Racial Impact Statement Refinements

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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

- Black Ratio, 25:1
- American Indian Ratio, 13:1
- Hispanic Ratio, 6:1
- Hispanic Ratio, 3:1
- Asian Ratio, 1:1
- White Ratio (1:1)

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

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</thead>
<tbody>
<tr>
<td>White</td>
<td>97.2%</td>
<td>95.5%</td>
<td>71.3%</td>
<td>58.6%</td>
<td>86.1%</td>
<td>56.8%</td>
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</tr>
<tr>
<td>Black</td>
<td>1.6%</td>
<td>1.0%</td>
<td>1.8%</td>
<td>2.4%</td>
<td>1.5%</td>
<td>3.7%</td>
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<tr>
<td>Am. Indian</td>
<td>0.9%</td>
<td>3.4%</td>
<td>19.6%</td>
<td>28.0%</td>
<td>27.8%</td>
<td>2.3%</td>
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<td></td>
</tr>
<tr>
<td>Hispanic</td>
<td>0.6%</td>
<td>0.9%</td>
<td>0.9%</td>
<td>2.4%</td>
<td>0.9%</td>
<td>4.3%</td>
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</tr>
<tr>
<td>Asian</td>
<td>0.9%</td>
<td>0.6%</td>
<td>0.9%</td>
<td>2.4%</td>
<td>0.6%</td>
<td>6.5%</td>
<td></td>
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</tr>
<tr>
<td>Other</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
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*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

Significance Threshold

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

Racial Impact Screening

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

Racial Impact Statement

• 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.
Racial Impact Statement Process

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

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

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

Significance Threshold

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Racial Impact Screening

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Racial Impact Statement

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What if a Bill has Mixed Effects?

Significance Threshold

- 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.

Racial Impact Screening

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

Racial Impact 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.