

# Washington State Racial Justice Consortium



2022 | ACTION PLAN



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# Executive Summary

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We can no longer assume change will come to the justice system without our involvement. We must be the change we want to embrace.

The Racial Justice Consortium launched in March 2021, following the Washington Supreme Court's bold call to action on June 4, 2020, and the demonstrated desire of many court constituencies to take collaborative action. The Consortium is comprised of judicial officers at all court levels, clerks, court staff, members of judicial commissions, law school

*"The legal community must recognize that we all bear responsibility for this on-going injustice, and that we are capable of taking steps to address it, if only we have the courage and the will. The injustice still plaguing our country has its roots in the individual and collective actions of many, and it cannot be addressed without the individual and collective actions of us all."*

~ Washington State Supreme Court,  
June 4, 2020

professionals, the Office of Public Defense, and people with lived experience in the justice system. The Consortium intends to make real progress in dismantling structural racism in the justice system through both its intentional internal process and its recommendations for external reform.

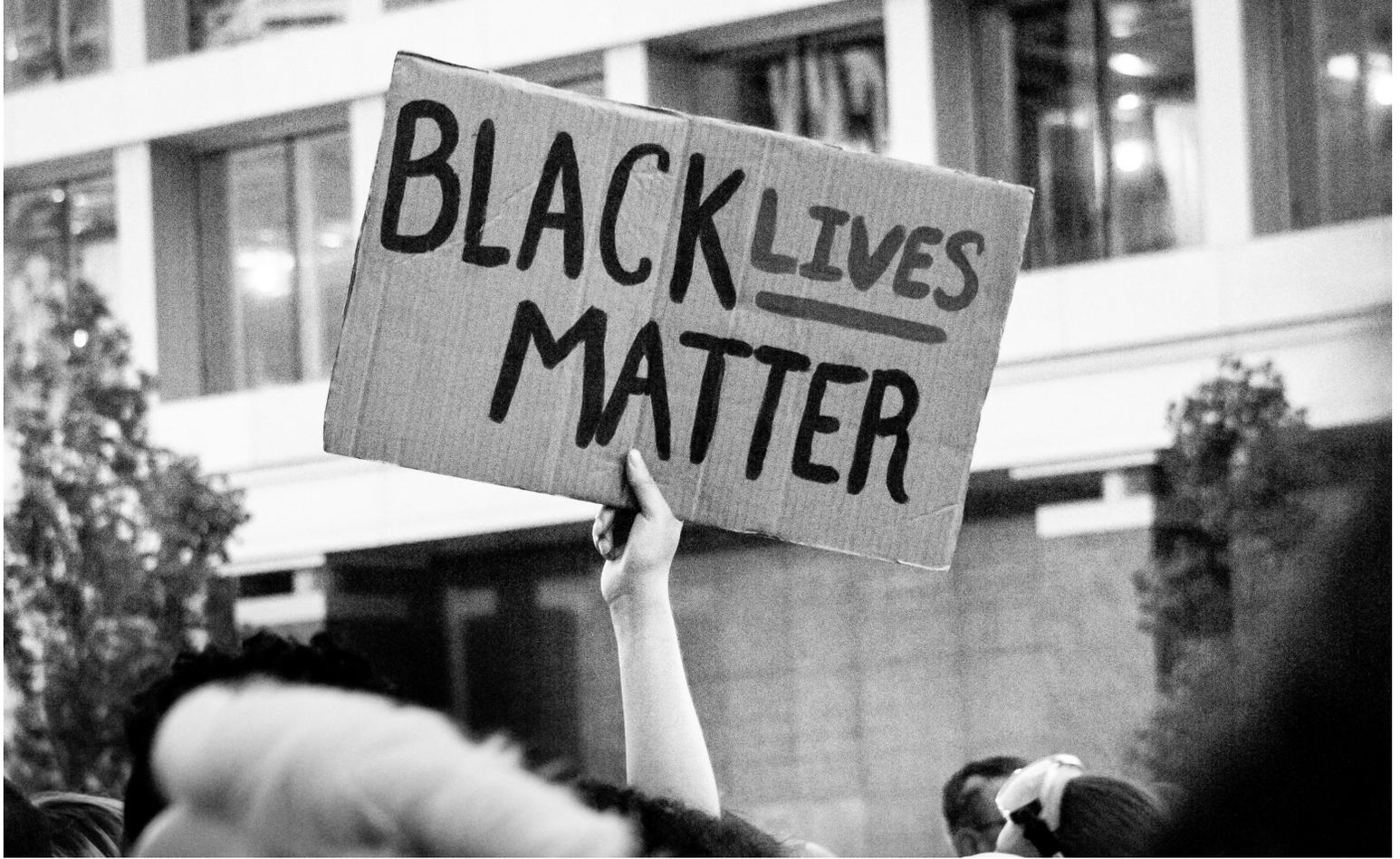
In preparation of the Consortium's reform effort, facilitators and trainers provided racial equity trainings and workshops with a strong focus on cultivating a sense of belonging amongst Consortium members, in our workplaces, and in all courthouses. Members are keenly aware that building "racial equity muscle" is essential to confronting and addressing racial injustice and developing court reform strategies informed by those most impacted by institutional racism.

For one year, members met monthly, four hours each, to analyze specific components of the justice system through the racial equity toolkit—with the benefit of the diverse perspectives of the membership.

During the course of our monthly sessions, Consortium members investigated the following areas: cultivating spaces of belonging; child welfare and dependency, including issues under the Indian Child Welfare Act; youth justice; sentencing; legal financial obligations; and re-entry following incarceration.

The following Action Plan is the product of our collective efforts. It is not a study of racial disparities – ample data and reports exist documenting racial disparities and the ugly consequences of institutional racism. Nor is it a compilation of aspirational goals. Rather, this Action Plan is a results-driven, prioritized collection of strategies intended to move each court towards justice, fairness and equity, in every instance, every courtroom.

We will work to hold ourselves accountable to the reforms outlined in the Action Plan. We recognize our modest steps must join the movement for racial justice. We also acknowledge this Action Plan is a beginning and not an end.



