

# Minnesota Sentencing Guidelines Commission

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April 9, 2015

Jeffrey R. Edblad  
Chair, Minnesota Sentencing Guidelines Commission  
309 Administration Building  
50 Sherburne Avenue  
St. Paul, Minnesota 55155

Re: Racial Impact Statement Policy

Dear Mr. Edblad:

1. **Purpose.** This is a revised policy on racial impact statements, submitted for the Commission's consideration. This agency prepares racial impact statements to allow legislators to evaluate, and possibly ameliorate, racial disparities that would be exacerbated by policies within significant crime bills, and to appreciate when existing racial disparities would be alleviated by policies within significant crime bills. (Throughout this policy, "race" should be understood to mean ethnicity whenever ethnicity is documented in available data.)

2. **Significance Threshold.** Whenever a fiscal note is assigned to it, the agency will, while preparing the fiscal note, estimate whether the bill, if enacted, would meet any of the following four threshold criteria:

a. If the policy changes in the bill tending to increase the number of people convicted of felonies each year ("new felony population") would increase the felony population by 50 or more felons annually.

b. If the policy changes in the bill tending to decrease the number of people convicted of felonies each year ("reduced felony population") would decrease the felony population by 50 or more felons annually.

c. If the policy changes in the bill tending to increase prison beds would increase prison beds by 10 or more. (“Prison beds” is a calculation of the annual increased prison demand as a result of a policy change, taking into account the duration of the sentences to be executed. “Prison beds” assumes that each offender serves only the pronounced term of imprisonment, and does not account for jail credit, future probation revocations, accountability time, or supervised release revocations. For purposes of this policy, the term applies to the greatest annual effect on the prison population, even if that effect is not projected to occur for a number of years.)

d. If the policy changes in the bill tending to decrease prison beds would decrease prison beds by 10 or more.

This estimate will consider all policies in the bill tending to have the effect in question, disregarding any offsetting effect. For example, if a policy, or several policies combined, increase the new felony population by more than 50, criterion 2.a. has been met, even if other policies in the bill tend to decrease the number of felons by an offsetting amount.

**3. Racial Impact Screening.** If a bill meets any of the four significance threshold criteria, the agency will conduct racial impact screening on the bill.

a. **Racial Composition Estimate.** The screening will estimate the racial composition of:

(1) the new felony population that would result from all policies tending to increase the felony population, if any;

(2) the reduced felony population that would result from all policies tending to decrease the felony population, if any;

(3) the population occupying the prison beds that would be filled as a result of all policies tending to increase prison beds, if any; and

(4) the population vacating the prison beds that would be emptied as a result of all policies tending to decrease prison beds, if any.

No racial impact analysis will be conducted unless a sound racial composition estimate is possible, which is generally the case only when a proposed crime modifies, is enhanced by, or appears similar to an existing crime for which the

agency has offender race data. As when evaluating the threshold criteria, when conducting the racial composition estimate, any offsetting policies in the bill will be evaluated independently, without regard to the other. For example, if some of the bill's policies would tend to increase prison beds, and other policies would tend to decrease prison beds, the racial composition of the population of those who would occupy the increased prison beds (estimate 3.a.(3)) will be estimated separately from the racial composition of the population of those who would vacate the decreased prison beds (estimate 3.a.(4)).

**b. Targeted Groups.** Because racial impact statements report the exacerbation or alleviation of racial disparity in felony and prison populations, racial impact screening will target those racial groups in which a state of disparity currently exists. With respect to changes in the felony population, a targeted group is a racial group whose representation within the population of Minnesota felony offenders sentenced in the most recent year for which the agency has complete data ("current felony population") exceeds its representation within Minnesota's current adult census population ("state population"). With respect to changes in prison beds, a targeted group is a racial group whose representation within the current state prison population (as reported by the Department of Corrections as of January 1 of date of the screening) exceeds its representation within the state population.

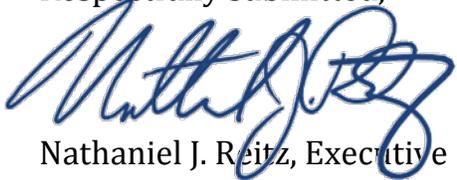
**c. Racial Composition Comparison.** The screening will compare, for targeted groups, the racial composition of the current felony population with the racial composition of any new felony population (in the case of policies that increase the felony population) and/or reduced felony population (in the case of policies that decrease the felony population). The screening will also compare, for targeted groups, the racial composition of the current state prison population with the racial composition of those expected to occupy the increased prison beds and/or vacate the decreased prison beds, as applicable.

**d. Racial Impact Screening Criteria.** The agency will prepare a racial impact statement if any policy or combination of policies is expected to cause a targeted group to be represented within the bill's new and/or reduced felony population at a higher percentage than that group's representation in the current felony population. The agency will also prepare a racial impact statement if any targeted group is expected to occupy the bill's increased prison beds and/or vacate the bill's decreased prison beds at a greater rate than that group's representation in the current prison population.

**4. Negative Screening Results.** If a racial impact screening does not result in a racial impact statement, the results of the screening will be internally documented and made available for public review.

**5. Racial Impact Statement.** The racial impact statement will include a discussion of the racial compositions of the state population, the current felony population, the current prison population, and the racial group(s) whose expected population changes required the racial impact statement. The statement should also discuss other pertinent matters, including the specific policies within the bill that would exacerbate or alleviate racial disparity, to the extent those policies can be readily identified. The agency will complete the racial impact statement no later than one week after its deadline to complete the fiscal note. It will then forward the completed racial impact statement to the chair of the appropriate legislative criminal law committee. If the racial impact statement becomes moot before it is completed—e.g., if the bill is substantially amended or loses any chance of future passage—the racial impact statement need not be completed.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Nathaniel J. Reitz".

Nathaniel J. Reitz, Executive Director  
Minnesota Sentencing Guidelines Commission