

COMMUNITY DIALOGUE

April 27, 2010

First Judicial District Equal Justice
Committee Dialogue Session at the
Chaska Community Center

On April 27, 2010 the First Judicial District Equal Justice Committee in partnership with various local community organizations held a two-hour Community Dialogue Session on racial and ethnic fairness in the courts at the Chaska Community Center in Chaska, Minnesota.

Approximately 50 people attended the session, which was about an even mix of citizens and criminal justice system representatives. The session was co-facilitated by the Honorable Joseph T. Carter, First Judicial District Judge, and Pastor Gordon Stewart, Shepherd of the Hill Presbyterian Church, Chaska, Minnesota.

Community Dialogue

FIRST JUDICIAL DISTRICT REPORT

INTRODUCTION

The First Judicial District has 36 judges and more than 250 staff that handle nearly 200,000 cases annually in the counties of Carver, Dakota, Goodhue, Le Sueur, McLeod, Scott and Sibley. The court's mission is "to provide justice through a system that assures equal access for the fair and timely resolution of cases and controversies".

The First Judicial District's Equal Justice Committee has approximately 30 members including individuals who represent judges, attorneys, law enforcement, corrections, court administrators, guardians ad litem, and others involved in the judicial system.

The First Judicial District Equal Justice Committee sponsored this dialogue session as part of its efforts to educate citizens of color on the purpose and operation of the courts. The session 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. It was the third session held in the last couple years. The previous ones were held at Black Hawk Middle School in Eagan, Minnesota on September 23, 2008, and in the Dakota County Jail in Hastings, Minnesota on October 23, 2008.

The Equal Justice Committee selected Chaska based on its central location in the First Judicial District, the opportunity to partner with Pastor Gordon Stewart from Shepherd of the Hill Presbyterian Church and other local community leaders, the diversity that exists within the City and surrounding area, and other miscellaneous reasons.

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 April 27, 2010 from 6:30 p.m. to 8:30 p.m. at the Chaska Community Center in Chaska, Minnesota. The session was co-facilitated by the Honorable Joseph T. Carter, First Judicial District Judge, and Pastor Gordon Stewart, Shepherd of the Hill Presbyterian Church, Chaska, Minnesota.

Approximately 50 people attended the session, which was about an even mix of citizens and criminal justice system representatives. There were 10 First District Judges in attendance, along with many other Equal Justice Committee members. The session was marketed extensively throughout the First Judicial District and in the local community. A promotional flyer was developed in English and Spanish. The flyer was used as the main tool for marketing the event and was distributed to the Equal Justice Committee representatives, First District Judges and Court Administrators, as well as local criminal justice partners, businesses, tribes, recovery centers, churches, etc. Additionally, the flyer was posted throughout the Carver County Justice Center for several weeks prior to the event.

Attendees were provided with an agenda (see Attachment A) and a brochure on the First Judicial District. Additionally, a resource table was set up with many documents related to the court system: state and judicial district maps; Minnesota Judicial Branch publications on Judicial Branch Demographics, Court Jurisdiction and District Court; Minnesota Judicial Branch Self-Help Center information; Facts about the Minnesota Judicial Branch; Statistics on First District Adult Major Criminal Filings in 2008 by Race/Ethnicity; Felony Dispositions by Case by Race – First District 2008; All Felony and Gross Misdemeanor Cases Disposed in First District 2008 by Race; First District Adult Major Criminal Filings in 2008 Excluding Cases Missing Race; Felony Drug Sale or Possession Dispositions 2008 by Case By Race for First District; Race Data by County for the First Judicial District; Minnesota Judicial Branch “I’ll See You in Court” brochure; Minnesota Judicial Branch “What You Should Know About Minnesota’s Courts...” brochure; Carver County Court Services brochure; and Minnesota Judicial Branch “Careers” brochure.

