Reducing Racial Disparity While Enhancing Public Safety: Key Findings and Recommendations

Introduction

The racial disparity in Minnesota's justice system is exceptionally high compared to other states. From arrest to imprisonment, the disparity is over twice the national average. Since the launch of its Racial Disparity Initiative (RDI) in 2000, the Council on Crime and Justice (the Council) has undertaken seventeen separate studies in a comprehensive effort to understand "why" such a large disparity exists here, in Minnesota. This report sets out the overarching key findings and recommendations that emerged from these seventeen studies.

The RDI studies consist of two independent but interrelated categories of research. The first category, *Defining the Disparity*, examined the causes of the racial disparities in Minnesota's justice system. Thirteen studies were conducted under this category of investigation. The second category, *Collateral Effects*, examined the economic, social and emotional costs of racial disparities at the individual, family and community level. Four studies were conducted. The geographic areas involved in the RDI studies ranged from an individual neighborhood to the entire state. The chart below shows the geographic dispersion of the RDI studies:

Geographic Location	Frequency
Minneapolis	3
Saint Paul	1
Twin Cities	3
Hennepin County	5
Hennepin, Ramsey and Kandiyohi Counties	1
Seven County Metropolitan Area[1]	2
Minnesota Statewide	2

[1] One study also sampled from surrounding Indian Reservations.

These studies relied on both qualitative and quantitative research methods. Certain areas of study, such as examining the collateral consequences, were better suited to qualitative exploration while others, like the disparity in traffic stops, were ideal for quantitative analysis. The Council also engaged in participatory research in an effort to bridge the gap between the researcher and those researched while creating a deeper understanding of various phenomena, persons' lives, and the nature of communities.[2]

It is important to understand the meaning of the term "racial disparity." Racial disparity in the criminal justice system exists whenever the proportion of a racial/ethnic group within the control of the system is greater than the proportion of that group within the general population. For example, in 1999 African Americans represented 3.5% of Minnesota's population, but 35% of the adult male prison population. This is clear evidence of a racial disparity in Minnesota's prison population. However, it is not evidence in and of itself, that the disparity is the result of racial bias.

The racial disparity in the justice system can stem from a number of different causes including socioeconomic factors, difference in crime rates, cultural norms, and racial bias. While a portion of the Council's research was devoted to examining crime rates, it was primarily focused on identifying what portion of the disparity, if any, could be attributed to racial bias within the justice system. Racial bias can occur at either the individual or institutional level and can be intentional or unintentional. The Council's focus was on institutional bias which most often takes the form of a policy or practice that has greater negative consequences for persons of color than for Whites.

Over the past twenty years, a number of studies have addressed issues of racial disparity. However, little work has focused specifically on racial disparities in the justice system. Work done by the *1993 Minnesota Supreme Court Task Force on Racial Bias* stands out as a seminal examination of racial disparity in the justice system. The Council's work on racial disparity builds upon this work.

[2] Banks, Kenneth C., and J. Marshall Managan. 1999. The Company of Neighbours: Revitalizing Community through Action Research. Toronto: University of Toronto Press.

The Relationship between Racial Disparity & MN's Changing Demographics

Racial disparities in Minnesota's justice system have been well documented. For 2004, Minnesota's overall racial disparity is more than *twice* the national average (See Tables 1 and 2). This disparity is most extreme when examining Part II crimes, which generally constitute low level offenses (See Table 2). Racial disparity is evident throughout case processing, as Minnesota's Black-to-White imprisonment ratio is the twelfth highest in the nation (See Table 3). Changes within the justice system over the last decade may also serve to further heighten racial disparities. For instance, in 1998 the average length of sentence for those incarcerated in a Minnesota correctional facility was approximately 3.3 years. However, by 2006 this has increased to over 8 years, due in part to changes in sentencing guidelines (Minnesota Department of Corrections).

The importance of addressing racial disparities within the justice system becomes further evident when examining Minnesota's population growth trends. For instance, since 1980 communities of color increased by over 200% in Minnesota, while Whites were the *only* race to experience a decrease in population growth – by 9.3% (See Table 4). When examining population growth among youth this pattern is similarly evident, suggesting that Minnesota will continue to experience a significant growth within populations of color (See Table 5).

It is also important to consider other disparities which exacerbate the marginalization of people of color. African Americans, in particular, appear to be facing additional obstacles. For instance, when examining poverty rates from 1980 to 2004 African Americans were the *only* racial group to experience an increase in poverty - all other racial groups experienced a decrease in overall poverty rates (See Table 6). It is important to note that *all* racial minorities are reported to have lower mean incomes when compared to Whites (See Table 7). In particular, the income gap between Whites and people of color is most extreme within the Twin Cities (See Table 8). Given these trends, it appears that racial disparities, if left unaddressed, will merely become more extreme in the future; further jeopardizing public safety and hindering local economic growth.

KEY FINDINGS

From the seventeen reports, the Council identified eight key findings. Key finding were chosen based on the following criteria: (1) the finding represented a reoccurring theme

throughout the seventeen reports; (2) the finding impacted a significant portion the of populations of color in Minnesota, and; (3) the finding presented a realistic and near-term possibility for action.

The Communities Perspective on Racial Disparity

Despite the diverse nature of the research that was conducted under the Racial Disparity Initiative, two themes were consistently present. **First, people of color who live in high crime areas fear victimization and express a need for increased public safety *yet* empathize with offenders and the struggles that they face upon release from incarceration.** This balanced perspective provides a unique opportunity to develop community driven responses to crime and provide support for ex-offenders. To capture this opportunity is very important. As communities faced with absorbing the ever growing population of ex-offenders become politically disenfranchised, lose commercial investment, and develop a transient nature, their ability to effectively support returning offenders, for example, becomes sharply limited (Council: Collateral Effects, 2006).[3] **Second, there is a lack of consistent, effective dialogue between the justice system and communities of color; a fundamental necessity to addressing the racial disparity in the justice system while enhancing public safety within these communities.** Throughout the Council's research, both justice system and community interviewees spoke to the need to work together to decrease the racial disparity. However, both groups also felt that this is not currently taking place in any meaningful ongoing way (Council: Crime Related Needs Assessment, 2003; Collateral Effects, 2006).

