

Disability Justice Network of Minnesota

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MN Sentencing Guidelines Commission
658 Cedar Street, Suite G-58
Saint Paul, MN 55155

Chair Mitchell and members of the Minnesota Sentencing Guidelines Commission,

I apologize that I was unable to attend yesterday's meeting due to another obligation that ran longer than expected and technical difficulties but I am writing to weigh in on the proposed changes to the Sentencing guidelines, in particular I write to address the effects of House file 1082 which would amend the guidelines to include a disability impact statement as a piece of the pre-sentence investigation.

In 2016, the Movement for Black Lives (the "Movement") released a groundbreaking policy platform outlining the Movement's idea of what is required to build a more just world for "all black people. The six-point platform, which was supported or endorsed by more than fifty organizations from across the country, stated, in part:

"We believe in elevating the experiences and leadership of the most marginalized Black people... We are intentional about amplifying the particular experience of state and gendered violence that Black queer, trans, gender nonconforming, women and intersex people face. There can be no liberation for all Black people if we do not center and fight for those who have been marginalized. It is our hope that by working together to create and amplify a shared agenda, we can continue to move towards a world in which the full humanity and dignity of all people is recognized."

I would encourage you to recognize what is missing in this statement and its people with disabilities, who continue to face a disparate impact from our criminal justice system many of us who live at the intersection of disability and also being a racial minority.

*Children with disabilities enter the juvenile legal system at 5-6 times the rate of youth who do not have disabilities, with 65% of boys and 75% of girls in juvenile detention having at least one mental health diagnosis, and up to 85% of children in juvenile detention having at least one disability.

*55% of male state prisoners and 73% of female state prisoners have a mental health condition, with just 1 in 3 state prisoners and 1 in 6 jail inmates receiving treatment for their illness since being admitted.

*According to the Bureau of Justice Statistics, an estimated 32% of individuals in Federal prison is a qualified individual with a disability within the meaning of the American with Disabilities Act of 1990

*Individuals on the Autism spectrum are 7 percent more likely to be charged with a crime without having any criminal intent.

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*Children with Fetal alcohol syndrome continue to be disproportionately impacted by our juvenile justice system.

*Data from MPD shows that they use force against Black people with disabilities 7 times more than they do white folks with disabilities.

Disability in general is misunderstood by most of the general public, in regards to Autism. Autistics of color are targeted at a significantly higher rate than white autistics. Researchers from the University of Michigan have shown that White autistics are perceived as mentally ill and in need of medical attention, while autistics of color are deemed as threatening or chemically dependent. Autism is none of the above. It is not a mental illness, it is a neurodevelopmental disorder and we need to understand this fact.

As you can see, there are significant disparities that exist at the intersection of race and disability, particularly in the black community. I have spent the past few years, utilizing my capacity as the leader of the Disability Justice Network to advocate for policy initiatives that address these dismal statistics

If we truly want to address these disparities then we need to end the isolation of persons with disabilities that makes them vulnerable to abuse in the first place and so often that isolation is prison. Violence proliferates behind closed doors.

Our current legal system does little to protect people with disabilities from abuse, and wastes public funds on a system that disproportionately punishes Black and Latino communities, and the disabled individuals within those communities. Truly meaningful change can't be achieved with punitive measures such as longer prison terms, even if imposing them might feel momentarily cathartic. Real change takes time, planning, effort, and courage.

The efforts to develop a disability impact statement and including diagnoses of Autism spectrum Disorder, Fetal Alcohol Spectrum Disorders and Brain Injuries as mitigating factors in a pre-sentence investigation are a courageous step in the right direction that invites and includes the voices of those most impacted and we encourage the passage of House File 1082.

Thank you



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