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Mandatory Domestic Violence Education for WA State Judges Legislation

Allison Sykes
sykes.allison@gmail.com

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Capstone Proposal

Mandatory Domestic Violence Education for WA State Judges Legislation

Allison Sykes

University of Washington Tacoma

Professor Kim

TSOCW 533A

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Abstract

This proposal is a request for legislation that all Washington State judges receive mandatory domestic violence education. There is a need for Washington State judges to receive domestic violence education to prevent biases and misconceptions from influencing their court decisions. The goal of this legislation is to increase safety for victims and increase judges' ability to make informed judicial decisions in cases of domestic violence. Education has been identified through research and interviews to be the most significant intervention to reduce domestic violence. Judges who are educated about domestic violence make judicial decisions that are more supportive of victims. To determine success of this project two objectives have been identified to determine success, legislative support with at least one Legislator sponsoring the bill and partnering with the Washington State Coalition Against Domestic Violence (WSCADV) to advocate and lobby for this bill. Washington State can support victims by passing legislation to guarantee justice to those who rely on the criminal justice system for their protection and survival.

Introduction

Domestic violence is a complex and unique issue rife with misconceptions, false beliefs, stereotypes and biases, which are generally detrimental to victims. This is especially concerning since research has found that many judges endorse these false beliefs and biases, influencing their court decisions (Jaffe, Crooks, Reid, White, Pugh-Markie, & Baker, 2018). These misconceptions collectively undermine victims by blaming them, diminishing their experiences and creating barriers to getting support. They also perpetuate domestic violence and silence victims (Policastro & Payne, 2013). Kafka, Moracco, Barrington, & Mortazavi (2019) found that, “many judges openly expressed perplexity about the complex dynamics of DV” (p. 1140) and that some judges had extreme disregard for victims, “judges in Family Court ‘frequently viewed [female plaintiffs] as pathetic, stupid, or even deserving of the abuse they experienced’” (p. 1140). There is also confusion around victims’ identities, such as gender, and what constitutes domestic violence (Kafka et al., 2019; Tsui, 2014). This is a serious concern since, “assumptions based on common stereotypes or beliefs about DV may therefore influence judicial decision making” (Kafka et al., 2019, p. 1133). The beliefs and biases judges hold directly influences their court decisions. These decisions, such as not ordering a protection order, can put victims at greater risk for harm or even death (Kafka et al., 2019; Snyder, 2019).

Based upon the information gathered from research and interviews with domestic violence professionals in Thurston County, education emerged as the most significant intervention strategy to confront domestic violence (Casey, 2019; J. Stine, personal communication, November 26, 2019; J. Cain, personal communication, November 26, 2019, Kafka et al., 2019; Koss, White & Lopez, 2017; Snyder, 2019). Domestic violence education has been found to effectively eradicate these myths, increase judges understanding of domestic

violence and increase their awareness of their biases (Bell, Cattaneo, Goodman, & Dutton, 2013; Jaffe et al., 2018). This is immensely important since judicial decisions can have life or death consequences for victims of domestic violence. Judges who have been educated about domestic violence tend to make decisions that are more favorable for victims (Kafka et al., 2019).

Thurston County judges stressed the importance of their domestic violence education, stating it has been essential for them to make informed and fair judicial decisions on domestic violence cases (Judges X and Y, personal communication, January 2020).

The criminal justice system has become the gatekeeper of justice for victims, but when these biased beliefs, myths and negative stereotypes are rampant within the system itself, justice is not being served. Efforts have already been made in seventeen states, D.C. and Guam to address this issue by mandating through legislation that all judges receive domestic violence training (NCADV, 2015). Currently Washington State judges are not required to take domestic violence trainings as a part of their continuing education requirements although, in Washington state 42.6% of women and 28.3% of men will experience domestic violence in their lifetime (NCADV, 2015). By mandating domestic violence training, judges can be of greater service to victims of domestic violence and stop perpetuating common myths and misconceptions. Judges are in a unique position to promote social justice by and through their rulings. The benefit of this legislation is to increase safety and support for victims of domestic violence, strengthen judge's knowledge and ability to make fair judicial decisions, and increase judge's awareness of their own biases and preventing decisions based on them. Washington State can support victims by passing similar legislation, to guarantee justice to those who rely on this same system for not only justice but protection and their survival.

Needs statement

There is a need for Washington State judges to be receive domestic violence education to prevent bias and misconceptions from influencing their court decisions.

Project Goal

The goal of this project is to improve court outcomes for victims of domestic violence by mandating Washington State judges receive domestic violence education.

