

Racial Impact Statement Refinements

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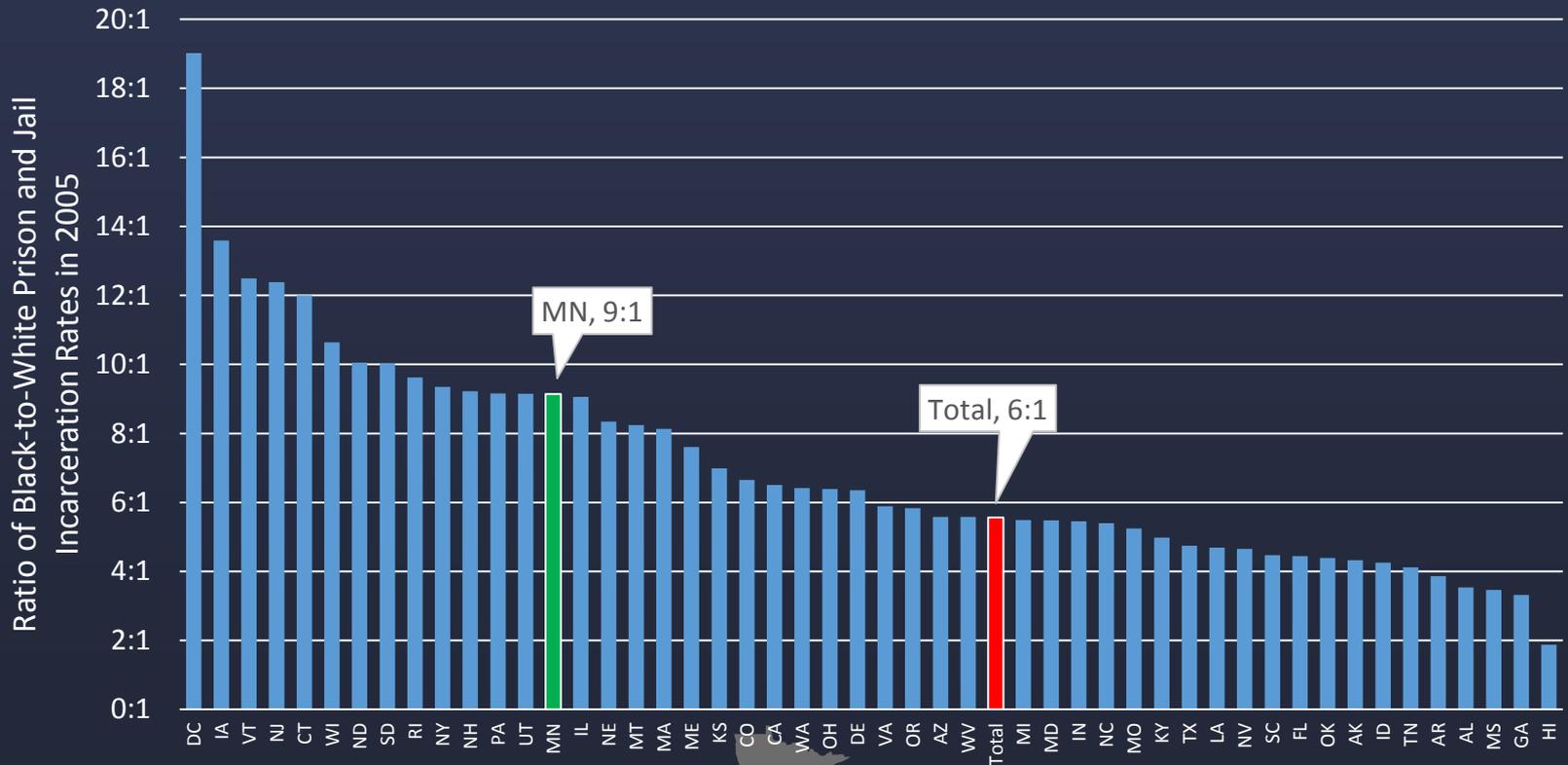
SENTENCING GUIDELINES COMMISSION

Diagnosing Disparity

- Some studies have used a tool called the “black-to-white ratio” as a measure of racial disparity.
- “Black-to-white ratio”: The ratio of the black incarceration rate to the white incarceration rate.