How the Racial Disparity is Generated

The racial disparity in the justice system originates predominantly at the point of first contact with law enforcement. Depending on the level and type of crime, the disparity may increase, remain roughly the same, or in some cases decrease as the case moves through the justice system; however, this change is typically not significant when compared to the disparity that occurs at arrest. This point of first contact can occur through police response to 911 calls or through more discretionary activities such as traffic stops, police contact in the

[3]Uggen, Christopher, Melissa Thompson, and Jeff Manza. 2000. "Crime, Class, and Reintegration: The Socioeconomic, Familial, and Civic Lives of Offenders." Paper presented at the American Society of Criminology meetings, San Francisco, November 18.

community (e.g. for loitering, lurking), or in the case of juveniles, through interactions with school administration (e.g. for disorderly conduct). Studies from across the country have shown that a disproportionate number of African Americans are routinely stopped and searched while driving[4]. This finding holds true in Minnesota. Here, law enforcement officers stop Black, Latino, and American Indian drivers all at a greater rate than White drivers; search Blacks, Latinos and American Indians all at a greater rate than White drivers; and find contraband as a result of searches of Blacks, Latinos, and American Indians all at a rate *lower* than in searches of White drivers. African Americans drivers, for example, are stopped at a rate 3.5 times higher than Whites; searched at a rate 3.4 times higher, yet have contraband found on their person or in their car only half as often as Whites (Council: Racial Profiling, 2003).

The racial disparity at point of first contact carries over into arrests. A Council study found that for every 100,000 people in each racial group, the arrest rate was 4,138 for African Americans, 1,277 for American Indians, 188 for Asians, and 404 for Whites. The racial disparity (i.e. the ratio of arrest rates) for African American to White was 10:1; for Latinos to White 4:1; and, for American Indian and White 3:1 (Council: Defining the Racial Disparity, A Crime Rate Analysis, 2002). Nationally, the disparity for African Americans and Whites was 4: 1; which means that the arrest rate disparity in Minnesota is more than twice the national average.

The racial disparity is larger for low level offenses where police officer discretion is the greatest. In 2001, the equivalent of one out of four Black residents of Minneapolis were either arrested or cited for such low-level offenses as disorderly conduct, loitering or lurking. For Whites, the number was one in sixty, yielding a disparity of fifteen to one (Council: Low Level Offense, 2004). The racial disparity in low level offense arrests is also true for juveniles. In Minneapolis, African American juveniles are at least four times more likely to be cited or booked for loitering than White juveniles. In Brooklyn Center, African American juveniles represent 20 percent of the population, yet are 65 percent of those who are either cited or arrested (Council: Disproportionate Minority Contact II, 2006).

The racial disparities present at the point of first contact, remain for the most part throughout subsequent case processing. However, depending on the level and type of crime, the disparity

[4] Harris, David A. (June 1999). *Driving While Black: Racial Profiling on Our Nation's Highway.* An American Civil Liberties Union Special Report: http://archive.aclu.org/profiling/report/index.html

may widen slightly or, in some cases, shrink during case processing. Examples illustrating this phenomenon are given in the following programs.

In studying motions for adult certification or extended jurisdiction juvenile (EJJ) brought in Hennepin County Juvenile Court, the racial disparity remained relatively unchanged pre- and post-motion. Juveniles of color make up roughly 80% percent of the juvenile court population and roughly the same percentage are subjected to an adult certification or EJJ motion. Furthermore, race was not a significant factor in the Juvenile Court's disposition of these motions. In some felony level cases, the disparity is seen to expand. In one Council study the conviction rate for African Americans was found to be higher than for Whites when the charges were rape or burglary (Council: African American Males in the Criminal Justice System, 2001). For low level offenses, however, there is evidence that the disparity actually shrinks as the cases move through the court system. While African Americans are 15 times more likely to be arrested for low level offenses, they are only 7 times more likely to be convicted (Council: Low Level Offense, 2004).

While the point of first contact occurs across a wide spectrum of interactions between the police and the public, a substantial portion of the racial disparity is concentrated around certain policies and practices. **Populations of color are disproportionately likely to encounter the justice system as a result of extensive policing of geographic "hot spots" (e.g. CODEFOR), school referral practices, and current policies for dealing with drug offenders.** Several examples are set out below.

Schools are a significant feeder into the juvenile system for offenses committed on school property, such as disorderly conduct. In the 2003-2004 school year, Minneapolis schools referred 2,656 cases to the Hennepin County juvenile justice system. Of those cases, 2,311 were misdemeanors or petty offenses with nearly 50 percent involving disorderly conduct (Hennepin County Attorney's Office). While a racial breakdown of the juveniles involved is not readily available, schools with a high minority population refer significant numbers of cases to the Hennepin County Attorney's Office.

CODEFOR is the primary strategy used by the Minneapolis Police Department (MPD) to identify and respond to reported crime, with traffic law enforcement stops being used as the primary crime reduction tactic for a wide range of "hot spots" (Council: Traffic Stop Audit, 2006). CODEFOR uses crime mapping to determine where officers patrol. If the crime mapping

shows a significant level of crime at a particular location within a neighborhood, officers are sent to the area. As part of CODEFOR, officers are encouraged to make traffic stops within and around the "hot spot" in hopes of obtaining weapons, drugs or stolen property. This law enforcement practice means that a large number of people of color are routinely subjected to traffic stops and searches, even though contraband is found in only a small percentage of stops (Council: Racial Profiling, 2003).

A Council report that compared rates of reported drug usage with drug related arrests showed that the racial disparities in drug *use* could not fully account for differences in *arrests* for drug related crimes (Council: Defining the Disparity, Taking a Closer Look, 2002). African Americans reported overall drug use at a rate 66% higher than Whites but were arrested at a rate 817% higher. It is important to note that the greater drug use for African Americans is almost completely accounted for by an increased use of marijuana. Similarly, for African American males the reported drug use rate was 51% greater than White males, while the arrest rate was 400% higher nationally and 1000% higher in Minnesota. Results indicate that higher drug use rates are not a sufficient explanation for the higher drug related arrest rates of African Americans.

The Costs Associated with Racial Disparity

When contact with the justice system generates a criminal record, starting with an arrest record, there are long-term collateral consequences that are often more severe than the criminal punishment imposed (Council: Collateral Effects, 2006). **In particular, the existence of a criminal record creates long-lasting barriers to employment and housing.** The difficulty in finding employment and housing was a reoccurring theme in all studies related to collateral consequences. As one previously incarcerated father stated:

> You not asking for some specific discipline, I'm coming in here, this is a warehouse, you want someone to lower boxes and work on the dock, I think I can do that. And then we'll do the background check and comes back, "thanks for your interest" and all that. I got a whole folder for "thanks for your interest" - But I don't got a job.