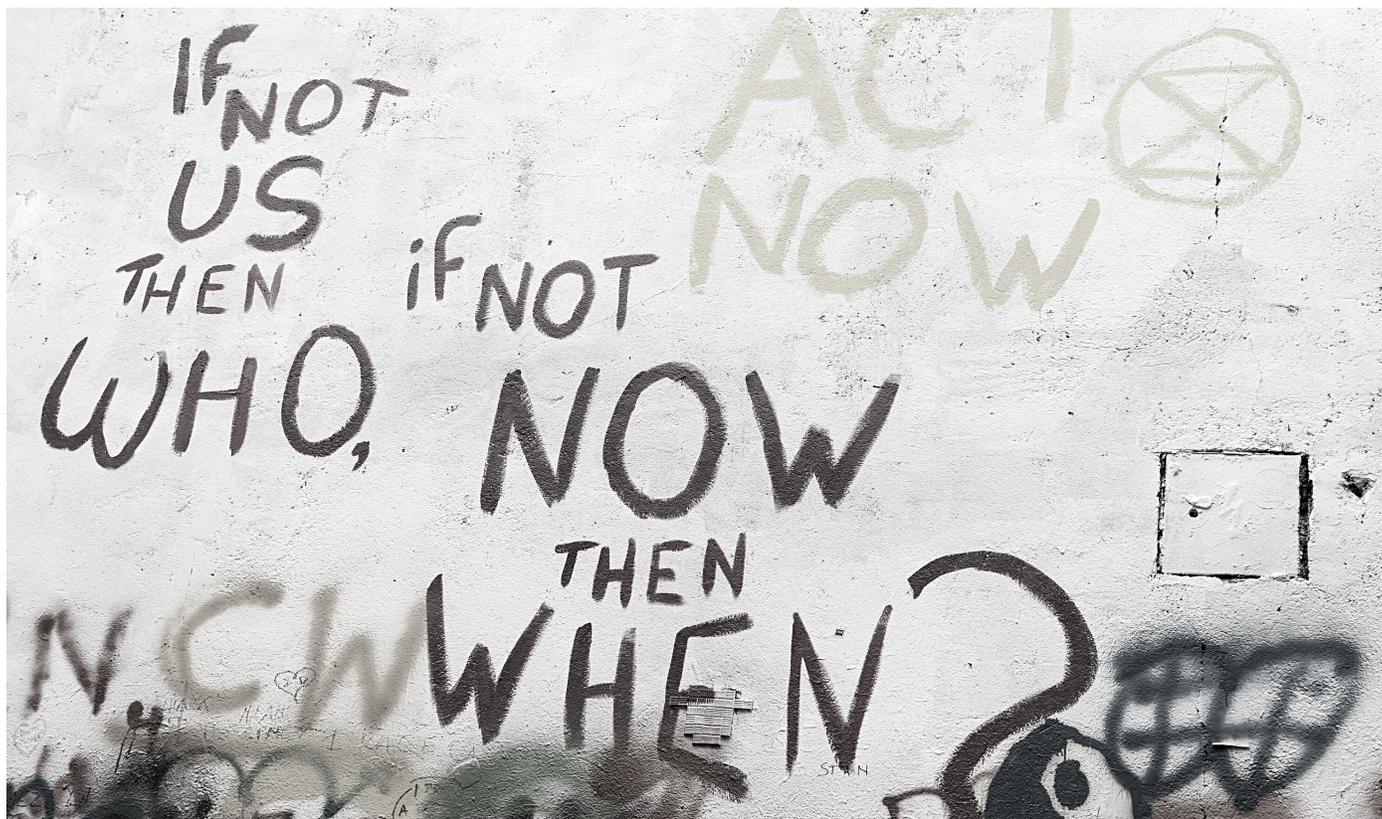
# Our Values

How we treat, engage, value and practice belonging has everything to do with the success we seek in reforming the court system. We cannot expect diverse work environments, if our personal relationships are non-diverse. Similarly, we cannot cultivate belonging within our court system, if we are not creating circles of belonging in our own lives. Thus, Consortium members, at the beginning of our journey, agreed to the following values and commitments:



- We are accountable to one another and to our collective work – to ensure justice for all is a reality.
- We have much to learn and we create space to learn together.
- We are committed to creating and cultivating a Consortium founded on respect, dignity, humanity, and care for one another.
- The Consortium is a space of belonging where all voices are heard, where all voices matter, and where those furthest from justice are centered.
- The Consortium is a safe place, a judgment-free zone, a place where we are held accountable without shame.
- We create space for light-heartedness, joy, and humor.
- We support a multi-cultural, multi-racial Consortium, whose leadership includes those furthest from justice.
- We are an anti-racist Consortium, which means we intend to disrupt the status quo.

# Our Members



## **Washington State Supreme Court**

Chief Justice Steve Gonzalez,  
Justice Raquel Montoya-Lewis,  
Justice Helen Whitener,  
Justice Mary Yu,  
Erin Lennon, Supreme Court Clerk

## **Washington State Court of Appeals**

Judge Cecily Hazelrigg, Div. I;  
Judge Bernard Veljacic, Div. II

## **Washington State Bar Association**

Terra Nevitt

## **Superior Court Judges' Association**

Judge Judith Ramseyer, King County;  
Judge Charnelle Bjelkengren, Spokane  
County;  
Judge van Doorninck, Pierce County

## **Washington Association of Juvenile Court Administrators**

Christine Simonsmeier, Clark County;  
TJ Bohl, Pierce County

## **Washington State Association of County Clerks**

Grace Cross, Skamania County

## **Gender and Justice Commission**

Dua Abudiab;  
Judge Rebecca Glasgow, Ct. of Appeals;  
Div. II

## **Interpreter Commission**

Florence Adeyemi; Naoko Inoue Shatz

## **Association of Washington Superior Court Administrators**

Jessica Gurley, Clark County

# Members (cont'd)

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## **District and Municipal Court Judges' Association**

Judge Michelle Gehlsen, King County  
District Court;  
Judge Anita Crawford-Willis, Seattle  
Municipal Court;  
Judge Willie Gregory, Seattle Municipal  
Court

## **Board for Judicial Administration**

Judge Gregory Gonzales, Clark County;  
Judge Michael Scott, King County

## **Public Trust and Confidence Committee (Board for Judicial Administration)**

Judge Kathryn Loring, San Juan County;  
Fe Lopez; Nicole Ack; Mary Logan

## **District and Municipal Court Management Association**

Cynthia Davis, Seattle Municipal Court;  
Lea Garner, Chelan County District Court

## **Office of Civil Legal Aid**

Jim Bamberger, Dana Boales

## **Office of Public Defense**

Barbara Harris, Larry Jefferson,  
Sophia Byrd McSherry

## **Gonzaga University School of Law**

Professor Brooks Holland

## **Seattle University School of Law**

Melissa Lee, Jessica Levin

## **Western Washington University**

Professor Vernon Damani Johnson (ret.)

## **Commission on Children in Foster Care**

Justice Barbara Madsen,  
Kelly Warner-King

## **Tribal State Court Consortium**

Judge Lori Smith, Ct. of Appeals Div I.;  
Judge Cindy Smith, Suquamish Tribal  
Court;  
Kathryn Akeah

## **Access to Justice Board**

Francis Adewale, Paige Hardy,  
Esperanza Borboa

## **Community Representatives**

Jermaine Williams, De'Vonte Parsons,  
Jordan Chaney, Lindsey Luna,  
Ronnell Baylis, Kitara Johnson

## **Washington State Law Library**

Laura Edmonston, Robert Mead

## **Washington State Center for Court Research**

Carl McCurley

## **Advisory Members**

Washington State Center for Court  
Research,  
Washington State Law Library,  
Western Washington University,  
Seattle University School of Law,  
Gonzaga University School of Law,  
University of Washington School of Law,  
Law School Admissions Council

# Members (cont'd)

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## **Administrative Office of the Courts**

Kelley Amburgey-Richardson, Michelle Bellmer, Cynthia Delostrinos, Moriah Freed, Robert Lichtenberg, Dawn Marie Rubio, Frank Thomas

## **Consortium Staff**

Patricia Lally, Lead Racial Equity Practitioner;  
Makeba Greene, Racial Equity Facilitator;  
Dontay Proctor-Mills, Seattle University School of Law;  
Leyla Gheisar, Intern;  
Deborah Espinosa, Living with Conviction



# Cultivating Belonging in Every Courthouse, in Every Courtroom

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Belonging is essential to human life, to our humanity. It is as vital as food and shelter. Studies show that having a sense of belonging is key to a healthy childhood, feeling safe, academic success, mental well-being, how we perform in our jobs, and to our very happiness. We all know what it feels like when we belong to one another, to a group, or to an institution. Many describe belonging as respect, love, safety, feeling valued, being heard, being cared for, being free to be their true selves, liberated, and other positive identifiers. There appears to be no downside to feeling a sense of belonging or for cultivating spaces of belonging. For many, experiences of belonging happen naturally but for others, this is not always the case. In fact, we know that belonging, just like fairness and equity, is often thwarted by racism, sexism, classism, etc.

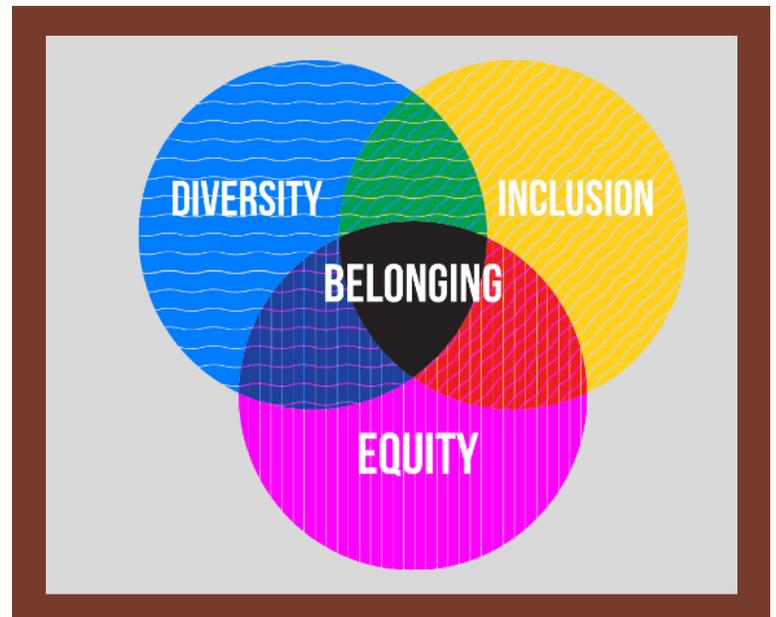
# Belonging (cont'd)

Othering is the opposite end of the belonging spectrum. "When we highlight differences between groups of people to increase suspicion of them, to insult them, or to exclude them, we are going down a path known as othering." [1] All of us have experienced being othered at some point in our lives.

