

Community
Listening
Session

April 28

2016



Community Listening Session

INTRODUCTION

In 2010, the Minnesota Judicial Council established the Committee for Equality and Justice, a statewide committee charged with advancing the Judicial Branch's efforts to eliminate from court operations bias that is based on race, gender, ethnicity, age, disability, socioeconomic status, religion, sexual orientation, and any other status protected by law. The Committee for Equality and Justice works collaboratively with each of the state's 10 Judicial District Equal Justice committees to advance this charge.

The Third Judicial District Equal Justice Committee (EJC) held this Community Listening Session in collaboration with the Diversity Council of Rochester. The purpose of the session was to listen to the perspective of local underrepresented populations in order to learn what they believe the court can do better with respect to understanding their experiences.

COMMUNITY LISTENING SESSION DETAILS

The Third Judicial District Equal Justice Committee held a listening session open to all, but with a focus on the African American population in Rochester in support of the statewide FY16-17 Minnesota Judicial Branch Strategic Plan and the goals of the statewide Committee for Equality and Justice. The listening session was conducted on April 28, 2016, from 6 p.m. – 8 p.m. at John Adams Middle School in Rochester, Minnesota.

Approximately 57 people attended; predominantly members of the black community. The attendees were of various ages, and represented a variety of backgrounds and experiences. A slight majority of attendees were women.

Moderators

- Judge John Cajacob (Committee for Equality and Justice Member and Third Judicial District EJC Chair)
- Torres Hodges (Diversity Council)

Panel Members

- Judge Pam King (Third Judicial District)
- Judge Kevin Lund (Third Judicial District)
- Judge Kathy Wallace (Third Judicial District)
- Muhamad Elrashidi (Third Judicial District EJC Member)
- Nitaya Jandragholica (Third Judicial District EJC Member)
- Angela Porter (Third Judicial District EJC Member)

Others Present

- Chief Judge Jeffery Thompson (Third Judicial District)
- Sue Bublitz (Third Judicial District EJC Member)
- John Buhta (Third Judicial District EJC Member)
- Shelley Ellefson (Third Judicial District, District Administrator)
- Karrie Espinoza (Third Judicial District EJC Member)
- Geoff Hjerleid (Committee for Equality and Justice Member)
- Paul Janzen (Third Judicial District EJC Member)
- Melanie Sinouthasy (Committee for Equality and Justice Staff)
- Eric Thompson (Third Judicial District EJC Member)

COMMUNITY LISTENING SESSION SUMMARY

Torres Hodges reviewed the goals and expectations of the listening session. Judge Cajacob gave participants an overview of the Committee for Equality and Justice, the Equal Justice Committee, and the role of the judicial system. Community members were reminded that the purpose of the event was to discuss matters within the authority of the state courts. Attendees were each given the opportunity to share stories, concerns, and experiences from their interaction with the state courts.

Summary of Attendee Concerns and Suggestions for Court-Related Issues

- 1. Lack of People of Color on Juries:** The lack of people of color on juries was noted by several people. There was a concern that the fairness of a trial is compromised when the defendant's race is not represented on the jury and that juries are not reflective of the local population.
- 2. Implicit/Unconscious Bias:** Many in the audience were concerned about implicit or unconscious bias. People in authority are not trying to discriminate, but the disparities are so evident in how children are disciplined at school, who gets arrested and charged and who gets let off with a warning, and how defendants are sentenced.
- 3. Include Law Enforcement in Listening Session:** Listening sessions should include law enforcement as well. Invite law enforcement to a listening session, as many disparities begin with policing.
- 4. Transport of Juveniles:** Concern was expressed over some juveniles being transported from the detention center and appearing in court in handcuffs and shackles. Attendees shared that this can cause psychological harm to youth and creates echoes of slavery. An attendee stated that only a third of counties follow this procedure. What can be done to change policies on this? Change the policy of transporting youth from the detention center and appearing in court while wearing handcuffs and shackles.

