

**Duluth American Indian Commission Meeting
Monday, May 17, 2010 – 5:00 pm
Mayor's Reception Room
Room 405, 4th Floor City Hall**

Present: Ricky Defoe, Ron Boshey, Toni Dickenson, Ron Hagland, Donovan Strong, Joy Dorscher, Donna Ennis

Absent: Renee Van Nett, Bea Kitto

CALL TO ORDER, APPROVAL OF AGENDA AND INTRODUCTIONS:

Meeting called to order by Donna Ennis at 5:12 pm.

Motion by Warner Wirta, seconded by Ron Boshey, to approve the agenda. The motion was unanimously approved.

Introductions were completed.

REVIEW AND APPROVAL OF MINUTES FROM THE APRIL 19, 2010 MEETING:

The time that the meeting was called to order should be 5:05 p.m. instead of 6:05 p.m.

Motion by Warner Wirta, seconded by Donna Ennis, to approve the minutes from the April 19, 2010 meeting, with the noted change. The motion was unanimously approved.

COMMUNITY PUBLIC FORUM/OPEN PUBLIC COMMENT PERIOD:

Police Civilian Review Board - Eileen Luna Firebaugh provided an update on the survey data. There have been 1000 surveys returned (about 1.2%). Getting a good response, 1/3 of the responses have come in online with the remainder coming in on paper. Most of the online responses are from businesses and students with community organizations distributing the surveys by hand. There is a lot of convergence about how the review board should be constructed, what should be done, that is not what she would have expected. About 65-70% are interested in some form of oversight; 90% want a mediation component. Of the responses, 14% are from Native Americans; 8% from African Americans; 2% from Latino/Hispanic; and 5% from the Asian community.

The next step is community meetings. There are three scheduled for this week. Today she has been evaluating the quality of the police investigations process. She has supervised many of these processes over the years. She will do this today and tomorrow, she has already gone through the computerized (from 2008 on) and will go to the 2005 to 2008, which are non-computerized. A draft report to the committee members will be prepared by the end of August. There will be a month to look it over and the final report will come back at the end of September.

The current structure is wholly performed within the police department; the complaint goes to the administrative deputy chief and then is given to a lieutenant. They work

together, maybe with the help of a sergeant, a final report is provided to the chief. Most often an internal police process has an internal affairs office that is outside of the regular police department.

Survey results state that most respondents want an external model of civilian oversight (75%) they then split, most want a board but there is a split over whether the board should be appointed or elected. The report will provide information about what is best for a city with these characteristics, (college, diverse, wide demographic, medium sized city, etc). She does not want to get ahead of the data but this is where we are. The community meetings will be taped and all identifiers will be taken off the transcript. No sign up sheet.

Tuesday	12 East Fourth street Central Hillside Community Center 6-8 pm
Wednesday	4601 McCullough Street Portland Community Center 6-8 pm
Thursday	1111 North 11 th Street Peace Church 6-8 pm

Ron Hagland noted that this kind of a board had been discussed in the 1970s and expressed his appreciation that after all this time it was actually coming to pass.

Eileen Luna Firebaugh further reported that there is nearly always a split between rank and file staff and administration, which sees that as making police work easier. But she has had very good response from both groups. She is obliged to find something that works well for these groups. That is why we are doing the surveys and the community meetings. There has been cooperation and assistance.

Warner Wirta asked what happens to this process across different city jurisdictions. Eileen Luna Firebaugh stated that that can happen, but one must apply the rules of the employing city; for example, Superior may not be held accountable to Duluth. This was a problem as the University of California has police who can have jurisdiction on the streets but had no review board; in this case one would need joint agreements.

Public law 280 states as there is concurrent jurisdiction, civil and criminal law is both state and tribal business, this may lead to confusion on the role of tribal police in this setting. They train tribal police, prosecutors and judges on how to apply the law.

Eileen Luna Firebaugh has written a book with a chapter on this matter, the books name is: *Tribal Policing: Asserting Sovereignty, Seeking Justice*. At the University of Arizona Press.

She states that there is a recent New York Times article that documents the above average number of traffic stops of minority persons, with very few citations issued suggesting that they were stopped unjustly.

OLD BUSINESS:

AICHO's Gimaajii (YWCA Housing /Indian Center) Report- Sherry Sanchez Tibbetts, Executive Director

- A written update was presented. There are three issues. The rehab work issue has been solved the state and national historic preservation offices the windows have been approved. Financing is in place, more money is committed, the construction budget is finalized. They expect Minnesota Housing Finance Agency (MHFA) should approve and to close we need our historic tax credits. They had to find alternatives to secure the financing with regard to the tax credits. That was sent to the attorney last week and the hope is that this will be set in days two weeks then they can get the MHFA money, close and start construction.

Ricky Defoe reminded us that everything takes time and that we support the work being done here.

Juvenile Justice Reform Update- Melanie Ford, St. Louis County Attorney, launched her re-election campaign today and so could not be here to provide an update. Ricky Defoe and Donna Ennis went to Santa Cruz California, to look at their program. They provided a report on their experiences.

Ricky Defoe - Although they had made some progress, racial disparities were still evident. There were some significant differences, mostly that they did not have as many girls in their system. There was a racial mix which has a large portion of Latinos; there were no persons in authority from that background. They treated Ricky and Donna well. They had a great wrap around program, involved mental health, and the commitment of them to have the young men to give back to the community; to be a part of work program to work so hard on the weekend and they could get some credit for school for the work that they are doing.