2007 Study of Black-to-White Ratio



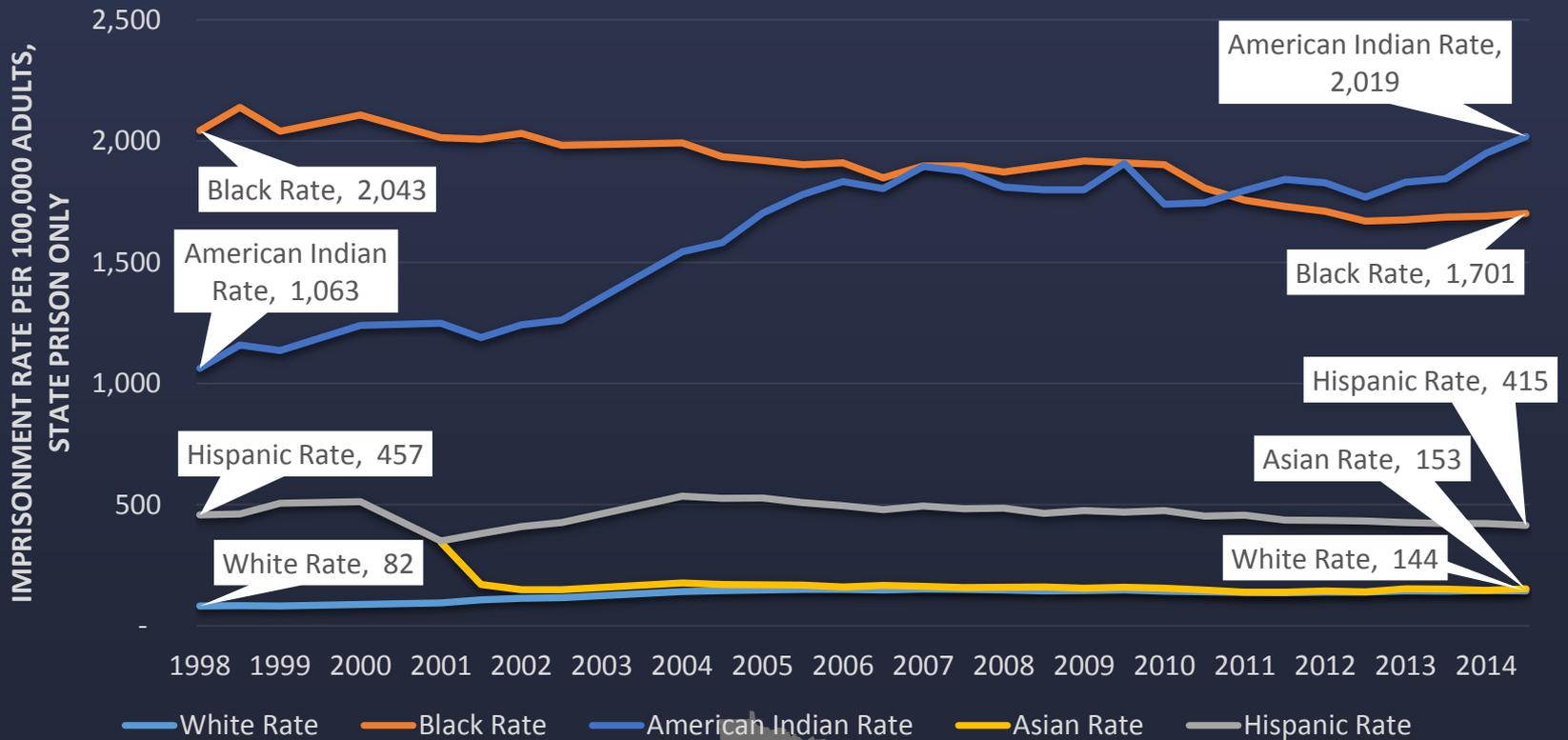
Credit: The Sentencing Project
 Data: Bureau of Justice Statistics

Minnesota Imprisonment Rate Ratios to White Rate, 1998-2015



Data: Minn. Dep't of Corrections offender profile cards; 1990-2010 U.S. Census data & post-2010 estimates for pop. 18 years and over. Intercensal data linearly interpolated. No extrapolation after 7/1/13 pop. estimate.

