

Meeting Summary
Tribal Court State Court (TCSC) Forum
 Friday, July 26, 2019
 Hosted by: State Court

The purpose of the Tribal Court State Court Forum is to enhance tribal court and state court relationships, provide an opportunity to address issues arising from the courts' concurrent jurisdictions, collaborate on development and delivery of judicial education and training, recommend revisions to Minnesota's procedural rules of court, and work on issues that cross jurisdictional boundaries.

[Link to TCSC Forum website](#)

Tribal Court Co-Chairs: Hon. Henry Buffalo and Hon. Lenor Scheffler
State Court Co-Chairs: Hon. Lucinda Jesson and Hon. Sally Tarnowski

Welcome by Judges Jesson and Tarnowski

Introductions

The following forum members were present and introduced themselves to the group: Judge Jeffrey Bryan (Ramsey County), Judge Stoney Hiljus (Kanabec County), Judge Lucinda ("Cindy") Jesson (MN Court of Appeals), Judge Gail Kulick (Mille Lacs County), Judge David Piper (Hennepin County), Judge Mary Ringhand (Red Lake Nation), Judge Sally Tarnowski (St. Louis County), and Judge Korey Wahwassuck (Itasca County).

Rebecca ("Becca") Vanden Hanen was also present and introduced herself as a staff attorney with the Children's Justice Initiative at the State Court Administrator's Office. She's filling in for Judy Nord while Judy's away on medical leave. Becca will be staffing the TCSC Forum moving forward.

Special guest, Daryl (aka "Brandon") Alkire, was also present. He introduced himself as the new tribal liaison for Hennepin County Family Court and described the work he's doing in the community to help foster positive relationships.

Overview of agenda and identification of any additional agenda items

As part of this discussion, it was noted that the 4th and the 2nd Districts are working on restorative justice efforts. It was also noted that real progress is being made at Red Wing Correctional Facility. The group went on to discuss some recent terminology used at Lino Lakes Correctional Facility. For example, "Bible Night" was used when really it was a "Spirituality Night" for people of all faiths.

Review and approve April 2019 meeting summary

Approved without change.

Debrief of *Tribal Justice* documentary

Forum members previously watched about half of the *Tribal Justice* documentary as a group.

The [Tribal Justice video by Anne Makepeace](#) is available for loan at the MN State Law Library. Members are encouraged to watch the remaining portion of the documentary on their own.

Judge Ringhand shared that she wants to get access to the video so that she can promote it through educational events. The Forum then discussed how the video could be obtained and promoted for educational purposes. It was suggested that perhaps it be screened at the judges training at Maddens in 2020 with a panel discussion about the TCSC Forum (what it is and what it's doing, etc.) following the screening. Judge Tarnowski indicated that she would follow-up with Judge Hylden about a presentation like this at Maddens next year.

Probation Revocation Report

Judge Kulick updated everyone about her outreach to Governor's Office in response to the Sentencing Guidelines Commission Report. She's been in touch with Kelly Mitchell, the Executive Director of the Robina Institute of Criminal Law and Criminal Justice at the University of Minnesota Law School and used the attached excerpt from Ms. Mitchell's recent presentation on probation revocation to share with the group.



Excerpt_Probation
Revocations by Race

The Forum discussed how the report should be addressed by the Judicial Council and how there should be a deeper look into how specialty courts (like treatment courts) play a role in this. For example, Do Native Americans have the same access to specialty courts or do they have less access?

Judge Wahwassuck noted that even though statistics seem to be going down overall, it may not be accurate because people are on probation for several years and there could be revocations in the future (even if they aren't showing them now).

The Forum discussed whether this could be put on bench meeting agendas statewide and whether the Forum could reach out to districts and their chief judges about this. The group agreed to ask the Sentencing Guideline Commission to come to the next meeting and present race-based probation revocation data county by county and district by district. Then, Forum members could take that information back to the districts. Judge Kulick offered to ask if someone from the Sentencing Guideline Commission could come to the next meeting to do a presentation like this for the group.

A few state court judges commented on how judges historically haven't questioned the guidelines and that judges often accept plea agreements staying the workhouse with a longer probation term. Longer probations and ordering conditions in someone's probation that a judge wouldn't ultimately enforce are two areas that can contribute to the troubling statistics.

The 9th District (Beltrami County) is doing a deep dive (with and through the Department of Corrections) to look at why these distinctions in probation revocation are occurring by race. Ramsey County is looking into that as well and is doing a pre-charge diversion program to clear out juvenile delinquency misdemeanors. The Forum discussed how these examples could be used as statewide models. Judge Wahwassuck agreed to reach out to a contact she has in Beltrami County to see if someone can come to the next meeting to give a presentation.

