



COMMUNITY DIALOGUE

NINTH JUDICIAL DISTRICT EQUAL JUSTICE COMMITTEE August 22, 2017

On a late-summer evening community members of the Mahnomen County and White Earth Reservation area met in the Drum Room of the White Earth Tribal & Community College in Mahnomen, Minnesota for a community dialogue session with judges and court staff of the Ninth Judicial District.



Community Dialogue

NINTH DISTRICT REPORT

INTRODUCTION

The Ninth Judicial District Community Dialogue session was held on August 22, 2017, from 5:00 p.m. - 7:00 p.m. Although the listening session was open to all, given the demographics of the area, and Mahnommen County's location entirely within the White Earth Indian Reservation, it was believed that a central focus of the listening session would be the American Indian community. Because of this, the Drum Room at White Earth Tribal & Community College was selected as the site for the event. Invitations and flyers were sent to almost sixty community organizations, including several departments of the White Earth Nation, seeking their involvement and support.

The Ninth Judicial District Equal Justice Committee, comprised of judges from across the district, partnered with the White Earth Tribal Court to hold this event. The assistance of the White Earth Tribal Court and its Court Administrator, Ms. Lori Thompson, in providing planning, advertising, participation, facilitation and the meal, was invaluable to the success of the event.



Community Dialogue Purpose

The purpose of the session was to provide outreach to the district's diverse communities and population, to allow the public to meet judges and share ideas about improving the courts, and to give judges the opportunity to listen to personal experiences of members of the public. Specific goals were:

- To talk about the justice system
- To share ideas about improving the quality of service in the courts
- To help the court understand the experience of individuals and communities

Community dialogues provide a means for the Minnesota Judicial Branch Committee for Equality and Justice and each of the state's 10 Judicial District Equal Justice Committees to work together to achieve equitable treatment for all individuals in the court system. The community dialogue's stated 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.

Ninth District Session Details

The community dialogue session began with a brief welcome by Lori Thompson, Court Administrator for the White Earth Tribal Court. The Equal Justice Committee was honored to have a Tribal member open the session with a ceremony in the Ojibwe language, which set a positive and respectful tone for the evening.

Judge Shari Schluchter, Co-Chair of the Minnesota Judicial Branch Committee for Equality and Justice and member of the Ninth Judicial District Equal Justice Committee, also welcomed attendees and invited everyone to first enjoy a meal prepared by staff of the tribal college.

Following dinner, Judge Schluchter provided opening remarks and explained the reasons for holding a community dialogue session. She also described the structure and work of the Minnesota Judicial Branch's Committee for Equality and Justice and the district's Equal Justice Committee. Judge Schluchter explained that the Ninth District Equal Justice Committee was interested in feedback on the following three questions:

1. If there is one thing that you could change that would make the court system more accessible and fair, what would it be?
2. Do you feel the courts are fair or unfair towards people? How or why did you gain this perception? Any certain groups of people?
3. Do you feel confident that you will be treated fairly if you were to use the court?

Attendees met as a large group for about an hour and a half. Judge Anne Rasmusson provided closing remarks and thanked everyone for attending. Some attendees lingered in the room for as long as a half-hour following the session as they continued discussions that had been started during the forum.

SUMMARY OF THE NINTH DISTRICT SESSION

An estimated 32 people attended the session, along with Ninth District Judges Schluchter, Rasmusson, and Eric Schieferdecker, and six Ninth Judicial District court staff. Many of the attendees were representatives from either justice system agencies or departments of the White Earth Reservation Tribal Council. Notes from the large group discussion captured common themes and issues. The discussion was lively, but respectful. Community members

told their stories and described their thoughts and experiences. What was relayed was valuable for the judges and court staff to hear. There was general agreement based upon evaluation feedback that the community dialogue session was a good start but that more needs to be done with regard to interaction with the American Indian community.



White Earth Tribal & Community College, Mahanomen, Minnesota

Group Discussion

The vast majority of attendees at the community dialogue session were either American Indian, or represented agencies or departments that interact to a great extent with American Indians, so most of the group discussion centered around American Indian community issues. However, issues discussed are applicable to the larger population as diversity and inclusion related.

The group as a whole responded to the three questions asked of all in attendance. A summary of the main points and discussion follows.

Question 1: If there is one thing that you could change that would make the court system more accessible and fair, what would it be?

