

## Racial Impact Statements: Changing Policy to Address Disparities

A new report published by the Sentencing Project out of Washington D.C. shows that New Jersey is the worst state in the nation regarding racial disparities in the state's prisons. Nationally African Americans are 6 times more likely to be in prison than whites. In New Jersey, African Americans are 12 times more likely. Although African Americans are only about 13% of the state's population they are over 61% of the state's prison population.

Racial impact statements are a tool for lawmakers to evaluate potential disparities of proposed legislation prior to adoption and implementation. Analogous to fiscal impact statements, they assist legislators in detecting unforeseen policy ramifications. Policymakers may then be able to modify legislation that would worsen existing racial disparities. Practically speaking, it is important to address a policy's unwarranted effects before it is adopted, as it is more difficult to reverse sentencing policies once they have been implemented.

Enacting New Jersey racial impact statement legislation will build on reforms authorized to address disparities in the criminal justice system. During 2010, a bipartisan coalition of lawmakers reduced the quantity-based sentencing differential between federal crack and powder cocaine convictions that resulted in significant racial disparities and excessive penalties. The federal law change addressed the 100-to-1 disparity that punished defendants with five grams of crack cocaine (also known as cocaine base) with the same five-year mandatory minimum penalty imposed on powder cocaine defendants with 100 times that amount.<sup>1</sup> In recent years, since Connecticut, Iowa, Missouri and South Carolina have adopted similar state reforms to address their sentencing disparities.

### What Have Other States Done?

- In **Iowa** a bill requiring racial impact analysis and the impact of sentencing or parole changes on racial ethnic minorities passed in 2008 with nearly unanimous support.
- The **Connecticut** legislature approved a bill requiring racial and ethnic impact statements to be prepared for bills and amendments that would increase or decrease the pretrial or sentenced population.
- **Oregon** lawmakers authorized the policy in 2013, providing a process for formally requesting racial impact statements when considering criminal justice and child welfare legislation. The Oregon Criminal Justice Commission (OCJC) prepares an analysis of how the legislation may affect different racial and ethnic groups.

### Where We Are in the Process in New Jersey?

**First**, we built a broad coalition of faith and civil rights leaders to partner with Sen. Ronald Rice to push bill S.677 which requires racial impact statements

**Next**, we organized and got S.677 passed in the Senate with total bipartisan support!

**Now**, we need to get the bill through the Assembly Law & Public Safety Committee then to the full Assembly for vote.

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<sup>1</sup> Nicole D. Porter. Cracked Justice (2011). Available at: <http://bit.ly/1ZNCsMm>

## **What Can I Do to Help?**

1. Contact your Assembly Person and ask them to support A3677 sponsored by Assemblypersons Benji Wimberly, Troy Singleton, Grace Spencer, Cleopatra Tucker, Gordon Johnson, and Jamel Holley.
2. Go to our website and sign on to support Racial Impact Statements
3. Go to our website and join our email list
4. Help spread the word on social media:

*On Twitter – tweet this post: Challenge #RacialDisparity in the New Jersey #criminaljustice system. NJ Assembly VOTE YES on #A3677*

*On Facebook – share this status on Facebook “Challenge #RacialandEthnicDisparity in the New Jersey criminal justice system. NJ Assembly VOTE YES for #A3677! New Jersey incarcerates blacks at 12X the rates of whites. THE WORST IN THE NATION*

*Spread the word to everyone in your network so we can continue to build the momentum!*

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