



MINNESOTA  
JUDICIAL  
BRANCH

# COMMUNITY DIALOGUE

**NINTH JUDICIAL DISTRICT  
EQUAL JUSTICE COMMITTEE  
November 15, 2016**

On a warm late-autumn evening community members of the greater Bemidji area met at the American Indian Resource Center on the campus of Bemidji State University in Bemidji, Minnesota for a community dialogue session with judges and court staff of the ninth judicial district.



## **INTRODUCTION**

The Ninth Judicial District Community Dialog Session was held on November 15, 2016, from 5:00 p.m. - 7:00 p.m. Although the listening session was open to all, given the demographics of the area, and Bemidji's location between the state's three largest Indian reservations, it was believed that a central focus of the listening session would be the American Indian community. Because of this, the "Great Gathering Room" at Bemidji State University's American Indian Resource Center was selected as the site for the event. Invitations and flyers were sent to almost fifty community organizations seeking their involvement and support, including local American Indian organizations and the area's federally recognized tribes.

The Ninth Judicial District Equal Justice Committee partnered with the Northwest Indian Community Development Center (NWICDC) to hold this event. The Ninth Judicial District Equal Justice Committee is comprised of Judges from across the Ninth Judicial District. The NWICDC is an organization that honors and cultivates the strengths of American Indian families by centering culture in programs and resources that promote lifelong learning, wellness, and security. The NWICDC was invaluable in providing such things as assistance with planning, advertising, and participation, all of which contributed to a successful event.

### **Community Dialogue Purpose**

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

- Talk about the justice system
- Share ideas about improving the quality of service in the courts
- 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 Committee 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 dialog session began with a welcome by Joe Day, Chair of the Board of the NWICDC. Mr. Day started by saying how appreciative he was that judges were interested in learning more about the experiences of community members and that they took the initiative to meet personally with members of the American Indian community, and others, in an open dialog. Mr. Day recounted community experiences and how American Indians have been treated by the justice system. He also talked about the effect that historical trauma has had on American Indians and the role that plays in their interaction with the courts and justice system. Mr. Day said that events such as the community dialog session are very positive steps in improving relations.

The Equal Justice Committee was honored to have Tribal elder Mr. Bob Smith open the session with a blessing in the Ojibwe language, as well as having Mr. Rod Northbird hand drum and sing. Both were very moving and set a positive and respectful tone for the evening.

Judge Korey Wahwassuck, Chair of the Ninth District Equal Justice Committee, provided opening remarks and explained the reasons for holding a community dialog 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 Wahwassuck introduced the other judges in attendance and explained the format for the discussion. She also provided a brief overview of race data for the district. A graph was handed out showing population/adult major criminal filings in the Ninth Judicial District by race.

Those in attendance broke out into two groups to discuss 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?

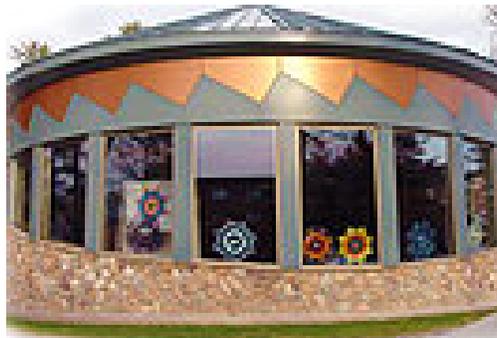
The small groups met for about an hour. The attendees then gathered as one large group and had a chance to ask questions of the judges as a whole. Judge Wahwassuck provided closing remarks and thanked everyone for attending. Many attendees lingered in the room for as long as a half-hour following the session as they continued discussions that had been started during the forum.

