

Final Progress Report December 2010

*Minnesota Judicial Branch
Racial Fairness Committee:
Implementation of the 1993
Race Bias Task Force Report
Recommendations*

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I. Background

The Minnesota Supreme Court Task Force on Racial Bias in the Courts released its final report on June 10, 1993. On the same day, by order of the court, 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 implementation committees, now known as Equal Justice Committees, in each judicial district to assist in these efforts.

In 2006, the Implementation Committee changed its name to the Racial Fairness Committee. The Racial Fairness Committee and the district Equal Justice Committees continued the work of implementing the Race Bias Task Force's final report. Around this time the Racial Fairness Committee was also designated as an Advisory Committee to the Minnesota Judicial Council, the governing body for the Minnesota Judicial Branch.

Prior to 2006 the Implementation Committee published five Progress Reports; in 1994, 1995, 1999, 2002 and 2004. These reports are appended in their entirety to this report in Appendix C. This report provides a final overview of the work of the Racial Fairness Committee over the last four years.

II. Recent Activities

A. Race Data Collection and Analysis

Every court in Minnesota continues to collect self-reported race data at the first court appearance in traffic, criminal and juvenile cases. Although no person is required to provide race data the refusal rate remains very low statewide.

The Racial Fairness Committee (the Committee) persisted in its commitment to review race data that was collected by the courts and other organizations. In October 2009 the Data Collection and Analysis subcommittee was reestablished. The subcommittee met several times to gather and review data regarding adult criminal dispositions by race and gender. The focus of the review was on drug crimes and the subcommittee asked State Court Administrator's Office (SCAO) staff and staff from the Minnesota Sentencing Guidelines Commission (MSGC) to gather data based upon the degree of the drug crime, the type of drug involved, the criminal history of the individual and the disposition of the charges. The reports from SCAO and MSGC are attached as Appendix A.

In addition to reviewing race data another ongoing goal for the Committee was to share race data with each district's Equal Justice Committee. In April 2010, reports containing 2008 dispositional race data specific to each judicial district was sent to the district's Equal Justice Committee. These reports are available to court staff on the court's intranet site, CourtNet, under the heading *Race Data by Filings and Disposition*, and are available to the public upon request.

The Committee was also privileged to receive presentations on a variety of studies related to race from the Institute on Race and Poverty, the Minnesota Sentencing Guidelines Commission, Professor Richard Frase of the University of Minnesota, and the Juvenile Justice Advisory Committee.

B. Community Dialogues

The Committee developed the Community Dialogue Plan in 2008 and began implementing it in the judicial districts in June 2008. The Committee has a strong history of conducting listening sessions throughout the state and has strived over the years to continue to reach out to minority communities. The Community Dialogue Plan continues this commitment to outreach at the local level and in a way that encourages sharing and dialogue among community members and the judicial system.

Since the Community Dialogue Plan provided a new strategy for the Committee's community outreach activities training was provided to the Committee members and the Equal Justice Committee members on how to conduct a dialogue session versus a traditional listening session. Trainers included staff from the SCAO Education and Organization Development Division (EOD) as well as the Brave New Workshop.

The Community Dialogue Plan was piloted in the Second District on June 30, 2008. Since that pilot session three other districts, the First, Third and Tenth have held very successful Community Dialogue sessions. The final reports from each dialogue are available on the court's public website (link available on Resources page).

C. Education and Training Opportunities

A long-standing implementation task for the Committee has been to ensure that education and training opportunities which have a focus on racial fairness and access are offered on a regular basis to judges and court staff.

In 2007 the Committee members participated in the *Facing Race* training program offered by The St. Paul Foundation. Facing Race is a multi-year campaign aimed at positively changing the nature of personal, organizational and institutional relationships in Minnesota.

The Education and Training subcommittee, reestablished in 2009, worked with the SCAO EOD Division to pilot an Implicit Bias training program for Judicial Branch judges and court staff. The Committee piloted the training in July 2010 and strongly recommended that the program be extended beyond the pilot stage and presented to judges statewide. The program was introduced to district and appellate court judges at the annual Judges' Conference in December 2010 and was positively received.

D. Other Activities and Tasks

Over the last few years the Committee kept abreast of various issues that came before the Supreme Court and the Judicial Council, and submitted comments and recommendations as appropriate.

Cameras in the Courtroom

Early in 2008 the Minnesota Joint Media Committee, Minnesota Newspaper Association, Minnesota Broadcasters Association, and the Minnesota Chapter of the Society of

Professional Journalists filed a petition with the Supreme Court seeking a change to the Minnesota General Rules of Practice regarding the inclusion of cameras in Minnesota courtrooms. The Supreme Court held public hearings on the topic and accepted written comments. The Racial Fairness Committee provided written and oral testimony in opposition to the Rule change which focused on the potential adverse effects on communities of color in criminal, juvenile and domestic violence cases. The Supreme Court ultimately approved the use of cameras for civil cases as a pilot project. The pilot project is currently underway and includes reporting requirements for evaluation.

Changes to General Rules of Practice for District Courts, 111.02

In April 2008 the Committee was presented with a request to support a change to Rule 111 of the Minnesota General Rules of Practice for District Courts. The Honorable David Higgs from the Second District brought forth a request that would modify Rule 111, the Court's standard Scheduling Order and Part H. of the Minnesota Civil Trial Handbook by providing requirements for early identification of interpreter needs in civil cases.

The Committee voted to support the proposed Rule changes and submitted written comments to the Supreme Court in August 2008. The Supreme Court promulgated amendments to the Rules requiring parties to provide advance notice to the Court when an interpreter is needed; amendments to Rules 8, 111.02, 111.03, 112, and related forms, and Civil Trial Handbook sections 5 and 11. These amendments went into effect on March 1, 2009.

Court Interpreter Program policies on remote interpreting

The Committee had an opportunity to review and comment on Court Interpreter Program policy amendments in 2010. Of particular importance to the Committee was the proposal to increase the use of remote interpreting throughout the state. Remote interpreting is the use of technology to provide spoken language interpreter services from a remote location. In other words, the interpreter provides his or her services via telephone or video conferencing but is not physically present with the defendant or party for whom he or she is interpreting.

The Committee heard testimony from many different individuals and vigorously discussed the topic. As the proposed policy changes were vetted through the proper review channels the Committee submitted a recommendation to the Judicial Council via the Court Operations and Policy subcommittee. The Committee's recommendation urged the Judicial Council to include language in the remote interpreting policy that would preserve the due process rights of non-English speaking defendants.

Statewide Discrimination and Harassment Complaint Process

A number of years ago two of the District Equal Justice Committees developed a brief process that court users could access if they wanted to lodge a complaint about discriminatory or harassing treatment from local court staff. These processes were shared with the Committee and other districts at a joint meeting held in 2007. A request to develop a process that could be used statewide by each District as desired was submitted to the Committee in 2008.

A subcommittee was formed to review the processes from the two districts and work to draft a comprehensive process was undertaken. The subcommittee developed some proposals which were reviewed by SCAO staff. This process was not completed prior to the Committee's sunset date of December 31, 2010.

III. CONCLUSION

The chair of the Committee, Supreme Court Associate Justice Alan Page and the vice chair Honorable Tanya Bransford, presented the Committee's final work plan report to the Judicial Council on January 21, 2011. A copy of the work plan report is attached as Appendix B.

In June 2010 the Minnesota Judicial Council established a new advisory committee, the Committee for Equality and Justice (CEJ). With the advent of the CEJ, the Committee, along with the Judicial Branch's Gender Fairness Implementation Committee (GFIC), was scheduled to sunset on December 31, 2010.

The CEJ is charged with advancing the Minnesota Judicial Branch's efforts to eliminate from court operations bias that is based on race, gender, ethnicity, age, disability, socioeconomic status, religion, sexual orientation and any other status that is protected by law. The Honorable Tanya Bransford, former vice chair of the Committee, and the Honorable Mary Vasaly, former member of the GFIC, are the CEJ Co-Chairs, and Associate Justice Alan Page is the Supreme Court liaison to the CEJ. The CEJ began meeting in January 2011 and will continue to implement the recommendations of the final reports from both the Race Bias and Gender Fairness Task Forces.

