

COMMUNITY DIALOGUE

9/23/2008

First Judicial District Equal Justice
Committee Community Dialogue

This was the initial First Judicial District Equal Justice Committee Community Dialogue conducted at the Black Hawk Middle School, 1540 Deerwood Drive, Eagan, Minnesota on September 23, 2008 from 6:30-8:30 P.M.

Community Dialogue

FIRST JUDICIAL DISTRICT REPORT

INTRODUCTION

The First Judicial District Equal Justice Committee sponsored this Community Dialogue as part of its efforts to educate citizens of color on the purpose and operation of the courts. The Community Dialogue was also held to listen to the perspective of local communities of color on the courts and learn what they believe the court can do better with respect to understanding communities of color.

This first Dialogue was held in Dakota County as the larger county with the greatest diversity of population in the First District. A centrally located school was selected for the forum. It was hoped that this site would not be as intimidating as a court or other government facility. Public transportation is poor in the county but if any site afforded some ability to use it, Black Hawk Middle School in Eagan was it. Communities of color were invited to attend through the local chapters of the NAACP, the bar association, law enforcement agencies and school districts. Twenty-five individuals attended the session, with a small number in attendance representing non-justice system community members. The majority of those in attendance were individuals who work within the justice system in some capacity: the Minnesota Judicial Branch was represented by members and staff of the Racial Fairness Committee; the First Judicial District Equal Justice Committee members and staff; representatives from the bench; prosecution; public defense; private bar; law enforcement (county and municipal level); probation services; Guardians' ad Litem; and an ISD 197 representative. Judge Joseph Carter was the host and Tom Pohl of the First Judicial District Administration Office served as the facilitator.

Community Dialogue Plan

The Community Dialogue Plan was developed by a planning subcommittee of the Judicial Branch's Racial Fairness Committee. The Plan provides a template for the Racial Fairness Committee and each Judicial District Equal Justice Committee (EJC) to work together to achieve equitable treatment for all individuals in the court system. The Community Dialogue Plan's stated purpose is to:

Create a public forum for community members to describe their experiences and discuss ideas for advancing racial equality and fairness in the courts.

First Judicial District Session Details

The Session was held on the evening of September 23rd from 6:30 p.m. to 8:30 p.m. at the Black Middle School auditorium in Eagan, Minnesota. Panel members included: Judge Joseph Carter, First Judicial District Judge; Phillip Prokopowicz, Chief Deputy Dakota County Attorney; Steve Holmgren, First Judicial District Chief Public Defender; and Blair Anderson, Commander Dakota County Sheriff. Representing the Judicial Council Racial Fairness Committee were Nadia Najarro Smith, Lydia Lijo, JaPaul Harris, John Stuart, Sangeeta Jain and Cedrick Frasier. Basic information about the demographics of arrests, case filings and case dispositions in the First Judicial District were distributed to the participants along with an agenda for the evenings discussions (See **Attachment A** for the agenda).

SUMMARY OF THE FIRST JUDICIAL DISTRICT SESSION

Initially the tone of the meeting seemed open yet reserved. Participants were primarily from the justice community serving as either direct employees or contractors. Attendance from non-justice system communities was very limited. We suspect that weather and lack of public transportation played a role in the small turnout. Although the target audience was limited, several new and very articulate representatives in the justice partnership were in attendance and provided valuable insights into their perceptions of how the justice system is perceived from a minority court user's perspective. These participants do not currently serve on either the First Judicial District Equal Justice Committee or the Supreme Court Racial Fairness Committee.

Recruitment and hiring of people of color, employee education and training on cultural and racial differences, practical transportation and economic problems in dealing with courts and the justice system were identified as issues to be addressed by the justice system.

With respect to scheduling future Community Dialogues, it was suggested that a session be held at community centers or churches, locations where non-justice system court users commonly gather. It was suggested that a Community Dialogue be held at the Dakota County Jail or the Shakopee Women's Correctional Facility to have a conversation with local inmates.

Advertising in local papers and through community centers and churches was thought to be a possible avenue for improving attendance.

Themes of the Session and Proposed Suggestions for Improving the Court System

EMPLOY PEOPLE OF COLOR

In order to promote greater trust and comfort with the justice system, more people of color should be recruited and hired in all offices (courts, law enforcement, prosecution, public defense, probations and corrections). If this were accomplished, individuals coming to court would interact with people they identify with. Trust in the system needs to be developed among juveniles before they become "frequent flyers" and adult offenders

EDUCATE AND TRAINING EMPLOYEE TO BE MORE UNDERSTANDING, "HUMBLE" AND TOLERANT OF RACIAL AND SOCIETAL DIFFERENCES

Along with hiring staff from diverse communities, staff should be regularly trained in appreciating and dealing with culturally diverse clients.