5. **Plea Bargaining vs. Trial:** Attendees wished that all court cases would be required go to trial instead of plea bargaining, as this would force the judicial system to find other ways to deal with minor offenses. Courts would be forced to find alternative ways of dealing with minor offenses that should not result in jail time.
6. **Updates on Drug Court and the Equal Justice Committee:** Two requests were made for an update on the Olmsted County Drug Court, and for more history on the Third Judicial District Equal Justice Committee and whether it was formed in response to an awareness of inequity.
7. **Disproportionate Number of Ethnic Minorities Working in the Court System:** What can be done to address the disparity? Everyone talks about wanting to diversify the pool of judges and lawyers, but we don't see results. We need to give more information to people. Develop an apprenticeship or mentorship program to give kids exposure to careers in the court system.
8. **Sentencing Guidelines:** How flexible are the sentencing guidelines, and does their flexibility allow for race-based disparities to creep in?
9. **Racial Disparities:** Children of color are treated more harshly for their mistakes than white children. It's easy for judges and other authorities to say they are not racist, but the disparity is real. Young black men are failing out of school, going to prison, not getting the mental health care they need, not getting help from their probation officers, not getting rehabilitated by the court system, and nobody knows how to change the situation. When this individual tried to go talk to people in authority, she was met with closed doors and people refused to give her statistics. What can the public do to support the Equal Justice Committee in making a change?

Personal story of experience with the court system: A woman was sentenced to 10 years of probation and wanted to return home out of state, but was not permitted to do so. She was placed on probation, yet left for 27 years. After a religious experience, she was convinced of the need to make things right and returned to Olmsted County to be turned in. The probation officer recommended jail time, but the judge gave her a second chance with six months of probation. She credits God for changing her life, but feels racism contributed to the origin of her problems, and is now holding children of color back. She shared that society needs to change in order for children of color to have a better chance at success.

10. Public Defenders vs. Private Attorneys: Some attendees feel that the inability to pay for a private defense attorney means that the poor receive harsher penalties than those who can afford to pay for a private attorney. People do not have the financial resources to pay for a legal defense, which often could get them off. How can defense lawyers be provided for people who can't afford them?

Summary of Attendee Concerns and Suggestions for Non-Court Related Issues

1. Disparities in Law Enforcement: Disparities in law enforcement, particularly in regard to drugs, needs to be addressed. Officers have discretion as to where to focus their efforts (intelligence-led policing) and whether or not to charge someone with a crime, and this allows disparities to develop.

There was a concern that intelligence-led policing institutionalizes implicit bias. Many were also deeply concerned that this bias causes black men to be viewed with greater suspicion and fear, which puts them at a high risk for becoming the victim of violence. People are truly afraid for their sons and have little confidence that they will be treated fairly by “the system.”

2. School-to-Prison Pipeline: Attendees think that we need to come up with alternatives to suspension and expulsion, and various sectors (schools, law enforcement, judiciary, etc.) need to work together to find solutions rather than pursuing their own independent courses.

Personal story of fearing for her sons: A woman lived all over the world with her family, but never feared for her sons until returning to the U.S. She sees how racism is affecting their views of themselves, in that they ask questions like, “What’s the matter with me? What’s the matter with black people?” She feels powerless to protect them from the negative images in the media and the school-to-prison pipeline. She also spoke about what she saw as some of the root causes: a lack of black teachers, a lack of belief in black students on the part of white teachers, and a lack of black lawyers and judges. Because of these factors, she has no confidence that she or her sons will be treated fairly by “the system.”

3. Health Care: Many people do not feel they have implicit bias, but it is real and causes real harm. Could the physician on the panel comment on implicit bias in the healthcare field and the resulting disparities, as an example of its effects?

A comment was made that we also need to provide better mental health care, and that people from difficult backgrounds are expected to behave as well as everyone else. We need to help them overcome their challenges. It’s great that we are talking here, but we want to see real outcomes.