## **SUMMARY OF THE NINTH DISTRICT SESSION**

An estimated 43 members of the public attended the session, along with Ninth District Judges Wahwassuck, Paul Benshoof, Donna Dixon, David Harrington and Shari Schluchter, Leech Lake

Tribal Court Judge Megan Treuer, and five Ninth Judicial District court staff. Each small group had about 22 participants and three judges. The notes from the small groups captured some common themes and issues. The discussions were lively, but respectful. Community members often passionately told their stories and described their thoughts and experiences. What was relayed was very valuable for the judges and court staff to hear. There was general agreement that the community dialog session was a success in that it opened the door to honest discussion. Community members shared appreciation for the Judges effort to reach out and listen to concerns. Following the session, an attendee sent the Equal Justice Committee the following message:

*“Thank you for inviting the Indian community to talk with the judges last night. The greatest outcome of the event was the reaching out and being sincere in listening to our story. The invitation made us feel welcome and saw the interest of the judges by reaching out to us. As you know the reaching out to our relatives and welcoming them into their building makes them feel welcome and a safe place to be. It’s a great start and we all realize that the issue extends far beyond the courts. It starts in the community, our neighbors and those non-Indians in the street, businesses, schools, police, county and social workers to name a few. I truly believe that the NWICDC has a great opportunity to sharing our story about who we are. Again thanks for your work on this effort.”*



*American Indian Resource Center,  
Bemidji State University*

### Major Themes

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

Six themes emerged from the small group discussions:

- Social Conditions and Historical Trauma for Native Americans
- Diversity & Inclusion
- Cultural Specific Programs
- Court Structure

- Sentencing & Incarceration
- Collaboration

A summary of the discussion concerning these themes follows.

### SOCIAL CONDITIONS AND HISTORICAL TRAUMA FOR AMERICAN INDIANS

Attendees described the social conditions faced by many American Indians and how they affect their lives and perhaps their interaction with the justice system. It was noted that there is a high level of poverty on the reservations and within the American Indian community, and as such criminal justice issues are on-going. One participant said, “We deal with a lot of stuff before we even call law enforcement.” There is also a belief that discrimination is prevalent, which causes disparity and a lack of opportunity. This in turn leads to criminality. People with felonies have a very difficult time finding employment and housing. Even if a conviction is dismissed, it is believed that it still has a negative effect on an individual.

The perception exists that, historically, laws were designed to hold back American Indians. It was mentioned that foster care seems to be a pipeline to prison. One participant said that about 83% of the children in out of home placement in Beltrami County are American Indian, and that children do not see a positive future for themselves.

Discussion occurred regarding historical trauma and the effect that it has had on American Indians. Some expressed the belief that historical trauma plagues the American Indian community and that the population suffers from post-traumatic stress disorder at an exceedingly high level.

### DIVERSITY & INCLUSION

Participants expressed the need for more diversity within the court system and that those who work for the courts should reflect the community that they serve. The courts should attempt to hire individuals from diverse backgrounds. Community members might feel better about their court experience if court staff was more representative of their community. Questions were asked about the level of cultural, diversity and inclusion training received by court staff and judges, as well as by law enforcement.

### CULTURAL SPECIFIC PROGRAMS

The idea was shared that court programming should address the needs of all cultures, and that culturally specific treatment should be offered. Participants noted that sometimes American Indians are ordered to attend treatment that isn’t culturally appropriate. One participant told of how offended she was to attend an AA meeting only to see and hear things that were not in line with her Native religious beliefs. It was also mentioned that incarcerated American Indians do not have access to spiritual leaders, which would be of great assistance to those in jail and

prison. Additionally, more assistance is needed from the justice system to help prisoners with their re-entry into society to help ensure their success.

There was also discussion about the Indian Child Welfare Act and the impact that it has had on the American Indian community. It was explained how painful it is when families are separated.

One success shared was that of the Northwestern Minnesota Juvenile Center actually having a cultural coordinator on staff who works intensively with American Indian youth who are residents of the facility.

### COURT STRUCTURE

Participants talked about how the way that the courts are structured can be intimidating to those from diverse communities. It was pointed out that for some people court security can be dehumanizing, and that such things as glass at the front counter of court administration serves to separate the court from the people it serves. Some feel as though they are treated like criminals before they even walk in the front door. It was mentioned that once in court things are too formal. Judges sit up higher than everyone else and there is no real opportunity to ask questions or have a discussion. Furthermore, the courts only see black and white, there is no gray area, and the courts don't see the positive things that are happening in the community.

