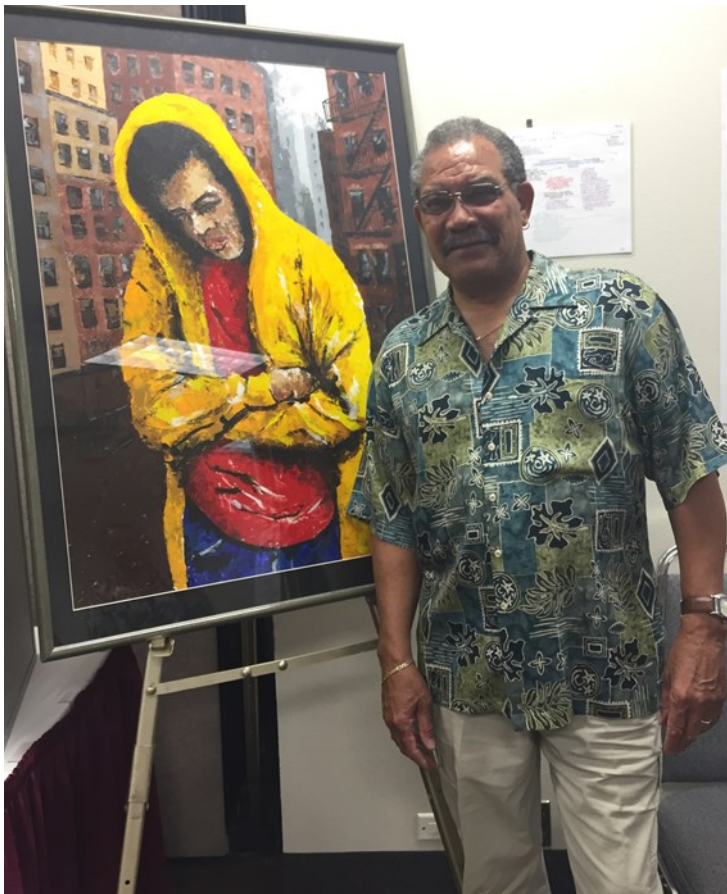


MINORITY & JUSTICE COMMISSION | WASHINGTON STATE SUPREME COURT

# ANNUAL REPORT | 15





Artist Ashby Reed

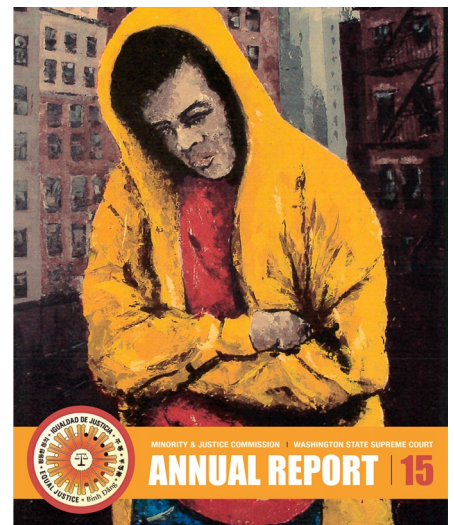
## “Urban Despair”

“In 2012 I was doing a series of pieces that portrayed inner-city landscapes that I remembered from my youth growing up in the south Bronx. When I first painted “Urban Despair” it was to interpret an idea I had about our youth across the country in those inner cities. The loud and colorful clothing was in contrast to the drab environment many African American youth are mired in today. The building behind the young man in the painting is my old tenement building I lived in and done as I remembered. The youth of today wear their hoodies as a fashion statement but it sadly subjects them to profiling by the authorities. After painting the piece in December 2011, the Trayvon Martin tragedy unfolded on national TV in February, 2012. And since then the hoodie has become a protest symbol that makes an unprecedented statement about injustice and uneven law enforcement. I never exhibited that piece until about a year after painting it, but now it causes thoughtful conversation as we continue to watch current events play out month after month in the news.” *Ashby Reed*

*If you are interested in submitting a piece of artwork for consideration as the Commission’s next poster, please contact Stacy Smith at [Stacy.Smith@courts.wa.gov](mailto:Stacy.Smith@courts.wa.gov). Posters are available to any person or entity; please contact us if you are interested in obtaining a poster.*

## Artwork

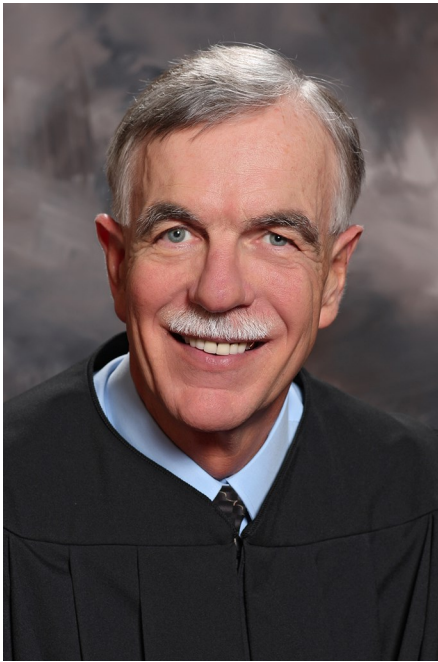
The Minority and Justice Commission selects and reproduces posters of works by northwest artists that reflect dimensions of the racial and ethnic diversity of the people and communities served by Washington State courts. This year’s selection, “Urban Despair,” showcases the work of Seattle graphic artist, **Ashby Reed**. It is a gripping reflection of the times in which we live when there is heightened awareness and acknowledgement of the racial inequity that exists in America. In selecting this year’s artwork, the Commission recognizes the influence of bias, both implicit and overt, on perceptions and identity. For some, the image may re-enforce negative biases around youth and youth of color. For others, the image may be a symbol of the growing movement for racial equity in response to harsh and tragic outcomes for youth of color. The Commission hopes this piece will stimulate thoughtful reflection, inquiry, and public dialogue about race, justice, and the role of the courts.