Resources and Links

Minnesota Supreme Court Task Force on Racial Bias in the Judicial System Final Report, 1993,
<http://www.mncourts.gov/?page=519>

More information about the Minnesota Judicial Council may be reviewed on the court's website,
<http://www.mncourts.gov/?page=297>

Community Dialogue Plan, District Sessions Final Reports,
<http://www.mncourts.gov/default.aspx?page=3249>

Most Recent Information on the Cameras in the Courtroom Topic
<http://www.mncourts.gov/?page=3862&item=50744>

Minnesota Court Interpreter Program webpage
<http://www.mncourts.gov/?page=304>

For more information on this program please visit the Facing Race website at
<http://www.facingrace.org/>

APPENDIX A

State Court Administrator's Office and
Minnesota Sentencing Guidelines Commission
Race Data Reports

Presented to the Racial Fairness Committee in July 2010

Data Collection and Analysis Subcommittee Report

July 27, 2010

The Data Collection and Analysis subcommittee met several times to gather and review data regarding adult criminal dispositions by race and gender. We focused on drug crimes and asked State Court Administration staff and staff from the Minnesota Sentencing Guidelines Commission to gather data based upon the degree of drug crime, the type of drug involved, the criminal history of the individual and the disposition of the charges. The reports from SCAO and MSGC are on the Racial Fairness Committee SharePoint site. We also requested data regarding defendants who participate in drug courts in the state, including location of court, level of drug crime and disposition. The Drug Court data is not available yet. SCAO is conducting a statewide evaluation of drug courts and the final report is expected in late 2011.

The data is interesting and complex. Based upon the data, some of the conclusions are listed below.

1. Rates of conviction are highest for first, second and third degree drug crimes.
2. Fifth degree drug crimes have the highest rates of continued dispositions, i.e. probation before conviction, stays of adjudication, etc.
3. There are disparities in dismissal rates for black and white offenders, depending on the degree of the drug crime. There is a much higher and wider disparity among the other racial and ethnic groups.
 - a. First degree controlled subs. – white 18.6%; black 16.4%
 - b. Second degree controlled subs. – white 13.8%; black 18.2%
 - c. Third degree controlled subs. – white 11.4%; black 16.2%
 - d. Fourth degree controlled subs. – white 13.8%; black 16.7%
 - e. Fifth degree controlled subs. – white 13.8%; black 14.4%
4. The Fourth Judicial District had 53% of all black felony drug offenders and 12% of all white offenders in 2008.
 - a. The conviction rate of black offenders is more than 20% greater than white offenders for all drug cases in the Fourth District.
5. MSGC data shows that the distribution of drug offenses between black and white offenders in 2008 is similar to the distribution of felony offenders in the state.
6. The departure rates from the sentencing guidelines are similar between white and black offenders, especially with a criminal history score of zero.
7. There are vast differences between judicial districts in sentencing practices for drug crimes. Mitigated dispositional departure rates are highest in the First, Fifth, Ninth and Tenth Judicial districts. The Fifth and Tenth Districts have a 56% mitigated dispositional departure rate on drug sentences. The lowest mitigated dispositional departure rate is in the Eighth Judicial District (10%).

The Subcommittee recommends the following:

1. Disseminate the pertinent data to each district Racial Fairness Committee and local judges. Suggest that the district or local judges convene a criminal justice workgroup to review the data. Staff of the Sentencing Guidelines Commission and State Court Administration is available to meet with the district committees to review the data

evaluated. Subject to data privacy issues, provide county specific data to the judges assigned to each county.

2. Discuss the implications of the disparities in the level of adherence to the Sentencing Guidelines around the state.
3. The RFC should recommend to the Judicial Council that the judicial branch support legislation to require collection of race/ethnicity data at each step in the criminal justice system, beginning with the initial stop.



MINNESOTA
JUDICIAL
BRANCH

Disposition Rates by Race and Gender for Felony Drug Cases Disposed in 2008

Presentation to the Racial Fairness Committee
July 27, 2010

Data Provided by: State Court Administrator's Office
Court Services Division, Research & Evaluation Unit

Analysis Notes

- All cases disposed in 2008 with a felony drug statute as the highest level charge on the most serious disposition were included in this analysis (6,679 cases).
- 8.5% of drug cases have missing race data
- 14% are missing gender data
- Analysis excludes cases with missing race or gender data.
- Acquittals or other/unknown dispositions are not shown separately, but these outcomes are reflected in the overall results.

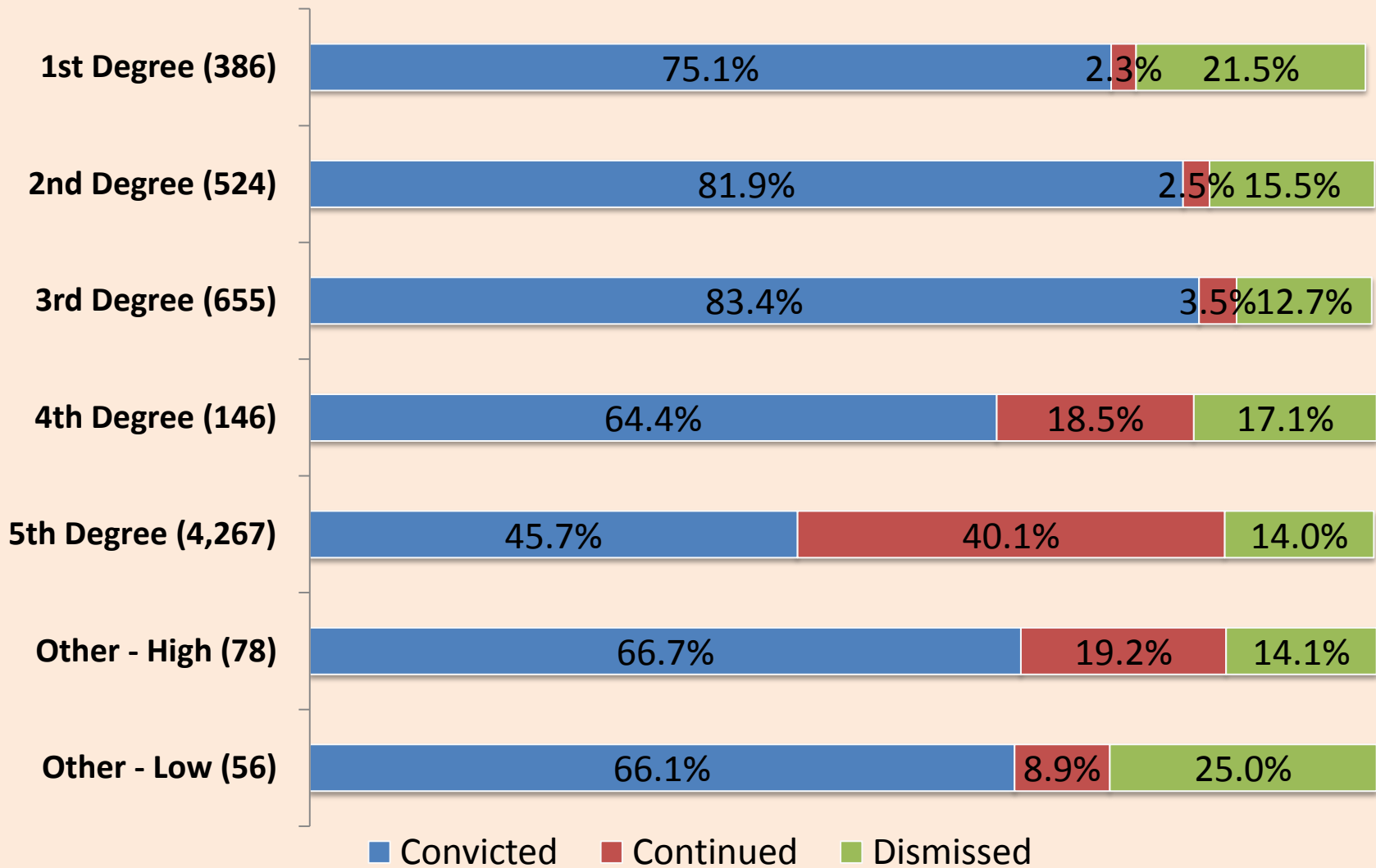
Data and Analysis Requested by Subcommittee

- Degree of Drug Crimes (at disposition)
- Type of drug (based on MOC)
- Type of dispositions within 'continued' category
 - Probation before conviction
 - Adjudication withheld
 - Diversion
 - Continued for dismissal
 - Not included: Continued without adjudication (1.4% of drug cases statewide), Continued without findings (.1% statewide)

Dispositions by Degree

- Rates of conviction are highest for 1st, 2nd and 3rd degree drug crimes.
- Fifth degree drug crimes have the highest rates of continued dispositions, e.g. probations before conviction, stays of adjudication.

