

# 2021: HOW GENDER AND RACE AFFECT JUSTICE NOW



## GENDER AND JUSTICE COMMISSION

Promoting Gender Equality  
in the Justice System

The 2021 Gender Justice Study found evidence of many gender inequities in Washington State's justice system. These inequities most frequently impact Black, Indigenous, and people of color who are women, transgender, and gender nonconforming.

**The costs of accessing Washington courts has the greatest impact on single mothers; Black, Indigenous, and women of color; LGBTQ+ people; and those with disabilities.**

**Lack of affordable child care limits the ability of low-income women to get to court, underscoring the need for flexible court schedules and online access to court.**

## Gender, the Legal Community, and Barriers to Accessing the Courts


- » The costs of accessing Washington courts—such as user fees, child care, and lawyers—create barriers. This has the greatest impact on single mothers; Black, Indigenous, and women of color; LGBTQ+ people; and those with disabilities.
- » Lack of affordable child care limits the ability of low-income women to get to court, underscoring the need for flexible court schedules and online access to court.
- » Lack of court interpreters and translated materials disadvantages people with distinct communication needs. This is a particular concern for those seeking protection from domestic violence, including immigrant women and families.
- » Black, Indigenous, and women of color are not well represented in jury pools. Higher juror pay and research on challenges for female jurors are needed.
- » Women, particularly Black, Indigenous, and other women of color, continue to face bias and pay disparities in the legal profession. Women and men of color are also underrepresented in judicial and law firm leadership positions.

## Gender, Civil Justice, and the Courts

- » The highest rates of workplace discrimination and harassment affect Black, Indigenous, and women of color; women doing farm work, domestic labor, and hospitality work; people with disabilities; and LGBTQ+ workers.
- » Those most impacted by workplace discrimination and harassment have difficulty reporting incidents and finding lawyers. They may receive unequal court outcomes by gender, race, and ethnicity.
- » A 2021 workplace survey of employees in Washington courts, superior court clerk offices, and judicial branch agencies found that employees who identified as American Indian, Alaska Native, First Nations, or other Indigenous Group Member (86%), bisexual (84%), gay or lesbian (73%), and women (62%) reported the highest rates of harassment.
- » Current practices for valuing life for wrongful death and other tort claims devalue the lives of women and Black, Indigenous, and people of color.
- » Data suggests that gender and other biases in family law proceedings can impact custody, child support, and maintenance decisions.



**Employees who identified as American Indian, Alaska Native, First Nations, or other Indigenous Group Member (86%), bisexual (84%), gay or lesbian (73%), and women (62%) reported the highest rates of harassment.**




**Despite improvements in the law and its enforcement, barriers to justice remain for victims of gender-based violence. The large numbers of missing and murdered Indigenous women and people remain a key concern.**

## Gender, Violence, Youth, and Exploitation

- » Domestic violence and sexual assault mostly harm women and LGBTQ+ people—particularly those who are Black, Indigenous, people of color, immigrants, or living in poverty. They face barriers to reporting such gender-based violence.
- » Despite improvements in the law and its enforcement, barriers to justice remain for victims of gender-based violence. The large numbers of missing and murdered Indigenous women and people remain a key concern.
- » The law requiring mandatory arrests in domestic violence cases may have unintended adverse effects on women, people of color, immigrants, those living in poverty, and LGBTQ+ people.
- » Girls, LGBTQ+ people, and youth with disabilities take different pathways into the juvenile justice system than youth who are not a part of these populations, and have different needs inside the system.
- » Boys are targeted for commercial sexual exploitation in larger numbers than previously known. But women, youth of all genders, LGBTQ+ people, those in poverty, and Black, Indigenous and communities of color are the main targets.
- » The justice system response to commercial sexual exploitation has greatly improved but still treats many in the sex industry, including exploited populations, as criminals.

# The Gendered Impact of the Increase in Convictions and Incarceration

- » While men of color have suffered the brunt of mass incarceration, the number of women incarcerated in Washington grew exponentially and largely in the shadows between 1980 and 2000. Their numbers continue to increase while the very high incarceration rates for men decrease.
- » Our pilot project found that Black, Indigenous, and women of color are convicted and sentenced at rates two to eight times higher than white women.
- » Jail and prison programs and policies are developed for men and often do not meet the needs of women or transgender and gender nonconforming people.
- » Incarcerated mothers are more likely than fathers to be primary caregivers. Mothers are thus more likely to lose their children to out-of-home care during their incarceration.
- » Racial disparities in arrests negatively influence pretrial bail decisions, which influences plea deals, affects charging decisions, and creates a higher likelihood of incarceration and longer sentences for both men and women of color.
- » There is little data on the gender impacts of legal financial obligations (LFOs). The available research suggests that while men face higher LFOs, women face greater challenges trying to pay both their own LFOs and those of people close to them.

 **Our pilot project found that Black, Indigenous, and women of color are convicted and sentenced at rates two to eight times higher than white women.**



Washington State Supreme Court  
Gender and Justice Commission  
Administrative Office of the Courts  
PO Box 41170  
Olympia, WA 98504-1170

**PHONE**  
(360) 704-4031

**EMAIL**  
Commissions@courts.wa.gov

**WEBSITE**  
[www.courts.wa.gov/genderjustice](http://www.courts.wa.gov/genderjustice)



Access the complete study and pilot project reports on the Gender and Justice Commission website @[www.courts.wa.gov/genderjustice](http://www.courts.wa.gov/genderjustice).