Cover Art

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Co-Chairs Justice Charles Johnson and Justice Mary Yu

## Statement from the Co-Chairs

On behalf of the Washington State Minority and Justice Commission, we are pleased to present the 2015 Annual Report.

Each year the Commission strategically focuses on four key areas to further its mission: education, research, outreach, and promoting diversity in the legal workforce. Through the hard work of its staff, committees, and volunteers, the Commission saw a year of tremendous success in each of these areas.

While the Commission tackled many different areas with its work, a major focus for 2015 was on reentry. Each year thousands of individuals reenter our society from incarceration. What many of us do not see are the numerous obstacles and barriers that those individuals face when trying to access basic needs like employment and housing. The Commission was honored to host advocates across the state who are working hard towards breaking down some of those barriers to reentry at its annual Supreme Court Symposium, “Reentry: Do We Really Care About People Succeeding After Prison?” The Symposium explored the issue of reentry, looking at employment opportunities, education, family reunification, and the specialized programs designed to empower ex-offenders to successfully integrate back into our communities.

The Commission also continued to remain in the forefront on the issue of legal financial obligations (LFOs), which can hold individuals in massive amounts of debt. We updated the LFO resource guides for judges to reflect the recent changes in case law and statutory law. We also sponsored two presentations on LFOs, one for district and municipal court judges at their spring conference, and another at the national judicial conference that was held in Seattle during the fall. The resource guides and the trainings help judges understand what they can do

to make sure that individuals are not excessively burdened by debt that they are unable to pay.

It was a big year for judicial education, as the Commission presented the findings of its “Justice In Washington State Survey” to judges at every court level. The sponsored trainings looked critically at the findings of the report, which showed that people of color have a vastly different perception (and experience) of our justice system, weaving in implicit bias, research, and data around race and disproportionality. The trainings examined the role and responsibilities of judges as they relate to improving the public’s perceptions and experience of the justice system, particularly for people of color.

The Commission was proud to celebrate the contributions of judges of color in Washington State at its first Judges of Color Reception. The Reception was an opportunity to reflect on the past accomplishments of judges like Justice Charles Z. Smith, founder of the Minority and Justice Commission, celebrate present judicial officers of color, and embrace the future of diversity on the bench.

While we celebrate the accomplishments of 2015, we recognize that much remains to be done to ensure awareness of the issues affecting persons of color in our justice system. We remain optimistic and believe that even with the unrest felt around the nation, the Commission can make strides towards lasting change.

The Commission’s work would not be realized without the support of its members, volunteers, and supporters, and we express our gratitude to each of them. We hope you find the 2015 Annual Report both interesting and inspiring as we highlight the work of the Commission.

Please contact Stacy Smith if you would like to learn more about the Commission or to see how you can get involved. Ms. Smith can be contacted at [Stacy.Smith@courts.wa.gov](mailto:Stacy.Smith@courts.wa.gov).





## History and Mission

The Washington State Minority and Justice Commission was created by the Washington State Supreme Court in 1990, for the purpose of examining all levels of Washington's judicial system to ensure that the judicial needs of people of color are considered and to make recommendations for judicial improvement and equal treatment in state courts.

By order of the Supreme Court on January 6, 2016, the Commission was renewed for an additional period of five years. In creating the Commission and in subsequent Orders of Renewal, the Supreme Court acknowledges there is a continuing need to identify and to eradicate the effects of racial, ethnic, and cultural bias in our state court system.

Our mission is to foster and support a fair and bias-free system of justice in Washington Courts, and by identifying racial and ethnic bias, take affirmative steps to address, eliminate, and prevent such bias.

The Commission Sub-Committees, each chaired by Commission members, focus on five areas:

**EDUCATION:** The Education Committee seeks to improve the administration of justice by eliminating racism and its effects by offering and supporting a variety of innovative, high quality, education programs designed to improve the cultural and professional competency of court employees and other representatives of the Washington State justice system.

**EVALUATION & IMPLEMENTATION:** The mission of the Evaluation and Implementation Committee is to review Commission-sponsored research reports, to develop action plans for report findings, to review justice related rules and processes, and to recommend implementation of changes that will reduce or prevent the effects of racial and ethnic bias in the administration of justice.

**OUTREACH:** 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.

**RESEARCH:** The mission of the Research Committee is to design, fund, and conduct research projects relating to the problems experienced by racial and ethnic minorities in the Washington State justice system.

**WORKFORCE DIVERSITY:** The mission of the Workforce Diversity Committee is to promote equal employment and to increase the number of racial and ethnic minorities employed in the justice system.

## Tribal State Court Consortium

The Tribal State Court Consortium (TSCC) is a collaboration of the Minority and Justice Commission, Gender and Justice Commission, Administrative Office of the Courts, and tribal courts across Washington State. Created in 2013, TSCC aims to expand and increase communication and cooperation between state and tribal court judicial officers. TSCC provides an open, transparent forum where state and tribal court judicial officers can come together and discuss jurisdictional issues, gaps in services, and ways to develop lasting partnerships.