The session consisted of four main parts: (1) welcome and introductory remarks, (2) dialogue period in small groups, (3) reports to the large group from small group facilitators, and (4) closing remarks. The bulk of the time was spent in small group discussions. There were a total of four small groups comprised of approximately 10-15 people in each one. Facilitators participated in a two-hour training session led by Maureen Farrell, Restorative Practices Coordinator, Carver County Sheriff’s Office, one-week in advance of the session. Local interpreters were hired and available for the entire two-hour session.

The tone of the session was very positive and well-received. Several citizens noted that Minnesota has an excellent criminal justice system and thanked the sponsors who worked on the dialogue session. They stressed the importance of community outreach, the opportunity

to provide input directly to judges and others, and the desire to have other sessions scheduled throughout the First Judicial District in the future.

SUMMARY OF THE FIRST JUDICIAL DISTRICT SESSION

Major Themes of the Session

The majority of the session was spent in small group discussions around four “guiding” questions:

1. What brought you here tonight?
2. People, family, friends have many experiences with the court/justice system, how would you describe either your experiences or those of others?
3. From what you know about the court/justice system, do you have any suggestions to improve or change it?
4. Are there any other things you would like to know about the court/justice system?

The four questions were designed to get some specific information from attendees if possible and get conversations started. However, the small group facilitators allowed the discussions to go more broadly based on the desire of the participants.

Suggestions related to improving or changing the court system will be reviewed by the Racial Fairness Committee and the First Judicial District Equal Justice Committee, and used to inform the priorities and actions of each group. The suggestions may or may not be acted upon by either of the two committees.

Responses to each small group question are provided below. Some of the bullet points reflect whether the contributor of the comment is a citizen or someone in the legal profession, if that information was collected by the small group note-taker.

WHAT BROUGHT YOU HERE TONIGHT?

- How to be a better judge – want to hear from community members about their experiences
- Always room for improvement – want to hear community member comments
- Court portrayal in the media is scary and this is an opportunity to learn firsthand
- Talking about improvement is always a good idea
- Poor experience in the court
- Concerns about why the public defenders are not funded equally as county attorneys, and carry a caseload twice as large as recommended by the American Bar Association

- Concerns about what is happening in Arizona with new immigration law

PEOPLE, FAMILY, FRIENDS HAVE MANY EXPERIENCES WITH THE COURT/JUSTICE SYSTEM. HOW WOULD YOU DESCRIBE EITHER YOUR EXPERIENCES OR THOSE OF OTHERS?

- Citizen shared two experiences he had with the court system. In the first situation in another state, the judge did not ask questions or follow-up on the issues and the person was found guilty. In the other, the judge took the time to inquire into the situation, listened, gathered additional information and the person was found not guilty.
- Citizen described an “unhappy experience” because she felt “disadvantaged” because she could not afford an attorney, while the opponent was represented.
- Criminal justice professional expressed frustration with lack of resources and the apparent lack of recognition by the public of the importance of the court system in “maintaining community standards”.
- English speaking citizen described the criminal court system as “scary” and “confusing” for everyone, but especially for non-English speaking persons. Expressed concern about how to get legal advice when not qualifying for the services of the public defender, especially when faced with the possibility of deportation.
- Spanish speaking citizen described criminal court experience as “confusing”. Did not qualify for the services of a public defender, so there was no one to explain the process. Confused by the role of the public defender and prosecutor. Feared possibility of deportation, but had no one to speak with about it and didn’t know what to do.
- Court interpreter explained that “confusion” is common with non-English speaking persons when entering the court system. Race data tracking form is particularly confusing for “Hispanics”, because they are not sure about what differentiates race and ethnicity. Also, when “Hispanics” are asked for their last name they are not sure what to give, because they tend to include maternal and paternal names in their complete name. Thinks it would be better to ask “what is your first name, second name, third name, etc”.
- Several criminal justice professionals expressed concerns about decreasing ability to do good work, because of decreasing resources.
- Citizen felt he was treated unfairly in a conciliation court case. He conceded that he displayed a poor attitude in court, but wondered if that affected the loss of his case.
- Person noted documented cases of police beating American Indians in Minneapolis, but that they were treated fairly once in court. Wondered who holds those accountable on the street?
- Wants judges to understand that not every defense attorney is going to talk about issues that take place on the street, and therefore may lose the case as a result. Wants judges to be aware that this is happening and make sure that what happens on the street is legal.

