

## **Progress Report**

# **RACE BIAS TASK FORCE: IMPLEMENTATION OF 1993 REPORT RECOMMENDATIONS**

December 1999

State Court Administrator's Office  
Court Services Division  
120 Judicial Center  
25 Constitution Avenue  
St. Paul, MN 55155

## I. BACKGROUND

On June 10, 1993, the Minnesota Supreme Court Task Force on Racial Bias in the Courts released its report. On the same day, by court order, the Implementation Committee on Multicultural Diversity and Racial Fairness in the Courts was established to put into action the Racial Bias Task Force recommendations. Local implementation teams were also established, by Supreme Court Order, in all judicial districts to assist in the implementation efforts. Since its inception by the Supreme Court, the Implementation Committee has made significant progress in its mandate.

## RECOMMENDATION BREAKDOWN

The Implementation Committee has made steady progress towards addressing many of the issues that were identified in the Racial Bias Report. There were 144 recommendations in the original report, of which 10 were sub-recommendations. The Implementation Committee has implemented 94 of the recommendations outright. There were 40 recommendations that were made specifically to other agencies, departments, or organizations, over which the Supreme Court has no authority. Nonetheless, the Implementation Committee is working with these entities to help implement the recommendations. The Implementation Committee has made progress in several categories, including administration, court process, court interpreters, and police relations.

## II. ACTIVITIES

### III. ADMINISTRATION

#### 1. TRAINING

One of the cornerstones of the activity of the Implementation Committee is training. The following is a list of training that has been offered to-date:

- Judges and court personnel in all ten judicial districts have received diversity training.
- Judges in all ten judicial districts have received training on Batson challenges to jurors.
- Judges in three of the judicial districts, (1,9,10), have received training on the Indian Child Welfare Act.
- Prosecutors and Public Defenders, through the Bemidji Trial School, have received training on the issue of race influencing plea negotiations.
- Training for attorneys of color on the "process" of becoming judges was conducted. The training was designed to take the mystery out of the appointment and election processes and explore the ways in which one can enter and serve in the judiciary. More than 18 judges of color participated as faculty or mentor-judges.
- Training was provided to users of court interpreter services, including judges, attorneys, and court administration personnel. To this end, presentations have been made at workshops, judiciary bench meetings,

and district court administrator meetings. These presentations focus on the role of the interpreter and, more specifically, on the differences in the skills between a bilingual individual and a court interpreter.

## 2. COURT PROCESS

The following is a list of Implementation Committee activities in the area of court process:

- All judicial districts have adopted a plan either identical or similar, to the Hennepin County point scale model for pretrial release and bail evaluation consideration.
- All judicial districts now monitor the racial composition of jury pools within their districts.
- The State Court Administrator's Office has completed a detailed examination of the representativeness and inclusiveness of petit jury pools.
- The Supreme Court authorized Hennepin and Ramsey Counties to adopt new jury selection procedures that will guarantee minority representation on grand juries.
- The Minnesota Sentencing Guidelines Commission provided an in-depth analysis, *1994 Sentencing Practices by Race*, to State Court Administration.
- The Committee is working with the Board of Law Examiners and local law school deans to identify the causes of disproportionate passage rates and promote solutions. Review of bar passage rates by race is being investigated along with a proposal from the Board to increase the Bar Passage score.
- The Implementation Committee supported the findings of the Juvenile Programming Task Force and its recommendation of increased juvenile programming dollars which would include programming for juveniles of color; and supporting the Public defender's Office in increasing funding to handle its growing caseload.
- Three goals have been established to address the issue of culturally specific programming for juvenile placement:
  - > Increase the court systems' knowledge and awareness of culturally specific programs for juveniles and identify programs that are successful;
  - > Determine if the needs of juveniles of color are being met; and
  - > Present findings to the legislature regarding program and funding needs.