In an effort to expand its reach, the TSCC held its first two regional meetings in 2015. Originally, the TSCC met on a yearly basis in conjunction with the Annual Fall Judicial Conference, but the group agreed that in order to make a true impact it must meet more often and hold regional meetings across the state.

The first regional meeting was held at the Suquamish Tribe in February 2015. National presenters for the first regional meeting were Judge William Thorne, retired Utah Court of Appeals judge, and Heather Valdez Singleton from the Tribal Law and Policy Institute.

The second regional meeting was held at the Swinomish Tribe on September 21, 2015, and was joined by Judge Steven Aycock, retired judge of the Colville Tribal Court and current judge-in-residence of the National Council of Juvenile and Family Court Judges.



First regional meeting at the Suquamish Tribe



Second regional meeting at the Swinomish Tribe



# Resources

**LFO Resource Guide Update** – The Commission first created and distributed its LFO resource guide in 2014, which was a compilation of the laws, statutes, and case law around LFOs in Washington. Since then, the Supreme Court’s decision in *Blazina*<sup>1</sup> was issued. *Blazina* addressed the duty of judges to do an individualized inquiry on ability to pay in cases involving LFOs for indigent defendants. The 2015 update to the LFO resource guide reflects some of those recent changes in the case law. You can find links to the resource guides on the Commission’s website.

<sup>1</sup>*State v. Blazina*, Case No. 42728-1-II (WA Ct. App., May 21, 2013)

**2015 Update: Reference Guide on Legal Financial Obligations (LFOs) Courts of Limited Jurisdiction (CLJ) in Washington State**

**Imposing LFOs at Sentencing**  
**What is an LFO?**  
 LFOs include restitution, fees, fines, assessments, and costs imposed as part of a criminal judgment upon conviction. In some cases, costs may be imposed for pretrial supervision. There are both mandatory and discretionary LFOs authorized under state law, and each statute may differ in setting standards for imposition and waiver.

- Mandatory LFOs are those required to be imposed in every case or every conviction for a certain type of crime;
- Discretionary LFOs are allowed within the court’s discretion. Some discretionary LFOs can be reduced or waived on a finding of indigence.

**Mandatory LFOs in CLJ Courts**

- **Criminal Conviction Fee:** \$43, imposed in every case. *RCW 3.62.085*(district court); *RCW 3.50.100*(municipal court)
- **DNA Collection Fee:** \$100, limited to specified crimes. *RCW 43.43.7541*.
- **Public Safety and Educational Assessments:** An amount equal to 10% of net fines. *RCW 9A.02.020*

**Imposing Discretionary Costs in CLJ Courts:** Costs are permitted by 10.01.160, but the court “shall not order a defendant to pay costs unless the defendant is or will be able to pay them.” *RCW 10.01.160(3)*

“The record must reflect that the trial court made an individualized inquiry into the defendant’s current and future ability to pay”. *State v. Blazina*, 182 Wn.2d 827, 838 (2015). The court may not rely on boilerplate language stating that it engaged in the required inquiry. *Id.*

**DETERMINING ABILITY TO PAY**

A court should “seriously question [a] person’s ability to pay LFOs” if that person meets the GR 34 standard for indigence. *Blazina*, 182 Wn.2d at 839.

**Under GR 34, a defendant is indigent if he or she:**

- Currently receives benefits from a needs-based, means-tested assistance program, including, but not limited to TANF, GA-U or GA-X, SSL federal poverty-related veteran’s benefits, or food stamps;
- Has income at or below 125% of the federal

LFO Resource Guide

# Research

**Civil Legal Needs Study** – The Commission helped sponsor the 2015 update to the Civil Legal Needs Study that can be found online through the Office of Civil Legal Aid’s website. Conducted in late 2014, the Report updates the 2003 report that looked at the unmet civil legal needs of low-income families in Washington State.

**Jury Diversity Project** – In order to better understand juror demographics in Washington State, the Commission is surveying select courts across the state on the demographic makeup of who shows up for jury duty. This effort will be an ongoing process throughout 2016, with findings to be released in 2017. A special thank you to Judge Steve Rosen and Seattle University for its collaboration in this effort, and to all of the courts that are participating in this process.



2015 WASHINGTON STATE

## CIVIL LEGAL NEEDS STUDY UPDATE

Civil Legal Needs Study Update Committee  
Washington State Supreme Court - October 2015



Civil Legal Needs Study

# Legal Financial Obligations: A Ball and Chain

## By Judge Theresa Doyle

Just three small letters. But such an overwhelming burden .

You can't get a job or apartment because of your criminal record. The legal financial obligations (LFOs) ordered as part of your sentence remain unpaid, making matters worse. An employer's or landlord's background check shows not just your conviction, but that your case is still active because of the unpaid LFOs. And the unpaid LFOs have damaged your credit, making housing harder to find, even if you could afford the rent.

Now there is a warrant for your arrest for the unpaid LFOs. If you are picked up and jailed, you will miss the job interview and mental health treatment appointment next week. If you remain in jail too long, you will lose your temporary housing. Then you could lose custody of your children. These are common consequences for people with LFOs who cannot afford to pay.

*Facts about LFOs* — In Washington, superior court judges at sentencing are required to impose, on most convictions, a \$500 victim penalty assessment, \$100 DNA fee, and any restitution owing to the victim. This LFO debt accrues interest at 12 percent under state law. There are a host of other discretionary LFOs—costs, fees, and fines—that judges can, but are not required to, impose.