Recent events, particularly the 2001 attack on the World Trade Center, have lead to an increase in background checks across the nation. In Minnesota, high profile cases involving employer liability for hiring a person with a criminal record has further heightened the perceived need for

background checks.[5] Many employers, however, find it difficult to accurately assess a criminal record and are uninformed of the laws protecting applicants from discrimination.[6] As criminal records are not easily understood (due to frequent use of abbreviations and technical language) employers struggle to ascertain the context and disposition of a criminal charge. For example, those individuals with an arrest that did not lead to a conviction, including an arrest-only record, are not easily distinguishable from those with convictions, serving to severely limit their employability and capacity to become productive citizens.[7] Furthermore, since arrests that often do not lead to a conviction, such as for lurking and loitering, are known to disproportionately involve persons of color, the racial disparities at point of first contact cause the collateral consequences to fall disproportionately on populations of color (Council: Low Level Offenses, 2004).

In addition to struggles with finding employment because of a criminal record, previously incarcerated individuals face the additional challenge of effectively transitioning back into the community (Council: Collateral Effects, 2006). For example, the Council found that previously incarcerated individuals struggle to find housing, transportation, and basic health care. **In essence, the present process for transitioning ex-offenders does not meet their immediate needs, thereby undermining public safety.** A Council study addressing the HIV/AIDS related needs of returning offenders demonstrates how the failure to meet the basic needs of offenders can result in increased risk to the public.[8] Interview's with formerly incarcerated HIV positive individuals found that despite adequate healthcare while incarcerated, upon release infected individuals often left their health related need unaddressed (Council: Identifying HIV/AIDS-Related Needs, 2003). The primary reason given was the failure to find housing and/or employment, which were viewed as more immediate needs. When primary health concerns are left unaddressed, however, it risks not only the health of the affected individual but, the health of the community. In fact, the fear of contagion was a commonly expressed concern of community interviewees.

[5] 496 N.W.2d419; 331 N.W.2d907; 200 A.D.2d224, 613 N.Y.S2d134
[6] H.I.R.E Network, After Prison: Roadblocks to Reentry, A Report on State Legal Barriers Facing People with Criminal Records, a report by the Legal Action Center, 2004.
[7] Pager, Devah. 2003. "The Mark of a Criminal Record." *American Journal of Sociology* 108 (5): 937-75.
[8] The HIV rate for individuals who have been imprisoned has been found to be 5 to 6 times higher than that of the general population.

When the justice system fails to address the immediate needs of returning offenders, families and communities bare the burden of providing support. **In fact, a positive relationship between an ex-offender and their family is a key contributing factor to successful reentry from prison.** Council research suggests that for those previously incarcerated individuals where family contact is appropriate,[9] the family environment is perhaps one of the most rehabilitative assets that they have (Council: Collateral Effects, 2006). Familial support does not merely ease the stress of reentry in terms of helping address immediate needs, but often provides a personal environment in which the offender can live free from stigma. This is important in terms of encouraging ex-offenders in developing concepts of self-worth. One father discussed the importance of his relationship with his children:

> The love, how my kids look up to me like daddy is like super man to them, you know. It's just the love and attention that I get from them, the warmth, you know. They make me feel real good when I am around them.

As indicated in this comment, the relationship between an offender and their child(ren) is often directly associated with their emotional well-being and sense of social acceptance.

Unfortunately, this relationship is not currently facilitated by the justice system or correctional facilities. In fact, many children never visit their incarcerated parent (Council: Children of Incarcerated Parents, 2006). In the past, this lack of contact between incarcerated parents and their children was generally attributed to caregiver gatekeeping and logistical difficulties (traveling costs, long waits, poor visitation facilities, etc.).[10] However, the Council's research indicates that these logistical difficulties are not the sole reason for the lack of parent-child visitations (Council: Collateral Effects, 2006). Many incarcerated parents do not want their children to visit. As one father stated:

> I just was like - no I can't let my child come to places like this because I don't want that to rub off on him or anything like that. [So] the second time when I was in prison I didn't let him see me the whole time because he knows what prison is, and it's a bad place.

Logistical difficulties *coupled* with a parent's hesitations about visitation (including the pain of seeing their children, fear of the prison environment negatively effecting the children, and concern about their children's perceptions of them as an inmate) may provide a more comprehensive explanation for the lack of contact between children and their incarcerated parent.

[9] It is important to note that contact with family members is *not* appropriate for all ex-offenders.

[10] Hairston, J. C. F. (2002). Prisoners and Families: Parenting Issues During Incarceration. *From Prison to Home, 1, 42-54.*

This lack of contact is damaging to both the offender and child (Council: Collateral Effects, 2006; Children of Incarcerated Parents, 2006). **Children of incarcerated parents, who are predominantly youth of color, often face adverse social, economic, and psychological effects which are largely left unaddressed.** The Council's research found that children who have a parent in prison often face social stigma within schools, report feelings of isolation, and tend to take on adult responsibilities in order to alleviate various stresses and challenges that their caregivers face. Additionally, the lack of exposure to what prison is like for their parent is often detrimental in that the children are left to worry about the unknown. In particular, many children worry about their parent's health and safety. As one nine year old shared an image of prison, based on his imagination and phone calls with his father:

> You have to stay in a cave. Metal doors and the kind of like a stick, but its metal and hum…they have no bathroom. In their rooms, they just have a toilet. And they don't have clothes to wear. They only have that orange stuff that they wear everyday. And they eat bad foods. And that's it.

Parental incarceration has effects on children that too often lead to their own involvement in criminal activities. It has been shown that children of incarcerated parents are six times more likely to engage in criminal behavior, due in part to lack of parental involvement.[11] In essence, incarceration often weakens, rather than strengthens, familial bonds and the end result is that both the child and caregiver are punished in tandem with the incarcerated parent.

Conversely, for offenders without the benefits of a supportive family structure there exists an even greater need to ensure that their housing and employment needs are met. For a myriad of reasons, ex-offenders often have limited supportive family networks. In some cases, the offense, or subsequent incarceration, damages bonds that would otherwise promote positive behavior. While offenders who are able to rely on familial resources are likely to be more successful in their effort to remain crime free, it must be acknowledged that, for those without familial support, the barriers may seem greater and the needs more immediate.