Theory

This proposal is guided by two theoretical frameworks, feminist theory and ecological theory. Domestic violence was originally understood through the framework of feminist theory and the movement's foundation is built upon this theoretical orientation (Koss et al., 2017; Petrucci, 2010). Feminists understood that domestic violence was both a societal and a feminist issue, and in the 1960s began opening shelters for battered women in response to a lack of action from the criminal justice system (McClure, 2013). These shelters were, "erected around the feminist ideals of 'egalitarianism, autonomy, and self-determination'" (Wellman, 2013, p.450). Ecological theory acknowledges that, "change occurring on any level in the absence of systemic change is likely to fail" when trying to improve systems to better support victims (Cerulli, Trabold, Kothari, Dichter, Raimondi, Lucas, Cobus and Rhodes, 2015).

Objective / Objective Indicators

To determine success of this project two objectives and objective indicators have been identified. The first objective is legislative support for the bill. Indicators that this has been achieved include sponsorship of the bill, with at least one Legislator sponsoring the bill and the

bill being introduced to committee at least once. Tools used include, meeting with primary sponsor, observing committee hearings in which bill is scheduled to be discussed, checking bill tracker daily about bills status and if there are additional co-sponsors for the bill. All information and outcomes will be recorded in a notebook. Both myself and my assistant will attend public hearings about the bill, observe committee meetings, check bill tracker for additional sponsors and record any updates in the notebook about the bill. To ensure the validity of this process I will member check with experts to ensure that the data I include is valid for this subject. In addition, a sign-up sheet will be at all public hearings dealing with the bill to record who attended in support. See appendix.

The second objective is to partner with the Washington State Coalition Against Domestic Violence (WSCADV), to advocate and lobby for this bill during the 2021 Legislative session. Indicators that this objective has been reached is determined by WSCADV staff agreeing to advocate for bill, bill being listed as priority legislation on their website, and WSCADV promoting and educating their membership about the bill by allowing me to discuss the bill during their advocacy webinar, posting advocacy materials for the bill on their website and sending out email reminders to their membership about public hearings and other key dates to advocate for bill. The data collection method to determine WSCADV's interest in supporting this bill is in the form of notes taken after scheduled meeting WSCADV staff. All notes will be recorded by myself in a notebook to guarantee validity and reliability. To ensure reliability of the notes taken from the meetings with WSCADV staff, I will include a topic list to guarantee consistent and reliable recording each time I meet with WSCADV. See appendix.

Description of Project

This proposal is a guide to create an advocacy campaign for legislation that mandates all Washington State judges receive mandatory domestic violence education. Two strategies have been identified to accomplish this goal; gaining legislative support for the bill and partnering with WSCADV to advocate for the bill.

Implementation

Initial steps for implementation are to create advocacy and educational materials. Materials needed to gain legislative support include; letter to Legislator expressing need and requesting support for legislation and an educational document explaining the need for and benefit of this bill. Materials needed for meeting with WSCADV include the educational document and advocacy materials including a sample letter to Legislator/s, sample scripts for tweets, emails and phone calls to support passage of bill. See appendix for materials.

I decided it would be most effective to pursue one Legislator for bill sponsorship and speak directly to their previous support of domestic violence bills. In my district, Thurston County, Representative Doglio was determined the best candidate to pursue. Representative Doglio has been a secondary sponsor for multiple bills that address domestic violence and sexual assault protections and was a field organizer for NARAL. I will schedule a meeting with her and discuss the importance need for this bill and share educational material. The outcome of this meeting will be recorded in a notebook. If the Legislator agrees to sponsor the bill, then I will schedule a meeting with WSCADV staff and hire an assistant to help me track, advocate and support advocating for this bill.

The meeting with WSCADV staff is to discuss partnering with them to advocate and lobby for bill. This meeting will include educating staff about the issue through the educational document, see appendix, and how this bill it is in alignment with their cause and why it would be beneficial for them to support it. Details and outcomes of the meeting with WSCADV will be recorded in a notebook. If WSCADV agrees to partner with me on this project, then we will continue to meet to build out the advocacy and lobbying plan for the 2021 Legislative session. Advocacy materials will be supplied to WSCADV, so they can post and email to their members. See appendix. I will attend WSCADV's webinar to discuss the bill and how it will benefit victims of domestic violence.

All records kept throughout this campaign can be utilized for the 2022 Legislative session if this bill does not pass during the 2021 session. This information will also provide guidance for better strategizing for the 2022 session.