Judge Kulick noted that if we can get statewide data, it will help with arguing for more funding at the Legislature.

Judge Piper indicated that he will ask about data from the 4th District Research Department as it relates to adults and juveniles.

Updates from Hennepin County

Judge David Piper used a PowerPoint presentation to share information about Hennepin County's ICWA courtrooms, trafficking checklist, and presentations of tribal flags.



Tribal Flags in the Courtroom - Piper

Judge Piper shared that the idea of including tribal flags in a state courtroom came from a conversation he had with Judge Cahill. Terry Yellowhammer has been instrumental in moving the idea forward. There have been three ceremonies so far. Judge Piper indicated that he hasn't gotten any negative push back so far in his response to these efforts.

It's Judge Piper's goal to have all tribal flags in his courtroom by December 31, 2019.

Judge Piper also shared Hennepin County's Human Trafficking Bench Card. The group discussed what a challenging topic human trafficking is to manage. Judge Piper offered to email the Bench Card to everyone as a resource to share at bench meetings and possibly model elsewhere in the State.

Lunch (provided by Children's Justice Initiative)

Deb Noll, Sara Messelt, Betty Green Crow, and Maya Tester from Proof Alliance delivered the attached lunchtime presentation and provided an update on the organization and the resources and programs available.



Proof Alliance - Presentation to TCS

ICWA & Other Outreach

- Future trainings
 - State Court, through CJI, is putting on the following ICWA trainings for all child protection stakeholders in the area:
 - August 1, 2019 – Burnsville;
 - August 30, 2019 – Willmar;
 - November 8, 2019 – Anoka; and
 - November 22, 2019 – Redwood Falls.
 - National Indian Child Welfare Association (NICWA) has some upcoming trainings as well:

- [2019 NICWA Training Institute](#): Understanding ICWA, Positive Indian Parenting, Qualified Expert Witness, June 18 - 20, 2019, Portland, OR
 - [2019 NICWA Training Institute](#): In-Home Services, Positive Indian Parenting, September 10 – 12, 2019, Minneapolis, MN
 - [2019 NICWA Training Institute](#): Understanding ICWA, Positive Indian Parenting, Working With Substance-Abusing Families, November 12 - 14, 2019, Portland, OR
 - [2019 NICWA Training Institute](#): Understanding ICWA, Positive Indian Parenting, April 1-3, 2020, Denver, CO
- National American Indian Court Judges Association (NAICJA) is holding their 2019 Annual Conference at Mystic Lake October 15-18. More information is available here: <http://www.naicja.org/NAICJA-Conference>.
 - Other – Judge Piper will forward information about a training he’s doing in his courtroom with a child psychologist about attachment issues.
- The group discussed adding Judge Kulick to the next agenda with another judge to discuss the status of a standing emergency order for crossover kids. As a reminder, “Crossover kids” refers to the coordination around tribal court and state court cases involving the same children.
 - Upcoming opportunity: California tribal court justices coming to MN for event sponsored by Hennepin County Library.
 - Screening of *Tribal Justice* with visit from Director Anne Makepeace and Tribal Justices Abby Abinanti and Claudette White
Hennepin County Central Library (Minneapolis)
Thursday, October 24
6:30-9:00pm

Judge Wahwassuck updated the Forum on the October 25th event she’s planning around the Cities in connection with the visit from Judges Abinanti and White

William Mitchell was suggested as a possible venue for the October 25th event. Judge Wahwassuck indicated that she’d reach out to Judge Piper and Becca Vanden Hanen regarding the logistics for this event as it gets closer, since they are located in and around the Twin Cities area and may be able to help with some of the arrangements.

Future Topics

Forum members discussed the following possible topics for the next meeting:

- Visit from Jack DeWalt regarding AFCC and domestic violence issues in Hennepin County Family Court
- Visit from Jill Esch, Native American ombudsperson for the State of Minnesota
- Visit from someone involved with the new task force on Missing and Endangered Tribal Children
- Presentation from Beltrami County about what they are doing to look into race-based probation revocation data
- Presentation from Sentencing Guidelines Commission with more race-based probation revocation data county by county and district by district.
- Maddens 2020 jurisdiction issues for new judges

Judge Jesson indicated that she will talk to the state court's manager of judicial education, Susan Love, about creating a targeted webcast for judges on the topics of concurrent jurisdiction and an introduction to ICWA.

A suggestion was brought up to webcast or live stream lunchtime presentations, like the one from Proof Alliance today, so that judges who are unable to come to the Forum meeting could still participate in some of the training. Becca Vanden Hanen will look into the possibility of that at future meetings.

Future Meeting Dates

- September 13, 2019 – hosted by tribal courts, at Red Lake Nation
- December 5, 2019 – breakfast meeting at Annual Conference of Judges

Adjourn