

## Progress Report

# MINNESOTA SUPREME COURT RACE BIAS TASK FORCE: IMPLEMENTATION OF 1993 REPORT RECOMMENDATIONS

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## **I. BACKGROUND**

The Minnesota Supreme Court Task Force on Racial Bias in the Courts (“Race Bias Task Force”) released its report on June 10, 1993. On the same day, by court order, the Implementation Committee on Multicultural Diversity and Racial Fairness in the Courts (“Implementation Committee”) was established to put the report recommendations into action. The Supreme Court also established local implementation committees to assist in these efforts.

This report provides both a summary of recent activities of the Implementation Committee. The Implementation Committee has made significant progress towards its mandate to implement the Race Bias Task Force recommendations and to monitor effectiveness of approved reform measures.

## **II. RECENT ACTIVITIES**

### **A. RACE DATA COLLECTION**

Every court in Minnesota currently collects self-reported race data at the first court appearance in traffic, criminal, and juvenile cases<sup>1</sup>. Although no one is required to provide race data, the refusal rate is very low statewide.

The data collected in 2002 provided the first yearlong look at race in the courts. The Implementation Committee reviews the race data collected and highlights areas of racial disparities for further research. Implementation Committee staff has begun working with local courts to understand the practices behind the race data statistics. Overall, the race data helps to inform the ongoing dialog on how to improve racial fairness in Minnesota courts.

### **B. COMMUNITY FORUMS**

The Implementation Committee organized a series of community forums around the state to get input from people of color about how to improve the court system. The forums included panels of representatives from the courts, law enforcement, county attorneys, public defenders and

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<sup>1</sup> Appendix A provides a sample of the race data form used in traffic, criminal and delinquency cases. Appendix B provides the form used in child protection cases, where there can be multiple children on the petition. It is important to note that Hennepin County (the most populous county in the state) does not have criminal defendants complete a race data form, but rather asks the defendant to provide the race data through oral inquiry on the record. At the first appearance, the court clerk reads the following statement to the defendant:

To ensure that all people are treated fairly in the courts, the Minnesota Supreme Court has ordered that we collect data on race and ethnicity.

- a. What race or races do you consider yourself?
- b. Do you consider yourself Hispanic?

community representatives. The events were well attended and community members expressed concerns about many aspects of the justice system, including racial profiling, inadequate access to public defenders, and racial composition of the jury pool. Community forums will continue in the upcoming year and will inform the strategic priorities of the Implementation Committee.

### **C. RESOURCES FOR LIMITED ENGLISH PROFICIENCY (LEP) PERSONS**

The Implementation Committee determined that forms distributed in criminal cases were the highest priority for translation because of the liberty interests at stake. The Statement of Rights forms and the Plea Petition form were translated into Cambodian, Hmong, Lao, Russian, Somali, Spanish and Vietnamese.

In addition, a poster was created for every courthouse in the state that notifies people of their right to an interpreter. "I Speak" cards were also provided to all court staff, letting them know what language the person speaks. Every county created an LEP plan to provide for how people who don't speak English will be accommodated in the court system.

### **D. JURIES**

At the Implementation Committee's recommendation, a new juror orientation video was created that more accurately reflects Minnesota's diversity. The video has been very well received.

All judicial districts continue to monitor the racial composition of their jury pools. Although the juror per diem was reduced from \$30 to \$20 because of budget cuts, jurors continue to receive reimbursement for daycare costs when the provision of daycare would be an additional expense.

## **III. CONCLUSION**

The Implementation Committee continues to work toward fulfilling the vision embodied in the Race Bias Task Force Report. In the upcoming year, the Implementation Committee is working to accomplish the following:

- **Juveniles** – Race data reports show some disparities related to disposition rates for juveniles. The Implementation Committee will work to understand these disparities and will recommend policy changes, if appropriate. The Implementation Committee also intends to study out of home placement for juveniles and whether there are racial disparities.

- **Law Enforcement** – The Implementation Committee will continue to work with community groups concerned about police brutality, pretext crimes and racial profiling. It is hoped that court collected race data may help to inform community discussions on these topics.
  
- **Sentencing for Drug Crimes** – The Minnesota Sentencing Guidelines Commission recently released a report on the impact of harsher drug sentences on the prison population. The Implementation Committee is interested in these findings and in working to support initiatives such as drug court to try to keep drug offenders out of prison, especially because of the high level of defendants in these cases who are people of color.