Marketing

There are two groups that need to be marketed to for the project to succeed, legislators and the public. Information about the bill and examples of similar legislation from other states to present to designated potential primary sponsor. Marketing to other legislators, to encourage co-sponsoring and support for the bill, includes the primary sponsor lobbying for bill, lobbying by advocates at public hearings, and a public support campaign including letters, emails and tweets for support for this legislation that will be available through WSCADV.

Marketing towards the public and domestic violence advocates will be through WSCADV's website, social media and discussion of the bill during their advocacy day webinar. Email reminders of public hearings for the bill will be sent through their listserv. All advocacy

materials will be available on WSCADV's website and sent out via email including sample letters, tweets, verbal and email scripts advocating for the bill.

Appendices**Letter to Representative Doglio**

Beth Doglio
Olympia, WA 98504

Dear Representative Doglio,

My name is Allison Sykes, I am an MSW graduate student at UW Tacoma and one of your constituents. I am contacting you specifically due to your previous support for bills that support victims of domestic violence such as, HB1002, HB1016, HB1055, 2EHB1056, HB1166 and HB1149, and your involvement with NARAL.

I am writing to request your support for legislation requiring all Washington State judges to receive domestic violence training. Currently only Family and Juvenile Court judges are mandated to receive domestic violence training in Washington State. Judges are in a unique position to create greater safety for victims through their judicial decisions. Education is essential when dealing with domestic violence because research has shown negative stereotypes, misconceptions and myths exist towards victims of domestic violence and impact judicial decisions. When judges are educated about domestic violence, victims receive more favorable judicial decisions.

I ask for your sponsorship for this legislation. Passage of this bill would provide better outcomes for victims of domestic violence.

Please feel free to contact me with any additional questions you may have.

Regards,
Allison Sykes

Educational Document**REQUEST: Support of HB/SB XXXX****Support victims of domestic violence by mandating domestic violence education for all Washington State judges.**

- Victims have better outcomes in court when Judges receive domestic violence education.
- Currently Washington State judges are not required to take domestic violence education.
- Washington State judges are required to take 45 credits of continuing education, domestic violence education is an option, but not mandatory.
- Within the U.S., 17 states, D.C., and Guam require judges by law to receive domestic violence education.

Why is it important to for judges to be educated about domestic violence?

- Research has found that many judges endorse commonly held harmful myths about domestic violence and victims of domestic violence.
- Education has been found to correct misconceptions and dispel biases about domestic violence and victims.
- Education has been identified as one of the most significant intervention strategies to eradicate domestic violence.
- Judges who receive DV education tend to make judicial decisions that are more favorable for victims and victim safety.
- The aim of this legislation is to increase judges' knowledge of domestic violence so they can make informed judicial decisions about cases of domestic violence.

Sample scripts

Name of Legislator

Olympia, WA 98504

Dear Legislator (*add name of Legislator here*),

My name is *your name here*, I am writing to request your support for legislation requiring all Washington State judges to receive domestic violence training. Currently only Family and Juvenile Court judges are mandated to receive domestic violence training in Washington State. Judges are in a unique position to create greater safety for victims through their judicial decisions. Education is essential when dealing with domestic violence because research has shown negative stereotypes, misconceptions and myths exist towards victims of domestic violence and impact judicial decisions. When judges are educated about domestic violence, victims receive more favorable judicial decisions.

I ask for your sponsorship for this legislation. Passage of this bill would provide better outcomes for victims of domestic violence.

Regards,

Constituent name

Sample email and / or voicemail script:

"Please support SB XXXX! This bill would mandate that all Washington State judges receive mandatory domestic violence education. Victims of Domestic Violence receive better court outcomes when judges are educated about domestic violence."

"Please pass HB XXXX! This bill represents a vital opportunity for WA State to support victims of domestic violence through mandatory domestic violence education for WA State judges. We know that victims of domestic violence have better court outcomes when judges are educated about domestic violence."

Thank you, your name, phone number (if voicemail)

Sample tweet:

DV ed is violence prevention. To #EndDV WA State judges need to be educated about DV to make fair and informed judicial decisions. #waleg please pass HB XXXX
#DVAdvocacyDay #WeAreWSCADV

Topic List for meetings with WSCADV to guarantee reliability:

- strategies for bill as WSCADV priority
- how to advocate and lobby for bill
- talking points for public hearings and advocacy materials
- advocacy language for emails for membership
- support efforts and strategy to promote and advocate for bill
- future plans for continued advocacy for bill
- alerts to members to call in, email or tweet to support bill and dates of public hearings

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