Participants also talked about their perception that the courts are not fair, and that American Indians expect to be treated poorly by the justice system. One need only to look at the data to see this. Racial biases exist in every step of the process, and community members feel as though they have no recourse if they do experience bias.

It was asked why juvenile court is scheduled for mid-day because it is difficult for youth and their families to get to court at that time. Also, juvenile court proceedings happen too fast, causing confusion.

It was thought that the Ninth Judicial District might be too big. It's difficult to make an informed decision about voting for a judge from the other side of the district when someone may know nothing about them.

The issue of a lack of public defender resources was also raised. Public defenders do not have adequate time to meet with their clients.

### SENTENCING & INCARCERATION

Participants raised concerns about the way individuals are sentenced and incarcerated. It was thought that sentencings are unfair and are heavier for certain populations. Often times people end up sitting in jail for a long time for little stuff, and too many people are in custody for substance abuse crimes. It is also hard when individuals are held in jails out of county. With regard to domestic abuse cases, it was expressed that judges do not always protect the rights of

men. In domestic situations, protecting oneself may result in felony charges, which impacts a person's ability to secure housing or find employment.

It was said that frequently, American Indians are unable to pay fines, or post bail, so they end up in jail. They don't have the chance to present their thoughts to a judge. Fines too end up in collections which negatively affect credit scores, housing, etc.

## COLLABORATION

It was expressed that events like the community dialog session build trust and strengthen relationships. It was shared that community members want to have more opportunities to talk to judges, and that it was appreciated that judges took time to meet with community members during this event. It was also suggested that the court wield its influence on all areas of the justice system to encourage even more collaboration and cooperation.

## **Proposed Suggestions for Improving the Court System**

Many helpful suggestions were made by those who attended the community dialog session. Suggestions will be reviewed by the Committee for Equality and Justice, and the Ninth District Equal Justice Committee, and will be used to form the priorities and actions of each group. The following were the most commonly shared suggestions from the community dialog 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.

## SOCIAL CONDITIONS AND HISTORICAL TRAUMA FOR AMERICAN INDIANS

1. Train judges and court staff on implicit bias.
2. Train judges about American Indian history, cultural practices, historical trauma, and how the community responds to discipline.
3. Train court employees about diverse cultures.
4. Recruit Tribal Court Judges to be a part of the Minnesota Judicial Branch Committee for Equality and Justice.

## DIVERSITY & INCLUSION

1. Increase diversity amongst court employees and judges.
2. Recruit and hire more American Indian Guardians ad Litem.
3. Fund a Tribal Liaison position for the courts.

## CULTURAL SPECIFIC PROGRAMS

1. Assign a Tribal elder to assist judges on issues that affect American Indians.
2. Offer culturally specific treatment (e.g., a sweat may be more culturally

appropriate for an American Indian than Alcoholics Anonymous).

### COURT STRUCTURE

1. Increase the number of American Indians in jury pools.
2. Use satellite locations, rather than courthouses, when long distances are involved.
3. Assign an advocate to work with individuals when a public defender is unavailable.
4. Provide special considerations for mothers.
5. Assign an individual social worker to parents in a CHIPS case.

### SENTENCING & INCARCERATION

1. Offer diversion and restorative justice programs rather than incarceration.
2. Offer pre-trial diversion for first time offenders.
3. Create community sentencing circles.
4. Discard the sentencing guidelines.
5. Make more educational opportunities available for incarcerated people.

### COLLABORATION

1. Provide more opportunities for the public to engage in dialog sessions with district court judges.
2. Work collaboratively with Tribal courts by allowing them jurisdiction over more cases.

### **Suggestions for Future Community Dialogue Sessions**

Feedback about the community dialog session was very positive. Participants expressed appreciation for having the opportunity to meet with judges and share community and individual concerns, and ideas for change. The American Indian Resource Center 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 ensure that all are able to adequately hear what is said. It was also obvious that it is extremely helpful to partner with a community organization. For this event, the NWICDC was invaluable in helping to promote and conduct the session. Finally, judge participation is paramount. Attendees stated that they wanted to talk to judges and have their voices heard by the judges of the district.

It was recommended that community dialog sessions continue to be held in the Bemidji area as well as across the Ninth Judicial District.

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