2008 Drug Dispositions By Degree



Other – High examples include: Import Cont Substance/State Borders; Store Meth in Presence of Child; Possess Meth Precursors w/intent to Manufacture.

Other – Low example: Represent Non-controlled Substance as Narcotic

Disparities in Dismissal Rates

- Dismissal rates are generally higher for black offenders compared to white offenders. The extent of the disparity between black and white offenders depends on the degree of the drug crime.
- There is greater disparity in dismissal rates between whites and other racial and ethnic groups, especially for higher level drug crimes
 - » The number of cases is small for other racial and ethnic groups

2008 Drug Dispositions By Degree and Race

Degree	Race	Convicted	Continued	Dismissed
1st	White (210)	78.6%	1.9%	18.6%
	Black (67)	77.6%	3.0%	16.4%
	Hispanic (70)	70.0%	.0%	30.0%
	Am. Ind. (13)	53.8%	15.4%	30.8%
	Asian/PacIs (14)	57.1%	7.1%	35.7%
2nd	White (260)	82.3%	3.8%	13.8%
	Black (165)	80.0%	1.2%	18.2%
	Hispanic (59)	89.8%	.0%	10.2%
	Am. Ind. (20)	70.0%	5.0%	25.0%
3rd	White (299)	82.6%	5.7%	11.4%
	Black (247)	81.4%	1.6%	16.2%
	Hispanic (53)	90.6%	1.9%	7.5%
	Am. Ind. (22)	86.4%	.0%	13.6%
	Asian/PacIs (17)	94.1%	.0%	5.9%
4th	White (87)	63.2%	23.0%	13.8%
	Black (30)	66.7%	16.7%	16.7%
	Hispanic (10)	60.0%	10.0%	30.0%
	Am. Ind. (12)	66.7%	.0%	33.3%

Degree	Race	Convicted	Continued	Dismissed
5th	White (2,748)	41.3%	44.6%	13.8%
	Black (988)	57.0%	28.4%	14.4%
	Hispanic (185)	45.4%	37.8%	15.7%
	Am. Ind. (164)	50.0%	33.5%	16.5%
	Asian/PacIs (74)	52.7%	41.9%	5.4%
	Mult Races (56)	42.9%	46.4%	10.7%
	Other (19)	36.8%	52.6%	10.5%
	Refused (33)	48.5%	30.3%	21.2%
Other – High*	White (74)	67.6%	17.6%	14.9%
Other – Low**	White (13)	23.1%	30.8%	46.2%
	Black (38)	84.2%	.0%	15.8%

*Examples include: Import Cont Substance/State Borders; Store Meth in Presence of Child; Possess Meth Precursors w/intent to Manufacture.

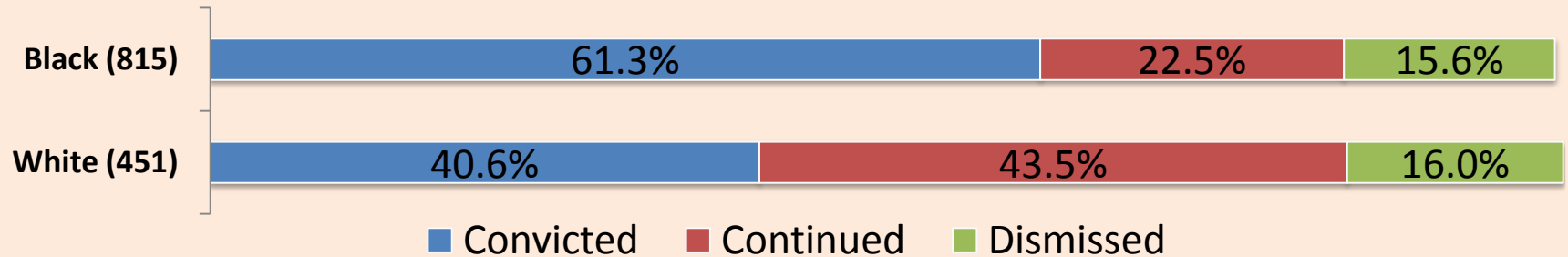
**Example: Represent Non-controlled Substance as Narcotic

Fourth Judicial District (Hennepin Co.)

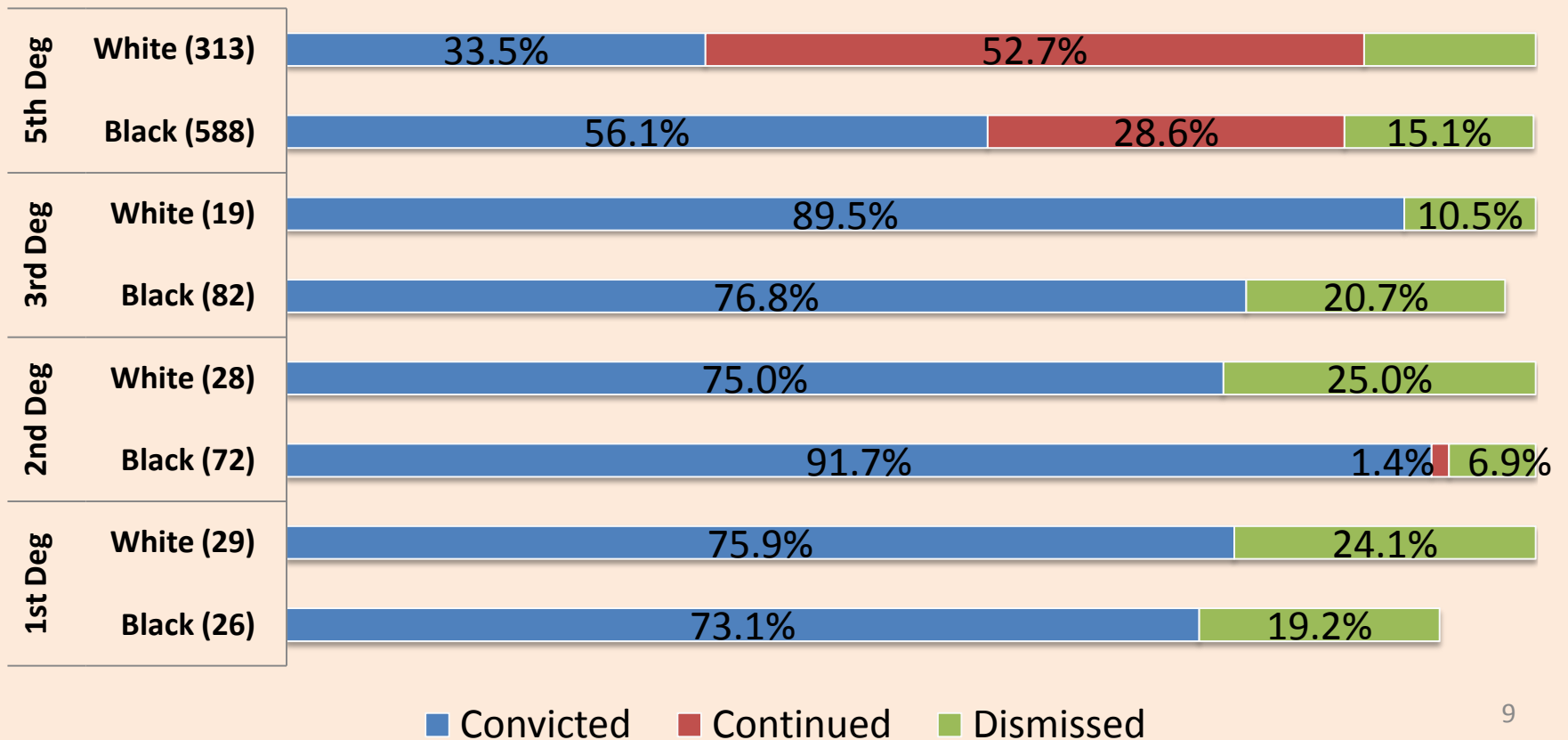
Dispositions

- The Fourth Judicial District has 53% of all black felony drug defendants compared to 12% of all white defendants in 2008.
- The conviction rate for black defendants is more than 20% higher than the rate for white defendants in the Fourth District .
 - » Variation is greatest for 5th degree drug crimes