The average LFO amount imposed in criminal cases statewide by Washington superior courts between 2010 and 2012 was \$995. For indigent defendants, that is a huge sum. A person paying \$20 monthly, at 12 percent interest, together with the annual surcharge assessed by most courts, after three years would still owe \$797.

There is geographical disparity among counties across the state in imposing LFOs. The disparity ranges from hundreds of dollars in some courts, to thousands of dollars in others, according to a 2008 report prepared for the Washington Minority and Justice Commission (MJC). How did we get here?

*Mass Incarceration* — Mass incarceration played a part. From 1973–2009, federal and state prison populations rose from 200,000 to 1.5 million. Today there are nearly 6 million persons in the United States with felony convictions. There is dramatic racial and ethnic disproportionality in those numbers. Blacks are incarcerated at six times the rate of non-Hispanic whites; Hispanics at three times the rate.

More people with convictions means more people burdened with LFO debt, many of whom are poor. Approximately half were jobless at the time of arrest. Of those who were employed, about half reported income of \$1,200 per month or less. Adding insult to injury, LFO debt itself is disproportionately imposed. A recent MJC study revealed that in Washington, Hispanic males incur higher LFOs than non-Hispanic white defendants.

*Inadequate Court Funding* — Part of the problem has been inadequate trial court funding. Washington places dead last in the nation for state funding of trial courts. That means the counties must pick up the slack. But there also is disparity among the counties in their ability and willingness to fund trial courts. In civil cases, this has resulted in more court user fees, further threatening access to justice.

In criminal cases, many counties rely on LFOs for trial courts to “self-fund.” This was one of the issues in Ferguson, Missouri. But the problem is nationwide and rests with the way we fund trial courts. Here in Washington, many judges feel pressure to impose and collect any and all LFOs authorized by statute. These include recoupment of the cost of a public defender, jury fees, jail costs, costs of serving bench warrants, court costs, and crime lab fees. The list goes on.

*Effect on Defendants* — What is the practical effect on the defendant/debtor of high LFOs? To begin with, these are people who, because of a criminal record, already have difficulty securing employment, housing, and certain state licenses.

High LFO debt just makes matters worse. There is the constant tension between paying court debt and paying for basic necessities such as food and rent. Defendants remain under the court's jurisdiction until LFOs are paid; outstanding obligations show up in background checks by employers and landlords. If the debtor falls behind in payments, wage garnishment and damaged credit can result. Many jurisdictions, such as Benton County until recently, enforce LFO obligations with jail.



King County Superior Court judges have chosen not to use jail to collect non-restitution LFO debt. Rather, the clerk's office arranges affordable payment plans. On the front end, the general practice of the King County Superior Court bench has been to impose only the mandatory LFOs on defendants who have qualified for a public defender because of indigency. That is at least 90 percent of the court's defendants.

*Effect on Reentry* — As a society, we need to ask whether high LFOs make penological sense. Do they serve any of the purposes of sentencing? If LFOs are additional punishment, at what point has the person suffered enough? Do our LFO policies, because they make getting a job and housing more difficult, have the unintended effect of promoting recidivism? Are we creating a permanent underclass of the jobless, homeless, and disenfranchised?

*Effect on Perceptions of Justice* — High LFOs imposed on sentenced defendants can negatively affect the perception of the fairness of the justice system. According to a recent MJC report, persons of color report much lower confidence in the fairness of the criminal justice system than do non-Hispanic whites. Our LFO policies may be contributing to that perception.

The equity issue with LFOs is obvious. These fees are imposed regardless of income. Poor defendants drag high LFO debt around like a ball and chain. Wealthier defendants can just write a check.

*Financial Costs* — Finally, there is the question of whether high LFOs make financial sense. Studies show that much of LFO debt is uncollectable. For example, the MJC report found that for three-fourths of the sentenced cases in the first two months of 2004, less than 20 percent of LFOs had been paid three years after sentencing. The costs of enforcement are high. A recent New York Times article reported that New Hampshire spent \$176,000 in jail costs to collect \$67,000 in LFOs.

To ascertain the true cost of LFOs, the Superior Court Judges Association (SCJA) has requested the MJC to commission a study of what the LFO system actually costs — from enforcement hearings, judge and prosecutor time, bailiff and clerk time, bench warrant service, and jail officer costs to the cost of jail.

*Education* — LFO law is arcane and confusing. To help judges, the MJC created bench cards for trial judges. Available to defenders and prosecutors as well, the bench cards outline the restrictions on imposition of LFOs at sentencing, describe when judges can reduce, waive or convert LFOs to alternatives such as community restitution, and clarify the due process requirements of a hearing and right to counsel before a person can be jailed for willful nonpayment.

*LFO Case Law* — The appellate courts have begun to address LFOs. Last year, in *State v. Blazina*, Chief Justice Barbara Madsen wrote for a unanimous court that before imposing discretionary costs, trial judges must conduct an individualized inquiry on the record about the defendant's ability to pay. The case law is developing regarding the reach of that case.

*LFO Reform Legislation* — The Legislature considered LFO reform again in the 2016 session. In 2015, House Bill 1390, authored by Rep. Roger Goodman (D-45), passed 94–4 in the House only to die without a hearing in the Senate. HB 1390 would have: prioritized collection of restitution; eliminated interest on non-restitution LFOs; made the \$100 DNA fee one-time only; given judges more discretion to convert LFOs to community restitution; required optional payment plans; codified the due process requirements of a hearing and counsel before incarcerating for failure to pay; and provided that nonpayment by an indigent person is presumed to be not willful. Similar legislation was introduced in the 2016 session but failed to pass.