IMPROVE ACCESS WITH PUBLIC TRANSPORTATION TO COURT FACILITES-COURT, PROBATION

Public transportation to court facilities, probation agents and detention facilities was seen as problematic in making it to court hearings, reporting to probation offices and going to and leaving county correctional/ detention facilities. At least with regard to Community Correction offices, providing neighborhood reporting and testing offices could serve to reduce probation revocation hearings for failure to make timely contact with probation agents.

AFFORDABLILITY OF COURTS

The cost of the justice system is often beyond the means of the minority client. The need to raise revenue to fund justice system programs is all too often falling on defendants and their families in the form of fees, surcharges, assessments and fines. Often defendants get into the repetitive cycle of failing to pay their financial obligations to the system, having a warrant issued or a drivers license suspended, being arrested, losing work time or their jobs and committing additional crimes to make ends meet.

SUMMATION

The participants generally felt that trust should/could be improved by expanding minority representation in the justice system workforce. Hand and glove to this approach was the feeling that current employees, generally Caucasian, should attend cultural diversity training and education to create a greater understand and sensitivity to the differences in the cultures of the citizens who use the justice system. Although somewhat beyond the control of the courts and other justice system partners, it was recommended that efforts to make the justice system physically accessible and economically affordable to people be pursued.

Suggestions for Future Community Dialogue Sessions

Advertising

It is difficult to determine if an expanded advertising effort including invitations in local newspapers and postings at community centers and churches would have increased the attendance at the session. Weather may also have had an impact. Future efforts (assuming it is not in a jail or detention facility) will focus on broadening the outreach.

Locations

As a result of comments made at this Community Dialogue and the Second Judicial District Dialogue session in June 2008, the EJC will consider conducting a future session at a community center, a church, a jail or at the State Women's Correctional Facility in Shakopee.

Transportation

If a future Community Dialogue is held in a public location, every effort will be made to choose a location which is on a public transportation route.

Materials

Although statistical information can set the foundation for the discussion, do not spend a lot of time going over the details. Discuss general trends and leave the details to the researchers and statisticians. The discussion of the interplay between the different system partners is important. The audience may not know that we are not all working as one agency with one purpose or function. The prosecutors are not part of the courts. The probation officers are

not part of the sheriff's department. Law enforcement has a different set of responsibilities from the county attorney.

Refreshments

Some modest refreshments were appreciated by the participants. Water, soft drinks and cookies were available to those who attended.

Other Observations

The Community Dialogue resulted in very interesting discussions among the participants that included multiple perspectives. We learned that there is for the most part a consensus of opinion among the different participant groups. There was a lot of energy and interest on the part of the participants to carry the discussion forward.

Minnesota Lawyer Article on the Session

Attachment B is an article that appeared in the September 29, 2008 issue of the Minnesota Lawyer magazine.

ATTACHMENT A

Community Dialogue on Racial and Ethnic Fairness in the Courts

I. Welcome & Introduction (10 Minutes)

II. Explanation of Process for Comment Period (5 Minutes)

III. Brief Introductory Remarks – (15 Minutes)

- Equal Justice Committee and Racial Fairness Committee Members in Attendance Introduction
- Summary of Racial Fairness Committee and Equal Justice Committee History –EJC Chair the Honorable Judge Joseph Carter
- Verbal Summary of Race Data Information – Judge Carter

IV. Attendee Comment Period (100 Minutes)

V. Thank You and Good Night

FEEDBACK

Please fill out the handouts we have provided you this evening for feedback purposes and hand them into the back table as you leave this evening. Your thoughts and concerns are very important to the work of both committees represented here this evening as we strive to provide equal justice to all our citizens. If you wish to be contacted or have other questions or concerns please sign in and provide us with contact information at the back table as well. We will try to respond to your concerns as quickly as possible. Also, a written report about this dialogue will be posted online within a month for public viewing. Thank you all again for your participation and have a good evening.

ATTACHMENT B

Minnesota Lawyer Article

September 29, 2008

First Judicial District

Community Dialogue Session

Monday, September 29, 2008 | Minnesota Lawyer

MINNESOTA LAWYER

Legal News

September 29, 2008

First District struggles with tensions between minorities, justice system

by [Dan Heilman](#), Associate Editor

Assistant Dakota County Attorney Phil Prokopowicz remembers the first time it truly dawned on him that the racial makeup of the county was changing. At a trial a few years ago, as the courtroom slowly filled, Prokopowicz - a 20-year resident of Dakota County - realized he was the only white person in the room.