4th District Felony Drug Dispositions 2008 By Case By Race



4th District Felony Drug Dispositions By Race By Degree



APPENDIX B

Racial Fairness Committee's
Final Work Plan Report to the Minnesota Judicial Council

Presented to the Judicial Council in January 2011

Statewide Committee Annual Report

DRAFT DATE: December 30, 2010

Committee Name:	Racial Fairness Committee
Chair:	Justice Alan Page
Vice-Chair:	Judge Tanya Bransford

Please present the following background information about the committee:

Committee members:	Twenty-four Judicial Council-appointed members; seven Ex Officio positions
Term length:	Two or Three Years - staggered
Average number of meetings per year:	Six meetings per year, plus sub-committee meetings in alternating months
Date the committee was initially formed:	June 9, 1993
The basis for committee formation (Supreme Court order, convened by CCJ, etc.):	Supreme Court order – The order charged the committee with working to implement the recommendations of the 1993 Race Bias Task Force Report.
Any additional background information about the committee that may be relevant:	This Committee led important initiatives such as the creation of the Court Interpreter Program and the court collection of race data. The Committee works to coordinate efforts with other Judicial Council and Supreme Court Committees and Work Groups to ensure diversity related issues are considered branch wide. The Committee continues to work with district equal justice committees, focusing on diversity and racial fairness related issues as the district equal justice committees continue to gather information about local racial fairness initiatives.

Statewide Committee Annual Report

DRAFT DATE: December 30, 2010

Project Name, Objectives and Tasks	Annual Activity Summary
20th Anniversary Recognition (2009) Form a sub-committee to: - Plan an event to recognize the creation of the Race Bias Task Force in 1989; - Solicit and secure outside assistance and funding as necessary	The subcommittee met once over the course of 2010. When the plans to develop a new access and fairness committee began the planning for a 20th Anniversary recognition event were put on hold. A celebration event is currently scheduled for January 24, 2011 which will mark the conclusion of the Racial Fairness Committee.
20th Anniversary Report (2013) Form a sub-committee to: - Seek outside sources for funding; if funding is secured then: - Identify report components and methodologies; - Create a work plan for collecting, studying & analyzing info and data for the Report	Rather than a 20th Anniversary Report a final progress report for the Racial Fairness Committee will be drafted and made publicly available. The report will be released at the Committee celebration on January 24, 2011.
Race Data Project 1) Review the following data reports annually: - Adult & Juvenile criminal disposition data - Jury Pool data - Children's Justice Initiative (out-of-home placement, legislative, DHS & Court data); 2) Share race data reports for local jurisdictions with Equal Justice Committees	Access and Fairness Survey data presented Jan. 2009 and 2008 Dispositional Race Data presented July 2009. The 2008 Disposition Data was shared with Judicial Council and statewide around this same time as well. The Data Collection and Analysis subcommittee met regularly during 2009-2010 and reviewed data from the courts and Sentencing Guidelines Commission. They specifically reviewed the data as it related to drug offenses and presented their work to the full Committee in July 2010.
Cultural Competency Training & Education 1) Provide annual training opportunity for Committee members and EJC members; 2) Select two committee members to serve on and report back to the RFC on the EOD Diversity and Cultural Competence Education Committee	The Committee's Training and Education subcommittee worked with EOD in bringing the new Implicit Bias training program to the Committee as the pilot training session in May 2010. The Implicit Bias program was presented at the state judges conference in December 2010 at the request of the Committee.

Statewide Committee Annual Report

DRAFT DATE: December 30, 2010

Project Name, Objectives and Tasks	Annual Activity Summary
Encourage the Judicial Branch to incorporate race fairness considerations into its activities and policies 1) Assign committee members to establish and maintain contact with the following Judicial Council and Supreme Court Committees and Initiatives: Children's Justice Initiative, Drug Courts Initiative Advisory Committee, Gender Fairness, Rules Committees, Court Interpreter Program, and State Court/Tribal Court Forum; 2) Committee contacts report regularly on the on-going work of the above referenced groups; 3) Provide comment on racial justice issues as applicable to policy discussions as they arise (e.g., comment periods for changes to Court Rules, Pre-Trial Bail Evaluation tool; etc.); 4) Assign committee members to draft a proposed edit to the Judicial Council Policy 10.02, to more clearly identify diversity and cultural competency as a priority for Branch	Committee members were assigned as indicated to the left in October 2009. During the course of this reporting period the Committee received information from the Court Interpreter Program (CIP) regarding proposed changes to CIP policies. The Committee provided feedback on the proposed changes, in particular the changes regarding remote interpreter usage. The Committee expressed concern that the due process rights for non-English speaking court users not be compromised by any reduction in the use of in-person, in-the-courtroom interpreters.
Encourage Justice System Partners' Committees and Initiatives to incorporate racial fairness considerations into its activities and policies 1) Assign committee members to establish and maintain contact with the following Justice System Partners' Committees and Initiatives: Juvenile Justice Advisory Committee, Disproportionate Minority Contact sub-committee, Sentencing Guidelines Commission, Juvenile Detention Alternatives Initiative; 2) Committee contacts report regularly on the on-going work of the above referenced groups; 3) Provide comment on racial justice issues as applicable to policy issues as they arise (e.g.: Sentencing Guidelines)	See activity summary above.

Statewide Committee Annual Report

DRAFT DATE: December 30, 2010

Project Name, Objectives and Tasks	Annual Activity Summary
Community Dialogue Plan Implementation 1) Committee members will work with EJC members to co-facilitate and report back as necessary; 2) Committee members will attend at least one Community Dialogue Session each year; 3) Review Community Dialogue Reports to identify and address statewide issues	Community Dialogue events were held in the 1 st , 3 rd and 10 th Districts during this reporting period. One Committee member participated in a Community Dialogue session during this reporting period and helped plan and attended the 3 rd District dialogue session. The Committee members have received copies of the Community Dialogue reports.
District Equal Justice Committees 1) Continue to work with EJCs to support efforts in each district; 2) Select committee members to act as liaisons between RFC and each EJC; 3) Hold annual meeting with chairs and staff from all districts	Communications with the District EJCs was on-going during this reporting period.
Annual Progress Reporting 1) Form a sub-committee to: • Review Committee work since last progress report and identify highlights; • Draft and approve annual progress report; 2) Submit annual report to Judicial Council and National Consortium on Racial and Ethnic Fairness; 3) Send one representative to annual National Consortium meeting	This report is the annual report as identified for the Judicial Council. One Committee member attended the National Consortium on Racial and Ethnic Fairness annual meeting and conference and she reported on the activities of the Committee to the Consortium as appropriate at the conference in April-May 2010. It is anticipated that some of the uncompleted tasks of the Committee will be picked up by the Committee for Equality and Justice in the coming months.

APPENDIX C

Implementation Committee on Multicultural Diversity and Racial Fairness in the Courts

Progress Reports

1994

1995

1999

2002

2004

Progress Report

Implementation Committee on Multicultural Diversity and Racial Fairness in the Courts

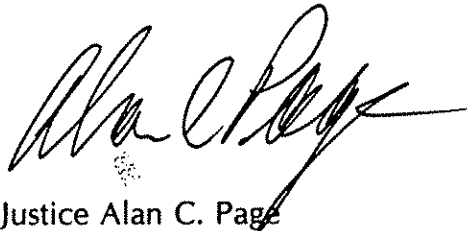
July 1994

Office of Research and Planning
State Court Administration
120 Judicial Center
25 Constitution Avenue
St. Paul, MN 55155
(612) 297-7587

A MESSAGE FROM JUSTICE ALAN C. PAGE

Chairing the Implementation Committee on Multicultural Diversity and Racial Fairness in the Courts over the last year has been a very rewarding experience. I am pleased to report that with the support of the Minnesota Supreme Court, the Judicial System, the Legislature, and the dedicated men and women throughout the system and in the public we serve, important progress has been made during the first year of the Implementation Committee. Our work, however, is far from complete.