What can attorneys do? Consider joining the Superior Court Judges' Association and MJC in supporting LFO reform legislation. Request the Washington State Bar Association and minority, plaintiff trial, defense trial, prosecutor, and criminal defense bar associations get involved. Lawyers are considered community leaders, whether we realize it or not. Together we can change the world, tackling one issue at a time.

*About the author: Theresa Doyle has been a King County Superior Court judge since 2005, and was a Seattle Municipal Court judge from 1998-2004. She has served as Assistant Chief Criminal Judge, Drug Court judge, and as Mental Health Court Judge (in Seattle Municipal Court). Judge Doyle works on criminal justice reform issues for the Minority & Justice Commission and Superior Court Judges Association (SCJA).*

# Education

The Minority and Justice Commission sponsors and supports a variety of innovative educational programs designed for judicial officers, court employees, and the public in order to improve the administration of justice by eliminating racism and its effects on the justice system. The following is a list of educational programs the Commission sponsored in 2015:

## “Perceptions of Justice – The Separate Realities of the Justice System”

In 2014, the Commission released a report entitled “Justice in Washington State Survey” that looked at the perceptions Washington residents had of the justice system. The study found that whites viewed the justice system completely differently than people of color, with whites believing more in the fairness of the justice system in comparison to all of the other groups. The report can be viewed on the Minority and Justice Commission’s website under “Publications.”

In 2015, the Commission worked with racial equity consultant Greg Taylor, Founder Community Connection Consulting, based out of Renton, Washington, to develop training for judges that looked at the results of the study and applied it to current events and the work of the judiciary.

The judicial training, “Perceptions of Justice: The Separate Realities of the Justice System,” was presented at the Appellate Judges’ Conference, Superior Court Judges’ Spring Conference, and the District and Municipal Court Judges’ Spring Conference. The trainings covered judicial ethics, the findings of the “Justice in Washington State Survey,” current events that sparked the Black Lives Matter movement, and implicit bias.

For each of the trainings, Greg Taylor worked with judges from all court levels to create the presentations. We would like to give special thanks to Justice Mary Yu, Justice Debra Stephens, members of the SCJA Equality and Fairness Committee, Judge LeRoy McCullough, Judge Veronica Alicea-Galvan, Judge Linda Coburn, Judge Willie Gregory, Judge Charles Short, and members of the DMCJA Diversity Committee, for their help on these presentations.

## Justice in Washington State Survey

2012  
\*Revised and Updated 2014



Principal Investigators:

Professor Mark Peffley  
University of Kentucky

Professor Jon Harwitz  
University of Pittsburgh

Professor Jeff Mondak  
University of Illinois

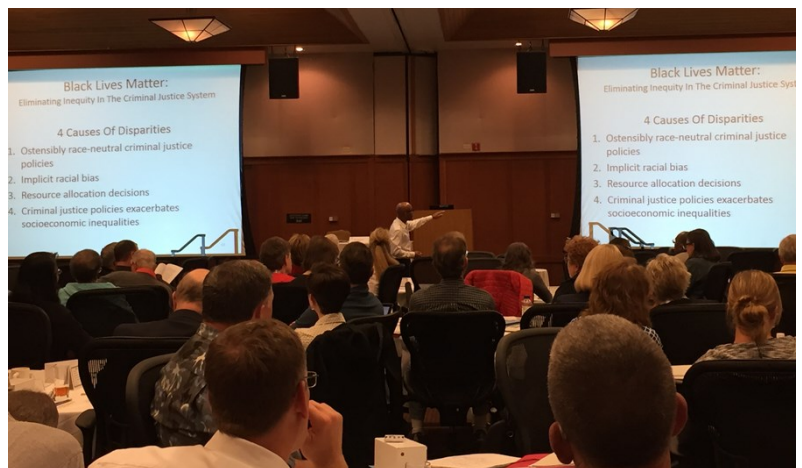


Prepared for The Washington State Minority and Justice Commission &  
The Washington State Center for Court Research

## Justice in Washington State Survey



Perceptions of Justice training







Seattle Race Conference



Judicial College

#### **“Bridges for Diversity” – Institute for New Court Employees**

The Commission jointly sponsored a training at the Institute for New Court Employees, “Bridges for Diversity, Inclusion, & Cultural Competency in the Courts.” The training discussed the importance of diversity and cultural competency to the administration of justice and specific strategies to foster an inclusive court environment. Faculty included Benita Horn of Benita R. Horn & Associates and Theresa Ewing, Court Administrator for Thurston County District Court.

#### **Seattle Race Conference**

The Commission was selected to give its “Perceptions of Justice” presentation at the 2015 Seattle Race Conference. Judge Veronica Alicea-Galvan and Judge Linda Coburn helped Greg Taylor give the presentation.

#### **“Judicial Officers Leading the Way: Culturally Competent Courtrooms” – Judicial College**

This year’s Judicial College included the Minority and Justice Commission sponsored training “Judicial Officers Leading the Way: Culturally Competent Courtrooms.” The faculty included Benita Horn, Judge LeRoy McCullough, King County Superior Court, and a guest appearance by Justice Mary Yu. The faculty discussed topics of implicit bias, diversity statistics, key case law, and a robust discussion of what judicial officers should do when confronted with bias in their courtrooms.

#### **“Monetary Sanctions in District and Municipal Courts” – DMCJA Spring Conference**

The Commission gave a training at the DMCJA Spring Conference that examined the recent Washington Supreme Court decision in *State v. Blazina*, and how it impacts district and municipal court practices. Also discussed were the ethical implications in the determination of an individual’s ability to pay monetary penalties assessed in court and the impact those decisions can have on individuals who are unable to pay. Faculty included Dr. Alexis Harris from the University of Washington and Judge Rick Porter from Clallam County District Court.

