clark County and Centralia as possible locations for Forums. It was also mentioned that the Commission should sponsor a Forum specifically for tribal youth. Judge Lisa Atkinson and Judge Vicki Toyohara offered to help staff in planning and reaching out to the tribes.

Refugee Connection Spokane

The Refugee Connection Spokane works with Gonzaga Law School in putting on a workshop to teach refugees in the Spokane area about the American legal system, helping them work through some of the cultural differences between our legal system, law enforcement, and others. The Commission voted to sponsor in the amount of \$2,000. Ms. Danielle Pugh-Markie is working on ways that the Interpreter Commission can help with the program by seeing if interpreters can volunteer for the program and earn credits/learning hours as an incentive to participate.

Judicial Conference

The Minority and Justice Commission is sponsoring two sessions at the Annual Fall Judicial Conference which is being held in Spokane at the end of September.

1) Legal Financial Obligations (LFOs) – This session will show judicial officers how to use the resource guide that the Commission is creating with the help of Ms. Vanessa Hernandez from the American Civil Liberties Union (ACLU) and Mr. Nick Allen from Columbia Legal Services (CLS). The session is a one-hour business session that judges will receive ethics credits for. The ethics question that will be addressed is how to avoid due process violations when imposing LFOs by doing an inquiry into a defendant's ability to pay. Judge Veronica Alicea-Galvan and Judge Theresa Doyle will be the faculty presenters.

It was suggested that if faculty needs data they can contact Dr. Alexis Harris from the University of Washington. One question Commission members had was how much it costs to collect LFOs. They are interested in looking at collection costs of the courts and whether it make financial sense to spend money in the area of collections. It was brought to the Commission's attention that the County Clerks produce a report every year on the collection of LFOs. All courts are required by law to report about collection. *(The report will be sent via email to Commission*

members after the meeting). Additionally, the Clerks in each county get monthly reports about their collection. The report shows the breakdown of fees and how much is collected from LFOs.

Some other questions that arose were around:

- How one can begin to make policy changes in regards to the collection of LFOs?
- What are the restrictions, if any, around making it more feasible to do community service in lieu of payment?
- What would be the venue to suggest policy changes?
- What are the hidden costs of LFOs and can those be waived?
- Do counties make money off of LFOs?

Staff will look into what it costs courts to collect LFOs. The faculty for the LFO education session would like to present some data to judges about the costs of collection. Maybe the data could assist judicial officers in resisting the political pressures, if any, that exist.

The overarching goal of the session is to help judges understand the many laws around collecting and enforcing LFOs. Right now, people are being sanctioned based on their behavior in court, which is unfair. It was suggested that judges are making judgment calls not based on the case, but on bias and behaviors of defendants in court. This may be evidenced through the different collection practices that exist in different courts throughout the state.

2) Race Power of an Illusion

This session will be sponsored by the Minority and Justice and Gender and Justice Commissions. Mr. Khatib Waheed is the faculty for the session. The presentation will feature a video segment from the series, "Race Power of an Illusion," and will touch on issues of structural and institutionalized racism, using examples from the past. Participants in this session will be able to look closely at the intersection between race and poverty. Ms. Pugh-Markie has worked with Mr. Waheed before when she was with the National Council for Juvenile and Family Court Judges. Staff will share with Mr. Waheed the Justice in Washington State Survey Report and the work we are doing with LFOs so that he can tie those into his presentation.

National Consortium on Race and Ethnic Fairness in the Courts (NCREFC)

The NCREFC Annual Conference was held at the end of June in Cody, Wyoming. Minority and Justice Commission staff, Callie Dietz, Judge Lori Smith, and Judge Tom Tremaine from the Gender and Justice Commission, attended and represented Washington State. The significance of holding the annual conference in Cody, WY, was because it was the location where over 11,000 people of Japanese ancestry were interned during WWII.

Staff had three main takeaways from the conference: 1) Washington State is seen as very progressive and forward thinking, and many states look to us for ideas on how to improve access to the courts and on issues of addressing disproportionality in the criminal justice system; 2) We are not alone in our efforts to address issues affecting minority populations in the courts—many states have bodies that are committed to this work, and we should look to other

states for ideas and guidance; 3) We are lucky to have a State Supreme Court that pays attention to issues of race, racial disproportionality, and equal access to the courts, and who sincerely care about addressing it.

COMMITTEE REPORTS

I. Law Enforcement Collaboration

Fair and Impartial Police Training

Judge Veronica Alicea-Galvan represented the Commission on a team that included law enforcement officers from around Washington State, for a police training that looked at a new method of policing. The training philosophy represented a paradigm shift of current practice, looking at common issues with more of an equity lens. One topic that was brought up during the training was on implicit bias and the neuroscience behind it. One thing that could be done with both judges and law enforcement officers during the education session is to do the implicit association test on the topic of poverty so that we can see where our biases come in to play.

It was recommended that we continue to collaborate with law enforcement on the possibility of implementing this new training. The Commission is in a good position to have conversations with law enforcement about how our two systems can work together to address issues like the public's perception of bias and racial disproportionality. More prosecuting agencies need to be a part of these discussions because criminal justice issues should be looked at as involving all the system players. Ms. Cynthia Delostrinos will contact Mr. Russ Hauge about the Commission possibly sponsoring a training on implicit bias with the Washington Association of Prosecuting Attorneys.

Judge Alicea-Galvan will continue to have conversations with the law enforcement collaborations group. It is important for the Commission to look at sharing resources with one another across systems.

II. Juvenile Justice Committee

Courts Igniting Change Conference

The Conference is scheduled for October 10, 2014, at Seattle University School of Law. The focus of the Conference is on the school to prison pipeline and the court's role in the phenomenon. The keynote for the conference is Judge Steven Teske from Clayton County, Georgia. Staff was able to meet him at the Northwest Justice Forum, where he was the keynote speaker. His presentation is about encouraging juvenile court judges to be the convening leaders: bringing together courts, schools, and police to have discussions about eliminating the school to prison pipeline. (See *materials for descriptions of his presentations.*) Invitations for the Conference will be sent out soon.

NEXT COMMISSION MEETING: September 12, 2014

The next meeting is scheduled for September 12, 2014, at the Administrative Office of the Courts, SeaTac.