How Consequences Become Causes

Unemployment among individuals with criminal records is due to a multitude of factors, including, lack of work experience, training and lack of "soft skills" (i.e. professional appearance, established work ethic, communication skills, etc). It is also known, however, that a

[11] Bilchik, S., Seymour, C., & Kreisher, K. (2001). Parents in Prison. *Corrections Today, 63, 7, 108-112.*

criminal record is a threshold barrier which may mean the ex-offender is screened out of a job before having the opportunity to even present his or her qualifications.[12] In other cases, it may prevent an ex-offender from obtaining employment when he or she is as equally qualified as other applicants. As a result, research has shown that an African American with a criminal record may effectively become disenfranchised from the formal economy. Without "meaningful" employment, an ex-offender is significantly more likely to recidivate. Research has shown that unemployed individuals are significantly more likely to commit offenses.[13] While employment barriers are particularly stark for formerly incarcerated individuals, the Council's research suggests that these barriers may not be limited to individuals with serious or felony level offenses, and that increasingly the existence of a misdemeanor/low-level offense record may interfere with employment opportunities. Employment serves as a social bond for individuals, entrenching connections to the formal economy, increasing contacts with non-criminal elements and enhancing individual and familial stability. The existence of a criminal record also corresponds to diminished life earning potential even when education and job type are considered. Thus, a criminal record limits an individual's potential future earnings increasing economic and social inequality.[14] The Council's research suggests that other consequences of having a criminal record, particularly when incarceration is involved, such as inability to finding housing, may contribute to an increased likelihood of recidivism. The affect of these factors has not been quantified.

As people of color are disproportionately likely to be affected by the policies and practices of the justice system, children of color are increasingly likely to have a parent who is incarcerated. This is significant as research has found that children who have a parent in prison are six times more likely to become involved in the justice system than those without a parent in prison.[15] Children and their caregivers who have a parent in prison often face a significant number of social and economic challenges (Council: Children of Incarcerated Parents, 2006). When a

[12] Pager, Devah. 2003. "The Mark of a Criminal Record." *American Journal of Sociology* 108 (5): 937-75.
[13] Uggen, Christopher. "Work as a Turning Point in the Life Course of Criminals: A Duration Model of Age, Employment, and Recidivism. *American Sociological Review,* Vol. 65, No. 4. (Aug., 2000), pp. 529-549. Fagan, Jeffrey & Richard B. Freeman. "Crime and Work," *Crime and Justice,* Vol. 25. (1999), pp. 225-290. Sampson, Robert J., John H. Laub. "Crime and Deviance over the Life Course: The Salience of Adult Social Bonds," *American Sociological Review,* Vol. 55, No. 5. (Oct., 1990), pp. 609-627.
[14] Western, Bruce. "The Impact of Incarceration on Wage Mobility and Inequality," *American Sociological Review,* Vol. 67, No. 4. (Aug., 2002), pp. 526-546.
[15] Bilchik, S., Seymour, C., & Kreisher, K. (2001). Parents in Prison. *Corrections Today, 63, 7, 108-112.*

parent is incarcerated, children and families usually bare economic hardship resulting from the loss of income, whether from the formal or informal economy.[16] As income decreases, the likelihood of criminal activity increases. The children are also at risk for emotional withdrawal, dealing with the stigma of having a parent in prison, and difficulty in school.[17] Because children of incarcerated parents are more likely to live in economically disadvantaged families and communities and are more likely to demonstrate anti-social behaviors, it increases their likelihood of future involvement in the justice system. However, research has demonstrated that this correlation weakens as stability in the form of familial bonds, employment and age, increases.[18]

Recommendations

Taking into consideration the key findings gathered from five years of research and seventeen reports, the Council proposes three encompassing recommendations requiring prompt action. These recommendations and the associated action-steps were chosen because they will have broad affect, can be quickly acted upon, and serve the dual purpose of reducing the racial disparity in Minnesota's justice system and enhancing public safety.

1. Addressing Racial Disparities Tied to Justice Practices:

The Council recommends enhancing public safety by utilizing location specific, multi-prong strategies to address low-level offenses thereby reducing the ineffective over-reliance on the justice system. Public safety concerns jeopardize community trust and cohesion. So, too, do racial disparities in the justice system that are a result of racial bias. The Council proposes three actions steps that will reduce racial disparity and enhance public safety:

a) Develop community based problem-solving responses to low-level offenses at identified "hot spots" that (i) gather information from neighborhood residents, (ii) create avenues of communication between neighborhood representatives and law enforcement, and (iii) select a community-appropriate strategy that addresses the problem underlying the "hot spot";

[16] Hagan, John; Ronit Dinovitzer. "Collateral Consequences of Imprisonment for Children, Communities and Prisoners," *Crime and Justice,* Vol. 26, Prisons (1999), pp. 121-162.
[17] Fritsch, Travis A., John D. Burkhead. "Behavioral Reactions of Children to Parental Absence due to Imprisonment," *Family Relations,* Vol. 30, No. 1. (Jan., 1981), pp. 83-88.
[18] Sampson, Robert J., John H. Laub. "Crime and Deviance over the Life Course: The Salience of Adult Social Bonds," *American Sociological Review,* Vol. 55, No. 5 (Oct., 1990), pp. 609-627.

b) Focusing on schools with high minority enrollment, provide a school and/or community based intervention strategy for school "disorderly conduct" cases, and;

c) Criminal charges for misdemeanor offenses should be reviewed by a prosecutor prior to initiating court processes in order to focus the efforts of the justice system on prosecutable cases and more serious crime. This means the elimination of the current "Tab Charge" process that allows the police to bring cases directly into court.

2. <u>Removing Barriers for Those with Criminal Records:</u>

The Council recommends that in order to enhance public safety, Minnesota must increase employment opportunities for persons with a criminal record. In order to address unemployment of ex-offenders as an underlying cause that contributes to crime and public insecurity, the role of criminal records must be addressed. This is particularly true for persons with minor criminal records, where the number of persons affected is the largest and the negative impact the most unjust.

a. Enact legislation that prohibits public access to all criminal records regarding low-level offenses that have been resolved in favor of the alleged offender, while allowing access to such records by the justice system;

b. Train human resource professionals on the terminology, practices and laws regarding criminal background checks so that employers can make more informed decisions regarding the risk presented in hiring a job applicant with a criminal record, and;

c. Develop a model hiring process for governmental bodies that assures compliance with the state prohibition on discrimination against job applicants with a criminal record. This process should also apply to companies that provide contractual services to the government.[19]

3. <u>Supporting Family:</u>

The Council recommends enhancing public safety by helping children of incarcerated parents, their caretakers and the offender establish a network of social support. Incarceration can serve as a turning point in the relationship between an offender and their family. Unfortunately, in the vast majority of cases incarceration only disrupts familial

[19] Minnesota Statute 364 states, "The legislature declares that it is the policy of the state of Minnesota to encourage and contribute to the rehabilitation of criminal offenders and to assist them in the resumption of the responsibilities of citizenship. The opportunity to secure employment or to pursue, practice or engage in a meaningful and profitable trade, occupation, vocation, profession or business is essential to rehabilitation and the resumption of resumption of the responsibilities of citizenship."

relationship contrary to evidence that encouraging strong ties between an offender and their family may reduce recidivism and the likelihood that the children of incarcerated parents will become involved in criminal activity.

a. Whenever a parent is sent to prison conduct a family impact statement to assess the needs of the family left behind; determine the appropriateness of visitation and how it will occur; provide assistance aimed at preventing the children from becoming further involved with the justice system; and identify and facilitate the role of the family both before and after the offenders release from prison.