Over the next year, I challenge each and every person to do his or her part in moving this great institution closer to the goal of fairness and justice for all. The Implementation Committee will continue its efforts with the partnerships we have formed to make the entire justice system fair in all its dealings.

A handwritten signature in black ink, appearing to read "Alan C. Page", with a long horizontal flourish extending to the right.

Justice Alan C. Page

INTRODUCTION

On June 10, 1993, the Minnesota Supreme Court Task Force on Racial Bias in the Courts released its report to the State's judiciary and to the public with a commitment to make the Report a blueprint for the systematic reform of the practices that have been found to impede the dispensation of justice to people of color in the state of Minnesota.

On the same day, by Court Order, the Implementation Committee on Multicultural Diversity and Racial Fairness in the Courts was established and charged with the responsibility of:

- ▶ Implementing the Race Bias Task Force recommendations and monitoring implementation efforts on an on-going basis;
- ▶ Working with the Supreme Court Office of Continuing Education, the Board of Continuing Legal Education, and the National Consortium of Task Forces and Commissioners on Racial and Ethnic Bias in the Courts to develop judicial and legal education programs on racial equality and cultural diversity;
- ▶ Working with the Office of the State Court Administration to establish a statistical data base appropriate for monitoring areas of Task Force concerns and performing studies in furtherance of the committee's charge;
- ▶ Evaluating the effectiveness of approved reform measures which have been implemented to assure racial and ethnic fairness in our court processes; and
- ▶ Submitting a yearly written report to the Chief Justice and the Supreme Court regarding the work and recommendations of the committee.

Dissemination of Task Force Findings and Recommendations

The Task Force adopted a two-pronged approach to the release and dissemination of the report. Acting in teams of 2-3, members visited each of the six greater Minnesota judicial districts to give a presentation on the Task Force findings and recommendations. A joint meeting of the four metropolitan districts was held for the same purpose.

To make the communities of color and the general public aware of the task force findings and recommendations, the report was released in a formal way to the community press and to the mass media. Two news conferences, one for the community newspapers and one for the mass media, were hosted by the entire Task Force in the Supreme Court courtroom at the Minnesota Judicial Center. The release of the report was covered extensively and positively by the mass media, both print and broadcast. The Associated Press story was distributed to print and broadcast media statewide. Coverage by the community newspapers was not universal, but it was very positive.

To date, the Task Force Report has been distributed to over 2,000 individuals and organizations throughout the United States. Individual copies were given to all judges, court administrators, county attorneys, district public defenders, legal services providers, probation offices, and victim services providers' offices. In addition, other state race bias task forces, numerous interest groups, educational institutions, governmental agencies and members of the public have requested copies of the report.

The report was reprinted in the Hamline Law Review, Volume 16, No. 3 (1993), with a distribution of over 1,200 copies to attorneys and law schools throughout the United States.

Implementation Committee Activities

The Implementation Committee, chaired by Justice Alan C. Page, met for the first time in July, 1993, and continues to meet on a monthly basis. The initial deliberations of the committee included an analysis and prioritization of the Race Bias Task Force Recommendations. The recommendations were prioritized into categories that could be implemented immediately and categories that would be long term implementations. The committee then established subcommittees to oversee implementation of the recommendations. The subcommittees and areas of concentration include:

Administration - This subcommittee works with representatives of the judicial system, prosecution, public defense, law enforcement and corrections to implement procedural changes relating to Task Force recommendations.

Training - This subcommittee develops and implements cultural-diversity, and race-specific training programs for all persons connected with the judicial system, which includes judges, attorneys, law enforcement personnel, and all court employees.

Employment - This subcommittee promotes policies and procedures governing the hiring, promotion, and the retention of persons of color throughout the court system.

Legislation & Rules - This subcommittee drafts and pursues legislative enactments and procedural rule changes of appropriate recommendations.

Data Analysis & Collection - This subcommittee tracks the implementations of the Task Force recommendations and evaluates progress over time in assuring racial and ethnic fairness in Minnesota courts. The task includes the development of data collection systems, where necessary, to evaluate racial attitudes and behavior in the court system. The subcommittee is also responsible for assisting the other subcommittees with data collection needs.

Progress to Date

The summary that follows outlines what has been accomplished to date towards achieving the court's goal of providing fair and equal treatment to all Minnesotans:

ADMINISTRATION

- ▶ At the encouragement of the administration subcommittee, the Board of Law Examiners has reviewed the recommendations of the Race Bias Task Force. In response to a Task Force recommendation the Board of Law Examiners recently published a brochure which explains the character and fitness portion of the bar admission process. The Board is planning another brochure for public distribution in 1995 that will describe the bar exam grading process. In addition, the Board is consulting with the minority bar associations on ways to increase the numbers of minority persons participating in the grading process.

- ▶ The Supreme Court is phasing in a requirement that juror summons and qualification forms be written in plain English and that other forms used in the judicial system be translated into such additional languages as needed. The Conference of Chief Judges is considering how to ensure that translated forms are needed and accurate.
- ▶ The administration subcommittee, in conjunction with the minority bar associations, and the Minnesota State Bar Association, is working on methods to increase the number of attorneys providing pro bono services in civil matters. At the encouragement of Justice Page, all legal organizations have been solicited to strengthen their commitment to motivating their members to either donate time or money for this effort. The subcommittee will keep monitoring the progress of this recommendation.

TRAINING

- ▶ The Race Bias Task Force recommended that clear education and training policies be established for prosecutors and public defenders on the issue of race influencing plea negotiations. The training subcommittee has obtained the agreement of the Bemidji Trial School to institute, as part of its regular course curriculum beginning in 1995, training on the issue of race influencing plea negotiations. The subcommittee is currently working on additional ways to provide training to all prosecutors and public defenders.
- ▶ The Race Bias Report also recommended that court personnel receive education and training in the provisions of the Indian Child Welfare Act (ICWA). Such a program was developed and conducted for the judges of the Tenth Judicial District. The Training Subcommittee is working with the other judicial districts to encourage similar training throughout the state. Moreover, Implementation Committee members have secured the agreement of a major CLE provider to conduct a full-day program for lawyers and judges next fall.
- ▶ The training subcommittee, along with the administration subcommittee, proposed to the Conference of Chief Judges a resolution that all judges receive cultural-diversity training by March 1995. The resolution was considered and passed at

the March 1994 meeting of the Conference of Chief Judges and is now in the process of implementation.

- ▶ In the first year, all 10 judicial districts received specific training on handling Batson challenges to jurors. This training was provided in conjunction with regularly scheduled bench meetings.

EMPLOYMENT

- ▶ A major undertaking of the employment subcommittee is to improve the diversity in criminal justice agencies. Currently, the employment subcommittee is planning a one-day, statewide seminar to be held in October, 1994, for court-related agencies to focus on minority recruitment and retention techniques. The object of the employment conference is to improve the recruitment, hiring, retention, and promotion of diverse staff in courts and criminal justice agencies. The seminar will also train and motivate employers to hire more people of color and to educate them about equal employment opportunity and affirmative action. The conference will include chief and assistant chief judges, court administrators, probation office directors, public defenders, county and city attorneys, county personnel officers, sheriffs, guardian ad litem program administrators, tribal attorneys and tribal court officials.
- ▶ Additionally, the employment subcommittee is working to increase the number of minority judges appointed to the bench. To this end, the subcommittee, along with the minority bar associations, is planning a CLE conference for early 1995 on pursuing judicial careers for attorneys of color. The program is modeled after a similar conference held in the State of Washington. The objective of the conference is to help attorneys of color chart a path to the judiciary. This path would include understanding the rewards and risks of a judicial career, understanding the election and appointment process, and building and reflecting on qualifications for the judiciary.

LEGISLATION AND RULES

A. Legislation

In 1994, the Implementation Committee successfully sought legislation which would implement several recommendations of the Race Bias Task Force.