While we know that belonging is directly related to the extent to which people feel personally appreciated, validated, and accepted, othering is described as feeling unsafe, lonely, suffering from self-doubt, scared, angry, insecure, worthless, and the like. There are no known benefits to being othered or othering another person. Too often people of color are at the outside of circles of belonging, outside circles of opportunity. These realities show up in a myriad of life determinants, such as segregated neighborhoods, inequitable public schools, and a justice system rife with racial bias, which too often treats Black, Indigenous and People of Color (BIPOC) more harshly, more punitively, and with more lifelong consequences than white people.

## **Diversity, Equity, Inclusion, and Belonging**

Despite the enormous attention and resources devoted to advancing diversity, equity and inclusion in commerce, government, education, healthcare and our justice system, racial bias and institutional racism persist at every level of society. There is growing awareness that diversity, equity, and inclusion trainings are inadequate without an understanding of our fundamental need to be included. As depicted below, belonging is central to diversity, equity, and inclusion. Cultivating belonging naturally fosters these sought-after attributes.



# Belonging (cont'd)

According to the *Harvard Business Review*, “U.S. businesses spend nearly 8 billion dollars each year on diversity and inclusion (D&I) trainings that miss the mark because they neglect our need to feel included.”[2] Cultivating belonging within a workforce benefits staff members, the institution, and users of the institution. Workers with a sense of belonging are linked with substantially higher job performance, higher job retention, and greater job satisfaction. As important, staff members who identify as belonging also have more positive engagement with customers/users of the institution’s services. Imagine: courthouses that cultivate a place of belonging benefit all who enter.

## Belonging and the Courts

***"When courts convey: 'we all belong, justice is fair, and everyone is valued,' the justice system builds confidence in our communities, and people trust the resulting decisions. When participants see themselves in courthouse staff, judges, interpreters and others, it sends the message that, they, too, belong in the halls of justice."***

~ J. Kathryn Loring

Belonging means more than having access to justice. Belonging entails being treated with care and dignity, without prejudice and bias, and in a manner we afford to those most valued in our society.

People must see themselves as belonging to the halls of justice. Community members, parties to cases, and prospective jurors must “see” themselves in those working in positions of authority, must feel culturally connected to the premises, must feel welcomed to enter the halls of justice. Litigants must have reason to believe they will receive a fair decision, that justice is applied fairly. Individuals facing the loss of liberty must have confidence that racial or other forms of bias will not thwart their right to a fair and unbiased jury. And

## Point of View:

Law student  
Izzy Carranza  
shares his  
experience at  
a superior  
court clerk's  
office in 2021.



# Belonging (cont'd)

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prospective jurors must feel like their participation is vital to the justice system, and that they have a role in ensuring justice in every courthouse, in every instance.

## **2022 Priorities**

We recognize the many ways Belonging and Othering impact our courts. Whether people feel a sense of belonging or suffer feelings of being othered, these feelings impact us all: judicial officers, court staff and, perhaps most importantly, the many people our courthouses. Because of the essential nature and critical impact of Belonging, we pay particular attention to the many ways we can cultivate belonging. We offer this important work and adopt as our own the strategies included below:

### **1. Make courthouses more humanizing and accessible.**

For example, position staff greeters to provide directions, answer questions, and connect individuals with interpreters, a listening device, or other needed accommodation. Do an inventory of signage in courthouses from the perspective of participants. Use pictures, color-coding, or symbols with critical signs (common iconography). Ensure that signage is in languages that are relevant for users. Include directions to lawyers' offices. Commission culturally appropriate artwork.

### **2. Make documentation more accessible.**

For example, examine the language used in documents, signs, and by court professionals: Is it in plain language? Does it make sense to everyday people? Are definitions provided? Create summary documents for form orders and judgements tailored to the type of case to summarize the ruling and obligations (in plain language). These walk-away orders should be on top of all the legal paperwork and clearly describe next steps before leaving court. Ensure understanding of this before leaving the courthouse.

# Belonging (cont'd)

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### **3. Remove barriers to accessing the court and community resources.**

For example, create information hubs where local and community resources are displayed (substance abuse, mental health, domestic violence, etc.). Find ways to bring more resources into the courthouse so that individuals don't have to travel to so many locations to get their needs met. Provide transportation vouchers (public transit or cabs) for participants, so that transportation to court is not such a burden.

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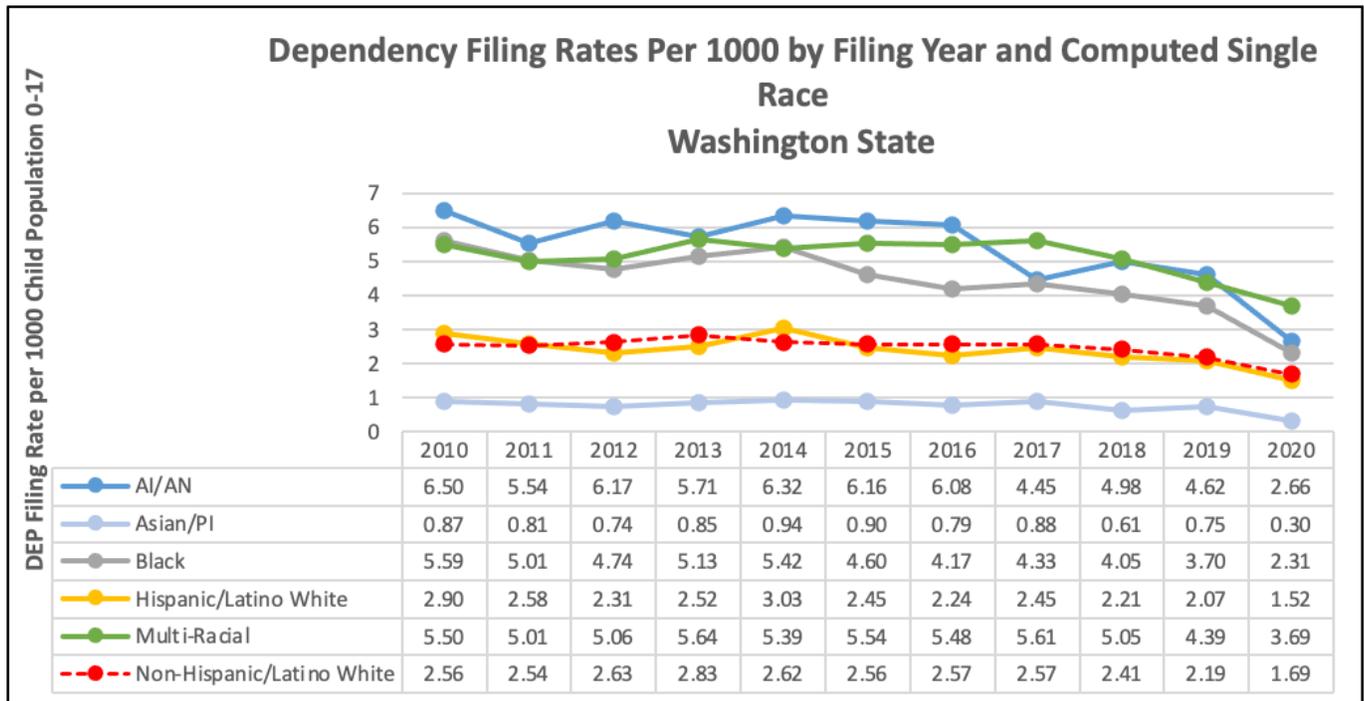
# Child Welfare & Dependency

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American Indian/Alaska Native (AI/AN), Black and Multiracial families are overrepresented in Washington State's dependency court system. This disproportionality is evident well before families reach the courthouse door, starting with referrals made to Child Protective Services (CPS) and increasing as cases move further into the system, from CPS investigation to the decision to remove children from their families.[1]

For the past decade, the rates of dependency case filings per 1,000 children for AI/AN, Black and Multiracial children have exceeded the filing rates for White children – by as much as 2.5 times, as depicted in the graph below. In 2020, AI/AN and AI/AN-Multiracial children comprised 16% of dependency filings and Black and Black-Multiracial children made up 15%, totaling 31% of new cases. Children in these groups accounted for only 18.4% of the Washington's total child population that year.

# Child Welfare & Dependency



Source: Interactive Dependency Timeliness Report, WSCCR 2022

The vast majority of cases enter dependency court for issues related to neglect, rather than physical or sexual abuse. Factors contributing to findings of neglect are common among marginalized populations who have long experienced systemic racism. They include:

- Poverty – which does not equate to abuse or neglect alone, but interferes with a parent’s ability to provide for children’s basic needs, including housing, food and health care.
- The detrimental effects of trauma and Adverse Childhood Experiences (ACEs) – which include intergenerational involvement in the

child welfare system and Indian boarding schools. People with higher ACE scores are more likely to experience substance abuse, behavioral health issues and physical health challenges that can negatively impact their parenting.