   - **Custodial Parents:** Support legislation that creates a Bill of Rights for Children of Incarcerated Parents. In particular, children would be informed of all decisions pertaining to them (within the justice system) and have the right to prison visitations.

   - **Non-Custodial Parents:** Offer education to non-custodial parents informing them of their rights to defer child support payments while incarcerated.

b. Create a network of support groups for ex-offenders without a supportive family structure.

Taking Action

It is time to take action. The truth is known. The racial disparity in Minnesota's justice system is one of the worst in the nation. While this disparity has many causes, racial bias is a significant contributor. We must do better. Our social and economic well-being depends on it.

Fortunately, by taking the proper action, we can reduce the racial disparity while enhancing public safety. The solution rests in a community-wide effort that recognizes that a substantial portion of the disparity is due to the demands that are now placed on police to resolve certain types of problems that they are not equipped to solve; such as those relating to chemical dependency, mental illness, homelessness and other quality of life problems endemic to certain neighborhoods. The problem then deepens because those with a criminal record find it much more difficult to find jobs and decent housing leading to higher crime rates with negative consequences for families and communities. While this vicious cycle knows no racial boundaries, populations of color are disproportionately caught up in it.

In considering whether to take action, three points must be kept in mind. First, the racial bias in the justice system lies primarily in institutional policies and practices, rather than individual racism. The result, however, is still the same. And once we know the result, as we

now do, a *failure to act* becomes an elevated and egregious form of bias. Secondly, the institutional policies and practices that unnecessarily contribute to the racial disparity are discrete and identifiable within the justice system. As a result, action steps can be well focused. Finally, by addressing those racial disparities attributable to the operation of the current justice system, we can achieve greater racial justice at a societal level *and* eliminate unnecessary obstacles to employability and housing at the individual level.

The proposed action steps focus on the portion of the racial disparity that is susceptible to reduction through strategies that will also improve public security. They do so by changing existing institutional policies and practices in favor of problem-solving strategies for discrete, but significant contributors to the disparity. As such, the proposed action steps can be implemented in the near-term and have a high cost/benefit ratio. It is our hope that other similarly beneficial action steps will be brought forward by others and that the cumulative action will grow exponentially in affect.

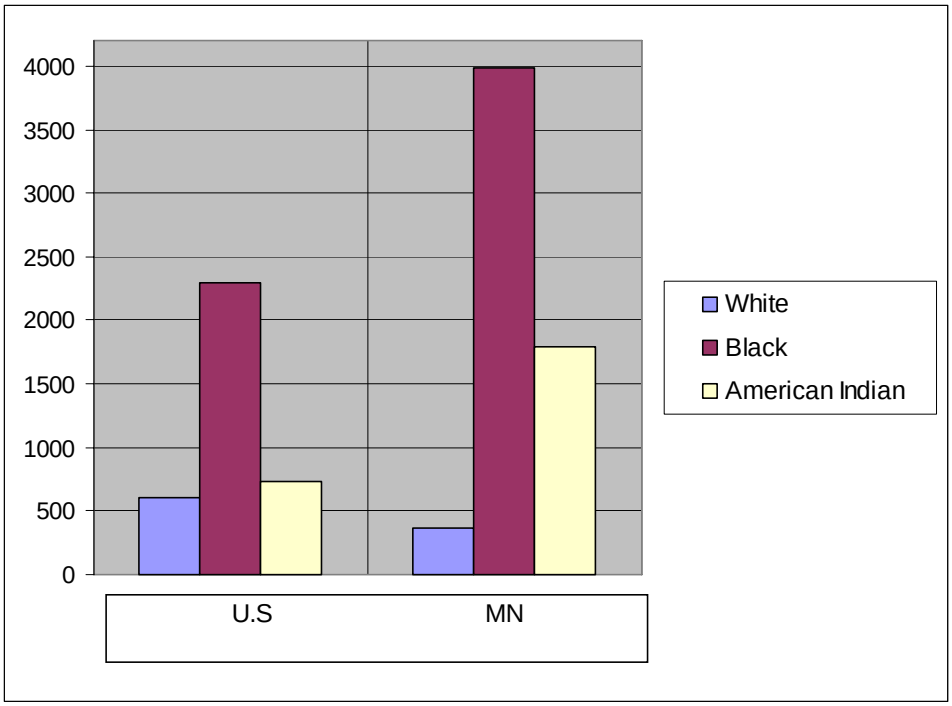
The release of this Call to Justice Report represents a new beginning. It is a time for us to recognize that the justice system works as it presently does because society wants it to work that way. While a harsh assessment, within it lies the promising possibility of improving the justice system so that it is worthy of its name. It is in our hands to do so.

Taking meaningful action will present many challenges. But these challenges can be overcome, if we act collectively and in good faith. It is our best and only option.

Tables

Table 1: Part I Arrest Disparity

Source: Uniform Crimes Report, Bureau of Criminal Apprehension, and Census 2000, 2004 Data



