

GAIL T. KULICK
JUDGE OF DISTRICT COURT



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DISTRICT COURT OF MINNESOTA
SEVENTH JUDICIAL DISTRICT

April 8, 2019

Lt. Governor Peggy Flanagan
130 State Capitol
75 Rev. Dr. Martin Luther King, Jr. Blvd
St. Paul, MN 55155

Re: Needed follow up on MN Sentencing Guideline April 2016 Report

Dear Lieutenant Governor Flanagan,

I am a Minnesota District Court Judge, chambered in Mille Lacs County. You may remember me from a few years ago when I worked with Jamie Edwards lobbying for the Mille Lacs Band of Ojibwe (I also served one term in the Minnesota House, having defeated Sondra Erickson in 2008). I am currently serving on the Tribal Court/State Court Forum and am writing as a member of the Forum, and at the request of Forum co-chair Judge Sally Tarnowski.

In April of 2018 the Minnesota Sentencing Guidelines Commission published a report entitled **Probation Revocations - Offenders Sentenced from 2001-2015 and Revoked to Prison through 2016**. You may be aware that most felony offenders have their prison sentences stayed, and are placed on probation under the supervision of Department of Corrections agents. When probation is unsuccessful, the stay can be revoked and the offender sent to prison.

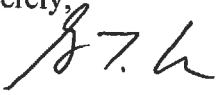
What is deeply concerning about the 2018 Report is the stark difference in revocation rates based on race, specifically for American Indians. While the probation revocation rates for Whites, Blacks, Hispanics and Asians ranges from 14% to 16.6%, the revocation rate for American Indians is 26.4%. The numbers are even worse if we parse out only females: White, Black, Hispanic and Asian women's revocation rates are between 9.6% and 12.2%, with American Indian women being revoked at a rate of 24.1%.

We Tribal Court/State Court Forum Judges are deeply concerned about how race/culture may play a part in the difference in outcomes for offenders. Unfortunately, there is little that can be done without more information. We need to have more than these bare numbers. We need to find out why this is happening. As an example, the report had no information on the rates (based on

race) at which offenders **choose** to execute their prison sentence rather than be on probation. Is there a cultural difference behind making that choice? Is homelessness ever a factor? We don't know.

Our request to you is to direct the Sentencing Guidelines Commission to gather the information necessary to root out the causes of this disparity, so that every effort can be made to rectify it.

Sincerely,

A handwritten signature in black ink, appearing to read "G.T. Kulick". The signature is written in a cursive style with a large initial "G" and a long horizontal stroke at the end.

Hon. Gail T. Kulick