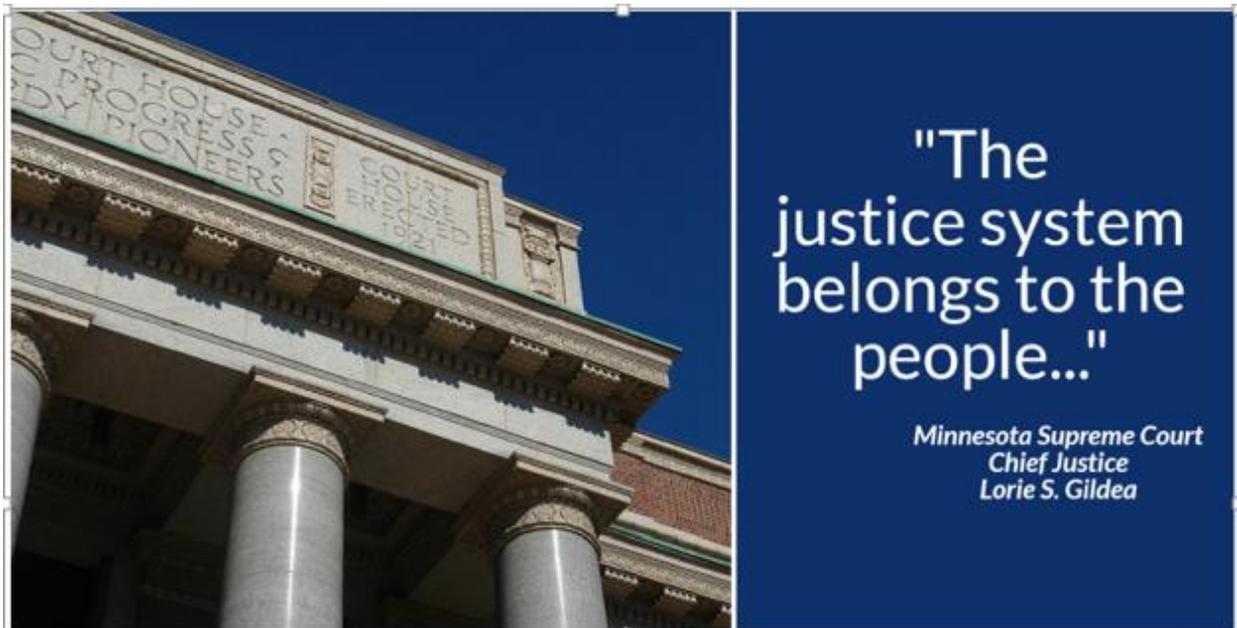


Seventh Judicial District Community Listening Session



Stearns County District Court judges in collaboration with the
St. Cloud NAACP and the Minnesota Judicial Branch

May 21, 2016

Community Dialogue Overview

Community Dialogue/listening sessions take place in each of the state's 10 judicial districts in partnership with the district's Equal Justice Committee (EJC), the Minnesota Judicial Branch's statewide Committee for Equality and Justice (CEJ), and the local community to ensure equitable treatment for all individual in the court system.

A Community Dialogue's purpose is to:

"Create a public forum for community members to describe their experiences and discuss ideas for advancing equality and fairness regarding race, gender, ethnicity, age, disability, socioeconomic status, religion, sexual orientation, and any other status protected by law."

Session Details

A community listening session was hosted by Stearns County District Court judges on Saturday, May 21, 2016, from 10 a.m. to 12 p.m. at the Tuscan Center in St. Cloud, MN. Seventh District Chief Judge John Scherer served as the facilitator. Judges Vicki Landwehr, Fred Grunke, Sarah Hennesy, and Leonard Weiler participated as panelists. The event was a collaborative effort of the St. Cloud Chapter of the NAACP, Stearns County District Court, and the Seventh Judicial District.

The purpose of the event was for the public to meet the judges and share ideas about improving the courts, and to allow the judges to listen first-hand to individual experiences of members of the public.

Chief Judge Scherer provided opening remarks as to his reasoning for offering the open forum. He had attended a judicial educational program in 2015, at which a former attorney for the U.S. Department of Justice discussed his participation in the Ferguson investigation in Missouri. He noted biases in the Ferguson criminal justice system. He indicated that everyone needs to be aware of overt or subtle bias in court. The goal of the community listening session was to address issues within Stearns County District Court. There was an open invitation to address juvenile issues, debt collection, housing, child protection, custody, family law, or any matter that comes before the Court. The only limitation was that individual pending cases could not be discussed.

The meeting was conducted as a large group dialogue session with approximately 50 community members attending. A Spanish Interpreter provided consecutive interpretation for the entire session and for more than half of the attendees. A Somali Interpreter was also available; however, those who spoke Somali declined interpretation assistance.



Major Concerns of the Attendees

1. Federal Immigration and Customs Enforcement
2. Treatment of Individuals by Agencies Outside of the Courts
3. Public Defender Representation and Legal Aid Funding
4. Driver's License Issues
5. Words, Actions, and Data Concerns

Federal Immigration and Customs Enforcement

Based on comments shared at the listening session, there is a perception that the state courts are connected to Immigration and Customs Enforcement (ICE). Attendees shared that if someone who is undocumented comes to court, there may be someone from ICE waiting outside of court. Additionally, they feel that those with darker skin color are at greater risk. The judges were unaware that there may be federal immigration agents in the courtrooms. Courts cannot ban people from attending open hearings, as they are generally public events. Much of court information is available to the public (and federal agencies such as ICE) online. Law enforcement is required to check for any warrant holds before a person is released from custody. If there is an ICE warrant, it is beyond the authority of the District Court.