* The Y-axis represents arrests per 100,000 in the given racial population

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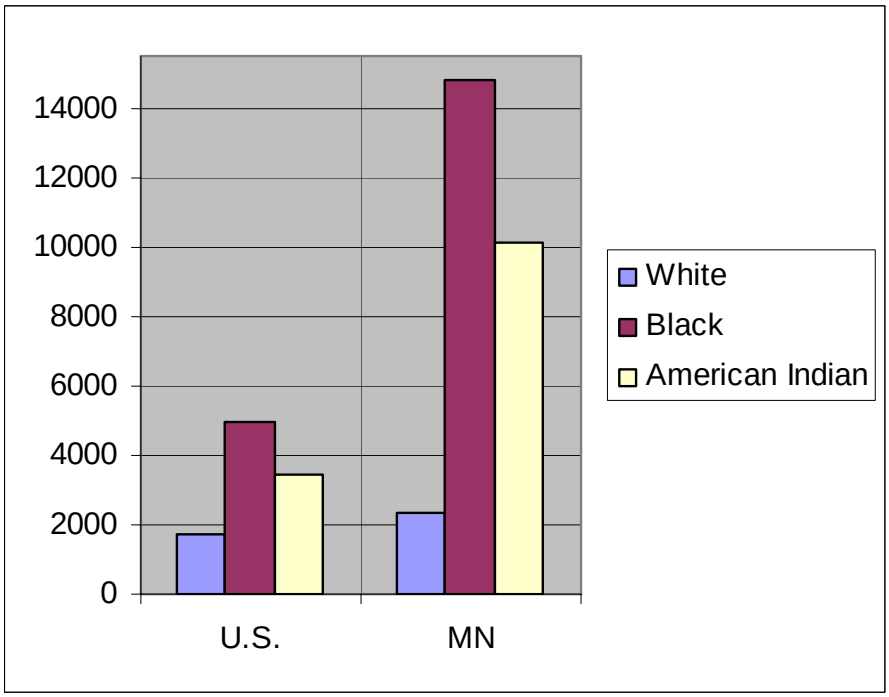
Table 2: Part II Arrest Disparity

Source: Uniform Crimes Report, Bureau of Criminal Apprehension, and Census 2000, 2004 Data



* The Y-axis represents arrests per 100,000 in the given racial population

Table 3: State Imprisonment Rates (per 100,000) By Race and Black-to-White Imprisonment Ratio

	Imprisonment Rate		Ratio			Imprisonment Rate		Ratio
STATE	**Black**	**White**	**Black/White**		**STATE**	**Black**	**White**	**Black/White**
National Average			**7.09**		Colorado	3491	525	6.4
Hawaii	851	453	1.87		Washington	2522	393	6.42
Georgia	2068	623	3.31		California	460	2992	6.5
Mississippi	1742	503	3.46		Kansas	3096	443	6.98
Alabama	1916	542	3.53		Maine	1992	262	7.6
Kentucky	2793	561	3.69		Massachusetts	1635	201	8.1
Arkansas	1846	478	3.8		Montana	3569	433	8.24
Nevada	2916	627	4.05		Missouri	2418	290	8.3
Tennessee	2006	487	4.11		Nebraska	2418	290	8.3
Idaho	2869	675	4.25		District of Columbia	1065	56	8.86
Alaska	2163	500	4.33		Illinois	2020	223	9.06
Oklahoma	3252	740	4.39		Pennsylvania	27924	174	9.1
Florida	2615	588	4.45		**Minnesota**	**1937**	**212**	**9.14**
South Carolina	1856	415	4.47		Utah	3588	392	9.15
Louisiana	2452	523	4.6		New Hampshire	2666	289	9.2
Texas	3162	667	4.74		New York	1627	174	9.3
North Carolina	1727	320	5.39		Rhode Island	1838	191	9.6
Indiana	2526	463	5.45		South Dakota	4710	470	10.02
Maryland	1579	288	5.48		North Dakota	2683	267	10.04
Michigan	2262	412	5.49		Wisconsin	4416	415	10.64
West Virginia	2188	382	5.58		Connecticut	2532	211	12
Arizona	3294	590	5.58		New Jersey	2352	190	12.4
Oregon	2930	502	5.83		Vermont	3797	304	12.5
Virginia	2331	396	5.87		Iowa	4200	309	13.59
Delaware	2517	396	6.37		New Mexico	N/A	N/A	N/A
Ohio	2196	344	6.38		Wyoming	N/A	N/A	N/A

