



# MINNESOTA JUDICIAL BRANCH

## TENTH JUDICIAL DISTRICT

### **EJC Community Dialogue Report**

*January 31, 2017*

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#### **Location and Background of Attendees**

This Community Dialogue was held by Tenth Judicial District Equal Justice Committee at the Fridley Community Center on January 31, 2017. Attendees came from various backgrounds, including a citizen interested in judicial reform who has observed court hearings in several jurisdictions, a librarian, several educators, court certified interpreters in several languages, including Arabic, Hmong, Somali, and Spanish, a crime victim, a minister at a multicultural church, a student, an entrepreneur, and several members from the justice system, including prosecutors, judges, police officers, corrections officers, and court administration personnel from various counties in the Tenth Judicial District. The attendees met in a “world café” format, with small groups of people at each table. Each table was asked to address four issues/questions, and provided the following comments:

#### **Issue 1: Access to Courts**

##### *Transportation*

- In the metro area, bus and/or light rail transportation is possible, but not always easy. There is no straight bus route to the Anoka Courthouse, and with the various transfers, it can take over an hour to get to the courthouse. In Minneapolis, the availability of bus cards can make bus transportation more affordable.
- From the rural areas, the only way to get to the courthouse is by car and many people do not have valid driver’s licenses.
- Parking can also be difficult and confusing, and better signage was suggested, since there are really two ramps available (and some street parking).
- People need to know that hearings may take several hours so they don’t get ticketed if they choose the 2-hour municipal ramp or hourly street parking.

### *Language*

- Language can be a barrier at every step, from not understanding a ticket/charge, to not understanding parking rules or court decorum, and not being able to communicate in the courtroom.
- Police officers don't have interpreters, so from the start a person who does not speak English often has no idea what's going on, and the language barriers snowball as a case works through the justice process.
- Legal language and concepts can be difficult for English speakers, so imagine just how difficult it is for a non-native English speaker or someone who speaks no English.
- While some documents are translated, the translations themselves may be unreliable and inaccurate, depending on the source used for translation.
- Even in one's own first language, many immigrants are not literate, i.e., they were never taught to read or write. This is especially true for women from some cultures, s, where women are discouraged or prevented from getting an education.
- For families with children who are bilingual, children cannot be relied upon to translate documents or proceedings. While the children may understand both languages, they don't always fully understand the native tongue and won't be able to translate big concepts to their parents in their native language.
- One solution to some of the language issues would be to have more documents, including educational documents, available in more languages. Attendees suggested multilingual resources explaining the legal process.
- Even with interpreters, accents and differences in dialects can present a communication problem.

### *Electronic Access*

- Libraries are a great resource for electronic access (computers, scanners, etc.); we should spread the word. And, to that end, perhaps people from the justice system could work with libraries to make sure they know which websites to use, etc. A suggestion was made to extend the Self Help Center hours, and have a 24-hour online help desk.

### *Childcare*

- Many people are not aware prior to appearing in court that some judges do not allow children in the courtroom. Many parents cannot afford daycare and have to bring their children to the courthouse. For others, arranging daycare for multiple court appearances is a significant financial burden.

### *Courthouse Accessibility*

- The Anoka County courthouse is particularly difficult to navigate.
- There needs to be more or better signage about where to go, what the rules are, etc. (For example, checking in. Unless you are frequently in a courtroom, you do not know that you have to check in with the clerk when you arrive. And even this process can vary from courtroom to courtroom). It's best to be very clear about the process and the expectations – for both English speakers and non-English speakers – to understand what's going to happen and what everyone's role is in that process. Spell out the basics.
- Poor customer service can happen, and when it does, an acknowledgement or apology can go a long way.

### **Issue 2: Bias**

- Statistics and data suggest that more people of color are incarcerated, but what's the causality? Law enforcement, prosecutorial, judicial, etc.? Some people wanted this issue addressed.
- The justice system needs to stand up and say we're here for justice.
- The justice community deals with bias against behavior, but we need to be sure justice is being delivered fairly and uniformly.
- Some have noticed/seen a judge's demeanor change when presented with a specific case type (example given: DWIs)
- Personal bias is unavoidable – whether serving on the bench or walking into a courtroom as a defendant or observer. You bring with you your personal experiences.
- One person's personal anecdote: Daughter was a victim of sexual assault, and now wants to become a prosecutor. But she's acknowledged that she'll bring with her a personal bias about those types of cases/defendants and that she'll have to check her own bias.
- Suggestion: Perhaps have judges serve in an area where they specialize? (Whether civil or criminal or tax, etc.)
- Personal effort: Look people in the eyes (when culturally appropriate); see the person, not the culture or skin color.
- There are a lot of chances given to juveniles, which is part of the courts' "best interest of the child" effort (Agreement that this is a good philosophy).
- One's personal observation: There seems to be a father/mother bias in Anoka County. Even in cases where the mother is clearly not the best option or the better caretaker, she is favored (There was agreement from others and a sentiment that this goes beyond Anoka, although one person said Ramsey County has done a good job in this area).