- Surveillance bias - poverty and other vulnerabilities experienced by diverse families increase their interactions with social service and medical systems and their visibility to mandated reporters.

The child welfare system, which has long viewed foster care as a benevolent response to abuse and neglect, is now reckoning with research that details the

# Child Welfare & Dependency

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harm of removing children and placing them with strangers. Placing children and youth with kin – relatives and suitable others who have a relationship with the child – has been associated with fewer behavioral and mental health problems, higher hope and improved well-being, compared to children experiencing non-kinship foster care. As the Department of Children, Youth & Families (DCYF) has recently acknowledged, “kinship care affirms the vital importance of culture and provides one way to address the racial and ethnic disproportionality and disparities found in child welfare.”[2]

Recent state legislation, including the Keeping Families Together Act of 2021, and a series of ground breaking Washington State Supreme Court decisions, affirm the importance of familial and tribal connections for children disproportionately impacted by the system. They also increase the court’s responsibility to exercise oversight of DCYF’s compliance with state and federal law, and to be vigilant in preventing racial and class bias at all levels of the system. In particular, the Supreme Court has clearly articulated requirements that DCYF and courts improve practice related to the Indian Child Welfare Act

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*“Children entering out-of-home care frequently lose not only their home, neighborhood, school, pets, and friends, they also frequently lose their relationships with extended family and the traditions, language, and history maintained and passed on by these relationships. It is in the context of these relationships that children develop their earliest identity and sense of belonging.”*

- Child Outcomes in Kinship Care in  
Washington State – DCYF Research Brief

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# Child Welfare & Dependency

(ICWA) in order to address the enduring trauma caused by past state efforts to destroy Native families and Tribes.

For the court to effectively perform its oversight function and hold the child welfare system accountable for bias, judicial officers need to understand complex legal standards and demand the evidence necessary to make important decisions related to child safety, Active and Reasonable Efforts and the harm of removal. Effective dependency judicial practice also requires that judicial officers understand trauma and child development, actively engage families in their cases and be aware of the array of

services available in their communities. However, judicial officers in many courts are assigned to the dependency bench for 18-month rotations, rarely hearing a dependency case from filing to dismissal. And there is no subject-matter training required for judicial officers who preside over dependencies.

The court and legal system have a role to play in preventing the removal of BIPOC children and reducing the entry of neglect cases into court.

## 2022 Priorities

### **1. Advocate for legal reforms to prioritize family connections and allow for more flexible care arrangements.**

For example: (1) change the statutory definition of neglect to reduce/eliminate the weight given to substance use as a justification to remove a child; (2) raise the evidentiary standard to preponderance; (3) remove criminal history as a barrier to placement for family members; (4) allow legal changes that would allow adoption without terminating parental rights or changing a child's birth certificate; (5) expand the term "Kinship Care" to go beyond blood or legal relation; (6) expand child-specific foster care licenses.

### **2. Prioritize family preservation, family supports, and family connection (even with removal).**

For example, re-direct significant funding from child welfare to family preservation and supports. The state could fund and implement the 2018 Family First Prevention Services Act (FFPSA) to prioritize interventions that prevent child welfare involvement; increase the use of in-home dependencies

# Child Welfare & Dependency

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while bringing in supports for families; understand that the court can provide oversight AND still allow children to be with their families.

In addition, (1) consider a system where children/families who are reported to CPS and do not enter the system are automatically offered services not in connection with legal/court systems. If removal is necessary, work to address barriers for children to be placed with family members first; (2) consider removing prior found allegations of neglect as a barrier to placement for families members; (3) provide financial support and resources for kinship providers that are greater to or equal to foster parent supports; (4) ensure that families continue to get meaningful reunion time post removal. For example, Increase accountability on DCYF to effectively implement HB1194 (expansion of unsupervised visits); and (5) ensure accountability to strengthen family connections, even with separation.

### **3. Address the capacity of court players to reduce or eliminate racial bias in implementing services and procedures.**

This includes: (1) ensure that impacted young people and parents have a voice in the design and implementation of policies and programs within the child welfare system; (2) improve representation: further diversify judicial, social worker, and other court actors to support improved representation for families of color; (3) consider changing judicial rotations so that families can have more continuity in relationships; (4) judicial officers need to understand complex legal standards for dependency, trauma, and child development. This takes an investment of time and training.



# Youth Justice

In the last 20 years, the landscape of youth justice has shifted significantly. Despite major reductions in arrests and the use of incarceration, Washington's youth justice system continues to grapple with stark disparities for Black, Indigenous, and Latino youth. In 2018, Black, Hispanic and American Indian/Alaska Native youth (“youth of color”) were overrepresented at all stages of the court system.[1]

**Table 1. Representation of racial/ethnic groups in the youth population and representation among juvenile detention admissions in 2019**

		Native	Asian/ Pacific Islander	Black	Latinx	White	Other/ Unknown
All	% of population	2.4	9.2	5.0	18.5	56.7	8.1
	% of admissions	5.8	3.4	16.2	25.7	47.7	1.3
	Rate per 1,000	33.5	5.2	45.7	19.6	11.9	2.2
Boys	% of male population	2.5	9.1	5.0	18.5	56.9	8.0
	% of male admissions	5.3	3.5	16.7	26.2	47.2	1.1
	Rate per 1,000	43.3	7.7	66.7	28.3	16.6	2.7
Girls	% of female population	2.4	9.4	4.9	18.5	56.6	8.2
	% of female admissions	7.0	3.1	14.6	24.6	49.0	1.7
	Rate per 1,000	22.9	2.6	23.3	10.4	6.8	1.7

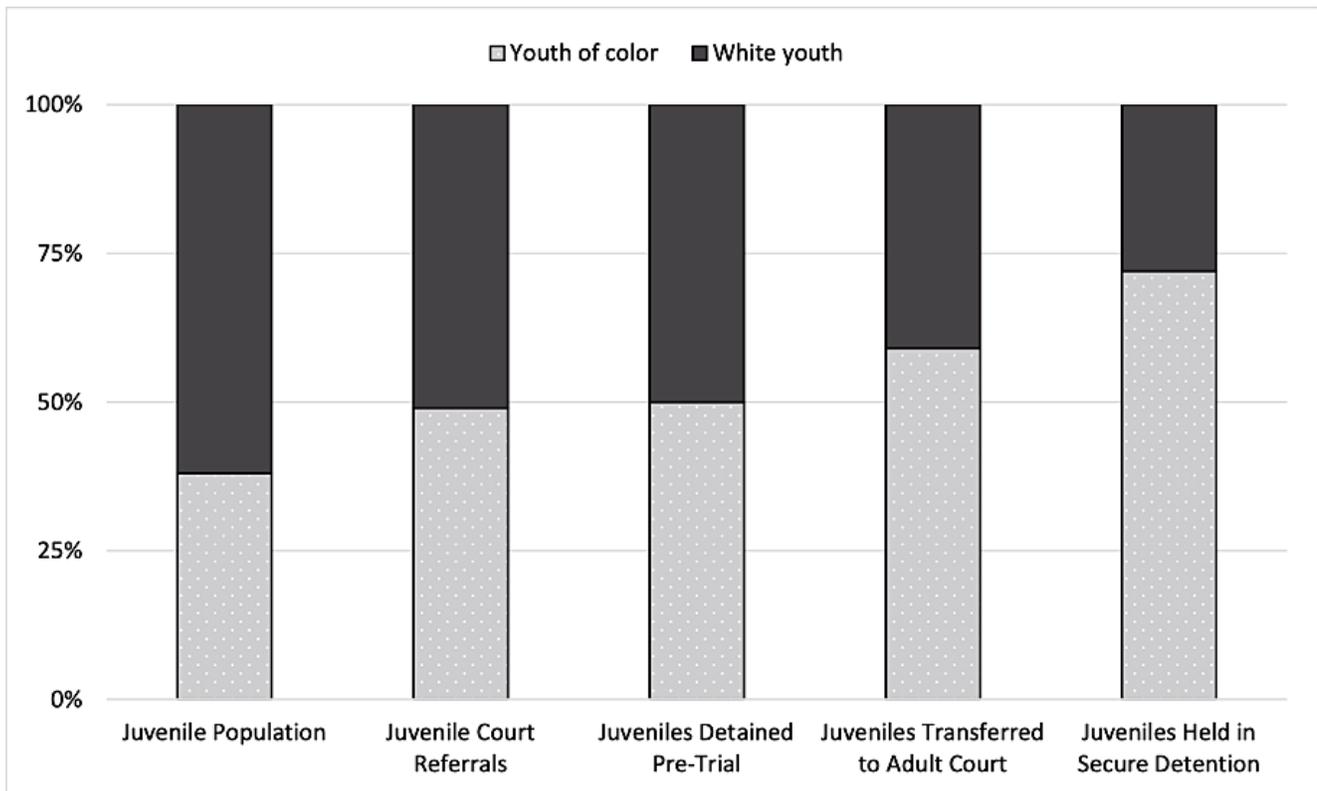
# Youth Justice (cont'd)