- Seems to be a disproportionate number of minorities in bail courtroom compared to other courtrooms. While stop may be good because police followed someone long enough, judges need to ask how long someone was followed before they were pulled over. If we see the same officer week after week arresting persons of the same race then maybe that needs to be addressed.
- Jury duty – very troubling the amount of personal information that parties and attorneys receive.
- Hard for judges to decipher who is telling the truth, but do their best. Quote – “When you put your faith in the justice system, you put faith in people.”
- Neighbor who took her children for a minor name change was pleasantly surprised by the amount of time the judge spent on the case.
- White clients are nervous enough, think of those coming in who don’t see the faces who look like them
- Treatment in court is different for people of color who are not released at the same rate as their white counterparts

FROM WHAT YOU KNOW ABOUT THE COURT/JUSTICE SYSTEM, DO YOU HAVE ANY SUGGESTIONS TO IMPROVE OR CHANGE IT?

- Legislative changes that could be made to remove small or menial items (ex. barking dog and traffic charges) from the court calendar and workload, which would allow the court more time to focus on larger and higher priority issues.
- Criminal justice professional thinks there is a need more resources, especially public defenders
- Citizen described feeling “proud of the American system”, but recognized that lack of resources is a weakness and results in “unfairness”.
- Interpreter spoke appreciatively of the Minnesota Supreme Court’s efforts to provide trained interpreters, but was “concerned” about the proposed use of remote interpreters and how that would lessen the quality of interpretation.
- Citizen suggested that “more mediation” could help with lack of resources.
- Citizen suggested that court could use more citizen volunteers like “guardians” for children
- Having interpreters available is important
- Important for judge to take time, so participants feel like they have been heard.
- Continue to promote Self-Help Center, interpreters, timely access to justice
- If you are arrested and found innocent, should be a way to remove it.
- Judge could use more time to make decisions
- More diversity in staff, attorneys, guardians ad litem

- Need more resources in the justice system. Need more time spent on cases. Cases are at risk, because public defenders do not have enough time. Legislature needs to recognize they need to designate funds for the justice system.
- We need to move in the direction of the system “players” reflecting the courtroom population

ARE THERE ANY OTHER THINGS YOU WOULD LIKE TO KNOW ABOUT THE COURT/JUSTICE SYSTEM?

- Does someone’s attitude impact a judge’s decision?
- Would like judges to talk more to the executive branch about funding courts adequately so justice can be served
- Concern about the information and availability of arrest records – other agencies and employers pick these up and people are presumed guilty until proven innocent
- Wants more information about costs to expunge records
- More attention given to a witness as it relates to continuation of cases
- Is the system perceived as fair or unfair?

MISCELLANEOUS COMMENTS AND CONCERNS

- Several comments made and acknowledged that we are very fortunate to live in a country that has the court system we do
- Concerns regarding cuts in education within the prison system and what this means for those released. Better for people to come out of prison with an education and prepared for a change in lifestyle.
- Shortsightedness on the part of decision makers
- Department of Corrections budget resources are not high on the “food chain”
- Lack of public pressure for change
- Lack of political power and decision making
- Need to contact legislators for budgets to change
- Things like electronic monitoring costs money
- Racial profiling is real and persons of color are magnets for the police
- Suggests people be careful and don’t look for reason to be pulled over, as people are afraid of the outcome
- Opinion that “Latino people” are more submissive in the courtroom, simply want to get it over with and get back to work

Suggestions for Future Community Dialogue Sessions

Participant evaluations were distributed to all attendees. Below is a summary of the responses.

Was this Community Dialogue Session helpful to you?

- Yes – 27
- No – 1

Did you choose to speak tonight?

- Yes – 25
- No – 2

If yes, how was that experience?