- ▶ \$100,000 was appropriated to fund the establishment of a statewide judicial interpreter certification program for court interpreters. This program will train and test court interpreters to ensure they are qualified to work in a court setting.
- ▶ At the Committee's request, legislation was passed that mandated that all county attorneys and city attorneys receive training on prosecuting bias-motivated crimes.
- ▶ The Race Bias Task Force Report recommended that measures be adopted to decrease hardships on potential jurors. To help reduce these hardships on potential jurors, the Legislature appropriated funds to increase juror per diem from \$15.00 a day to \$30.00 a day. This was a follow-up to the 1993 legislature which provided funds for juror day care reimbursement. Both initiatives were undertaken in an effort to achieve greater representativeness on juries.
- ▶ Implementing another Task Force recommendation, the legislature mandated that the criminal and juvenile information policy group, as one of its many tasks, would determine how to collect data on race and ethnicity in the criminal justice information systems. The group consists of the chair of the Sentencing Guidelines Commission, the Commissioner of Corrections, the Commissioner of Public Safety, and the State Court Administrator.

B. Rules

- ▶ The Supreme Court Advisory Committee on Rules of Criminal Procedure considered all Task Force recommendations which relate to the Rules of Criminal Procedure and proposed amendments to the rules to the Supreme Court. Among the revisions are new procedures in proposed Rule 26.02, subd. 6(a), for determining objections to preemptory challenges under Batson v. Kentucky, 476 U.S. 79, 109 S. Ct. 1712 (1986). Also there are extensive amendments concerning the provision of interpreter services for persons handicapped in

communications. The Advisory Committee also recommended that the introductory statement to the Criminal Forms be amended by adding a comment that all judicial forms and documents be drafted in easily translatable English, and be translated by approved legal translators into such additional languages as the State Court Administrator approves. The amendments were effective July 1, 1994.

- ▶ The Supreme Court authorized Hennepin and Ramsey Counties to adopt new jury selection procedures that will guarantee minority representation on the grand jury equal to the percentage of the minority adult population of each judicial district as measured by the 1990 census. The judicial districts must report back to the Supreme Court in two years on the impact of the new procedures.

DATA ANALYSIS AND COLLECTION

- ▶ The subcommittee is holding a series of focus group sessions, throughout the month of June, with various organizations of color to help identify problems that may be barriers to jury participation by minorities. Part of the group discussion will center on identifying possible solutions rectifying identified problems.
- ▶ The subcommittee secured the agreement of the Minnesota Sentencing Guidelines Commission to more routinely provide in-depth analysis on sentencing practices by race of the defendant.
- ▶ At the request of the data analysis subcommittee, the state court administrator's office has undertaken a detailed examination of the representativeness and inclusiveness of the jury pool.

Local Implementation Team Activities

In June of 1993, local implementation teams were established in all judicial districts to assist in the implementation efforts. The local implementation teams took part in a two-day session where they received general cultural diversity training and began developing an action plan for their individual district. The local implementation teams were encouraged to identify areas of concern within their own districts.

Several significant accomplishments of the local implementation teams over the last year include:

- ▶ Each district has developed and implemented a cultural diversity training plan for all of their district court personnel.
- ▶ All of the judicial districts have reviewed bail evaluations/supervision policies and procedures in their respective districts and are developing new pretrial release tools based on articulated objective factors for each district.
- ▶ All judicial districts have been looking for ways to increase diversity within their work force. Several tools have been shared within the districts. These include developing affirmative action plans for various agencies and departments, creating recruitment lists for advertising in communities of color, and networking with communities of color to help make contacts in these communities.
- ▶ The Second Judicial District received funding from the county to establish bilingual information telephone lines in the juvenile, family, criminal and civil courts. The lines would contain information messages and would address many of the most commonly asked questions. The information will be available in English, Hmong and Spanish.
- ▶ The Sixth Judicial District has under taken a public information and education effort to improve the public's understanding and general awareness of jury duty. Public service announcements, voter registration drives, and information booths are a few of the activities being developed by the district to help people understand their role for jury service.

CONCLUSION

The Implementation Committee on Multicultural Diversity and Racial Fairness in the Courts has made progress in fulfilling its mandate to implement the Race Bias Task Force recommendations. The committee recognizes however, that there is considerable work to be done. During the second year, the committee will be evaluating the effectiveness of its efforts thus far and continuing its partnership with judges, lawyers, law enforcement, legislators and policy makers to move forward in its effort to ensure that the Minnesota state court system is racially fair.

**IMPLEMENTATION COMMITTEE ON
MULTICULTURAL DIVERSITY AND
RACIAL FAIRNESS IN THE COURTS**

**Second Year Update
September 1995**

Office of Research and Planning
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INTRODUCTION

During the course of the past year, the Implementation Committee on Multicultural Diversity and Racial Fairness in the Courts has been energetic in pursuing its mission of implementing the recommendations of the Minnesota Supreme Court Task Force on Racial Bias in the Judicial system. Over the past year, the Implementation Committee has been involved in several major initiatives including: (1) Cultural Diversity in Employment in the Court system; (2) Cultural Diversity on the Judiciary; (3) Legislation affecting police standards; and (4) Court Interpreter Training & Certification.

New members also were added to ensure the continuity of the Committee's work. In April, the Committee sent a team to the National Race Bias in the Courts Conference in Albuquerque, New Mexico. The Conference included teams from all 50 states, Canada, Puerto Rico, and Guam. Minnesota's team energized the Implementation Committee with its report that the Minnesota Implementation Committee on Multicultural Diversity and Racial Fairness in the Courts is a national leader in its implementation efforts.

The summary that follows outlines what has been accomplished over the last year towards achieving the court system's goal of providing fair and equal treatment to all Minnesotans.

EDUCATIONAL ACCOMPLISHMENTS

The theme that characterizes the Implementation Committee's second year effort is "eliminating barriers starts with education." To this end, the Implementation Committee instituted the following educational accomplishments:

A. Employment Conference

In an ideal world where societal color-blindness is a reality, it would not matter whether the female Latino justice seeker is met at the courthouse door by a white clerk or appears before an Asian judge. But today, in a less-than-ideal world, court personnel should be representative of the community. While the objective should not and cannot be to match litigants, racially and culturally, with justice system personnel of the same race and culture, diversity must be the rule.

One consensus that emerged from the work of the Race Bias Task Force was that racially, ethnically, and culturally diverse employees in the judicial system of Minnesota are underrepresented and, in some cases, absent. To begin to remedy this situation, the Supreme Court Implementation Committee on Multicultural Diversity

and Racial Fairness in the Courts and the Conference of Chief Judges co-sponsored a one-day seminar on strategies to build diversity in the courts and related agencies.

In attendance were Chief Judges and Assistant Chief Judges, Court Administrators, Probation Office Directors, Public Defenders, County and City Attorneys, County Personnel Officers, Sheriffs, Guardian Ad Litem Program Administrators, and State Officials. This one-day seminar was held in October of 1994. The purpose of this seminar was to present, discuss and develop strategies for justice system employers to create and enhance work place diversity.

The seminar focused on issues and practical solutions regarding hiring, retention, and advancement of persons of color. The format of the seminar was designed to provide justice system employers with resources and an action plan to take back to their agencies. Topics presented included, current legal issues in employment law, resourceful ways to reach communities of color, strategies to and effective means of increasing diversity within the courts and related agencies.

The conference was well received by the 120 justice system employers who were present. One realization that emerged from the conference was that the task of hiring, promoting, and retaining people of color in the justice system is a long term commitment that requires the development of a strategic action plan by the justice system employers. The conference was a starting place in developing these blueprints.

B. Colors of Justice Conference

Another objective of the Implementation Committee is to increase the number of minority judges appointed to the bench. To this end, the Supreme Court Implementation Committee on Multicultural Diversity and Racial Fairness in the Courts, Minnesota American Indian Bar Association, Minnesota Hispanic Bar Association, Minnesota Minority Lawyers Association, and the Minnesota chapter of the National Asian Pacific American Bar Association, co-sponsored a one-day seminar to encourage and provide practical information to lawyers of color to aspire for judicial careers in the administrative, state, and the federal system. This one-day seminar was held on Saturday April 1, 1995, at the Hamline University School of Law in St. Paul.

A premise of the seminar was that even in a free and democratic society, the road to the judiciary, can be and sometimes is obscure and confusing. The necessary

information on pursuing a judicial career may seem to be available only to insiders. The seminar was designed to take this mystery out of the appointment and election processes and explore the ways in which one can enter and serve in the judiciary.