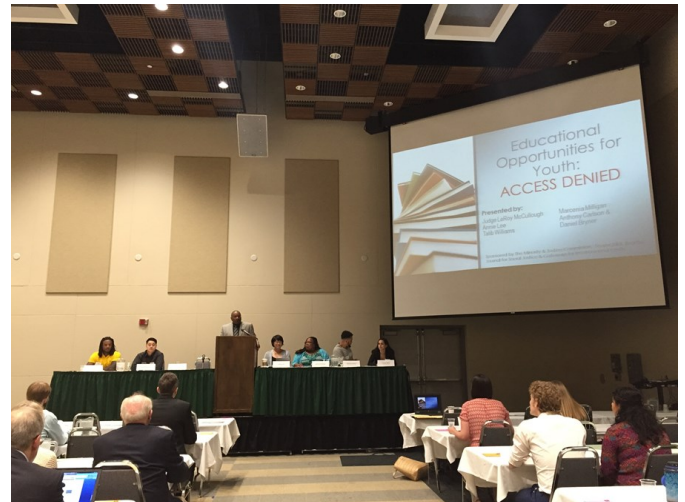
*Education continued*

**Access To Justice Conference**

The Access to Justice Board held its Access to Justice Conference, “Working for Justice: Our Journey Continues,” on June 14, 2015, in Wenatchee. The Commission held a joint meeting with the Access to Justice Board, where the preliminary findings of the Civil Legal Needs Study 2015 Update were presented and discussed, with a particular focus around how race factored into the findings of the report.

The Commission also sponsored two trainings at the conference. The first training was on the school to prison pipeline entitled “Educational Opportunities for Youth – Access DENIED,” which covered how civil legal aid lawyers can help students who are at risk of being pushed into the pipeline. Faculty included Judge LeRoy McCullough, King County Superior Court; Annie Lee of Team Child; Talib Williams of Gateways for Incarcerated Youth; Marcenia Milligan from Gateways; Daniel Bryner, Youth Advocate; and Anthony Carlson, Youth Advocate.

The second presentation was entitled “The Path to Racial Equity: Mind the Gap,” which was one part of a 3-part series of trainings addressing race and racial bias in the justice system. Faculty included Cynthia Delostrinos, staff to the Minority and Justice Commission; Joy Williams, Washington State Bar Association Diversity Program Manager; and Robin Nussbaum, Washington State Bar Association Diversity Specialist. The trainings were a collaborative effort with the Access to Justice Board’s Leadership Academy.



Access To Justice Conference



## Events

### Judges of Color Reception

The Commission held its first Judges of Color Reception, “Honoring the Past, Embracing Our Future,” to celebrate the contributions of judges of color in Washington State. The event was held on October 5, 2015, at K&L Gates in Seattle. The reception honored Justice Charles Z. Smith, a trailblazer for judges of color in Washington and one of the founders of the Minority and Justice Commission. The reception was also an effort to begin outreach to update the MJC Judges of Color Directory, which was last done in 2009. The update to the directory is scheduled for winter 2016.





Judges of Color Reception

### Other Commission Sponsored Events

#### **American Law and Justice Workshop – Refugee Connection Spokane**

This workshop, sponsored by Refugee Connection Spokane, is offered to refugees and immigrants in Spokane to help bridge the gap in knowledge and understanding of the American law system and residents' civic responsibilities.

#### **Judicial Institute – Initiative for Diversity**

The Judicial Institute is an all-day training put on by the Initiative for Diversity, to prepare qualified diverse attorneys for judicial positions through a comprehensive education and mentorship program. The goal is to make the path to the judiciary more accessible and to increase the number of diverse attorneys seeking and securing judicial positions.



American Law and Justice Workshop

## Supreme Court Symposium

### Reentry: Do We Really Care About People Succeeding After Prison?



On May 28, 2015, the Washington State Minority and Justice Commission, in cooperation with Seattle University School of Law, held the third Symposium on race in the criminal justice system at the Washington Supreme Court Temple of Justice in Olympia, Washington. The Symposium, entitled “Reentry: Do We Really Care About People Succeeding After Prison?,” explored barriers to reentry and the specialized programs designed to empower and help ex-offenders successfully integrate back into our communities. Dean Annette Clark of Seattle University School of Law addressed the Court with a thank you for providing space for the conversation and recognized that “at its core reentry is about human flourishing, liberation, and mercy.”

Approximately 600,000 prisoners reenter society each year. Those who can find employment earn 40 percent less than their peers, and 60 percent face long-term unemployment. Former prisoners often have trouble finding employment and reintegrating into society due to legal barriers, social stigma, and psychological scarring from prison. In 2014, more than 7,600 people were released from Washington prisons. For many of these ex-offenders, the process of reentry to the community is extremely challenging with a myriad of barriers to overcome.

Dr. Rhiana Kohl, Ph.D., Executive Director of Strategic Planning and Research for the Massachusetts Department of Corrections, presented “Lessons Learned: The Boston Reentry Study.” The study was conducted as a collaboration between the Massachusetts Department of Corrections and Harvard University over a twelve-month timeframe. Over one hundred participants were part of the study that provided a window into the actual experience of getting out of prison and the critical transition year that follows. Findings of the study showed that support from family, friends, and social services is critical to successful reentry as is early intervention while the inmate is still in prison and immediately upon release to mitigate the chances of recidivism.