- Very good
- I love speaking about this topic, because I am really passionate about it
- Good
- Learned quite a bit
- Comfortable
- Everyone is very helpful, respectful, understanding, which made it very easy and non-threatening to share
- In your outreach session at schools, etc. explain the importance of personal attitude in court
- Understanding how others are feeling
- Good experience
- I spoke about why I was here. People listened respectfully.
- I was interpreting for a participant, however it was a very positive experience
- Accepting
- People in the group were interested and thoughtful
- People were interested in the comments. That was a positive experience.
- A wonderful experience. Good to have a dialogue.
- Good
- The others in the circle were accepting and respectful of each person's comments
- Very satisfying
- Positive
- Very positive! Good dialogue and discussion.
- It was good – it was important to share our experiences and learn from those of others
- Helpful
- In the circle answering questions

Do you have any ideas about how you would make these sessions more useful?

- Maybe direct a few questions to the issue of racial fairness.
- We really need to work to gain participation from communities of color. The jail was a great forum, should be done again in various counties.
- A church might be a good meeting place to get more people to come.
- Lots of questions asked, suggestions given, and comments made. It would be interesting to know whether this was helpful to the judges.
- No, still learning
- Future sessions could be more focused – discuss a particular/specific topic
- Mention at the beginning of the session that translators (interpreters) are available
- Keep providing more opportunity for the community to share any ideas and to provide more education to the community
- We needed to have more citizens and non-system people here for these meetings
- Need to get the word out to groups of color – need much greater participation
- More communities of color were needed, but not sure how to get them here
- It was a good group discussion/dialogue with the talking piece. Keep a theme for the next session.
- Specific topics to discuss
- It was not possible to have any conversation about racial fairness, it was a general talk about “court”
- Have them often
- Try to get more citizens present plus law enforcement
- I wish there had been more time
- To begin with, this type of sessions need to take place more often
- Conduct these more often
- Recruit from communities that need to be heard from. Provide graphics during speaking pieces on screen. Choose a location in the community where people live that’s easily accessible.
- They are getting better all the time – as we learn how to function in them.
- More structure for dialogue

ATTACHMENT A

**First Judicial District Equal Justice Committee
Community Dialogue on Racial and Ethnic Fairness in the Courts
Tuesday, April 27, 2010**

Chaska Community Center
1661 Park Ridge Drive
Chaska, MN 55318

<http://www.chaskacommunitycenter.com/ccenter/>

6:30-8:30pm

6:30-6:45pm Welcome and Introductory Remarks (Judge Joseph Carter and Pastor Gordon Stewart)

- Introductions
- Summary of the Minnesota Judicial Branch Racial Fairness Committee and First Judicial District Equal Justice Committee
- Court System Overview – First Judicial District Brochure and Map
- Explain Purpose Statement and Desired Outcomes of the Dialogue Session
- Explain Small Group Dialogue Process

6:45-7:30pm Dialogue Period in Small Groups

- Break up into small groups with facilitators and discuss these “guiding” questions:
 - What brought you here tonight?
 - People, family, friends have many experiences with the court/justice system, how would you describe either your experience or those of others?
 - From what you know about the court/justice system, do you have any suggestions to improve or change it?
 - Are there any other things you would like to know about the court/justice system?

7:30-7:35pm Break

7:35-8:15pm Reports to Large Group from Small Groups

- Facilitators will report out a summary of the comments

8:15-8:30pm Closing Remarks (Judge Joseph Carter and Pastor Gordon Stewart)

- A written report about this dialogue session will be posted online on the First Judicial District website (<http://www.mncourts.gov/district/1/>) in approximately one month for public viewing.
- Please fill out the evaluations on your table and hand them into the information table as you leave this evening. Your thoughts and concerns are very important to the work of the committees represented here this evening, as we strive to provide equal justice to all our citizens.
- If you have other questions or concerns please provide us with contact information at the information table and someone from First District Administration will contact you as soon as possible.
- Thank you again for your participation!