Source: Bureau of Justice Statistics 2005

Table 4: Overall Population Growth

Source: Census Data

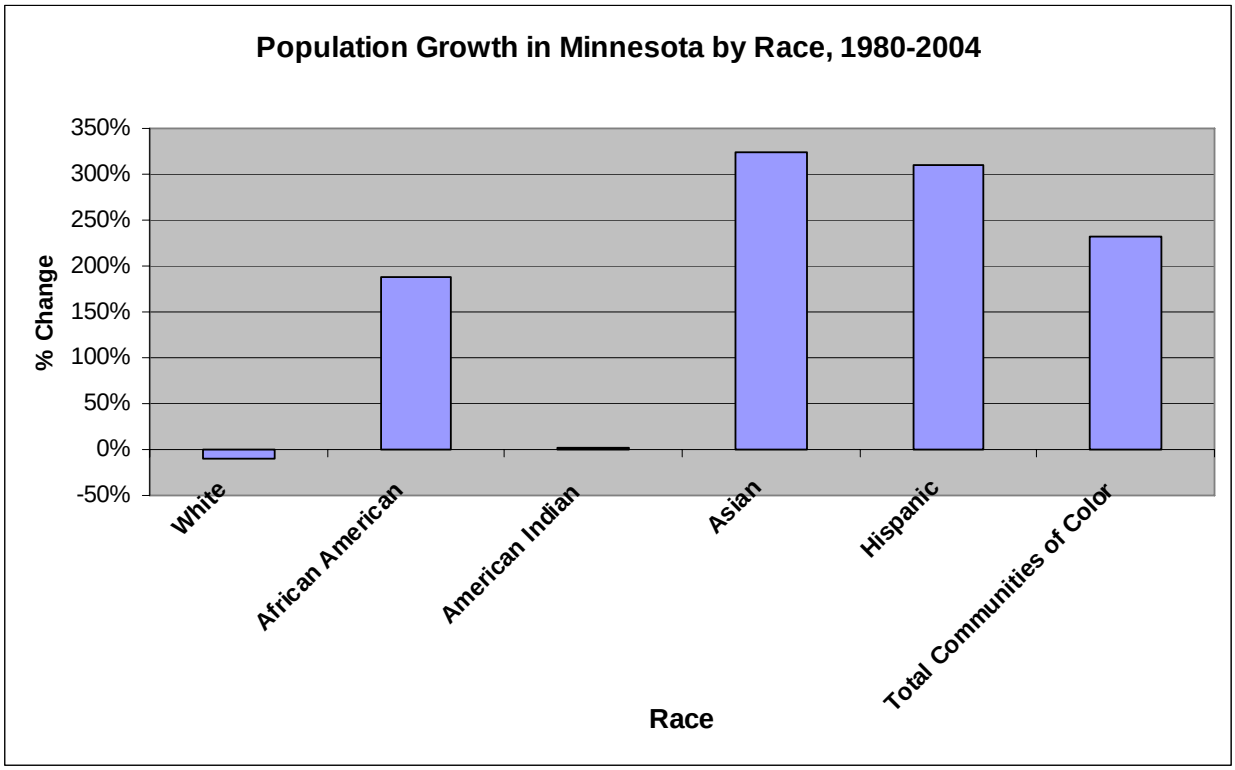


Table 5: Youth Population Growth

Source: Census Data

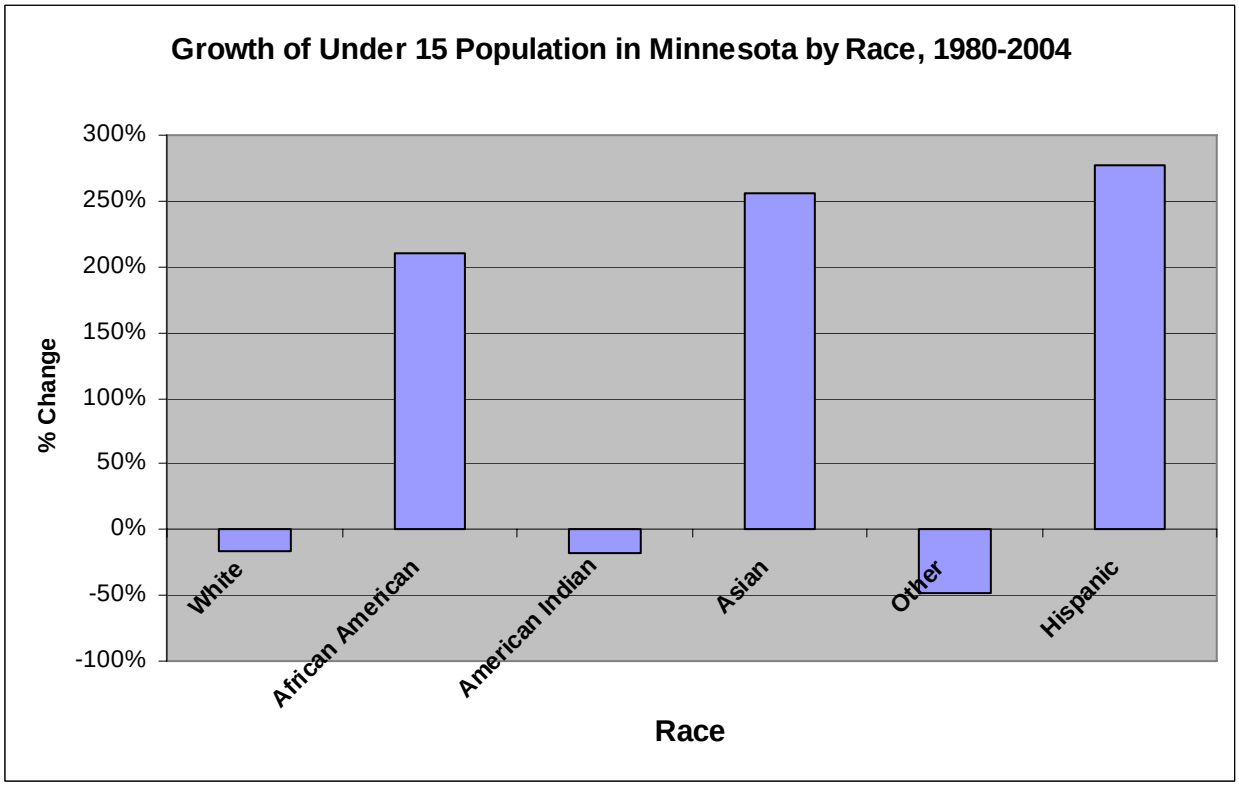


