



MINNESOTA
JUDICIAL
BRANCH

Community Listening Session

Third Judicial District
Mower County Listening Session
May 9, 2019
Austin Public Library
Austin, MN

Community Listening Session

INTRODUCTION

In 2008, the Racial Fairness Committee, along with the Equal Justice Committees from each judicial district, developed community listening sessions for the purpose of creating a public forum for community members to describe their experiences and discuss ideas for advancing racial equality and fairness in the courts.

In 2010, the Minnesota Judicial Council established the Committee for Equality and Justice, a statewide committee charged with advancing the Judicial Branch's efforts to eliminate from court operations bias that is based on race, gender, ethnicity, age, disability, socioeconomic status, religion, sexual orientation, and any other status protected by law.

The Third Judicial District Equal Justice Committee (EJC) sponsored this community dialogue with the dual purpose of educating the Hispanic/Latino population in Mower County on the operation of the courts and listening to the perspective of local populations in order to learn what they believe the court can do better with respect to understanding various under-represented populations.

Community Listening Session Details

The Third Judicial District Equal Justice Committee held a community listening session with a focus on the Hispanic/Latino population in Austin in support of the strategic goals of the Minnesota Judicial Branch and its statewide Committee for Equality and Justice. The session was conducted on May 9, 2019, from 6:00 p.m. to 8:00 p.m. at the Austin Public Library in Austin, Minnesota.

Miguel Garate, Dora Martinez, Nitaya Jandragholica and Jose Rivera staffed a table from 5:00 p.m. to 7:00 p.m. at the Austin Public Library each day for two weeks prior to the event to distribute flyers and encourage people to attend the event. The event was also publicized through the Immigrant Law Center in Austin, the Welcome Center in Austin, at Riverland Community College and at the Taste of Nations event in Austin.

Approximately 50 people attended, with representation primarily from the Hispanic/Latino community. The attendees were of various ages and represented a variety of backgrounds and experiences.

Moderators

- Angie Hutchins (EJC Staff)
- Miguel Garate (Multicultural Advisor at Riverland Community College)

Panelists

- Judge Jeffrey Kritzer
- Judge Christa Daily
- Steve King (Mower County Correctional Services Director)
- Chief David McKichan (Austin Chief of Police)
- Sara Karki (Attorney – Immigrant Law Center of Minnesota)

Spanish Interpreters

- Nitaya Jandragholica (EJC Member)
- Veronica Marchan

Note Takers

- Kristine Bartness (Mower County Court Administrator)
- Karrie Espinoza (Winona County Court Administrator and EJC member)

Host

- Julie Clinefelter (Austin Public Library Director)

Others Present

- John Buhta (EJC Member)
- Eric Thompson (EJC Member)
- Andrea Severtson (Mower County District Court Staff member)

COMMUNITY LISTENING SESSION SUMMARY

Angie Hutchins provided a brief presentation on the background of the Third Judicial District Equal Justice Committee, available resources that may be helpful to participants, and the goals of the Listening Session.

After the presentation, Miguel Garate facilitated a panel question-and-answer session with Listening Session participants. Participants were encouraged to provide feedback about their experience with the courts and ask panel members questions. Participants were specifically asked to consider the following questions:

1. What would make the courts more accessible?
2. What have you observed as you have interacted with the courts?

The panel, which consisted of Judge Jeff Kritzer, Judge Christa Daily, Steve King, Sara Karki and Chief David McKichan, answered questions posed by the participants. Questions could either be asked verbally or provided in writing.

Interpreters Nitaya Jandragholica and Veronica Marchan provided interpretation during the entire session.

Summary of Attendee Concerns and Suggestions for Court Related Issues

1. Fear of being apprehended by Immigration and Customs Enforcement (ICE)

Participants were fearful that when coming to court, ICE officials will be waiting to apprehend them.