For example, Black youth are four times more likely to be in detention as compared to White youth, as depicted above. For King County, that number is 10 times the rate of White children.[2]

Moreover, “[i]n 2016, Black, Indigenous, and youth of color were 38% of Washington State’s juvenile population; 49% of juvenile court offense referrals; 50% of juveniles

held in detention during the pre-adjudication phase; 59% of youth transferred to adult court; and 72% of youth held in secure state and local detention facilities. Although the raw number of youth involved in Washington’s juvenile justice system continues to decline, along the continuum of engagement the proportion of Black, Indigenous, and youth of color involved in the system increases,” as depicted below.[3]

Figure 4: Proportion of Black, Indigenous, and Youth of Color in Washington State’s Juvenile Justice System



# Youth Justice (cont'd)

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As in the rest of the country, in Washington, “boys far outnumber girls in the juvenile justice system: in 2018, girls represented 19.6% of juvenile court sentences and 27.7% of admissions to juvenile detention in the state.”[4] Unfortunately, there is a dearth of information on whether bias or inequities impact transgender and gender-nonbinary youth in their interactions with the juvenile justice system.

Although there are far fewer girls in the juvenile justice system than boys, girls enter the juvenile justice system differently than boys. Girls are more likely than boys to have been in the child welfare system when they come into contact with the juvenile justice system.[5]

Pathways to the youth justice system for LGBTQ+ youth are specific to their sexual orientation or gender identity: “they may experience homelessness due to family rejection or abuse centered on their LGBTQ+ identity and then arrested for committing survival crimes such as stealing or trespassing. LGBTQ+ youth who respond to bullying and harassment at school by skipping school or getting in fights may be referred to the juvenile justice.”[6]

## **Black Girls**

In Washington, “Black girls are faced with significantly higher systemic barriers to educational attainment and success than their white peers” in educational settings.[7] Black girls disproportionately experience “overly punitive disciplinary practices,” under resourced teachers, courses, extracurricular activities, and higher rates of assault, violence, and trauma than “their white counterparts.”[8]

### **Point of View: R.D., 17 years**

"I see the judge today. My mom has kidney cancer so I take care of my brothers and sister. I have 4 brothers . . . and a 3-month old baby of my own. My dad gets out of jail today. . . . I've seen a lot of stuff. I was raped twice. I thought the best way to deal was to do drugs myself. I failed my daughter as well as myself." [9]

In the first study of its kind, the Georgetown Law Center for Poverty and Inequality found that a contributing factor to Black girls' disproportionate rates of punitive treatment in the education and youth justice systems appears to be adult perceptions of Black girls.[10] The national study found that adults view Black girls as less innocent and more adult-like than White girls, especially in the age range of 5–14 years.[11]

# Youth Justice (cont'd)

As compared to white girls of the same age, adults perceived Black girls as needing less nurturing, less protection, less support and as needing to be comforted less, more independent, and more knowledgeable about adult topics, including sex.[13] “These results are profound, with far-reaching implications. Our findings reveal a potential contributing factor to the disproportionate rates of punitive treatment in the education and juvenile justice systems for Black girls.”[14]

Although Washington has seven evidence-based treatment programs for court-involved youth, there are gender and race disparities in outcomes. Among eligible youth, girls are less likely to start treatment and are more likely to drop out. This is even more the case for older girls, American Indian/Alaskan Native girls, girls in foster care or group homes, girls experiencing poverty, and girls with a history of child maltreatment.[15] These programs are failing the specific needs of these girls. [16]

## 2022 Priorities

### **1. Examine youth systems to ensure that they are designed around more recent brain science specific to ACES and youth development.**

This should include a focus on incentive-based interventions instead of punishment or shame-based interventions, a shift toward harm reduction and more community-centered practices, coordination with school systems, and access to diversion options for all young people.

### **2. Reduce the use of detention and change probation practices to divert more youth out to community partnerships.**

Diversion programs offer an alternative to the formal court system for youth alleged to have committed certain classifications of criminal offenses. There are several models, including Choose180 and The Partnership for Youth Justice (PYJ). As one example, PYJ engages Community Accountability Boards (CABS) comprised of concerned, dedicated citizens, and community providers. The key role of the CAB is to balance the needs of victims, communities, and offenders. The goal is to restore each of the parties fully as possible, from the effects of crime, while also building skill development and addressing risk factors.

# Youth Justice (cont'd)

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### **3. Examine the ways the juvenile justice system reinforces expectations of adult systems.**

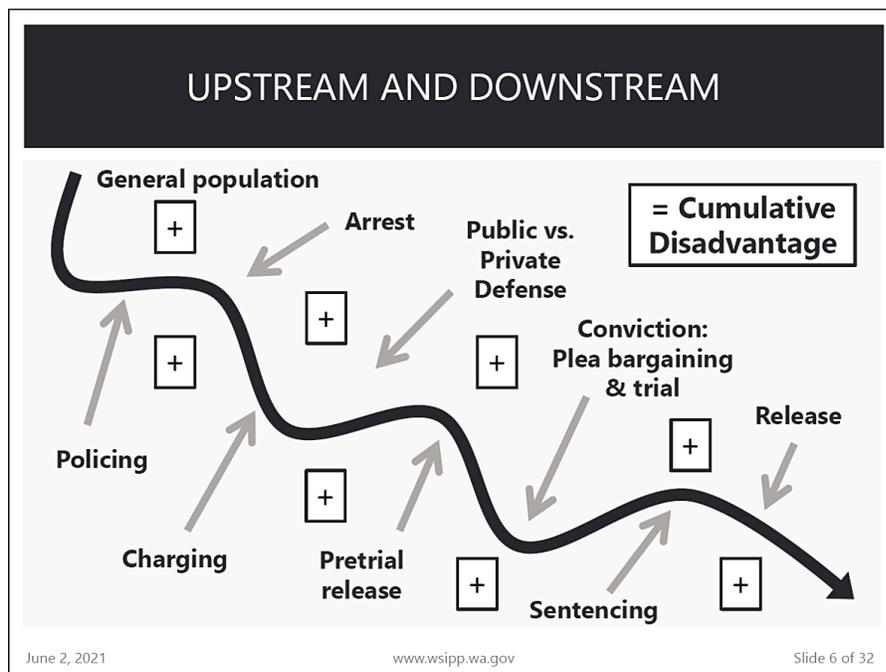
Take a youth-development approach to better design youth-focused services. For example, one critique of the juvenile Case Management and Assessment Process is that it is based on an adult criminal justice mode.

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# Sentencing

As a preliminary matter, before sentencing, people of color are subject to racially biased decisions throughout their journey of the criminal justice system, from policing and arrest to sentencing and release, as depicted in the figure below. In this way, people of color suffer from a cumulative disadvantage through the system by the time they reach the sentencing phase.



# Sentencing (cont'd)

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In its recent study, *2021 How Gender and Race Affect Justice Now*, the Washington State Gender Justice Commission recognized that “racism and marginalization underlie criminalization and incarceration in this country, and in Washington.”[1]

United States census data as far back as 1870 shows that incarceration rates of Black people have ranged from three to nine times those of White people, variable by decade and region of the U.S.[2] In 1980 Washington, a Black person was 14.1 times more likely to be incarcerated than a White person.[3] Today, the incarceration rate of Black people is five times the rate of White people. [4] But although relative incarceration rates have dropped because incarceration of White people quadrupled between 1980 and 2005, incarceration rates of Black people overall have doubled.[5]

## **Race-disaggregated data**

A 2021 report by the WSIPP, *Examining Washington State’s Sentencing Guidelines: A Report for the Criminal Sentencing Task Force*, found the following:

- BIPOC defendants, on average, received longer sentences than White defendants.

