

**FEBRUARY 25, 2012 GRAND CASINO HINCKLEY
MILLE LACS BAND OF OJIBWE AND 10TH JUDICIAL DISTRICT EQUAL JUSTICE
COMMITTEE FORUM**

Invocation

Mille Lacs Band Tribal Elder David Matrious provided a traditional Native American blessing setting the tone for a session of two leadership groups seeking to strengthen their relationships with one another.

Presentation

Pat Zenner, now working as a public defender in Washington County, has practiced law for 23 years. In this time there have been changes to the law which, together with technological advances, have greatly increased the consequences for any person's involvement in the criminal system. For example, juveniles may now be subjected to booking, schools may be informed of court matters and juvenile matters may permanently prevent certain career choices. Even when there is no court or police case opened private companies share information and the affected person has no recourse. For example, a shoplifting incident involving a 7-year-old (too young to be involved in a juvenile delinquency case) may be barred from future employment at any number of companies because of records maintained and shared by numerous national corporations. Expungement (sealing) of court records is available in certain situations. Ms. Zenner indicated that she willing to make this presentation to other community groups.

Follow-Up Discussion

David Matrious indicated that because of past governmental actions the two groups of professions causing immediate fear to many Native Americans are public defenders and social workers. Social workers cause fear related to the past practice of forced removal of Native American children to attend governmental boarding schools where native languages and traditions were not permitted. Public defenders are feared because of the implications of poverty and perception of a less capable representation.

Responses included comments that Native Americans appearing in Pine County court proceedings receive the same treatment as any other person; It was stated that the public defenders working in Pine County employed by the Mille Lacs Band and by the State of Minnesota are capable and well-qualified to provide good representation.

Dan Bina, a State public defender, spoke of the importance of any person receiving a jury summons to respond by showing up for jury duty – it is difficult to get any Native American persons on Pine County juries. This often results in Native American defendants have cases determined by all-white juries. Even when 70-80 people are summoned for jury duty, there are no Native Americans in the jury pool. He also praised the efforts of the Band in general, and Oliver Gibbs specifically, in getting defendants to the courthouse for hearings. Failing to appear for a scheduled hearing causes additional undesired consequences for a defendant. Chief Deputy Pine County Attorney Steve Cundy said that the public defenders work very hard for their clients, and as they work in the community; they know all of the other professionals involved in these matters. He stated there is an unwarranted perception that a defendant needs a privately retained attorney to get a better deal.

Ryan Champagne, the director of the Mille Lacs Band Family Services program, commented on the differences between justice in the state's court system and the traditional Annishinabe justice system which promotes a restorative justice program with community circles. He also indicated that there is a very high rate of incarceration of Native Americans, a disparity of treatment of Native Americans in the child welfare system and disproportionate charging of Native Americans with felonies and for school offenses. He also indicated that these actions have longer term ramifications such as inability to hold office, possess firearms or be seated on a jury. The community is also affected by the individual's unemployment, parole and probation responsibilities.

Another concern is the delay in getting matters heard in the State's court system. In one recent matter it was 5 months before a matter involving a fifth-grader was before the judge; this takes away any meaningful impact that the offender could receive if heard promptly. Additional discussion was had about how the schools have lost control over discipline of students; schools now have police officers in the building serving as the contemporary disciplinarians.

John Hoffman, MN District Court Judge and 10th District Chief Judge spoke in praise of Diane Gibbs Judge Reuter for their efforts to address these sensitive issues. Judge Hoffman said that he'd previously worked in Mille Lacs County where he recognized the hard work of Indian Legal Service attorneys from Duluth and by the local public defenders. He encouraged continuing the dialogue between the Mille Lacs Band and the state court system.

Pine County Sheriff Robin Cole spoke in support of the comments of Ryan Champagne. Sheriff Cole said that it's now a situation of a 16-year-old found drinking a beer can't later join the military – we've gone too far with mandatory reporting. He said that he often reads reports of "Billy hit Suzy" involving two 11-year-olds that gets to court 2 years later when there is no connection to the event. There were 900 Pine County child protection referrals in 2011. He stated that he supports the grant initiative that the Band is working on to work things differently and to keep individuals and families from bouncing from one agency to the next throughout childhood and then into the criminal justice system as adults. Sheriff Cole stated that he reviews as many as 20 gun permit applications each day – and it is very rare to have an application in which the person hasn't, at some time, been arrested for something.

Before closing, and the two groups sharing a luncheon, David Matrious offered comments on the meaning of the Native American prayer offered in the invocation.