Dr. Katherine Beckett from the University of Washington’s Department of Sociology took “A Closer Look at Washington.” While Washington rates of imprisonment are lower than the average national rates, they have steadily increased since the 1970s. In Washington, African Americans and American Indians are incarcerated at rates higher than the national average. Washington has also seen an increase in the proportion of the population that has been convicted of a felony offense, thus, carrying the stigma of a criminal conviction, which is exacerbated by the collateral consequences these individuals face. Additionally, criminal records are now more widely available and easily retrievable due to increased access to information through technology. For example, most landlords and employers in the U.S. check criminal records prior to making housing and employment decisions. Consequently, people leaving prisons and jails, as well as those contending with a criminal conviction absent incarceration, face considerable reentry challenges and barriers to success.





Dr. Alexes Harris, also with the University of Washington Department of Sociology, discussed the impact legal financial obligations can have on successful reentry. Legal financial obligations are monetary sanctions imposed upon an individual as part of sentencing and include assessments for restitution, court costs, fines, DNA testing, assigned counsel, requesting a jury trial, and other assessments required by law or imposed at a judge’s discretion. A twelve percent interest fee, annual collections surcharges, and per payment fees are also added to the total amount an individual owes. The aggregate of these fees can total in the hundreds to thousands of dollars, the result of which is the creation of long-term debt, continual court supervision, and possible re-incarceration for those who cannot pay these fees upon release or who are unable to maintain payments.

Presenters also discussed barriers to success in housing, employment, education, and family reunification. Merf Ehman from Columbia Legal Services explained how collateral consequences can negatively impact an individual’s

chances for successful transition into housing, employment, and education. Reliance on criminal records in each of these areas can be problematic because the records may not capture changes people make in their lives, may not be an accurate predictor of risk, and may have a discriminatory effect on people of color.

Elizabeth Hendren with the Northwest Justice Project and Lillian Hewko with the Washington Defender Association discussed the importance of family reunification after incarceration. Parental incarceration is classified as an adverse childhood experience, comparable to the death of a parent. It has lifelong consequences with education, employment, and relationships; thus, it is crucial that following incarceration, families be reunited and support systems are in place to ensure success.



The culminating point in the Symposium was the panel presentation, “Beyond the Jargon: Revealing the Real Impact of Reentry,” where presenters shared personal stories of how they faced a multitude of barriers to reentry, including terminated parental rights, felony arrest for inability to pay legal financial obligations, extended prison stay due to lack of housing, and obstacles to finding employment.



Judge Veronica Alicea-Galvan closed the Symposium by saying, “We have learned today, however, that for most individuals convicted of a crime, redemption is a false narrative and unattainable goal. The letter ‘C,’ standing for conviction, has become the new scarlet letter that is sewn into the fabric of a simple Google search. It is the letter that sets you apart, that designates you as ‘other,’ that denies you your humanity.” She continued by stating that acknowledgement of a problem’s existence is the first step towards change. She urged attendees to “address the disparate impact on those society has deemed disposable.”

A video recording of the 2015 Symposium can be viewed at [www.tvw.org](http://www.tvw.org) by searching for “Washington Supreme Court” and “reentry.” Materials used at the forum are available on the Minority and Justice Commission’s website. The Commission will continue to bring key issues to the Supreme Court’s attention through the 2016 Symposium on the topic of pre-trial issues in the criminal justice system.

## Youth and Justice Forums

The Minority and Justice Commission partners with communities across Washington State to host Youth and Justice Forums, which are day-long events held to encourage and inspire youth to consider the many different career paths in the law and justice system. The forums invite middle and high school aged youth from diverse backgrounds to learn about the work of an attorney, law enforcement officer, judge, and other justice system professionals. Over 60 volunteer professionals from the justice system, many of whom come from diverse backgrounds, participate in the forums.

Throughout the day, students are led through skits or mock trials, argue fictitious fact scenarios, and hear from justice system professionals about the work that they do and their paths to the law. By the end of the day, students leave with not only a greater understanding of their rights and responsibilities as members of their communities, but also with their horizons expanded as to the many different career opportunities available in the justice system and how to seize those opportunities. Below is a list of the Youth and Justice Forums the Commission sponsored in 2015.

### UW Law Academy – Discovering Law and Making a Difference

Date: March 13, 2015

Location: UW School of Law, Seattle, WA

Sponsored by the University of Washington School of Law Admissions Office and Center for Professional & Leadership Development, OMA/D CAMP, DiscoverLaw.org, and the First AME Church

### Diversity Justice Day for Youth

Date: March 25, 2015

Location: Wenatchee Valley College, Wenatchee, WA

Sponsored by the Chelan County Superior Court, Wenatchee School District, Together for Drug Free Youth, and Wenatchee Valley College