Table 6: Poverty Rates
Source: Census Data

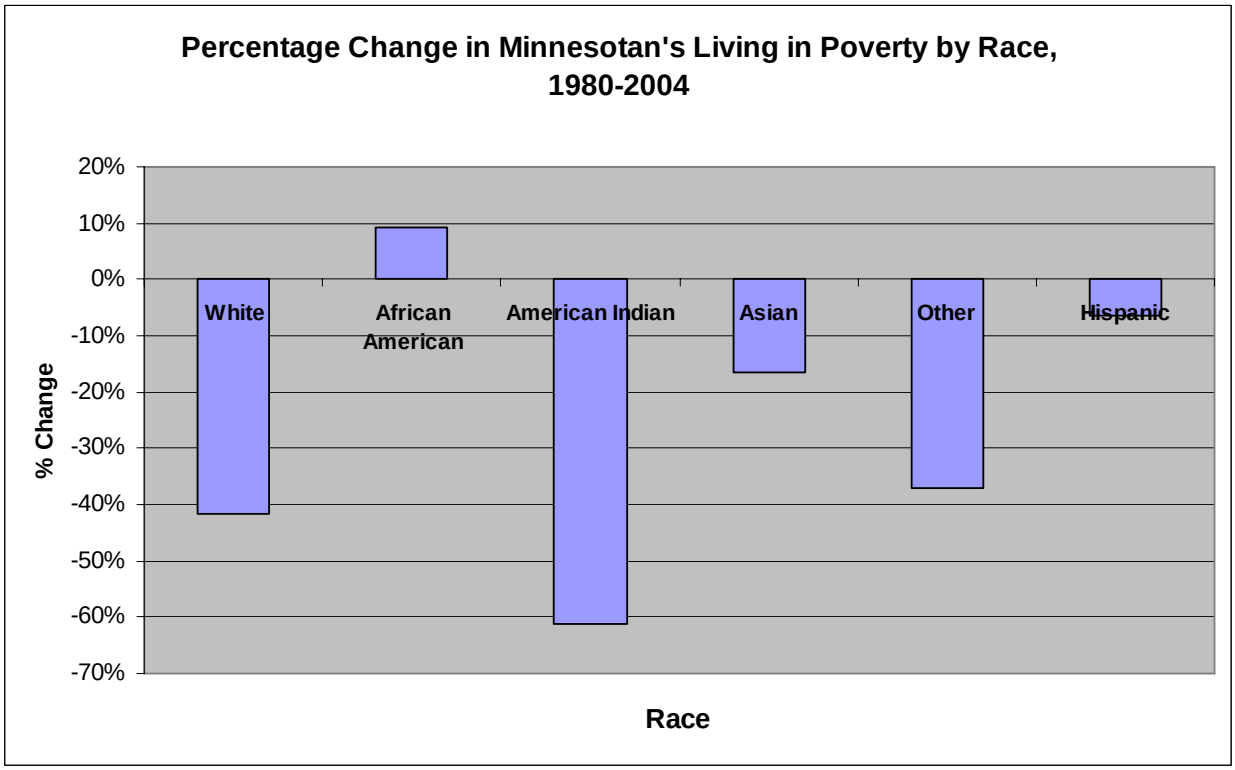


Table 7: Income
Source: Census Data

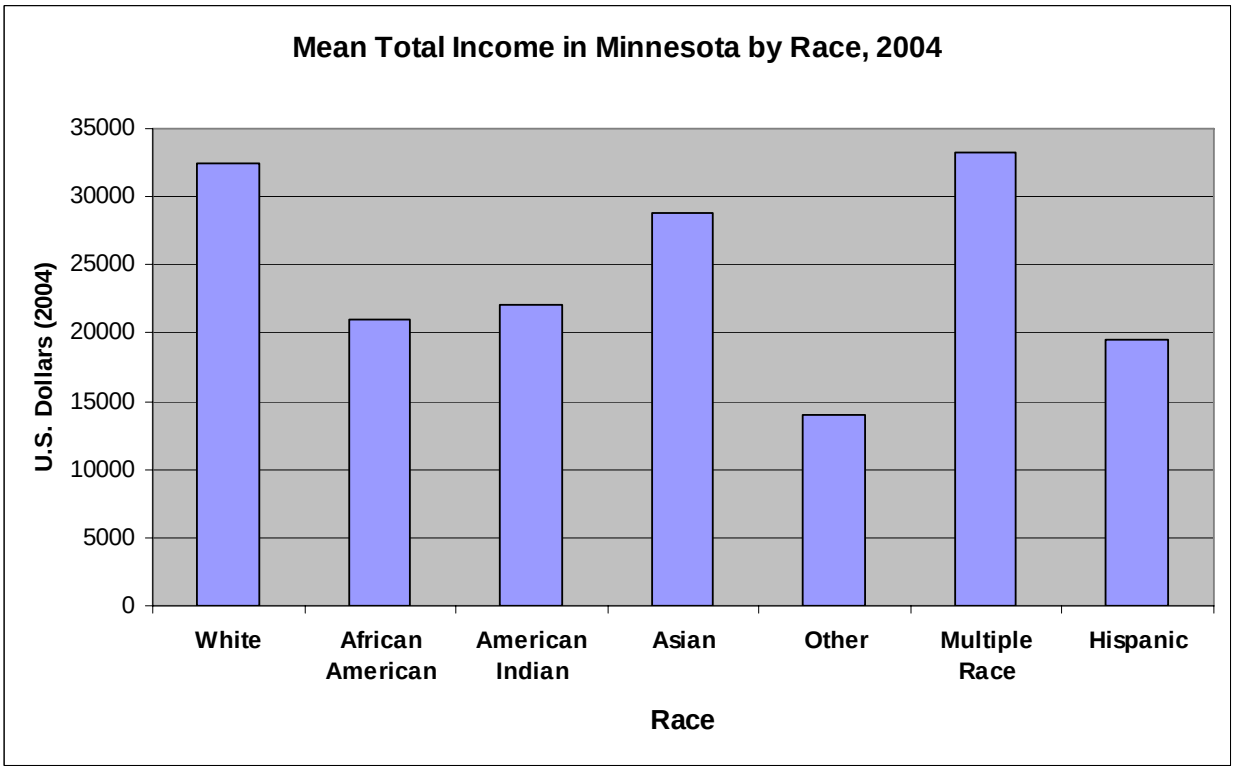
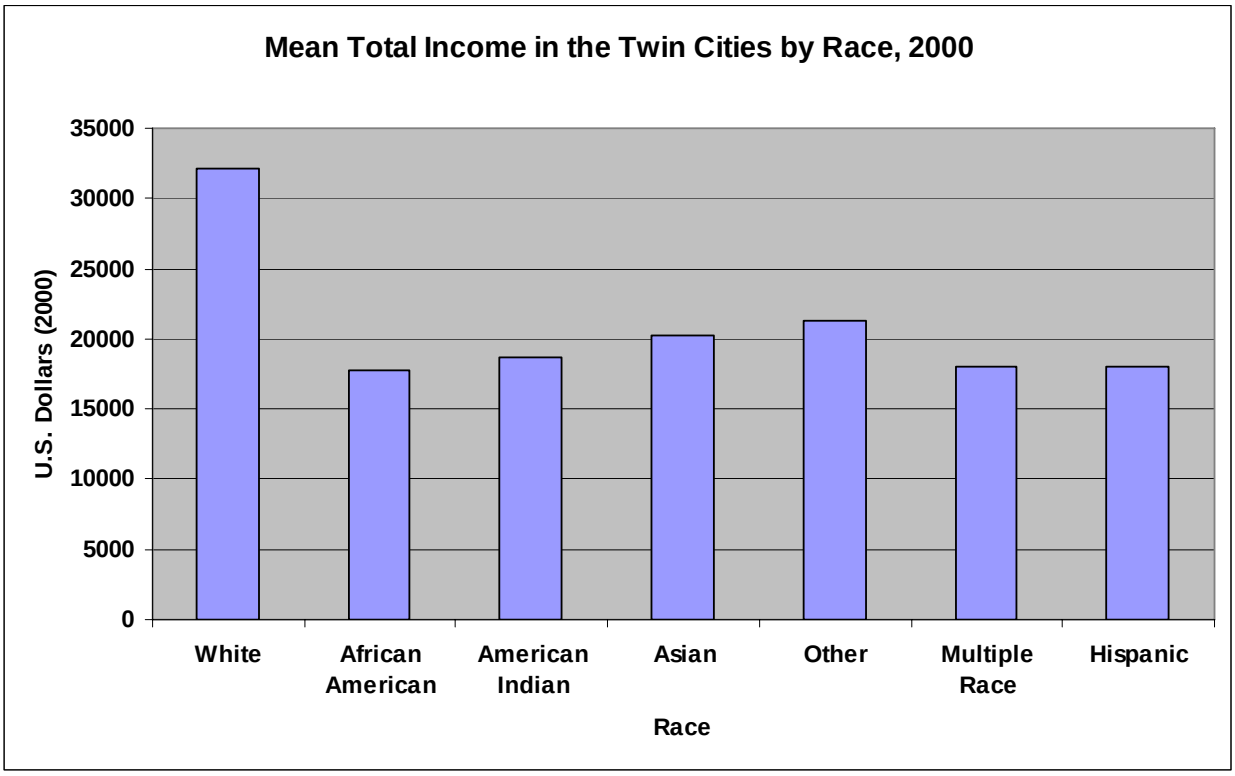


Table 8: Twin Cities Income

Source: Census Data