

Proposed Key Findings and Recommendations

Proposed Key Findings:

- The racial disparity in the justice system originates predominantly at “the first point of contact” with law enforcement. While racial disparity may widen subsequent to arrest, this change is not significant when compared to the disparity that occurs at arrest. African Americans accounted for 72.3% of low level offense arrests, although there is little evidence that this is due to differential rates of involvement in criminal activities.¹
- Populations of color are disproportionately likely to encounter the justice system as a result of the extensive policing of geographic “hot spots” (e.g. CODEFOR), school referral practices, and current policies for dealing with drug offenders. For instance, youth of color now make up nearly 80% of the juveniles appearing in Hennepin County Court with 25% of those case referred from schools (not including truancy violations).
- The existence of a criminal record creates a long-lasting barrier to employment and housing, and consequently serves as a significant contributor to the commission of new crimes by ex-offenders.
- The present process for transitioning offenders from prison does not meet their immediate needs (including healthcare, employment, and housing); thereby undermining both public safety and public health.
- A positive relationship between an ex-offender and his/her family is a key contributing factor to successful re-entry from prison to community.
- Children of incarcerated parents, who are predominantly youth of color, often face adverse social, economic, and psychological effects which are left largely unaddressed.
- People of color who live in high crimes 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.
- There is a lack of consistent, effective dialogue between the justice system and communities of color. This is fundamentally necessary to address the racial disparity in the justice system and enhance public safety within these communities.

¹ The offenses documented in the CCJ study, “Low-Level Offenses in Minneapolis: An Analysis of Arrests and their Outcomes”, included: Driving after Revocation, Driving after Cancellation, No Valid Driver’s License, Disorderly Conduct, Loitering with Intent to Commit Prostitution, Loitering with Intent to Sell Narcotics, and Lurking with the Intent to Commit a Crime. The low-level offenses were chosen by community members based on reported disparities in bookings and average length of stay in jail following booking.

Proposed Recommendations:

Recommendation 1: Enhance public safety by utilizing location-specific, multi-prong strategies to address low-level offenses thereby reducing the ineffective over-reliance on the justice system. (Justice Practices Related)

Action Step 1A: Develop a community based problem-solving response to low-level offenses at identified “hot spots” that (i) gathers information from neighborhood residents, (ii) creates avenues of communication between neighborhood representatives and law enforcement, and (iii) selects a community-appropriate strategy that addresses the underlying problem that created the “hot spot.” Unless substantial and sustainable relationships are fostered between communities of color and law enforcement, the underlying problems creating racial disparity will persist.

Action Step 1B: Focusing on schools with high minority enrollment, provide a school and/or community based intervention for school “disorderly conduct” cases which, under current practices, are often referred for prosecution.

Action Step 1C: 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 serious and violent crimes. This means the elimination of the current “Tab Charge” process that allows the police to bring cases directly into court.

Recommendation 2: Enhance public safety by increasing the employment opportunities for persons with a criminal record. (Employment Related)

Action Step 2A: 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.

Action Step 2B: 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.

Action Step 2C: Governmental bodies should adopt a hiring process that assures compliance with the state prohibition of discriminating against job applicants with a criminal record. This process should apply to companies that provide services under contract with the government.

Recommendation 3: Enhance public safety by helping children of incarcerated parents, their caretakers and the offender establish a network of social support. (Family Related)

Action Step 3A: 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.

Action Step 3B: Create a network of support groups for ex-offenders without a supportive family structure.