- Standardize rates and fees for attorneys.
- Make available more resources such as *Ask an Attorney* and other volunteer attorney programs.

- Better advertise the [Self Help Centers](#) as well as the *Ask an Attorney* programs.
- Allow for more flexible court scheduling; possibly give multiple court dates so the defendant/court user has the ability to pick a time allowing them to make work or child care arrangements which might help eliminate so many no-shows and warrants.
- Expand the mediation process or use it more frequently.
- There is a need for a jail in Mahnomen County. Because there is no jail the transportation costs for the county are high and the situation has a negative impact on access to justice. Currently jails in 19 different counties are used to house Mahnomen County inmates.
- The Minnesota Chippewa Tribe Constitution should be amended to specifically address courts. This would improve the perception of fairness.
- The joint DWI court with the White Earth Tribal Court is a positive effort.
- Address the issue of the high number of out of home placements within the community; allow grandparents to raise grandchildren.

Question 2: Do you feel the courts are fair or unfair towards people? How or why did you gain this perception? Any certain groups of people?

- Social and economic situations cause issues for American Indians. The Courts need to address the underlying causes of poverty and discrimination rather than just incarcerate tribal members.
- There is little recognition of historical trauma and laws that have negatively impacted American Indians.
- Belief that American Indians are not given the same rights as others, and that their identity is considered suspect.
- A lack of respect for American Indians and tribal culture creates disparity.
- Concern about American Indians filling jails; there is disparity with American Indian incarceration rates.
- More restorative justice programs are needed for both adults and minors.
- Juvenile justice programs should be revamped.
- In the American Indian community minor incidents may lead to major charges.
- Law Enforcement should work with juveniles to help rehabilitate them.
- There is sometimes confusion on the reservation about which laws to follow, tribal or state. Clarity is needed so that tribal members know what to expect.
- A Tribal Court community dialogue session might be helpful.
- Drugs are extremely prominent on the reservation and there is a need to focus on keeping youth off of them.
- Juveniles should be kept from incarceration and given community and spiritual support; young people are being criminalized.
- There needs to be a juvenile detention or overnight facility for White Earth and Mahnomen County.
- More Foster Families are needed in the community.

Questions 3: Do you feel confident that you will be treated fairly if you were to use the court?

- Victims in the community sometimes believe that the punishment does not fit the crime and that they feel re-victimized at sentencing.
- Victims are often traumatized and reluctant to participate in the process.
- People would feel as though they were treated more fairly if they were offered a restorative justice program.
- The poverty level of the community is high which may impact whether or not a person believes they are treated fairly by the court.
- Request for more community sessions such as this one. People should get to know each other, the issues, and work together to get around the roadblocks.
- Poverty is the driving factor for all of the issues.
- Judges could better understand the status of American Indians and the disparities faced by the community.
- The State Court System must do what it can to learn about American Indian people.
- Courts frequently promote re-unification when it is not always in the best interest of children.

Proposed Suggestions for Improving the Court System

Suggestions were made by those who attended the community dialogue session, which will be reviewed by the Ninth Judicial District Equal Justice Committee, and will be used to help form priorities and actions. Below were the most commonly shared suggestions from the community dialogue session. The Minnesota Judicial Branch and/or the Ninth Judicial District Equal Justice Committee will determine whether or not to implement some or all of them, if the suggested actions are not already in place.

- Train judges and court staff on historical trauma with regard to the American Indian community.
- Train judges and court staff on American Indian culture and social conditions.
- Create diversion programs that promote wellness and healing.
- Create restorative justice programs for juveniles.
- Promote greater access to assistance programs like free legal help from attorneys.
- Advocate for the construction of a jail in Mahnommen County.
- Address the disparity of incarceration rates for American Indians.
- Engage in continued discussions with community members in order to build trust and stronger relationships.

Summary

Feedback about the community dialogue session was positive. Participants expressed appreciation for having the opportunity to meet with judges and share community and individual concerns, and ideas for change. The White Earth Tribal & Community College was selected as the meeting location because of its inviting environment and a place where members of the community feel comfortable. It was suggested that consideration could have been given to the acoustics, and for future events the district will do a better job of ensuring that all are able to adequately hear what is said. It was also obvious that it is extremely helpful to partner with another community minded organization. For this event, the White Earth Tribal Court was invaluable in helping to promote and conduct the session.

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