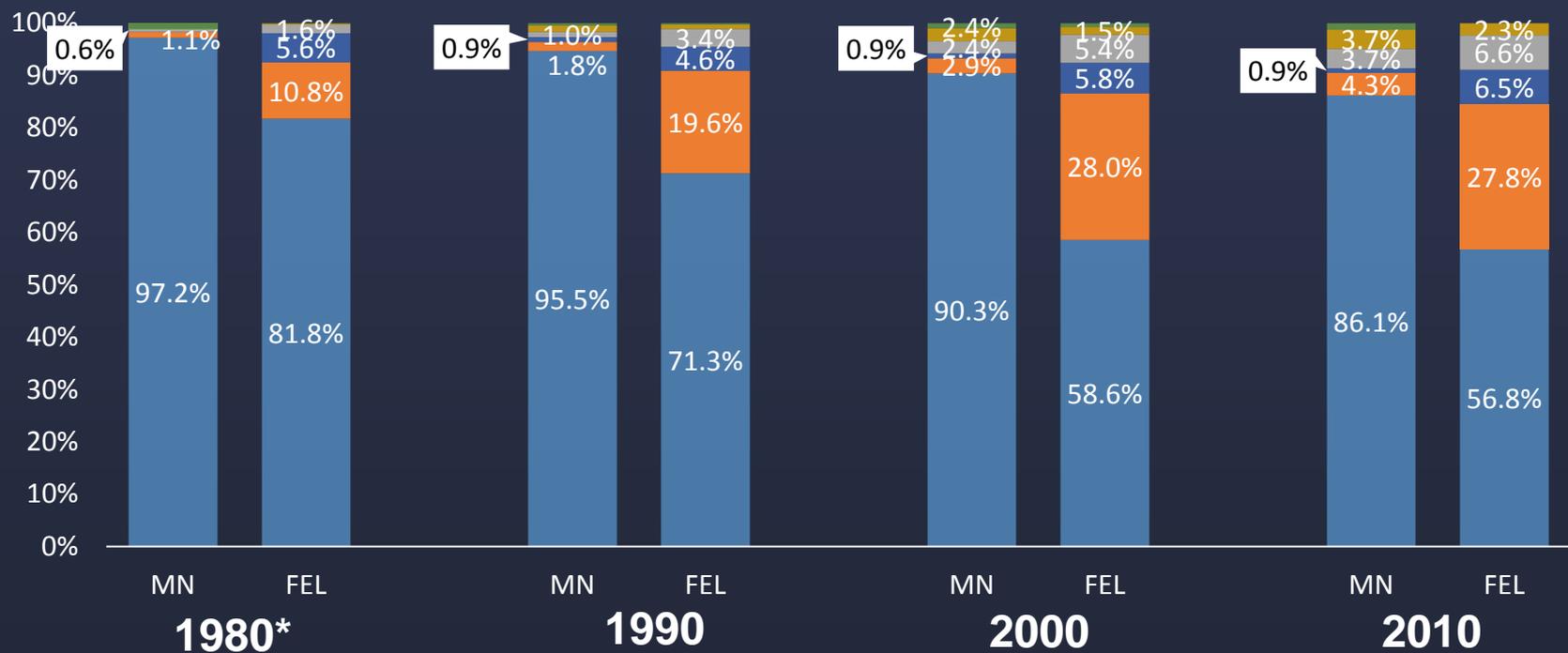
Minnesota Imprisonment Rates by Race & Ethnicity, 1998-2015



Data: Minn. Dep't of Corrections offender profile cards; 1990-2010 U.S. Census data & post-2010 estimates for pop. 18 years and over. Intercensal data linearly interpolated. No extrapolation after 7/1/13 pop. estimate.

