



## Disparity Reduction Efforts

### I. Mission Statement

The Hennepin County Attorney's Office recognizes that to ensure the fair and equal administration of justice requires identifying and addressing racial disparities within the criminal justice system. To uphold our commitment to public safety and justice, HCAO uses data to identify and evaluate prosecutorial disparities, employs policies, practices and resources to eliminate these disparities, and transparently reports on progress.

### II. Disparities and Disproportionality

**A. Racial Disproportionality:** ratio between percentage of racial/ethnic group at a decision point and percent in population.

- Percent Black/African American submissions by law enforcement to HCAO (55%) vs. percent Black/African American county population (13%).
- Decision points:
  - Charging
  - Bail recommendation
  - Plea negotiation
  - Prosecutor dismissal
  - Sentencing recommendation

**B. Racial Disparity:** unequal treatment of different racial/ethnic groups at a decision point when individual backgrounds are otherwise similar.

**C. Case submissions to HCAO are disproportionate by race/ethnicity (2014-2018):**

Race/ethnicity	Submissions to HCAO	County Population	Minneapolis Population
White	30%	69%	64%
Black/African American	55%	13%	19%
Hispanic or Latinx	1.61%*	7%	10%
Asian	2.09%	7%	6%
Native American	4.2%	0.7%	1.2%

\*Race data is collected and submitted by law enforcement. Law Enforcement don't consistently collect data for Latinx/Hispanic.

### III. Juvenile Delinquent Cases (Juvenile Criminal)

#### A. Diversion

1. **Issue:** Did lack of engagement in diversion programs by youth of color result in their being charged more often than white youth?
2. **Analysis:** A 2013 evaluation of charging and diversion decisions for racial equity showed disproportionately, youth of color were not located, did not respond, or did not engage in diversion, thereby leading to charges.
3. **Action Steps:**
  - a. Collaborated with the Juvenile Detention Alternatives Initiative (JDAI) to use Community Coaches to help locate families of color and provide transportation when needed.
  - b. Started a Diversion Volunteer program in which volunteers call families referred to diversion to remind them to attend the diversion meeting, to educate about the benefits of diversion, and if necessary provide transportation.
  - c. In 2018, added a Diversion Outreach position in the contract with Headway, the primary community agency providing diversion services. The community coaches and diversion volunteers go out into the community to find youth and families but they still need to make an appointment for intake and assessment. The outreach worker can do the same work as the community coaches and volunteers but can also immediately do the intake and assessment.
  - d. Contracted with the Center for Multicultural Mediation to provide diversion programming within the Somali community.
  - e. Provided funding to our restorative justice collaborative to bring in diverse facilitators.

#### B. Out of Home Placement

1. **Issue:** Disproportional out of home placement of youth of color.
2. **Analysis:** In 2017 an evaluation of charging decisions on out-of-home placement cases for racial equity showed that similarly situated youth are treated similarly with regard to charging, but court data showed that minority youth were more likely to be adjudicated delinquent. Often those youth found delinquent are assigned to out of home placement.
3. **Action Steps:**
  - a. In 2019, HCAO began an expansive Post-Charge Diversion Program. It focuses on youth who have committed delinquency misdemeanor, gross misdemeanor and felony property and drug cases but are ineligible for pre-charge diversion because of prior system involvement. Diversion provides youth who successfully complete the program the opportunity to have the case dismissed and the court record sealed, meaning there will be no criminal record.

- b. We always seek collaboration with JDAI and juvenile probation to access programs such as Phyllis Wheatley's services for African American boys with histories of trauma.

#### **IV. Child Protection**

##### **A. Be@school**

- 1. Issue:** Truancy cases are disproportionately Black/African American.
- 2. Analysis:** 56% of be@school cases since 2010-2011 school year are Black/African American; 8% Native American.
- 3. Action Steps:** be@school truancy prevention program seeks to address truancy before it leads to deeper system involvement. Be@school contracts with a variety of community-based, culturally specific agencies to provide social services and support to children and families. Truancy cases are kept out of court system and the juvenile's record. After receiving be@school services, 9 out of 10 youth are back in school.

#### **V. Adult Community Prosecution**

##### **A. Bail Reform**

- 1. Issue:** Disparities in pretrial detention and bail decisions.
- 2. Analysis:** In 2017 pretrial bail evaluations were 47.6% Black/African American; 4.7% Native American.
- 3. Action Steps:**
  - a. Use of summons instead of warrants to reduce in-custody before first appearance.
  - b. Book and release provides new court date without booking people into jail.
  - c. Same day release of in-custody offenses where possible.
  - d. Evaluation process is ongoing.

##### **B. Marijuana**

- 1. Issue:** Disproportionality in charging marijuana cases.
- 2. Analysis:** Marijuana cases are 51% Black/African American (vs. 40% of drug offenses as a whole).
- 3. Action Steps:**
  - a. Marijuana policy: HCAO has decided to no longer expend its limited felony prosecution resources to criminally prosecute people arrested for possessing (less than 100g) and selling (less than 5g) small amounts of marijuana. Instead, the office will exercise its discretion to decline cases involving small amounts of marijuana where appropriate, and allow for diversion, stays of adjudication, and non-jail or non-prison sanctions as a way to protect public safety and hold people accountable in a more fair and common sense manner.
  - b. Adult diversion: pre-charge and post-charge diversion for low level property and drug crimes.
  - c. Automatic expungement of records for individuals who successfully complete diversion.

### **C. Charging, Disposition, and Sentencing**

- 1. Issue:** Community perception of disparities in charging decisions.
- 2. Analysis:** A 2017 racial equity evaluation of charging, disposition, and sentencing decisions for adult property cases showed suspects with similar characteristics were treated similarly in charging but Black/African American defendants were more likely to have their cases dismissed before trial.
- 3. Action Steps:**
  - a. Improve data entry regarding reasons for dismissal.
  - b. Track reasons according to race/ethnicity over time to develop better understanding and subsequent amended policies.

## **VI. Victim Services Division**

### **A. Domestic Abuse Service Center**

- 1. Issue:** Addressing disparities for victim survivors of domestic violence.
- 2. Analysis:** Domestic violence criminal case submissions are 63% Black/African American; 3% Native American.
- 3. Action Steps:**
  - a. HCAO secured grant funding for African American victim advocates to provide culturally specific services to the African American community.
  - b. DASC partners with community agencies that provide bilingual advocates and culturally specific services, specializing in serving African American, Latino, Somali, Hmong, Hindi, Newari, Nepali, and LGBTQ communities.
  - c. DASC is tracking client demographics, allowing for an analysis of victim disparities in HCAO domestic violence cases.

### **B. Victim Services**

- 1. Issue:** Addressing disparities for crime victims.
- 2. Analysis:** National studies show that Black/African American victims are at 1.5-2 times greater risk for violence than the white population.<sup>1</sup>
- 3. Action Steps:** Victim advocates address the needs of diverse and underserved communities with specialists that reflect the communities they serve and are trained in providing services that are culturally, physically and emotionally relevant to their needs. Culturally specific services are especially important when serving crime victims. Not only is it an opportunity to communicate effectively with victims and provide support, but also to develop trusting relationships and support networks. Understanding unique cultural contexts, bilingual and culturally specific victim advocates are critical in explaining to victims their rights and providing appropriate community-based services.

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<sup>1</sup> Center for Victim Research. "Who Experiences Violent Victimization and Who Accesses Services?" April 2019.