The more than 100 participants learned about judicial ethics, and how to develop and demonstrate qualifications for the judiciary, and the process used in judicial screening and appointments at various levels of the court system. Basic information on the election process, campaign finance and organization also was covered. Participants also discussed the experiences in the practice of law that are important to being a judicial officer.

A key component of the seminar was the participation of the judiciary itself. More than 18 judges of color participated as faculty or mentor-judges. In addition, the current vice-chair and the past chair of the Judicial Selection Committee spoke. Associate Justice Alan C. Page gave the opening remarks. Participants reported that, whether they decide to pursue a judicial career or not, the seminar benefited them by showing them that the judiciary is not only open, but welcoming.

LEGISLATIVE ACTIVITIES

In 1994, the Implementation Committee considered twelve recommendations from the Race Bias Report to pursue during the 1995 legislative session. Of the twelve, five recommendations were being pursued by other organizations. The Implementation Committee decided to give lateral support to those initiatives in the form of helping to build public support. Three of the twelve recommendations were to be pursued through other methods. On two of the twelve recommendations, the Implementation Committee decided to take no action during this session.

The Implementation Committee and many organizations and individuals were successful in the passage of legislation dealing with the Police Officers Standards and Training Board. This coalition group actively pursued legislation to clarify and raise police standards of conduct. Members of the committee met with various community groups to explain the initiative and gain their support. Success was achieved when the legislature passed Chapter 226.

Selected highlights from the legislation include the following:

- ▶ Review by the legislature of the Police Officers Standards and Training Board minimum standards of conduct every three years, starting in 1998.
- ▶ Automatic revocation of a peace officer's license for a conviction of a felony.
- ▶ Requirement that the Police Officers Standards and Training Board develop and distribute to chief law enforcement officers a model policy regarding the professional conduct of peace officers. The policy must define unprofessional conduct to include, but not be limited to, conduct prohibited by M.S. 609.43 (Misconduct of a Public Officer or Employee).
- ▶ Requirement that each chief law enforcement officer establish a written a policy defining unprofessional conduct and governing the investigation and disposition of these cases.
- ▶ Requirement that the Police Officers Standards and Training Board compile summary statistics on peace officers alleged to have violated M.S. 609.224, subd. 1 (Misdemeanor Assault); M.S. 518B.01, subd.14 (Violation of an Order for Protection); 609.748, subd. 6 (Violation of a Restraining Order); or 609.749 (Harassment; Stalking).

The legislation represents a starting point for the committed efforts by all parties interested in maintaining and enhancing Minnesota's peace officer professionalism.

Lateral support by the Implementation Committee included: Supporting 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' Office in increasing funding to handle growing caseload.

COURT INTERPRETERS

Without a skilled interpreter, a person in court who does not speak English or for whom English is a second language faces a monumental disadvantage, whether that individual is a litigant, a witness, a juror, or a spectator. As a result, the Minnesota Supreme Court Implementation Committee on Multicultural Diversity and Racial Fairness in the Courts requested and received funds from the 1994 Legislature to establish a court interpreter certification program. With funding from the 1994 Legislature the Supreme Court established

the Court Interpreter Advisory Committee to make recommendations to the Supreme Court and the State Court Administrator in the following areas:

- ▶ A Code of Professional Conduct for interpreters serving in the judicial system;
- ▶ Curriculum for a pre-certification training and on-going education program for court interpreters;
- ▶ The design, content and conduct of court interpreter qualification, testing, certification and certification renewal process;
- ▶ Issues relating to the availability, recruitment, on-site orientation and assignment of court interpreters;
- ▶ The need for translation of standard court forms and informational brochures;
- ▶ The development of such other procedures, policies, and manuals as will facilitate the implementation of court interpreters training and certification program and the effective administration of language interpreters within the Minnesota judicial system.

The Advisory Committee, chaired by Justice Paul H. Anderson, includes attorneys, court managers, court interpreters practicing in the state, a victim services provider, and a linguistics expert.

It is the intention of the Supreme Court to implement a court interpreter certification examination process for languages including Spanish, Hmong, Laotian, Vietnamese, Cambodian, Russian, Korean, and Cantonese. The first part of the Spanish certification test was conducted in August 1995, with the second part scheduled for October 1995. For the other languages, Hmong, Laotian, Vietnamese, Cambodian, Russian, Korean, and Cantonese, the certification tests are expected to be in place within the next two years.

LOCAL IMPLEMENTATION TEAM ACTIVITIES

The local implementation teams have made significant strides in developing and implementing an action plan for their individual districts.

Notable accomplishments include:

At the October Employment Conference, each district team developed an action plan for strategies to build diversity within the district. The ideas that were developed at the conference were shared with the other district teams as well as other judicial agencies not at the conference.

The First Judicial District is planning an all day "Cultural Celebration" for late September 1995. The "Cultural Celebration" will include the play "Undesirable Elements" performed by the Illusion Theater, a cultural art exhibit, and several speakers. One notable speaker is the award winning author Jim Northrup, who is an Ojibwa living and writing on the Fond du Lac reservation in Northern Minnesota.

The Third Judicial District is planning a workshop on diversity issues entitled "Cultural Diversity in the Workplace." There will be three targeted groups that will participate in the workshop. The three targeted groups are law enforcement, Winona State students and the business community.

In 1994, the Sixth Judicial District instituted a review of the jury management procedures in the district. Two major initiatives came out of the work of this review. First, the entire district jury management plan was revised. Second, the district established a public information and education campaign. This multimedia approach stressed the importance of jury service and led up to a "Jury Appreciation Week" held February 19-25, 1995.

The Tenth District Judges sought and have received training on issues related to the Indian Child Welfare Act.

CONCLUSION

The Implementation Committee on Multicultural Diversity and Racial Fairness in the Courts made progress during the second year in fulfilling its mandate of implementing the Race Bias Task Force recommendations. The Implementation Committee has set forth several goals for the up-coming year including the following:

- ▶ Increase the cultural competence of the practicing bar;
- ▶ Enhance work place diversity within the courts and related agencies;
- ▶ Develop and distribute a statewide newsletter on multicultural diversity and racial fairness;
- ▶ Review and develop, if necessary, a grievance and/or complaint procedure for the use by the public.

The work of the Implementation committee is far from complete. The Committee recognizes that there is still considerable work to be done.

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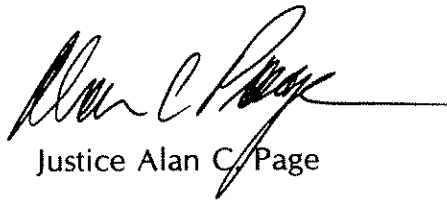
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A MESSAGE FROM JUSTICE ALAN C. PAGE

The Implementation Committee on Multicultural Diversity and Racial Fairness in the Courts in the 1994-95 year has again made important progress in fulfilling its mandate of implementing the recommendations from the Racial Bias Task Force Report. Because of the positive response from and action by the judiciary, the Legislature, law enforcement, and the general public over the last two years, there is reason for optimism.

There is also much work to be done. Over the next year, the Implementation Committee will continue to work toward the goal of ensuring that all of our citizens have equal access to justice and receive equal justice under our laws.



Justice Alan C. Page

Progress Report

RACE BIAS TASK FORCE: IMPLEMENTATION OF 1993 REPORT RECOMMENDATIONS

December 1999

State Court Administrator's Office
Court Services Division
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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.

Progress Report

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

April 2002

State Court Administrator's Office
Court Services Division
120 Judicial Center
25 Constitution Avenue
St. Paul, MN 55105

Prepared by: Bridget C. Johnson
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651-284-0248

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 and a brief history of its achievements since 1993. 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

One of the key findings of the Race Bias Task Force was that the justice system needed to begin keeping systematic records of participation in the court system by race. Without accurate data, there is no way to ensure that people of all races are treated fairly by the courts and their criminal justice partners.

Over the past year, the Implementation Committee has overseen the creation of a statewide court race data collection project. The committee decided that the data should be self-reported, rather than observed by court staff, to provide the most reliable and objective data possible. In addition, the committee decided to follow U.S. Census race and ethnicity categories that permit multiple race designations. According to a State Justice Institute report¹, Minnesota’s collection method is the first of its kind in the country.