- In the various immigrant communities, there is a different perspective based on the ages of the people, younger versus older, and time in the United States. A sort of “gender gap” can exist in the various communities.
- Some communities do not truly understand the difference between the prosecutor and the public defender, but know that both work for the government, so assume that they will be loyal to the government.
- Many immigrants do not have bank accounts, and rely upon cash, which they often carry with them. The fact that a person has a lot of cash on them does not mean they are doing anything wrong.
- The way cases are called can be interpreted as bias, especially when all the private lawyers and their clients have their cases handled first, and all the pro se and public defender clients have to sit and wait.
- Court staff is not very diverse, and are perceived as disrespectful to people of color/immigrants.
- Big culture differences in how people treat the court process. For instance, many Asian cultures are traditionally very deferential to authority figures, and may be reticent to look a judge in the eye, for fear of showing disrespect. People from other cultures, such as Somalis, may interrupt and speak out because they are afraid that they will not be allowed to have any say. People act differently based on their experiences with governments in their native countries.
- Some people feel a “white presence” is necessary to represent them, so they may want a Caucasian attorney.
- Still issues with bias against females, including female attorneys. Also, some cultures have inherent bias against females, and diminish the worth of females.
- There is perception that people of difference races are treated differently, that people of color receive bigger sentences, or are arrested more often, or have higher bail set. In addition, the system is harder on those with limited incomes, in terms of time, money, fees, etc.
- Concern that Judges and other people working in the Justice system acknowledge their own inherent biases.

### **Issue 3: Knowledge of the Courts**

- Much of the knowledge of the courts comes from television and the internet, which is often incomplete and inaccurate. Shows such as Law and Order, NCIS and Judge Judy actually create misconceptions about the court system. One attendee stated that, coming from another culture, it was very difficult to understand the system and proceedings. People said it would be helpful to know more, not just about the process, but about what judges do and expect.

- An attorney practicing mostly in Anoka observed that even going to a different county can make them feel like a fish out of water. Knowing the general justice system does not mean you'll know what to do in a different courthouse. This must be much worse for people with no legal training or from a different culture. It is hard to imagine how a pro se participant navigates the system.
- There's a disparity of knowledge, even among people who are native to this country, about how the court system works. To gain knowledge, outsiders must rely on someone else to explain cultural norms.
- The law and the justice system are very complex. How does a person determine when they should be getting results doing something by themselves versus hiring an attorney? Should my results be different if I hire an attorney? Do I need an attorney for this?
- There are bureaucratic complications and barriers in the system.
- Relationships are important → But shouldn't the system be inherently relationship-neutral?
- Is the profession protecting itself?
- People observed that anyone with a deep understanding of the system and the laws will do a better job than someone without those skills. People seem to get better results when they have an attorney.
- People questioned why the outcome should be different if you cannot afford an attorney?

#### **Issue 4: Final Suggestions for Improvements**

- Better signage for parking, signage in the courthouse, etc.
- Provide people with a realistic timeframe for court hearings
- Provide information about libraries and self-help centers for people who may want to take advantage of these services
- Better advance information on a range of topics related to court proceedings (where and how to check in, basic court decorum rules, such as no kids in the courtroom, hats, etc.; what to do if you need an interpreter; what to do if you can't understand this information; how to pay fines; and where to get more information)
- Flag language barriers at the first contact with law enforcement or the system? If law enforcement could check a box on a ticket or report, could that be tracked with MNCIS so that a person's language and interpreter needs are clearly marked in the system?
- Provide more consistency/cohesion from courthouse to courthouse, so that there's a better understanding of expectations and process no matter which county you're in.

- For traffic violations such as suspended license, a guide on how to get out of the never-ending cycle (information from the Department of Public Safety)
- Diversity training for judges and staff.
- Pay attention to the way/order cases are called; consider calling cases based on when people arrive, not favor the private attorneys.
- Establish a satellite courthouse in the southern part of Anoka (Columbia Heights/Fridley) or use ITV to hear some cases, such as the petty and misdemeanor calendars, at least on first appearances.
- Consider using Restorative Justice Circles.
- More diversion programs.