### 3. COURT INTERPRETERS

In May 1993, the Race Bias Task Force recommended that the Minnesota Supreme Court establish a State Board for Interpretive Services to propose standards and procedures for the training, professional conduct, certification, qualification, testing, and adequate compensation of certified interpreters. It also recommended that the Supreme Court adopt canons of ethics binding upon all people who interpret or translate in or for the courts.

In response, the Implementation Committee requested and received funds from the 1994 Legislature and the Minnesota Supreme Court established the Court Interpreter Advisory Committee. The Committee is responsible for the following:

- Development of a *Best Practices Manual on Interpreters*.
- Designing a Court Interpreter Training and Certification Program;
- Maintain a Statewide Roster of court interpreters
- The Supreme Court adopting Rules on Certification of Interpreters, September 1996. Pursuant to the rules the Interpreter must establish the following:
  - > Be at least 18 years of age
  - > Of good character and fitness;
  - > Included on the Statewide Roster;
  - > Has passed a legal interpreting proficiency examination; and
  - > Has passed a written ethics examination.
- The Supreme Court adopting rules, requiring courts to appoint only certified interpreters, in those languages for which proficiency exams have been conducted.
- Establish a code of professional responsibility for court interpreters;
- Provide for the continuing education of Certified Interpreters; and
- Ensure availability, recruitment, and orientation of court interpreters.

On January 23, 1997, at a special ceremony, 19 individuals took the Minnesota Court Interpreter oath to become Minnesota's first certified court interpreters. Of the 19 court interpreters, 17 are certified in Spanish and two are certified in Russian. The ceremony marked a significant step forward in the Court Interpreter Advisory Committee's efforts to provide access to the legal justice system for people with communication barriers.

### 4. POLICE COMMUNITY RELATIONS

The Race Bias Task Force recommended that efforts be undertaken to develop a long-term relationship between the minority communities and representatives of law enforcement agencies to reduce the tension and mistrust that exists between the two groups. There have

been several encouraging initiatives undertaken in law enforcement communities to address these tensions. Below are a few of these efforts:

- In 1996, a Community/Law Enforcement Relations Steering Committee was formed to explore establishing a Community/Law Enforcement Relations Commission. The consensus of the steering committee members was to continue to explore the concept and continue to meet in the future.
- The steering committee has 29 members who are from all sides of the equation. They all have a strong commitment to improving law enforcement/community relations and have networks that could be used to generate support for the idea.
- The Community/Law Enforcement Relations Steering Committee is currently functioning in two working subcommittees: an Issues subcommittee and an Implementation subcommittee.
  - The Implementation subcommittee is preparing an action plan for the implementation of proposals that were generated by the full Steering Committee.
  - The Issues subcommittee is examining a broader range of issues affecting police-community relations. The goal of this subcommittee is to generate ideas that can be refined into specific proposals. One aspect is the implementation of mediation sessions between members of the community and law enforcement agencies.
- Both working subcommittees are exploring ways to include community input at the formative stages of their work.

On March 1, 1996, the Board of Peace Officers Standard and Training (POST) released a model policy regarding the professional conduct of peace officers. This policy was developed in response to a 1995 legislative mandate based on the Task Force recommendations, directing the development of a model policy and subsequent establishment by each chief law enforcement officer in the state of a written policy defining unprofessional conduct and governing the investigation and disposition of these cases. Highlights from the model policy include:

- Peace officers shall refrain from any conduct in an official capacity that detracts from the public's faith in the integrity of the criminal justice system.
- Peace officers shall perform their duties and apply the law impartially and without prejudice or discrimination.
- Peace officers shall not, whether on or off duty, exhibit any conduct

that discredits themselves or their department or otherwise impairs their ability or that of other officers or the department to provide law enforcement services to the community.

#### **IV. EMPLOYMENT**

Human Resource personnel throughout the judicial system have received training on hiring, promoting, and retaining a diverse work staff.

#### **V. DATA ANALYSIS AND COLLECTION**

The Implementation Committee is in the process of developing a data collection system that will track and record race data within the criminal justice information system. A work plan has been developed and the project is proceeding along two tracks: court data collection and law enforcement data collection.