- Racial disproportionality was higher than average for individuals with lower criminal history scores.
- White defendants were most likely to receive a mitigated sentence or sentence alternative.
- Hispanic and Black defendants were most likely to receive an aggravated or enhanced sentence.
- White defendants were more likely to receive a sentencing alternative than a standard sentence.
- Black and Hispanic defendants were more likely to receive a standard sentence than any of the five sentencing alternatives.
- BIPOC defendants, on average, were sentenced to longer periods of confinement for unranked offenses. [6]

In death penalty cases, a Black defendant was 4.5 times more likely to be sentenced to death than a similarly situated White defendant.[7]

Further, although women are incarcerated at a lower rate than men, BIPOC women of color in Washington are convicted and sentenced at rates two to eight times higher than white women.[8]

Racial disproportionality is also present when comparing sentencing outcomes (jail v. prison) for felony drug and assault violations:

# Sentencing (cont'd)

*"[T]he relative and comparative disproportionality ratios for drug arrests for Black persons is significantly lower than it is for total arrests, and much lower than it is for aggravated assault and robbery. But as with felony assault violations, Black persons who receive felony sentences for drug violations receive, comparatively, a greater share of prison sentences and a lesser share of jail and other sentences."*[9]

People with lived experience spoke of gang enhancements as being disproportionately imposed on Latina/os compared to the white population,

and yet there there are white gangs as well.

At least one study has found the racially disproportionate application of the federal Racketeer Influenced and Corrupt Organizations Act (RICO) to criminal street and prison gangs, thus shielding "groups of nonimmigrant White criminal offenders from being conceptualized as gangs and shield[ing] nonimmigrant White neighborhoods from the stigma of having gang problems." [10]

## **Point of View: Tony, on gang affiliation**

Tony, a formerly incarcerated Latino, shared his disappointment in learning he was ineligible for drug court, despite his obvious drug addiction, due to a gang affiliation. And yet, he knew white supremacist gang members in his county, who were allowed into drug court. (By statute, gang affiliation does not make a person ineligible for drug court.)

## **2022 Priorities**

### **1. Expand the use of more incentive-based and diversion models to address behavior and the underlying needs of individuals.**

We need to move away systems based on punishment. This could include expansion of community and therapy courts that allow for intervention before incarceration.

### **2. Expand successful rehabilitative elements of juvenile courts to adult courts.**

These could include evidence-based programs such as the juvenile probation risk-needs-responsivity model, integrated treatment models that engage both the youth and their family, family-focused reentry aftercare, and diversion programs, among others. This will require the courts to advocate for expansion, along with guidelines on eligibility, as well as monitoring and evaluation on outcomes of adult participants. Part of this monitoring and evaluation needs to be for exclusion of otherwise eligible people of color.

# Sentencing (cont'd)

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### **3. Interrogate the ways that plea bargains are efficient tools in upholding systemic racism.**

Despite the significant influence that prosecutors have in the plea-bargaining process, and that the vast majority of cases are resolved via plea bargains, there is little data on prosecutors' contributions to the disproportionality of people of color in the system. This is a relatively challenging, long-term effort that has begun, but it needs resources, staffing, and high-level, visible leadership.

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# Legal Financial Obligations ("LFOs")

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"People are afraid," says Breon, a formerly incarcerated Black man explaining how people feel when they cannot afford to make monthly payments towards their legal financial obligations (LFOs). Payment of LFOs, which are the costs, fees, fines, and victim restitution that courts impose on criminal defendants at sentencing, is a mandatory condition of misdemeanor and felony sentences.[1] To the extent convictions may be vacated, LFOs must first be paid off in full.

Up until 2018, adult LFOs accrued 12% interest, including while a person is in jail or prison, which means that by the time a person got out of prison, his or her LFO debt had increased substantially. In most counties, unpaid accounts are sent to private collection agencies, which add an additional 19% to 50% in fees.

# LFOs (cont'd)

The first monthly payment is typically due within 30 days of release. The challenges of reintegrating into community with a criminal record, including finding affordable housing and even a minimum-wage job, makes these ongoing payments more difficult, particularly since 80 to 90% of criminal defendants are indigent when they are incarcerated.

As of June 2018, the State Legislature revoked courts' authority to impose interest on non-restitution LFOs on newly convicted individuals. The Legislature also ended accrual on existing LFOs, excluding restitution. The new law, however, was not retroactive; it did not automatically waive interest already accrued. Rather, the new law provides that courts shall waive non-restitution interest that has accrued up to the effective date, but only upon motion from individuals no longer in "total confinement."

The impacts of LFOs are well documented.[2] Depending on the county, failure to pay even once can result in issuance of an arrest warrant, and more jail time may lead to the loss of housing, jobs, and custody of children.

## **Race-disaggregated data**

Since people of color are disproportionately impacted by Washington's criminal justice system, e.g., Black Washingtonians are

incarcerated at almost five times the rate of white Washingtonians,[3] it is not surprising then that people of color also are burdened with the highest amounts of LFOs as part of their criminal sentence. According to the Task Force 2.0's report to the Supreme Court, "Black, Latinas/os, and Indigenous people are sentenced to LFOs more frequently and at higher rates than Whites and Asian & NH/Pacific-Islander." [4] Unfortunately, there is a dearth of information on the gender impacts of LFOs.[5]

Trends in courts' LFOs collections indicate that the ability to pay LFOs is lower for Black, Latinas/os, and Indigenous people. [6] Despite the limited understanding of the gender impacts of LFOs, what data is available suggests that men may owe more in LFOs, but it is more difficult for women to pay their own LFOs and the LFOs of their loved ones.[7]

## **Point of View:**

People share what's it's like to try to survive and thrive with LFO debt.



# LFOs (cont'd)

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In effect, Washington's LFO policy criminalizes poverty. Moreover, racial disproportionality in LFO imposition and collections makes LFO policy and practice one of racialized wealth extraction that keep communities of color under lifetime supervision of the criminal justice system.

## 2022 Priorities

### **1. Eliminate LFOs, except victim restitution, which needs to be tailored to the circumstances of individual victims and defendants.**

For example, advocate for limitations on restitution considering a variety of factors including defendant's ability to pay, a reasonable time period for payment so as not to constrain one's future opportunity, and the type of payee.

### **2. Eliminate incarceration as a penalty for nonpayment.**

Taking people away from their families and jobs because they could not make payments towards their LFOs does not serve society. It can cause people to lose their jobs and lose custody of their children if they are single parents. They could even lose housing.

### **3. Eliminate LFOs for juveniles altogether.**

The Youth Equality and Reintegration Act of 2015 eliminated most juvenile LFOs, with the exception of the DNA collection fee, the victim penalty assessment for certain offenses, and victim restitution. There also is a requirement that the juvenile's parents pay for the costs of detention, although there is a bill repealing this requirement currently under consideration in the 2021-2022 legislative session.



# Reentry: From Incarceration to Community

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## POINT OF VIEW:

"We need to change our mindset and stop thinking of 'reentry' as something that begins after someone is released from prison. We need to start thinking of reentry— of how to support this person in returning to the community—at the time of a person's initial contact with the criminal justice system. We need to think about restoring their sense of belonging to society and giving them tools in a culturally competent way."

~ Community Voice[1]

# Reentry (cont'd)

## Recidivism

We first start with recidivism rates by race, because recidivism is considered a key measure of successful reentry. In Washington, recidivism is measured as, “any felony offense committed by an offender within 36-months of being at-risk in the community which results in a Washington State conviction.”[2] DOC data shows that recidivism rates are high for every racial group except White people.[3] For example, among those people released from prison in 2009, 66% were white but only 27.5% of those recidivating. In contrast, Black people comprised 17.3% of people released that year and yet 30.4% of those reoffended. Hispanics represented 8.6% of people

released and 24.6% of those recidivating; Native Americans represented 4.6% of offenders released and 34.2% of those recidivating; and Asian/Pacific Islander offenders represented 2.9% of offenders released and 17.6% of those recidivating. See figure below. These rates indicate that the reentry needs of people of color are not being met.

There are several barriers contributing to high recidivism rates related to accessing life’s essentials. As soon as people start to reintegrate into communities, the barriers mount. All reentering our communities face difficulties and discrimination in accessing housing, healthcare, public benefits, college admissions and financial aid, employment, drivers’ licenses, family reunification, and court debt. These are

**Offender Demographic Characteristics by Release and Recidivism  
2009**

	<u>Offenders Released in 2009*</u>		<u>Offenders Recidivating</u>	
	<u>Number</u>	<u>Percent by Breakout</u>	<u>Number</u>	<u>Percent Recidivating</u>
<b>Total</b>	<b>7,865</b>	<b>100%</b>	<b>2,190</b>	<b>27.8%</b>
<b>Gender</b>				
Female	970	12.3%	195	20.1%
Male	6,895	87.7%	1,995	28.9%
<b>Race/Ethnicity</b>				
White	5,194	66.0%	1,427	27.5%
Black	1,358	17.3%	413	30.4%
Hispanic	676	8.6%	166	24.6%
N. American Indian	360	4.6%	123	34.2%
Asian/Pacific Islander	226	2.9%	52	23.0%
Other/Unknown	51	0.6%	9	17.6%

Source: Task Force 2.0, Race and Washington's Criminal Justice System: Report to the Washington State Supreme Court at H -11. (2021).