Response: An individual's ID is not requested or checked when going through the security checkpoint at the courthouse. There is a standing policy with respect to ICE enforcement at the courthouse that requires ICE to give advanced notice to the judge before taking someone into custody. Anyone coming to the courthouse, regardless of their documented status, is treated the same. Court security, court staff and judges do not ask for an individual's immigration status. The only time immigration status comes up in court is either upon the individual's consent or upon entry of a guilty plea, at which time the judge informs the individual, as required by law that pleading guilty to a crime may impact their ability to remain in the country or their immigration status. If an individual's immigration status is revealed through the course of interaction with the court, it is not shared with any other agencies.

See Appendix A - #1, for additional information that was obtained and documented following the session.

2. Cultural diversity amongst the Judges in the Third Judicial District

Participants asked about the cultural diversity makeup of the judges in the Third Judicial District.

Response: We welcome cultural diversity and encourage anyone that meets the qualifications of being a judge to go through the process.

See Appendix A - #2, for additional information that was obtained and documented following the session.

Summary of Attendee Concerns and Suggestions for non-Court Related Issues

1. Fear of being apprehended by Immigration and Customs Enforcement (ICE)

Participants shared concern about police officers notifying ICE of an undocumented individual or working for ICE and arresting people because they are undocumented. Concern was also expressed that when an undocumented individual is in jail, jail personnel are notifying ICE.

Response: Police do not stop or arrest people based on their status, but rather as a result of a crime that has been committed. Police also do not work for ICE nor do they notify ICE when they are making a stop or arresting someone. The panel was not able to confirm whether or not the jail would notify ICE if an undocumented individual was in jail.

See Appendix A - #3, for additional information that was obtained and documented following the session.

2. Lack of ability to obtain a driver license if a person is undocumented

Participants expressed concern about their lack of ability to obtain a driver license if they were undocumented. They need to drive to work and drive their children to school and are being caught without a valid driver license. Even if they pay the fines for the ticket they received for driving without a license, they have no way to become valid.

Response: Police cannot allow someone to drive without a valid driver license or insurance. If participants have questions about whether an international license is valid, they should contact the Department of Vehicle Services. A bill (HF1500) was being considered by the Minnesota Legislature that would allow undocumented individuals to obtain a valid driver license. If that passes, it would provide a way to resolve this issue.

3. Available resources for victims of domestic abuse

Participants asked about where they can go to seek help if they are victims of domestic abuse. They also wanted to know if calling police in a domestic abuse situation would expose them to being referred to ICE.

Response: The Crime Victim's Resource Center in Austin is available to assist anyone who is a victim of domestic abuse. Safe houses are available as well. If police are called to a home where there is domestic abuse occurring, they will take action regardless of the documented status. The role of the police is to address the domestic abuse situation.

4. Lack of assistance with immigration issues

Participants expressed concern regarding an inability to get assistance with immigration issues and frustration regarding a slow response to their immigration-related questions.

Response: The Immigrant Law Center has an office in Austin. Immigration questions can be directed to their office by calling 651-641-1011. Southern MN Regional Legal Services (www.smrls.org) provides services for some legal issues and offer a divorce clinic at the Mower County Courthouse at no cost where attorneys are available to help individuals to complete paperwork. They have offices in Albert Lea and Rochester. The Crime Victim's Resource Center will also provide assistance in filing a domestic abuse case or a harassment case.

5. Cultural diversity training for law enforcement

Participants asked what kind of training officers receive regarding cultural diversity and eliminating bias. They also asked about how officers handle situations where they are stopping someone who is non English speaking.

Response: Police officers must receive several hours of training, of which one component of that training is cultural diversity. There are some Spanish speaking police officers in Austin. They also have a language service available to use if needed.

6. Safety in Austin

Participants asked how safe the community of Austin is, specifically in schools, churches and other public places.

Response: Austin is considered to be a safe community. Most acts of violence are done by those who are known to the person. If there is any public safety concerns, there will be a press briefing.