Appreciation Noted by Attendees

1. The audience was united in approval of the plans for the Olmsted County Drug Court and appreciative of the County Attorney on efforts made with the Drug Court. Attendees shared that the County Attorney is passionate about justice and working hard to make the Drug Court a reality, even though it seems slow. The people in power don't want these disparities either. We have to find a way to work together.
2. The community of color in Rochester is small and close. People try to help each other when they have problems. They are willing to work and listen and look for answers. They are worried about the safety of their young men. She doesn't want to condemn the courts. This listening session is a good beginning, but it shouldn't end here.

At the end of the evening, attendees were asked to complete a written evaluation of the listening session.

Summary of Attendee Written Evaluation Responses are Noted Below:

Total number of evaluations: 16

Was this Community Dialogue Session helpful to you?

Yes: 16

No: 0

Did you choose to speak tonight?

Yes: 9

No: 7

What did you like the most about the Community Dialogue Session?

- Testimony
- Opportunity to hear stories from others in the community
- The environment/space. Nice circle
- Very honest, heartfelt
- I would like to find a plan... enough talk
- Willingness of panel to listen and work
- Hearing the feedback from citizens in our community, learning everyone's sense of awareness
- The beginning to develop solutions
- That everyone was on the same accord
- Hearing people's experiences
- To know that this is the start of dialogue
- We are starting a dialogue

If you liked the Community Dialogue Session, how was that experience for you?

- No question, just a comment
- It was fine. I had an objective, open-ended question and the panel was responsive
- Fair to middlin'
- OK
- Reveals a potential to do more, a wider circle
- Reaching for outcome
- Discouraging that much will change, but hopeful
- It was great to be heard
- Very enlightening

How would you improve the Community Dialogue Session?

- Police – prosecutor – judge
- More of them and other committees
- More representatives of the justice system, county, elected officials, courts, police should be here to hear the community
- Panel control. Don't give non-panel member to become a panelist
- Make an action plan
- Very good! Very emotional and heartfelt. Will impact me for days to come to process all the information
- Action plan
- All key stakeholders
- In terms of scheduling, have a drawing with questions that participants have
- Develop the pathway that is transparent inclusive to change for the community
- Removing racism
- I would like to see an ongoing dialogue
- Yes, please continue!
- More sessions with endpoint results

Recommendations:

1. Continue the dialogue and include law enforcement in the conversation. The participants are aware that the judicial system and law enforcement are separate from each other. However, the issues people of color face in these areas are similar. In order for a more just court system to be possible, both systems need to be accountable for their processes and actions.
2. Provide mentorship for students of color to enter careers in the legal system. The lack of judges of color deepens the black community's sense of mistreatment in the justice system. There is a pervasive belief that black offenders receive longer sentencings versus white offenders convicted of similar crimes. Representational makeup of judges, lawyers, law enforcement, and jurors will move that perception – and the reality – ahead.
3. Provide education to the community on how to navigate the court system. This can be in many formats: presentations, classes, or informational sessions. Support this by creating a more navigable online experience for users who are seeking information about what to expect when they are summoned to court. A specific question was raised about defendants without permanent addresses not receiving notices to appear in court, which results in the issuance of bench warrants. Is there a way to notify the people who need to appear in court through emails or text messages?
4. Provide additional resources through the Public Defenders' Office, ensuring that attorneys can spend more time with their clients. Many folks felt defendants were pressured to take plea deals for crimes they did not commit to avoid going to court and risk a harsher punishment. The community felt that public defender caseloads were too heavy to actually provide the best defense that clients who cannot afford a lawyer deserved.
5. Support alternatives-to-arrest and incarceration programs. If individuals end up in the system without consideration of mental health issues, language barriers, or developmental disabilities, then incarceration may be inappropriate. If the court system could do more to partner with after school programs, mental health centers, or drug treatment options, there may be better outcomes.
6. Support laws that reduce or redefine sentencing protocols. People serving sentences for non-violent drug offenses often face sentences that are overly punitive. Those who are convicted of these crimes are often poor people of color. Support the Smarter Sentencing Act and other laws in the State of Minnesota that propose smarter sentencing.
7. Hold one another accountable within the judicial system. There should be a culture of equity with dialogue and accountability related to sentencing and treatment. The only time that real equity within the justice system happens is when people with conviction demand it.