# Reentry (cont'd)

experienced particularly among people of color.

## Housing Instability

We know that when people release from prison with housing, they have lower recidivism rates. And yet, the National Inventory of Collateral Consequences of Conviction identified 56 criminal-record related legal barriers to housing and residency for people in Washington state, including under federal law.[4] These legal barriers are in addition to individual bias and racism.

These barriers are reflected in the data, which shows that 63% of newly released people reported living in two to five homes within first year of release.[5] And formerly incarcerated men are almost twice as likely to have been homeless.[6] Data disaggregated by race could not be found.

### POINT OF VIEW:

“You’re telling me I cannot live with my wife and kids and the only way I could is if they leave public housing?”

~ Darnell, a formerly incarcerated husband and father

## Barriers to Education

Once again, the National Inventory of Collateral Consequences of Conviction identified 115 criminal-record related legal barriers to housing and residency for people in Washington state, including under federal law.[7]

If an adult was convicted of possession or sale of illegal drugs while receiving federal student aid, upon release, they are ineligible for federal aid for a certain number of years.[8]

During incarceration, there is little access to education. No more than half of all incarcerated adults receive any instruction.[9]

Incarcerated individuals are ineligible for federal student loans and incarcerated adults may not receive Federal Pell Grants.[10]

And yet prison education programs, providing opportunities for getting a GED or vocational training, have a 43 percent lower odds of returning to prison than those who do not.[11]

## Barriers to Employment

Regarding access to employment and volunteering, there are 754 criminal-record related legal barriers to employment and volunteering for Washington state and under federal law.

# Reentry (cont'd)

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[13] Despite that in 2018, Washington Washington adopted "ban the box" legislation, restricting employers from asking about a job applicant's criminal background during the initial stages of the application process. Anecdotes from formerly incarcerated individuals indicates that the ban-the-box just "gets their hopes up" because they can get further down the application process. And then ultimately, they are not hired.

Washington state agencies can deny employment or a license based on a

prior felony conviction that is directly related to the employment and that is less than 10 years old.[14] There are lots of exceptions, however, such as jobs providing unsupervised access to children and vulnerable adults.

This restriction does not apply to private employers, however. Private employers may dismiss an at-will employee based a criminal record alone.[15] The affect of race and gender on employment prospects for people with a criminal record makes employment prospects even less. "We find differences by race/ethnicity, with blacks

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**"It is not in anyone's best interests to consign ex-offenders to a permanent second class status. Doing so will only lead to wasted lives, ruined families, and more crime. . . . Other collateral consequences, though, have a tenuous connection to public safety, appear to be more punitive in nature, and they certainly make it more difficult for an ex-offender to reintegrate into society. State and federal legislators should periodically review existing collateral consequences to ensure that they are truly necessary to protect public safety, not punitive in nature, and are reasonably related to the offense that was committed. Collateral consequences that do not fit these parameters should be amended or repealed so that ex-offenders who are earnestly working to lead lawful, prosperous lives and to provide for their families are not needlessly thrown off-course."**

~ John Malcolm, Director of the Meese Center for Legal and Judicial Studies, The Heritage Foundation

# Reentry (cont'd)

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and Hispanics generally faring more poorly than whites. . . . [A] prison record has a dampening effect on job prospects, particularly in the low-skill food service sector, where ex-prisoners are likely to seek employment during reentry. The employer survey revealed . . . employers expressing preferences for hiring individuals with no prior criminal justice contact. Employers associated prior prison time with a number of

negative work-related characteristics including tardiness and inability to get along with co-workers.”[16]

We can and should do better to help people reentering our communities. We should actively work with them to remove the barriers that prevent them from education, employment, housing, and other basic rights that all individuals need to live.

## 2022 Priorities

### **1. Work to expunge criminal records for youth and adult populations.**

Look at opportunities for the courts to help reduce the availability of sealed data. For example, make data scraping companies liable for the unauthorized release of data and/or inaccurate data).

### **2. Before release, provide a reentry "tool kit" and a corresponding navigator.**

This will help those leaving incarceration to access housing, education, employment, and culturally responsive services. Ensure that these toolkits are provided in accessible and culturally-competent ways that are trauma-informed and not overwhelming to individuals. Engage in user-centered program design in its development. Monitor and evaluate impact.

### **3. Before release, provide incarcerated individuals an opportunity to engage in comprehensive, shared family support sessions or trainings.**

This will allow whole family systems to better prepare for an individual's return. Apply user-center design in the development of this program and monitor and evaluate its effectiveness in improving reentry outcomes.



# Next Steps

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The hard work of the Racial Justice Consortium has just started. To realize the Supreme Court's racial equity vision with and for our communities, we – judicial officers, court personnel, supporting agencies, and critical stakeholders – must collaborate to disrupt and dismantle the pervasive racist policies and practices that create racial disparities and advance justice for all. Critical next steps are highlighted below.

## **Cultivate Belonging**

Our goal is to cultivate belonging in our personal lives, workplaces, courthouses, and courtrooms. The quest for diversity and inclusion is possible by welcoming others, particularly people of color, who too often are underrepresented in courtroom staff and overrepresented in the judicial system. We cannot expect to make meaningful and enduring progress cultivating belonging if, as stakeholders, we lack diverse personal relationships and fail to see our own role in cultivating belonging. Thus, we take responsibility for developing a practice of belonging; expanding our understanding of the harm our justice system imposes on individuals, their families,

# Next Steps (cont'd)

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and communities; cultivating empathy for people who have suffered harm; and actively seeking opportunities for reducing barriers to belonging.

## **Continue Leadership**

Dismantling failed structures and rebuilding systems and practices to reach our vision of racial equity are the labor of a lifetime. We embrace our role, strengthen our personal commitment, and use our positions of authority to sustain our efforts.

## **Advocate for Resources**

Implementing racial equity strategies requires funding: for training and education at all levels, to hire and retain staff committed to creating more equitable outcomes, to implement best practices to reduce trauma and harm, and to provide comprehensive services to those furthest from justice. The Courts must ensure that sufficient long-term resources are available to implement the recommendations in this report. Additionally, funders must commit to ensuring that decision making is based in part on an examination of racial equity impacts and alignment with intended outcomes.

## **Establish monitoring and evaluation of Belonging racial equity efforts**

In collaboration with justice system partners, the Consortium must establish methods and metrics to monitor and evaluate the implementation of recommendations in this report. No matter how well intended, not every recommendation will meet its objective; thus, monitoring and evaluation processes must be developed to ensure policies and programs are producing the desired outcomes. Each initiative must be subject to quantitative and qualitative analyses to determine: (1) whether the particular policy or program is working as intended to advance racial equity; and (2) if not, what adjustments or other strategies are needed.

## **Be Accountable**

Ongoing community report-back engagement serves multiple purposes. First, it is responsive to the community's desire for transparent, straightforward, timely, and consistent information regarding a fair and justice judicial system. Second, it provides an infrastructure for community and stakeholder feedback. Most importantly, reporting back sends a powerful message: those responsible for court services are accountable to those impacted by an unfair judicial system. Ultimately, the report-back function provides the basis for building trust and relationships with the users of the court system and community, both critical components to creating real and lasting change.

# Next Steps (cont'd)

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## **Build the movement for racial equity**

Responsibility for and commitment to racial equity remains relatively new to government agencies, including the judicial system. The Consortium's commitment to sharing its successes and challenges, while learning from its stakeholders and community, supports the movement for racial equity locally and across the nation. The Consortium's opportunity is to advance belonging and racial equity, to collaborate with other institutions and to serve as an important voice and change agent for racial equity within the justice system and within its growing circles of influence.