Appreciation noted by Attendees

Participants thanked the Equal Justice Committee for holding the listening session and thanked the police for their service.

SUMMATION

While the main areas of concern were non-court related, the Equal Justice Committee has a better understanding of the participant's fears regarding the potential for being exposed to ICE when coming to court.

Proposed Suggestions for Improving the Court System

1. The Mower County judges present at the session have shared the fears related to undocumented individuals being referred to ICE when coming to court with their fellow judges in attendance at the Third Judicial District Bench meeting held on July 26, 2019 for purposes of increasing everyone's awareness.
2. The Third Judicial District will look into finding ways of increasing the diversity of the judges.
3. The Third Judicial District will continue its outreach efforts to increase the diversity of staff.

Appendix A

1. Additional information regarding “Fear of being apprehended by Immigration and Customs Enforcement (ICE)”:

All individuals who enter a guilty plea, sign a Rule 15 petition. The following information is included in the Rule 15 petition that alerts the individual to potential consequences of entering a guilty plea.

From Rule 15 petition for Felony:

27. My attorney has told me and I understand that if I am not a citizen of the United States, my plea of guilty may result in deportation, exclusion from admission to the United States, or denial of naturalization as a United States citizen.

From Rule 15 petition for Misdemeanor and Gross Misdemeanor:

15. I understand that if I am not a citizen of the United States, my plea of guilty may result in deportation, exclusion from admission to the United States, or denial of naturalization as a United States citizen.

2. Additional information regarding “Cultural diversity amongst the Judges in the Third Judicial District”:

Currently the Minnesota Judicial Branch has a gender breakdown of 155 male and 159 female Judges and Justices. The racial breakdown of these Judges and Justices is 73% White, 19% American Indian/Alaskan Native/Not Specified, and 10% Hispanic/Latino, Black/African American and Asian.

In Minnesota, judges are independent, elected officials who run for six-year terms on a non-partisan ballot. This means they do not have to declare affiliation with a political party. Most judges initially are appointed by the governor after being recommended by the Minnesota Commission on Judicial Selection. The Commission on Judicial Selection screens judicial candidates and makes recommendations to the Governor for district court vacancies that occur during the term of a judge. A person is eligible to apply for a vacant judgeship if they are a licensed Minnesota attorney and a resident of the Judicial District in which an opening occurs. As highlighted in the statutes below, the Commission on Judicial Selection actively seeks out qualified individuals, including women and minorities.

480B.01 Subd 7. Recruitment process.

The commission shall prepare and make available to the public and file with the clerk of the appellate courts and the secretary of state an outline of the process the commission will follow in recruiting and evaluating candidates to fill judicial vacancies. The commission ***shall actively seek out and encourage qualified individuals, including women and minorities (emphasis added)***, to apply for judicial offices.

480B.01 Subd. 8. Candidate Evaluation.

The commission shall evaluate the extent to which candidates have the following qualifications for judicial office: integrity, maturity, health if job related, judicial temperament, diligence, legal knowledge, ability and experience, and community service. ***The commission shall give consideration to women and minorities (emphasis added).*** The commission shall solicit, in writing, recommendations from attorney associations in the judicial district and from organizations that represent minority or women attorneys in the judicial district who have requested solicitation.

3. Additional information regarding “Fear of being apprehended by Immigration and Customs Enforcement (ICE)”:

Concerns were raised about whether or not the jail would notify ICE if an undocumented individual was in jail. Since the jail is a county facility and is not part of the Judicial Branch, the Mower County Sheriff’s Office was contacted to provide a response to this concern:

The jail contacts immigration through a check called FSIAQ which is run through Law Enforcement Dispatch. The check is done on all individuals who state they are foreign born during the booking process. Immigration sends a teletype response back to dispatch/jail informing them if the individual is residing in the country legally or not. Immigration will contact the jail if they have further interest in the individual. Immigration determines if the subject is going to have a warrant placed on them.