Every court in Minnesota currently collects self-reported race data at the first court appearance in traffic, criminal, and juvenile cases². Although no one is required to provide race data, the refusal rate is less than five percent (5%) statewide. After the race data information is entered into the case management system, any paper forms are then destroyed. Currently, race data is not available on the court public access terminals,

¹ Jon B. Gould, Collecting and Using Racial and Ethnic Data in the Courts: A Blueprint for the New Mexico Judiciary, State Justice Institute at 19 (November 2001).

² 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.

but there is discussion about whether this data will be available when the courts move to a web-based information system later this year.

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?

Hennepin County departed from the standard practice using the paper forms because it was determined that there was not adequate staff time to enter all of necessary race data forms because of their large volume of cases. By asking for the defendant to present the information orally, the court clerk is able to enter the information directly into the computer rather than using staff time later to enter the paper forms.

The data collected in 2002 will provide the first yearlong, systematic look at issues of race in the courts. Because the forms are collected at the first court appearance, the Implementation Committee will be able to request an analysis of race in all stages of the criminal and juvenile process, including bail, diversion, verdicts, and sentencing. The Implementation Committee has also encouraged law enforcement to collect race data in order to have a complete picture starting at the first point of contact with the criminal justice system. The goal is to understand where and how bias enters into decisions made in the criminal justice system, and to work to address those problems so that everyone is treated fairly.

B. TRAINING

Training has been a cornerstone of the Implementation Committee's efforts. In the past year, the Implementation Committee members have made sure that training on diversity issues continues to be of importance for all judicial system stakeholders.

The judicial branch has instituted a policy that new employees receive cultural sensitivity training as part of their required orientation. These orientations are held several times each year and are attended by judicial branch employees from all over the state. In addition, the annual statewide state judges' conference in December 2001 included a

presentation by Karen McCord entitled “Cultural Competency for Trial Court Judges.”³ Her presentation was well received.

The Implementation Committee has also worked to make sure prosecutors and public defenders receive training. The statewide trial school has provided training on the issue of how race influences plea negotiations since 1995. This training continues to be provided.

C. COURT INTERPRETER PROGRAM

When the Race Bias Task Force report was released in 1993, there were no standards or procedures for working with a court interpreter. In response, the Implementation Committee requested and received funds from the 1994 Legislature to establish the Court Interpreter Advisory Committee. The Court Interpreter Advisory Committee created the Best Practices Manual on Interpreters in the Minnesota State Court System, which provides comprehensive information on the role of the court interpreter, when an interpreter must be appointed, the Code of Professional Responsibility for Interpreters and other information.

Implementing another Race Bias Task Force recommendation, the Court Interpreter Program has administered certification tests for Russian, Spanish and Hmong interpreter candidates. The court rules for interpreters require that a certified interpreter be appointed if one is available. For interpreters that have not passed the rigorous certification exam, and for those whose language does not have a certification exam available, the Court Interpreter Program offers a comprehensive orientation so the interpreters understand what is expected of them in the courtroom setting. Minnesota was one of the founding members of the national Consortium for State Court Interpreter Certification.

The State Court Administrator’s Office has a unit devoted to court interpreter issues. With several full-time staff, the Court Interpreter Program works to ensure that people with limited English proficiency have equal access to justice in Minnesota courts.

With continued support from members of the Implementation Committee, the Court Interpreter Program continues to grow and expand interpreter services. The 2001 Legislature provided a large increase in funding for the program. Every district now has a court interpreter liaison to improve communication and services. A new project is underway to create a

³ This presentation provided an introduction to cultural competency, discussion of the ramifications of perceived bias in the courts and helpful materials on a variety of issues surrounding culture and the courts. Ms. McCord's presentation was very interactive, and engaged the participants in a useful dialogue and several exercises concerning issues associated with cultural competency. Ms. McCord is the head of McCord & Associates, and can be reached at P.O. Box 702, Suisun City, CA 94585.

complaint process in cases of unprofessional conduct by a court interpreter.

III. ACHIEVEMENTS

In addition to the work done on race data collection, training and the court interpreter program, there have been several other areas of achievement in the years since the Implementation Committee was created.

A. JURIES

All judicial districts in Minnesota now monitor the racial composition of their jury pools. Hennepin County (the most populous county in the state) has created a policy that guarantees minority representation on grand juries. In addition, the State Court Administrator's Office has provided a detailed examination of the representativeness and inclusiveness of petit jury pools.

Other improvements to the jury system include measures to decrease the hardship of jury service. The juror per diem was increased from \$15 to \$30. The legislature has also provided funds for reimbursing jurors' daycare costs for those who are not normally daycare users.

B. BOARD OF LAW EXAMINERS

The Implementation Committee has worked with the Board of Law Examiners to identify the causes of racially disproportionate bar passage rates and to promote solutions. The Board of Law Examiners makes sure that questions are reviewed for racial bias, and works to ensure that at least 25% of the graders are people of color.

In addition, the Board of Law Examiners has greatly increased its outreach and education efforts. The Board has a very detailed brochure on how the exam is graded, which is available on its website. The Executive Director goes to every law school several times each year to discuss the exam. She has spoken to the Minority Bar Summit on this issue and hosts the Bar Admissions Advisory Council, a forum for the public to express issues and concerns.

D. POLICE COMMUNITY RELATIONS

The Implementation Committee worked with the Legislature to require the development of a model policy regarding the professional conduct of police officers. The Board of Peace Officers Standards and Training (POST) released a model policy in March 1996. 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 their department to provide law enforcement services to the community.

E. LOCAL IMPLEMENTATION COMMITTEES

The local implementation committees regularly sponsor programming to increase awareness of diversity issues and improve the relationship between the courts and communities of color. For example, the Sixth District committee is currently conducting workshops at a neighborhood community center to increase understanding of the criminal and juvenile court process. Another example is the First District's "Cultural Celebration", which includes theater, cultural exhibits and speakers.

In addition, the local committees have created programs to improve the ability of limited English speakers to navigate the court system. The Fourth District secured grant money to start the Multicultural Services Center. Employees of the program are located in the court building to provide liaisons who speak Spanish and Somali.

Overall, these groups ensure that diversity issues are discussed on a local level. The local implementation committees provide resources, problem solve, and assist the Implementation Committee in improving the court system for all people, regardless of race or ethnicity.

IV. 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:

- **Employment** – The Employment Workgroup aims to gather employment statistics by race for judges, law clerks, prosecutors, public defenders, the top 25 Minnesota law firms, child protection workers and parole officers. These statistics will be updated annually to determine progress in hiring and retaining people of color.

Another goal is to pool the resources of the judicial branch, prosecutors and public defenders so that these agencies can be represented at more Minority Career Fairs around the country. For example, a representative from one agency could attend the career fair with materials and applications from all of the agencies. This way Minnesota legal careers would be promoted to people of color around the country.

- **Administration** – The Administration Workgroup aims to promote an informal grievance policy for people who feel they have been discriminated against in the courts.

Another goal is to create and distribute a flyer to every courthouse in the state that notifies people of their right to an interpreter and provides cards for them to give to court staff letting them know what language the person speaks.

- **Children of Color in Out of Home Placement** – The Minnesota Department of Human Services recently released a report detailing the state's highly disparate proportion of children of color in out of home placement. This workgroup is examining ways to work with the Department of Human Services to reduce this disparity.

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.

1. What is the race of the child? Indicate all races you consider your child 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. Is the child Hispanic or Latino? Mark the correct response regarding Hispanic or Latino (N) NO, Not Hispanic or Latino (Y) YES, Hispanic or Latino
---	--

Child's Name List each child.	Race Circle response(s)	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.

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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.”

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Progress Report

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

March 2004

State Court Administrator's Office
Court Services Division
105 Judicial Center
25 Constitution Avenue
St. Paul, MN 55105

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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 cases¹. 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

¹ 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.

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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.

1. What is the race of the child? Indicate all races you consider your child 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. Is the child Hispanic or Latino? Mark the correct response regarding Hispanic or Latino (N) NO, Not Hispanic or Latino (Y) YES, Hispanic or Latino
---	--

Child's Name List each child.	Race Circle response(s)	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.

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