An example shared of ICE presence was that one individual paid a large amount of money to bail out a family member from jail. Subsequently, the defendant was arrested by ICE at the scheduled court hearing. A law enforcement representative did note that each person in custody is scanned for other warrants before he or she is released. The experience of many is that if a person goes to court, he/she will get reported and deported. There is a lot of fear and distrust as people are going to court for assistance with housing, domestic abuse, and other areas of concern.



Treatment of Individuals by Agencies Outside of the Courts

Another theme that was shared was unpleasant experiences with agencies outside the realm of the courts. One individual shared that he felt a social worker had changed court orders. As this matter involved an outside agency, the Court offered to follow up with the Department of Human Services. He was encouraged by the Court's willingness to listen.

Another attendee indicated that her grandchildren had been taken away by the police, even though she was their foster care provider. She has been unable to get information from various agencies and feels victimized.

There is the sentiment that Stearns County Human Services is not keeping pace with the changing ethnic fabric of the county, and that there is a gap in understanding cultural

differences of individuals. Also, there are cultural differences in children of color (in particular, African American and Somali) in children in need of protection (CHIPS) matters that white social workers may be unaware of.

The Court responded that it would follow up with Human Services regarding this concern.

Public Defender Representation and Legal Aid Funding

There is a perception that public defenders do not have sufficient time to review cases adequately, which in turn creates a perceived gap in services to their clients. It was specifically noted that if a person has money, he or she has the ability to choose and hire an attorney. Judges agreed with the need for additional legal services and legal aid funding. The Court continues to support the funding initiatives for public defenders and legal aid.

A suggestion provided was to create a restorative justice model and diversion programs. Stearns County has developed juvenile diversion programs, an Adult Diversion Program. It also collaborates with the CrossOver Youth Program and created a Domestic Violence Partnership.

Across the Minnesota Judicial Branch, various groups are working to increase assistance to self-represented litigants through self-help centers and other tools. While judges need to remain neutral, fair, and impartial, they try their best to assist self-represented litigants in a court case as appropriate.

Driver's License Issues

Various members of the Latino/Hispanic community present shared that they believe they are often targeted by law enforcement with the presumption that they do not have valid driving licenses. Attendees requested that the Court recommend changes to the Governor and Legislature to the process of obtaining a driver's license. As the role of the courts is to uphold laws rather than create them, the Court is unable to provide assistance in this area of concern.

Words, Actions, and Data Concerns

The use of the word alien is a term of concern. The Latino/Hispanic community finds the term offensive and prefers the term "undocumented citizen." The Court acknowledged and understood this request.

Another concern was housing; there is limited affordable and available housing in the St. Cloud area. First, two housing venues have closed in the area, and attendees stated that discrimination exists in many others. Second, attendees noted that if a person has a felony on his or her record, he or she is often declined housing. It was shared that the Minnesota Department of Human Rights has received a \$180,000 grant to open a human rights office in St. Cloud. Hopefully, the situations expressed may be directed to this new resource.

A third concern mentioned by attendees was that there were only white judges at the event and on the bench. Judges shared information on the process of becoming a judge. To be

appointed, one needs to be licensed to practice law in Minnesota and reside in the judicial district he or she would like to be appointed to. The number of minority attorneys within the District is extremely limited. The District is actively trying to recruit employees and judges from under-represented populations.

Lastly, a question was asked about the percentages of African American and Latino/Hispanics involved in court cases. Members of the Seventh Judicial District Equal Justice Committee responded that there is race data available for those released from custody. In a recent report presented to judges and court administrators, Stearns County's statistical numbers are similar across various races for various crimes. Items reviewed in the report included filing, disposition, and in custody statistics. The FY16-17 Minnesota Judicial Branch Strategic Plan specifically identifies a strategic goal to continue efforts to address diversity issues in the Judicial Branch. The initiative is to *"Continue Judicial Branch's efforts to eliminate bias from court operation through activities of the Judicial Council Committee for Equality and Justice and Judicial District Equal Justice Committees"*. To assist in accomplishing the goal, the Branch does offer various diversity and inclusion educational opportunities to all judges and employees throughout the year.



Audience Reactions and Suggestions

Twenty participants took time to complete exit surveys. All agreed that the Community Listening Session was helpful.

- Nine individuals indicated that they choose to speak up at the event. Their comments about their experiences varied: "good," "as expected," "interesting," "enlightening," and "glad there were many things to say and share with the judges."
- One individual did not feel that his/her questions were answered.

The participants were asked, *"What did you like the most about the Community Dialogue Session?"* Overwhelmingly, the participants were happy and encouraged that the event occurred. They felt their issues were heard.

The participants were also asked, “How would you improve the Community Dialogue Session?”
Suggestions included:

- More sessions or more time.
- More representation from communities of color.
- More participation from the judges, as they did not feel they said much during the session.
- A translation screen.
- More participation from other local agencies.
- Speaking with groups individually.

Proposed Suggestions for Improving the Court System

The major themes of the discussion will be reviewed by the CEJ and the Seventh District Equal Justice Committee, and will be used to inform the priorities and actions of each group. In determining those priorities and actions, the CEJ and/or the District EJC will devise strategies and approaches which underpin the fundamental goal of providing equal access to justice for all court users.

Summation

Chief Judge Scherer summarized the session, noting that most of the questions and comments were about federal immigration, local police, and Human Services decisions, which are outside of the direct control of the courts. However, he also said it is good for the Court to hear about the hurdles facing the communities of color.

Each person who spoke thanked the Court for coming out and listening to concerns. An attendee summarized the event well: “The longest journey starts with the first step. Let’s make this our first step to change our community. “

If there are questions or more information is needed, please contact:
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