# APPENDIX A

TRAFFIC, CRIMINAL AND DELINQUENCY RACE DATA FORM

Name \_\_\_\_\_

Case/File number \_\_\_\_\_

### **RACE CENSUS FORM**

The Minnesota Courts are collecting information on all people who appear in criminal, traffic and juvenile cases. Collecting this information will help the Court ensure that everyone is treated fairly and equally, regardless of his/her race or ethnicity.

Please answer **both** questions 1 and 2 below.

#### **1. What is your race?**

Mark an **X** by one or more races to indicate what race you consider yourself to be.

\_\_\_\_\_ (I). American Indian or Alaska Native

\_\_\_\_\_ (A). Asian

\_\_\_\_\_ (B). Black or African American

\_\_\_\_\_ (H). Native Hawaiian or Other Pacific Islander

\_\_\_\_\_ (W). White

\_\_\_\_\_ (O). Other: \_\_\_\_\_

#### **2. Are you Hispanic or Latino?**

Mark the "NO" box if not Hispanic or Latino

\_\_\_\_\_ (N). **NO**, Not Hispanic or Latino

\_\_\_\_\_ (Y). **YES**, Hispanic or Latino

Have you answered **both** questions?

For definitions see the back of this form.

## Definitions:

### Race Categories: \*

**American Indian or Alaska Native:** A person having origins in any of the original peoples of North and South America (including Central America), and who maintains tribal affiliation or community attachment.

**Asian:** A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Hmong, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.

**Black or African American:** A person having origins in any of the black racial groups of Africa, for example Somalia. Terms such as “Haitian” can be used in addition to “Black or African American.”

**Native Hawaiian or Other Pacific Islander:** A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

**White:** A person having origins in any of the original peoples of Europe, the Middle East, North Africa, or Mexico.

### Ethnicity: \*

**Hispanic or Latino:** A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race. The term, “Spanish origin,” can be used in addition to “Hispanic or Latino.”

\* The United States Census Bureau has established these Race and Ethnicity categories

# APPENDIX B

CHILD PROTECTION RACE DATA FORM



Name \_\_\_\_\_

Case/File Number \_\_\_\_\_

**RACE CENSUS FORM**  
**CHIPS/TPR CASES**

The Minnesota Courts are collecting information on all people who appear in criminal, traffic and juvenile cases. Collecting this information will help the Court ensure that everyone is treated fairly, regardless of his/her race or ethnicity.

Please answer **both** questions 1 and 2 below regarding **each** child in this manner.

<p><b>1. What is the race of the child?</b></p> <p style="text-align: center;">Indicate all races you consider your child to be.</p> <p>(I) American Indian or Alaska Native          (A) Asian          (B) Black or African American          (H) Native Hawaiian or Other Pacific Islander          (W) White          (O) Other: _____</p>	<p><b>2. Is the child Hispanic or Latino?</b></p> <p style="text-align: center;">Mark the correct response regarding Hispanic or Latino</p> <p>(N) <b>NO</b>, Not Hispanic or Latino          (Y) <b>YES</b>, Hispanic or Latino</p>
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Child's Name <b>List each child.</b>	Race <b>Circle response(s)</b>	Hispanic
1.	I A B H W O*	Y / N
2.	I A B H W O*	Y / N
3.	I A B H W O*	Y / N
4.	I A B H W O*	Y / N
5.	I A B H W O*	Y / N
6.	I A B H W O*	Y / N

\*Other: \_\_\_\_\_

Have you answered **both** questions for each child?  
For definitions see the back of this form.

The information that you provide here will be compiled in a summarized form that will not identify you by name. Identifying information may, however, be subject to disclosure as required by the rules of public access to records of the judicial branch, or other laws or court rules.

## Definitions:

### Race Categories: \*

**American Indian or Alaska Native:** A person having origins in any of the original peoples of North and South America (including Central America), and who maintains tribal affiliation or community attachment.

**Asian:** A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Hmong, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.

**Black or African American:** A person having origins in any of the black racial groups of Africa, for example Somalia. Terms such as “Haitian” can be used in addition to “Black or African American.”

**Native Hawaiian or Other Pacific Islander:** A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

**White:** A person having origins in any of the original peoples of Europe, the Middle East, North Africa, or Mexico.

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