Racial Composition of Felony Population

MINN. ADULT & FELONY OFFENDER POPULATIONS IN CENSUS YEARS



■ White ■ Black ■ Am. Indian ■ Hispanic ■ Asian ■ Other

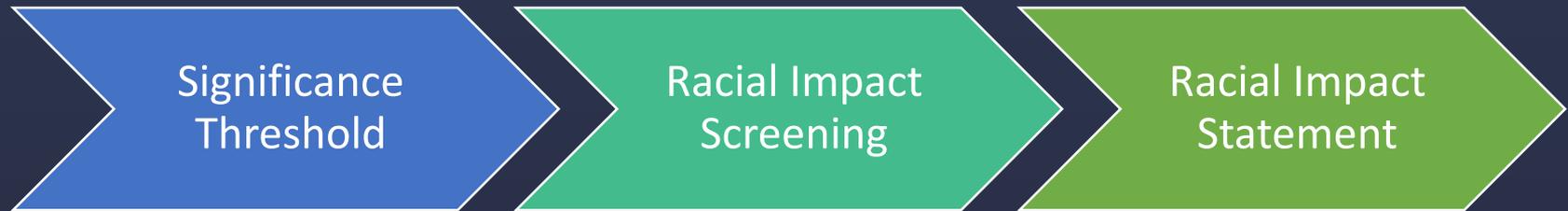
*In 1980, the census information for people 18 years of age and older was broken into three racial categories: white, black, and Hispanic. The "other" block at the top indicates people who were not in one of these three racial categories.

Racial Impact Statement Purpose

- Identify proposed legislation that exacerbates or alleviates existing racial and ethnic disparities in criminal justice system
- Provide policymakers with an opportunity to reevaluate policy proposals and reformulate them in a manner that minimizes disparate impact



Racial Impact Statement Process



- *Will policies in the bill increase and/or decrease—*
 - *felons by ≥ 50 ?*
 - *prison beds by ≥ 10 ?*

- *Will the policies that increase felons/prisoners exacerbate racial disparity?*
- *Will the policies that decrease felons/prisoners alleviate racial disparity?*

- A discussion of racial disparity, and those policies that exacerbate and/or alleviate it.
- Only prepared when bills meet threshold and screening criteria.

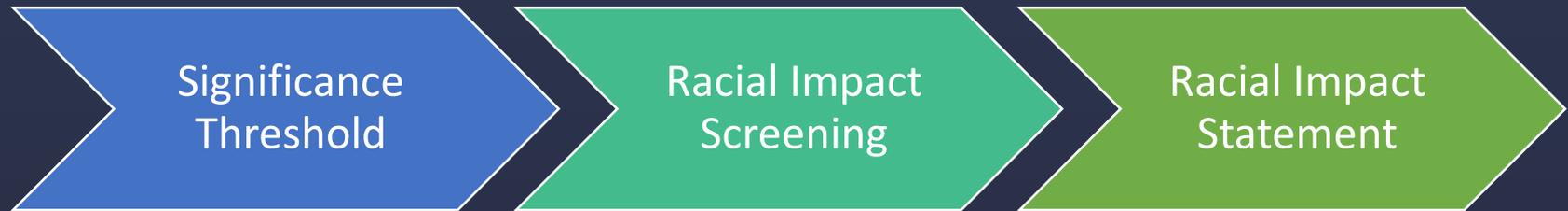


Why the Significance Threshold?

- If bill does not have a high degree of overall criminal significance, it will not have a high degree of racial impact.
- It is more difficult to make precise and meaningful racial population estimates for smaller population changes.
- The threshold allows the agency to conduct racial impact statements without additional staffing.



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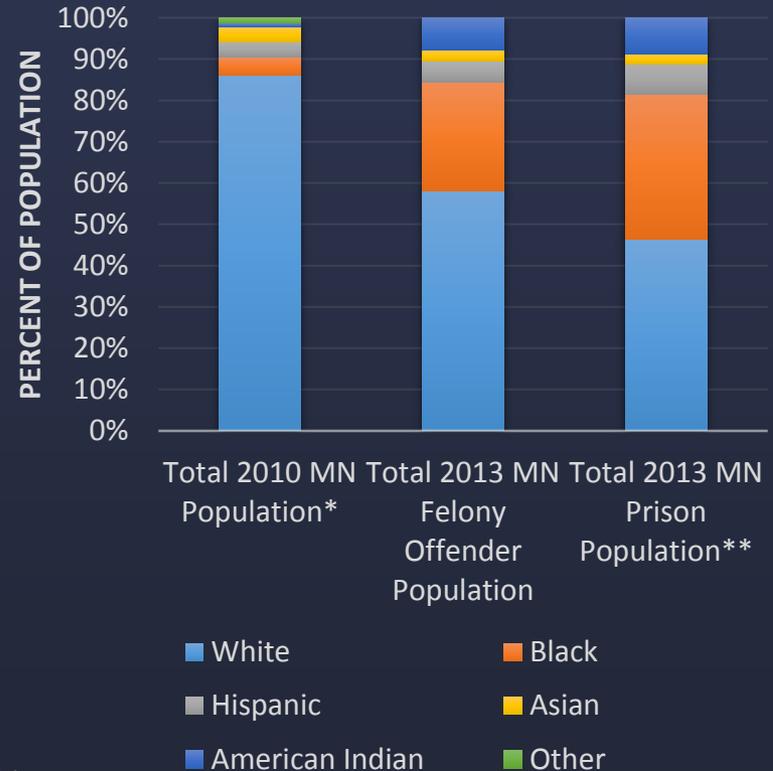
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Disparity

