

Task Force on Race and the Criminal Justice System (working name)  
Inaugural Meeting  
Justice Fred H. Dore Courtroom  
Seattle University School of Law  
November 4, 2010

## Meeting Notes

### Summary agenda

- I. Brief introductions (10 minutes)
- II. Articulation of scope of project and short, medium, and long term goals (10 minutes)
- III. Discussion (40 minutes)
- IV. Articulation of working groups (10 minutes)
- V. Next steps (10 minutes)
- VI. Adjourn

### Detailed agenda with meeting notes

Meeting conducted by Judge Steve Gonzalez and Korematsu Center Director Robert Chang

- I. Brief introductions (10 minutes)

Judge Gonzalez opened by noting that this meeting was prompted by comments by Justices Sanders and Johnson on (1) poverty and the justice system and (2) Blacks in the prison system. The goal of this group is to not be silent in the face of these remarks and specifically to address the question of race and the criminal justice system. It will engage in a fact-based inquiry from which it will make recommendations.

Attendees introduced themselves and their affiliations. Dean Niles, attending by teleconference indicated that he had been in communication with the deans of the other two law schools, Gonzaga and UW, and that all three of them were supportive of the work being done by this group. Attendees included faculty members from the three Washington law schools: Gonzaga University, Seattle University, and University of Washington. Other attendees were representatives from many state bar associations; community groups, advocacy groups, WA Commission on Gender and Justice, WA Commission on Minority and Justice, the WSBA, and SU staff and students. A complete attendance list may become available later.

- II. Articulation of scope of project short, medium, and long term goals: (10 minutes)
  - a. Project scope: Race and the Criminal Justice System: Research and Recommendations
  - b. Short term
    - i. Facilitate a system-wide dialogue on race and the criminal justice system (judges, prosecutors, defense lawyers, law enforcement, corrections)

- ii. Develop informational resources on the issue of race and criminal justice system
    - iii. Present initial findings and tentative recommendations at public forum in February, 2011
  - c. Medium term
    - i. Educate judges
      - 1. Judicial conferences
      - 2. Other opportunities to engage judges
      - 3. Written/web resources
    - ii. Educate bar
      - 1. CLEs
      - 2. WSBA Leadership Development Institute
    - iii. Educate law enforcement
    - iv. Educate students
      - 1. Law schools
      - 2. Colleges—pre-law societies as starting point
      - 3. High schools—develop programs with WSBA and MBAs to get into schools; one specific target: Constitution Day, Sept. 19, 2011
    - v. Educate public
      - a. Get before community-based organizations--perhaps MBAs would be able to undertake lead role here
      - b. Two-way communication—extremely important to listen to these community-based organizations so that they can articulate their needs
  - d. Long term
    - i. Recommendations at structural level—identify institutional actors—figure out what kinds of interventions are necessary
      - 1. Diversity of bench, including judicial assignments
      - 2. Prosecutors
      - 3. Defense bar
      - 4. Law enforcement
      - 5. Corrections
      - 6. Legislature

III. Discussion (40 minutes) (comments organized around topics/themes rather than chronologically)

Emphasize working together as a community; no exclusivity; open to all who want to contribute.

## Silence and speaking to silence

- Acknowledgment of the powerful responses already by different individuals and groups, including the forthcoming Nov. 7 op-ed by Chief Justice Barbara Madsen
- Important to challenge justices and judges as to what they can do; they don't have to be silent.

## Data and presentation of findings:

- UW sociologists have data on disparity; Farrakhan case.
- Perhaps UW, SU, GU can write findings in joint law journal articles published in all 3 law reviews.
- Data exists; goal is to collect, assess, and synthesize
- There is enough data to respond to remarks
- Challenges with regard to accessing some data because existing data system is paper form; primitive; not automated.
- Recommend that rather than create a publication/reports on findings (not effective) to discuss and communicate.
- Collected data – where can it be housed; where can people go to access it?
- Korematsu Center offered as host for this data

## WA Supreme Court

- How does the Supreme Court implement training.
- Look at structure of courts. Who gets there and how they get there. Remarks were characteristic to the justices who made them. Conduct study on how to reform the court system.
- Concerned that Sanders' comments reflected his honest opinion, though not politically correct, limits personal opinions shared in public setting.
- Approach by providing data to Court.

## Working with other groups:

- Strategize who are the likely partners
- Some groups already exist who are supposed to be doing this work; sometimes, they have insufficient resources or support. An example given where one oversight committee had members quitting because no results, discouraged.
- Invite community groups to the task force discussion
- Work with advocacy community
- work with law enforcement to educate

#### Measuring outcomes

- How is achievement/success measured? How does the community measure accountability; programmatic measures; find metrics. Long term oversight to ensure that recommendations are being effectively implemented.

#### IV. Articulation of working groups (10 minutes)

- Working group 1: Plan the dialogue among the interested parties involved in the criminal justice system
- Working group 2: Develop informational resources and preliminary findings
- Working group 3: Develop preliminary recommendations that flow from Working Group 1's work product
- Working group 4: Develop educational programming
- Working group 5: Refined recommendations for structural reform targeted at institutional actors within system
- Working group 6: Community outreach
- Working group 7: Oversight
- Working group 8: Resource development

#### V. Next steps (10 minutes)

- By e-mail—respective organizations and individuals volunteer and accept assignments to different working groups. As we think about constituting the working groups, we should think about what the appropriate roles might be for different organizations within our task force: WSBA; Access to Justice Board; MBAs; WA Commission on Gender and Justice; WA Commission on Minority and Justice; WAPA; the three law schools in the state. Perhaps each respective organization can think about this.

- Working groups: Korematsu Center to create webpage and publish workgroups
  - b. Communication structures to be put into place
    - Listserv will be developed
  - c. Next meeting called for Thursday, Dec. 2, 2010, 7:30am-9:00am, Seattle University School of Law
- VI. Adjourn—meeting adjourned on time at 9am.

**Action items:**

- (1) Send references, links, information on racial bias and criminal justice system**
- (2) Send names of organizations or groups that are already working on this issue or that are formally tasked with addressing this issue**
- (3) Sign up for a working group. Feel free to express interest in more than one working group and express your preference if you have one. You may be asked to join a different working group**
- (4) Plan to attend next meeting, Dec. 2, which might include breakout sessions for working groups to meet**

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