UW Law Academy



First AME Youth and Law Forum



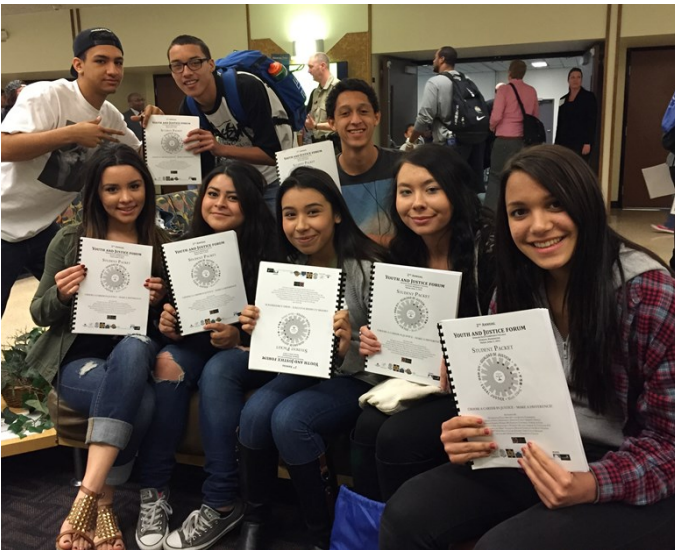




Yakima Youth and Justice Forum



Diversity Justice Day for Youth



Spokane Youth and Justice Forum



Tri-Cities Youth and Justice Forum

**Spokane Youth and Justice Forum**

Date: April 3, 2015

Location: Spokane Falls Community College, Spokane, WA

Sponsored by Spokane County Bar Association's Diversity Section, Spokane Public Schools, Spokane Police Department, Spokane County Sheriff, Spokane Falls Community College, Gonzaga University School of Law, and City of Spokane

**First AME Youth and Law Forum**

Date: April 25, 2015

Location: MLK Fame Center, Seattle, WA

Sponsored by First AME Church, Loren Miller Bar Association, Seattle Police Department, Zeta Phi Beta Sorority, Inc.

**Yakima Youth and Justice Forum – Liberty and Justice...For All!**

Date: September 30, 2015

Location: Heritage University, Toppenish, WA

Sponsored by Heritage University, Latino/a Bar Association of Washington, University of Washington School of Law, Filipino Lawyers of Washington, and Stokes Lawrence Velikanje Moore & Shore

**Tri-Cities Youth and Justice Forum – Liberty and Justice For All**

Date: November 6, 2015

Location: Columbia Basin Community College, Pasco, WA

Sponsored by ESD 123, Columbia Basin Community College, University of Washington School of Law, Seattle University School of Law, Gonzaga University School of Law, Latino/a Bar Association of Washington, AACCES, Miller, Mertens & Comfort, and Round Table Pizza



Tri-Cities Youth and Justice Forum Volunteers

## LSAC Diversity Bar and Bench Stakeholder Meeting

In November of 2015, the Minority and Justice Commission and Gender and Justice Commission jointly held the “Washington State Youth and Law Stakeholders Meeting.” The meeting was based off of a grant that was awarded by the Law School Admissions Council. The purpose of the grant was to help bring together the individuals and groups across the state that help organize youth and justice forums in their jurisdictions.

The meeting brought together over 30 stakeholders for a one-day workshop at the Administrative Office of the Courts’ SeaTac Office. Attendees learned about each other’s programs and shared best practices and challenges for putting on these events. Wendy Richardson, nationally known youth and law programming consultant, presented on how to create effective program evaluation tools and methods of feedback to help organizers create and revise programming to meet their objectives.

The Commissions will continue to build on these efforts to create a statewide network of youth and justice forum stakeholders. Please contact us if you are interested in getting involved!







## Washington State Minority and Justice Commission 2015 Commission Members

### Justice Charles W. Johnson

**Co-Chairperson**

Washington State Supreme Court

### **Justice Debra L. Stephens**

Washington State Supreme Court

### **Judge Veronica Alicea Galvan**

King County Superior Court

### **Judge Lisa L. Atkinson**

Shoalwater Bay Tribal Court

### **Professor Lorraine Bannai**

Seattle University School of Law

### **Mr. Jeffrey A. Beaver**

Miller Nash Graham and Dunn LLP

### **Ms. Ann Benson**

Washington Defenders Association

### **Professor Robert C. Boruchowitz**

Seattle University School of Law

### **Mr. Steven M. Clem**

Douglas County Prosecuting Attorney

### **Judge Linda Coburn**

Edmonds Municipal Court

### **Professor William Covington**

Univ. of Washington School of Law

### **Sergeant Adrian Diaz**

Seattle Police Department

### **Mr. Mike Diaz**

Attorney at Law

### **Judge Lisa Dickinson**

Judge Pro Tem

### **Judge Theresa Doyle**

King County Superior Court

### **Ms. Marie Eggart**

Asotin County Clerk

### **Professor Jason Gillmer**

Gonzaga University School of Law

### Justice Mary I. Yu

**Co-Chairperson**

Washington State Supreme Court

### **Ms. Bonnie J. Glenn**

Washington State Rehabilitation Administration

### **Mr. Russell D. Hauge**

Justice Center of the Council of State Governments

### **Mr. Uriel Iniguez**

Washington State Commission on Hispanic Affairs

### **Ms. Yemi Fleming Jackson**

Microsoft Corporation

### **Ms. Annie Lee**

Team Child

### **Ms. Carla Lee**

King County Prosecuting Attorney's Office

### **Commissioner Joyce J. McCown, Retired**

Court of Appeals, Division III

### **Judge LeRoy McCullough**

King County Superior Court

### **Ms. Karen Murray**

King County Office of Public Defense

### **Ms. P. Diane Schneider**

Washington State Coalition for Language Access

### **Judge Lori-Kay Smith**

King County Superior Court

### **Mr. Travis Stearns**

Washington Appellate Project

### **Judge Gregory D. Sypolt**

Spokane County Superior Court

### **Judge Kimberly Walden**

Tukwila Municipal Court

### **Mr. John Yasutake**

U.S. Department of Justice

### **Judge Dennis D. Yule, Retired**

Benton & Franklin Counties Superior Court