- Two types of disparity—
 - Overrepresentation in annual felon population vs. census population
 - Overrepresentation in prison population vs. census population
- Focus: policies that exacerbate or alleviate disparities in 3 currently disparate groups

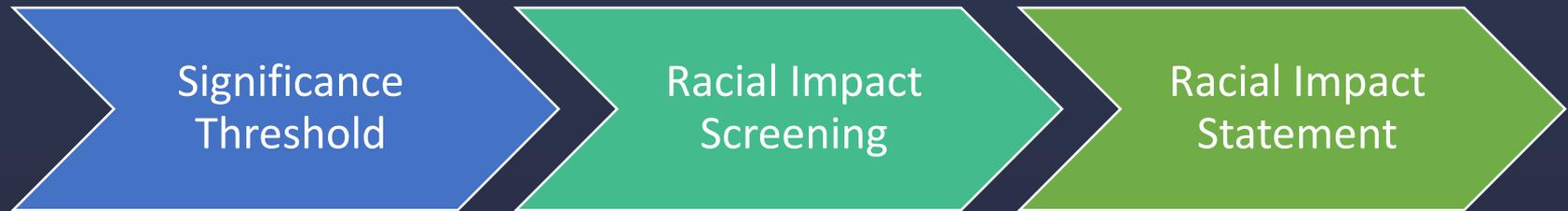


Why Not Show All Racial Changes?

- Many bills that affect felon/prisoner populations will also affect racial groups in some way.
- It is not helpful to highlight racial impact of bills that neither exacerbate nor alleviate racial disparity problem.
- Examples: Are these good things or bad things?
 - A bill increases new Hispanic prisoners, but the new prison beds are 5% Hispanic-occupied—less than current 7% prison rate.
 - A bill reduces the number of black felons, but it reduces the number of white felons at an even greater rate. After bill is enacted, percentage of felons who are black will grow slightly.



Racial Impact Statement Process



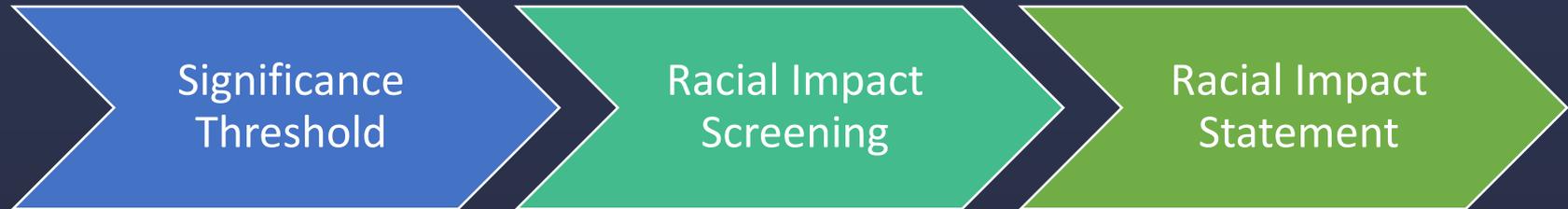
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What if a Bill has Mixed Effects?



- *What if some policies increase felons/beds, and some decrease?*
- If either increases or decreases are significant—even if they cancel out—the bill is significant.

- *What if some policies exacerbate disparity, and some alleviate it?*
- Any policy that exacerbates or alleviates disparity—even if offset—will trigger a Statement.

- A Statement will comment *both* on a bill's felon/bed-increasing policies' tendency to exacerbate disparity *and* its felon/bed-decreasing policies' tendency to alleviate disparity.