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# ACKNOWLEDGMENTS

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## **Consortium Guest Speakers**

*The Consortium wishes to thank the Consortium's guest speakers for sharing their time and expertise, in the order in which they presented:*

- Sean Goode, Executive Director, Choose 180
- TJ Bohl, Administrator, Pierce County Juvenile Court
- Kelly Warner-King, Manager, Family and Youth Justice Programs, Administrative Office of the Courts
- Shrounda Selivanoff, Director of Public Policy, Children's Home Society of Washington
- Hon. Raquel Montoya-Lewis, Washington State Supreme Court
- Hon. Kathryn Loring, San Juan Superior Court
- Hon. David Keenan, King County Superior Court
- Carmen Pacheco-Jones, Executive Director at Health and Justice Recovery Alliance
- Deborah Espinosa, Executive Director, Living with Conviction
- Dr. Anna Bosch, Legal Director, Living with Conviction, University of Washington School of Law
- Merf Ehman, Executive Director, Columbia Legal Services
- Nick Allen, Deputy Director of Advocacy, Columbia Legal Services
- Jermaine Williams, Director, Freedom Project East
- Christopher Poulous, Executive Director, Washington Statewide Reentry Council
- Christopher Hoke, Executive Director Underground Ministries
- Genaro Sanchez, Gang Youth Reentry Advisor, Underground Ministries
- Tony Cienfuegos, Jr., Reentry Navigator, Underground Ministries
- Ashley Nellis, PhD, Senior Research Analyst, The Sentencing Project
- Hon. Wesley Saint Clair (Ret.), King County Superior Court, Chair, Washington Sentencing Guidelines Commission
- Hon. Cecily Hazelrigg, Washington State Court of Appeals, Division I

# Gratitude

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Law School Admissions Council  
Perkins Coie  
Lane Powell  
Gordon Thomas Honeywell  
Jon and Bobbe Bridge  
Judge Kathryn Loring  
Francis Adewale

# APPENDICES

## Our Race Equity Toolkit

To guide its work, the Consortium used a Racial Equity Toolkit (Toolkit), a process and set of questions designed to guide, inform, and assess how court practices, policies, services and programs burden and/or benefit BIPOC people interacting with the courts. This Toolkit process, summarized below, provided the framework for the Consortium's work, as described in this *Action Plan*.

### **Step 1. Setting the outcome we seek**

Consortium develops racial justice vision to guide analysis.

### **Step 2. Involve Stakeholders + Analyze Data**

Gather quantitative and qualitative information from those with system involvement experience, judges and court staff and experts.

### **Step 3. Determine what is working and what is not**

What system efforts are working and what are not; Are court services, policies and programs harming or benefiting members of the community.

### **Step 4. Strategies to advance racial equity and to minimize harm**

Develop strategies to create greater racial equity or minimize unintended consequences.

### **Step 5. Evaluate. Raise Awareness. Be Accountable.**

Track impacts on communities of color overtime.  
Continue to communicate with and involve stakeholders.  
Document unresolved issues.

### **Step 6. Report-Back.**

Share information learned from analysis and Consortium's Action Plan for advancement of racial justice.

# APPENDICES

## End Notes

### Belonging

[1] Curle, C., *Us v. Them: The process of Othering*, Canadian Museum for Human Rights, at: <https://humanrights.ca/story/us-vs-them-the-process-of-othering>.

[2] Carr et. al, "The Value of Belonging at Work," *Harvard Business Review* (Dec. 2019), at: <https://hbr.org/2019/12/the-value-of-belonging-at-work>.

### Child Welfare & Dependency

[1] Cummings, K., Graham, J. C., Veele, S., & Ybarra, V. (2021), p.22. Using Data in DCYF to Advance Racial Equity. Washington State Department of Children, Youth, and Families – Office of Innovation, Alignment, and Accountability. [www.dcyf.wa.gov/sites/default/files/pdf/reports/OIAAEquityData2021.pdf](http://www.dcyf.wa.gov/sites/default/files/pdf/reports/OIAAEquityData2021.pdf).

[2] Ybarra, V., Klinman, D., and Luna, H. (2022). *Child Outcomes in Kinship Care in Washington State – A Research Brief*, p. 1. Washington State Department of Children, Youth, and Families – Office of Innovation, Alignment, and Accountability.

### Youth Justice

[1] Statewide, the number of detention admissions per 1,000 youth in the population varied by racial/ ethnic group, with Black youth showing the highest rate (45.7) and Asian/Pacific Islander youth showing the lowest rate (5.2). The rate for Native youth was nearly three times higher than the rate for White youth; the rate for Black youth was nearly four times higher; and the rate for Latinx youth was about one and a half times higher.

[2] DCYF, Washington State Juvenile Justice Report to the Governor & State Legislature (2020).

[3] Epstein, R. et al. (2017). *Girlhood Interrupted: The Erasure of Black Girls' Childhood*. Washington, DC: Georgetown Law Center for Poverty and Inequality.

[4] Washington State Gender and Justice Commission, *2021 How Gender and Race Affect Justice Now*, 430 (2021).

[5] Id. at 435.

[6] Id.

[7] Id.

[8] Id at 438

[9] Ross, R., *Girls in Justice*. New York: The Image of Justice at 98 (2015).

[10] *Girlhood Interrupted* at 1.

[11] Id.

[12] Id.

[13] Id.

[14] Id.

[15] *How Gender and Race Affect Justice* at 460.

[16] Id.

### Sentencing

[1] Gender and Justice Commission, *2021 How Gender and Race Affect Justice Now* 587 (2021).

[2] The Sentencing Project, *The Color of Justice: Racial and Ethnic Disparities in State Prison*, 9 (2021).

[3] Id.

[4] Id. at 7.

[5] Task Force 2.0, *Race and Washington's Criminal Justice System: 2021 Report to the Washington Supreme Court* (2021).

[6] WSIPP, *Examining Washington State's Sentencing Guidelines: A Report for the Criminal Sentencing Task Force* (2021).

[7] Task Force 2.0 at 19.

[8] Gender and Justice Commission, *2021 How Gender and Race Affect Justice Now* 4 (2021).

[9] Task Force 2.0.

[10] Woods, Jordan B., "Systemic Racial Bias and RICO's Application to Criminal Street and Prison Gangs," 17 MICH. J. RACE & L. 303 (2012).

# APPENDICES

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## Legal Financial Obligations

[1] See WSIPP, *Legal Financial Obligations in Washington State: Background, Statutes, and 50-State Review* (2021).

[2] See e.g., Harris, A., *A Pound of Flesh: Monetary Sanctions as Punishment for the Poor* (2016); stories at [www.LivingwithConviction.org](http://www.LivingwithConviction.org).

[3] The Sentencing Project, *The Color of Justice: Racial and Ethnic Disparities in State Prison*, 7 (2021).

[4] Task Force 2.0, *Race and Washington's Criminal Justice System: Report to the Washington State Supreme Court* at F -1 6. (2021).

[5] Id.

[6] Id.

[7] Gender and Justice Commission, *2021 How Gender and Race Affect Justice Now* 587 (2021).

## Reentry

[1] Task Force 2.0, *Race and Washington's Criminal Justice System: Report to the Washington State Supreme Court* at I -15. (2021).

[2] WA Department of Corrections, *Recidivism Revisited* (2010).

[3] Task Force 2.0 at H-10.

[4] National Inventory of Collateral Consequences of Convictions, at: <https://niccc.nationalreentryresourcecenter.org/>.

[5] Ehman, M. *Barriers to Reentry: Housing, Employment, Education* (2015) at: <https://www.courts.wa.gov/subsite/mjc/docs/EhmanReentrySymposium2.pdf>.

[6] Id.

[7] National Inventory of Collateral Consequences of Convictions, at: <https://niccc.nationalreentryresourcecenter.org/>.

[8] Merf, *citing* 20 U.S.C. § 1091(r)(1).

[9] Ehman, M. *Barriers to Reentry: Housing, Employment, Education* (2015) at: <https://www.courts.wa.gov/subsite/mjc/docs/EhmanReentrySymposium2.pdf>.

[10] Id.

[11] Id.

[12] Id.

[13] National Inventory of Collateral Consequences of Convictions, at: <https://niccc.nationalreentryresourcecenter.org/>.

[14] Ehman, M. *Barriers to Reentry: Housing, Employment, Education* (2015) at: <https://www.courts.wa.gov/subsite/mjc/docs/EhmanReentrySymposium2.pdf>.

[15] Merf, *citing* Selix v. The Boeing Co., 82 Wn. App. 736 (Wash. App. Div. 1 1996), rev. denied, (1997)

[16] Decker, S. et al., 2013. *Criminal Stigma, Race, Gender, and Employment: An Expanded Assessment of the Consequences of Imprisonment for Employment: Final Report to the National Institute of Justice*. Phoenix: College of Public Programs, Arizona State University.

# APPENDICES

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