Attendees¹:

1. Kim Adelman, Mille Lacs Band, Assistant Ojibwe Language & Culture Center
2. Bob Anderson
3. Jake Baker, Mille Lacs Band Family Services
4. Jeff Banga, Attorney/MN Child Support Magistrate
5. Dan Bina, Pine County Public Defender
6. Dawn Blanchard, Ombudsperson for Native American Families
7. John Bowen, Assistant Pine County Attorney
8. Ashley Burr, Mille Lacs Band ICWA Support Worker
9. John Carlson, Pine County Attorney
10. Cindy Champagne
11. Jerry Champagne
12. Ryan Champagne, Mille Lacs Band Director of Family Services
13. Amber Chase
14. Robin Cole, Pine County Sheriff
15. Steve Cundy, Chief Deputy Pine County Attorney
16. Katie Draper, Mille Lacs Band District III Legislative Aide
17. Valerie Eli, Mille Lacs Band Foster Care Provider
18. Todd Eustice, Director, Kanabec County Probation
19. June Evans, Mille Lacs Band Family Violence Prevention Advocate
20. Diane Gibbs, Mille Lacs Band District III Legislative Representative
21. Oliver Gibbs, Mille Lacs Band District III Court Liaison Services
22. George LaFave, Sr.

¹ There was no requirement to register before or at the forum; additional persons were in attendance for at least a portion of the presentation or the forum

23. Anne LaFrinier Ritchie
24. Becky Fossum
25. Chief Judge John Hoffman, 10th Judicial District
26. Steve Lewis
27. LoAnn, Domestic Violence Advocate, WINDOW Crisis Services
28. Emma Lofgren, Mille Lacs Band Family Services
29. Maggie, Domestic Violence Advocate, WIDOW Crisis Services
30. Alex Matrious
31. David Matrious, Mille Lacs Band Ojibwe Resource Specialist & Academy Chair
32. James Matrious
33. McKoons Miller Tanner, Mille Lacs Band Family Services
34. Tracy Moreland, Mille Lacs Band Family Services
35. Mike Moriarity, 10th Judicial District Court Administrator
36. Tessa Nelson, Probation Officer, Pine County Court Services
37. Amy Opager, Mille Lacs Band Family Services
38. Richard Osburn, District Court Judge, Mille Lacs Band
39. Jim Reuter, MM District Court Judge, Pine County, Chair Equal Justice Committee
40. Nancy Saboo, Mille Lacs Band ICWA Social Worker
41. Chris Sailors, Managing Attorney, Mille Lacs Band Legal Aid
42. Elaine Smith
43. Rita Steinhagen, Judicial Law Clerk, Pine County
44. Randy Tenge, Probation Agent Supervisor, MN Department of Corrections
45. Jack Thomas, Foster Care Provider
46. Roberta Thomas, Foster Care Provider
47. Kristie Vance, Mille Lacs Band Family Services
48. Bob White
49. Pat Zenner, Washington County Public Defender

Ms. Zenner's Continuing Education Handouts:²

1. Minn. Stat. §245C.15, Human Services Background Studies, disqualifying crimes or conduct
2. Redacted October 14, 2008 letter from Dakota County Social Services Department informing of disqualification from employment position because of evidence of past domestic assault
3. Information about Verified Credentials, Inc., a private data mining corporation which provides information to corporations about court records of applicants (without any clarifying input)
4. Minn. Stat. §260B.198, subd. 6 about court expungement of juvenile records in cases without transfer of legal custody
5. Redacted Woodbury Police Department Notice to School of a Student Delinquency and/or Chemical Incident Act
6. Minn. Stat. Ch. 609A – Expungement of Juvenile Records

Ms. Zenner also referred to two recent juvenile court expungement cases indicating an expansion of the Court's authority to expunge executive branch records:

In the Welfare of P.R.N., February 6, 2012 (unpublished), 2012 WL 360411
In re the Welfare of J.J.P., --- N.W.2d --- (Minn. 2012), 2012 WL 171407

² This handouts are available on the 10th Judicial District's Equal Justice Committee's website:
<http://www.mncourts.gov/district/10/?page=3673> (scroll down to the bottom of the page)

WHEN: Saturday, February 25, 2012
10:30 a.m. Invocation
11:00 a.m. Presentation
12 noon Open Discussion

WHERE: Grand Casino Hinckley
777 Lady Luck Drive, Hinckley, MN
Conference Center
Ash - Birch Ballrooms

jointly sponsored by:
Mille Lacs Band of Ojibwe, District III Legislative Representative Diane Gibbs,
and the
MN 10th Judicial District Equal Justice Committee, Chairperson Judge James T. Reuter

- Native American Invocation by Tribal Elder Herb Sam
- "Collateral Consequences of a Criminal Conviction" presentation* by Washington County Public Defender Ms. Pat Zenner
- open discussion moderated by Ms. Gibbs and Judge Reuter
- closing remarks and invocation

one hour professional continuing education accreditation for attorneys, law enforcement, probation officers, and social workers is being applied for

light refreshments will be provided

* written presentation handouts will soon be available at: <http://www.mncourts.gov/district/10/>

This forum continues the discussion begun at the May 2011 Community Dialogue Session about the relationship between the Pine County area members of the Mille Lacs Band of Ojibwe and those involved in the state judicial process. Both groups share the goals of improving communications, breaking down barriers and addressing issues of mutual concern.

REGISTRATION

Pre-registration is appreciated to assure adequate accommodations
please email either

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320-384-6240

or

Rita.Steinhagen@courts.state.mn.us
320-591-1513



MINNESOTA
JUDICIAL BRANCH