"It was unnerving, but it was a valuable experience," Prokopowicz said. "I learned more about the need for give-and-take in the community from that than I would have from any CLE. It taught me that we need to promote things that take us out of our normal environment."

Prokopowicz was speaking at a forum conducted in Eagan last week whose purpose was to elicit discussion about racial fairness and how Minnesota's 1st Judicial District's growing minority community perceives the justice system.

Sponsored by the 1st Judicial District Equal Justice Committee and the Minnesota Judicial Branch Racial Fairness Committee, the forum drew about two dozen people representing all facets from Minnesota's judicial system, from a guardian ad litem to a District Court judge. The two committees plan to hold a series of similar forums in other state judicial districts in the future.

Most in attendance agreed that some problems between the district's minorities and the judicial system have their basic roots in deeper racial divides.

"It's not a matter of whether they trust the system - they don't," said Dakota County Jail commander Blair Anderson, who is African American. "If I didn't work in the system, I wouldn't either."

Dakota County Judge Joseph Carter, who chairs the 1st District committee that co-sponsored the forum, said that while distrust of the judicial system is more acute among minority groups, it's a problem across the racial spectrum. He cited a 2006 survey that found that only 23 percent of African Americans in Minnesota expressed

confidence in the court system, but also found that the confidence rate among whites wasn't far above 50 percent.

"We should be disturbed by that," he said. "If you were facing a system where you felt you stood a good chance of being treated unfairly, you wouldn't want anything to do with it."

A domino effect

According to the 1st District's breakdown of major adult criminal cases (including felony and gross misdemeanor cases), minorities are the subject of a disproportionate percentage of criminal filings. The figures show:

- While whites make up 90 percent of Dakota County's population, they accounted for only 67 percent of the county's major adult criminal filings last year;
- Blacks, 4 percent of the population, accounted for 16 percent of the filings; and
- Hispanics, also 4 percent of the population, accounted for 9 percent of the filings.

The forum tried to find reasons for the contrasts. The court and law enforcement personnel in attendance agreed that juvenile minorities in particular are incarcerated in the district at a grossly disproportionate rate.

One theory discussed was that the economic challenges faced by poorer members of the community can mean that a single traffic ticket can balloon into a much bigger problem.

"Quite simply, they're poor, and too often poor people end up in the criminal justice system," said Eagan police captain Greg Johnson. "A guy gets a ticket for a broken tail light, he can't afford to get it fixed, and so his license is suspended. That leads to an enhanced fee, which he also can't pay. Pretty soon he's in jail. It leads to a domino effect."

First District chief public defender Steve Holmgren agreed that the fee and fine structure in the district place an undue burden on both citizens and the system.

"There's a fee to go to jail, there's a fee to go on probation," he said. "Sometimes judges add fines on their own. We need to reassess the attitude of taking money

from poor people to finance the system."

Carter, however, said that most judges try to find alternatives to escalating fines, especially in misdemeanor cases, and pointed out that "the alternatives are expensive, too."

And Anderson said that without all the fees, he would find it impossible to run his jail. He said that until not long ago, the Dakota County jail was known as "The Dakota Hilton" because it was so under-crowded, but now not only are prisoners doubled up but the county also has to lease space at other county jails for the overflow.

"I don't know how I would be able to do it without some of those fees," he said.

Too much ground to cover

Another issue contributing to the problem of bridging the gap between Dakota County residents and the judicial system is the way it's laid out. Although it's the third-most populous county in the state with 3.2 million people, the 586-square-mile county has no mass transit of which to speak.

That lack of transportation infrastructure gives 1st District residents a problem that residents of Hennepin and Ramsey counties don't have: the inability to get to a court date if they don't own a car.

"A lot of people I talk to don't know how to get to court," said District Court interpreter Manuel Roman. "Then once they're there, they aren't sure how to get home."

Attendees offered a variety of possible ways to both ease the growing burden on the district's judicial system, and to improve citizens' perception of that system. Guardian ad litem Evangelina Aguilar suggested increasing the level of cultural awareness training received by law enforcement officers to reduce the likelihood of racial profiling; state public defender John Stuart recommended periodic days in which citizens with misdemeanor bench warrants could get them cleared from their records in exchange for reduced sentences; and Anderson recommended that the county increase its percentage of minority officers to match the changing face of the district's citizenry.

"Our goals are obvious: to increase participation of people of color in the judicial system, and to make sure they feel they're being treated fairly," said Carter, who previously was a public defender in Ramsey County. "It will be a challenge, because I can tell you, the 1st District is much different from the 2nd District."

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