Donna Ennis - Although it is early on in our efforts, we have developed our own risk assessment instrument, when any juvenile is picked up this instrument is used to determine if they need to be detained. This process may decrease the numbers of youth of color in our facilities. It is important that detention alternatives be culturally specific, in order to keep the youth engaged so they will keep coming back and not violate probation. They are looking into an evening reporting center so they can pick up school credits, therapy groups etc. The staff needs to be people of color. Out there the man running the program is non-bilingual Caucasian, even though many of the students speak only Spanish.

Ricky Defoe - The St. Louis County Attorney's office is to be commended for pushing this forward. We need to help in any way that we can.

NEW BUSINESS:

Environment-Nancy Nelson, Spirit Mountain Authority Board (SMAB); Rene Matson from Spirit Mountain

- Ricky Defoe started by stating that there has been a push from DAIC to include someone from the Native community on the Spirit Mountain Authority Board. We have gotten a great deal of support and would like to know if there has been any resistance to this suggestion.

Nancy Nelson responded stating that the decision of who serves on the SMAB is up to the Mayor, although it is only a seven- person board that has recently been expanded to nine. There are no objections to a Native American on the board but the decision is the mayor's. Although there are no specific qualifications there are a variety of community members from different sectors, environmental persons, users etc. There are no specific requirements.

Ron Boshey expressed his support for having a Native on the board or as a consultant, as this area has been used for spiritual ceremonies. We are concerned that as the board makes decisions, disturbing ancient sites, we would like to have a voice, provide knowledge of the history of the area. We know that the mayor appoints, but we as DAIC, what Mayor Ness told us to submit a letter to put a person on a board. Could you also submit a letter? Renee Matson relayed that the mayor has indicated his priority and will possibly do this in June.

Asked about the area burial sites, Nancy Nelson stated that after six years of service on the SMAB she has never seen the state archeologist report about burial sites. The study was done but the information was never shared with the board.

Renee Matson - There are no plans to move beyond the master plan approved two years ago, in August of 2008. Spirit Mountain plans to follow all rules and all laws and welcome oversight of the development. All of our process is to follow this plan including the footprint. It is important to be transparent and have a win-win for everyone.

Ricky Defoe - There is a perception that there is no relationship building and a denial of representation on the board and that is why we are asking questions today. When we speak of environment, the bylaws of the DAIC are to be a part of the stewardship of the land. So we take that seriously, and wonder why there is no relationship.

Warner Wirta - Please explain how law con works and how it affects the Spirit Mountain area; the main restriction is that the area must be used for public outdoor recreation, must be publically owned and no private developers. What does that mean for Indian people?

Nancy Nelson/Renee Matson - That is a good question, law con is federal program to develop outdoor recreation activities in the state of Minnesota it is overseen by the Department of Natural Resources. The City Attorney should be able to answer questions about this. Law con relates to buildings but not activities and does not require approval by city council but a conversation with the banquet office. Spirit Mountain controls the food and beverage of the area.

Warner Wirta - Nimiwin Days might be such an activity over the Fourth of July for two days. Crafts could be put up around the outer area. Maybe the SMAB could develop an American Indian dance group.

Nancy Nelson stated that the Spirit Mountain Authority Board would support an American Indian on the board.

Ron Hagland - This area is sacred not just to local Indians but to many. I would like to believe that the food service could produce this traditional food. I want to be a part of a proactive positive thing not the continued desecration.

Motion by Donna Ennis, seconded by Joy Dorscher, that the DAIC draft a letter to the Mayor urging him to appoint Ricky Defoe to the SMAB. The motion was unanimously approved.

Ricky Defoe asked if there was still a consideration for a heritage center that was originally discussed during the Bergson administration. Nancy Nelson stated that it was discussed in the master planning.

Warner Wirta formally presented Nancy Nelson with an editorial from Oct 4, 2009 Duluth News Tribune where he stated that the Spirit Mountain Authority Board lacks important Native American voice.

Education-tabled

Child Welfare-tabled

Ron Hagland presented an email by Cruz Mendosa from the Human Rights Commission. He requested that we support efforts to suspend commerce with the state of Arizona as a result of their latest law requiring law officials to stop anyone they suspect are undocumented workers, failure to do so could lead to them being sued. There is also another part of the law that prevents minority history from being taught in public schools as it may lead to dissent within these groups. (Would we draft a letter from the city's perspective that we would not do any business with the state of Arizona).

Eileen Luna Firebaugh is from Arizona but is a standing contract. The possibility is that the letter state that we will only do business with current contracts or with sovereign nations.

Motion by Ron Hagland, seconded by Ron Boshey, that the DAIC draft a letter to the State of Arizona stating the City of Duluth will only to business with current contracts or with sovereign nations. The motion was unanimously approved.

AMMOUNCEMENTS, UPCOMING EVENTS AND COMMENTS FROM COMMISSION MEMBERS:

NEXT MEETING/DATE/LOCATION

June 21, 2010 at 5:00 p.m., Room 405, City Hall

ADJOURNMENT:

Motion by Donovan Strong, seconded by Warner Wirta, that the meeting be adjourned. The motion was unanimously approved and the meeting was adjourned at 6:45 p.m.