- The Race Data Collection Workgroup is responsible for developing and implementing protocols and business practices to facilitate the collection of this information within the courts. They will make a recommendation to the full committee in March 2000.
- The Implementation Committee is working in a cooperative effort with the Commissioner of Public Safety to facilitate the collection of race data.

#### **VI. CONCLUSION**

The Implementation Committee on Multicultural Diversity and Racial Fairness in the Courts has made substantial progress during its four years of existence toward fulfilling its mandate to implement the Race Bias Task Force recommendations. The Implementation Committee meets on bi-monthly basis and will accomplish its goals through four committees including:

- Information Policy and Data Collection subcommittee, chaired by State Court Administrator Sue Dosal;
- Diversity in the System subcommittee, chaired by Judge George Perez;
- Cultural Specific Programming subcommittee, chaired by Representative Andy Dawkins;
- District Training subcommittee, chaired by Judge Lynn C. Olson.

The following is a brief description of the priorities for the subcommittees for the up-coming year:

##### **A. INFORMATION POLICY AND DATA COLLECTION SUBCOMMITTEE**

An essential charge of the Racial Bias Task Force is to investigate whether race affects arrests, detention on probable cause, charging offenses, bail, plea negotiations, jury

selection, sentencing, and other related issues. The Task Force recognized that accurate information on race and ethnicity of individuals is needed for determining whether disparate treatment of individuals exists within the criminal justice system. The Task Force also recognizes the importance of collecting data on race and ethnicity in the development and evaluation of programs for individuals within the criminal justice system. However the Task Force's effort was hampered because many counties and court related agencies do not keep accurate and complete information by race and ethnicity. Accordingly, several recommendations in the Racial Bias Report called for the uniform collection of data on race and ethnicity throughout the criminal and juvenile justice system.

Over the next year, the Information Policy and Data Collection subcommittee will assist in efforts in developing and implementing recommendations regarding the collection of data on race and ethnicity within criminal justice information systems. The Subcommittee will start to analyze the effectiveness of current data collection efforts and will start to document whether there are problems of access to the courts for persons of color.

#### **B. CULTURAL SPECIFIC PROGRAMMING SUBCOMMITTEE**

The primary focus of this subcommittee will be to generate a working definition of "culturally specific programming" to insure that juveniles of color are receiving appropriate services. The committee established three goals:

- To increase the court system's knowledge and awareness of culturally specific programs for juveniles and identify programs that are successful;
- Determine if the needs of juveniles of color are being met; and
- Present findings to the legislature regarding program and funding needs.

The commissioners of corrections and human services shall study issues involving providing culturally appropriate screening, assessment, case management, and direct services to juveniles in juvenile court and to identify a set of best practices in these areas. The commissioners shall report to the legislature by January 15, 2001.

#### **C. DIVERSITY IN THE SYSTEM SUBCOMMITTEE**

A major undertaking of the Implementation Committee this year is to improve the diversity within the judicial system. The purpose of this Subcommittee is to present, discuss and develop strategies to enhance diversity within the judicial system. The goals include:

- Development of a court web page or hotline for job applicants.
- Review hiring criteria of Supreme Court, Court of Appeals and District Court.
- Assessment of the number of persons of color as guardian ad litem volunteers and increased recruitment and training of persons of color for these positions.
- Oversight of a Law Enforcement/Community Relations Steering committee.

**D. DISTRICT TRAINING SUBCOMMITTEE**

The charge of this Subcommittee is two-fold; The primary role of the Subcommittee is to assess what training has been provided to justice system employees and what are the gaps in that training. The Subcommittee also will attempt to determine the effectiveness of this training.

In addition, each Judicial District has a "diversity" committee to oversee local multicultural diversity implementation. Roundtable meetings with the chairs of each district committee have been promoted to share ideas, resolve issues unique to a specific district, and communicate ideas throughout the state. Attached, in Addendum A, are accomplishments made through the efforts of the local District Implementation teams.