



June 5, 2017

We, the undersigned organizations, urge you to support A.07519 / S.05921, which will mandate racial and ethnic impact statements for any bill that will increase the correctional and child welfare population and/or diminish access to human services and public benefits. Racial and ethnic impact statements allow for the critical examination of policy--prior to passage and implementation--that could potentially have disparate and adverse impacts on racial and ethnic minorities. The results of racial and ethnic impact evaluations create opportunities for amendments of particular legislation and public discussion in order to address the potential harms within policy prior to it becoming law. The adoption of a racial and ethnic review process for new legislation has the potential to increase civic engagement and add transparency to the legislative process.

Presently, New York is experiencing a significant decline in the number of individuals incarcerated in New York State Correctional facilities; however, the racial composition of incarcerated population remains unchanged. Blacks, Latinos, and Whites all experienced a decline in admission over the 20-year span, but the number of Blacks admitted remained the highest throughout. Black people have consistently accounted for the largest percentage of admissions to DOC, at 54.3 percent in 1995 and 53.4 percent in 2015. Similarly, Latinos comprised 34.4 percent of admissions in 1995 and declined slightly to 32.8 percent by 2015. This examination highlights the racial disparities that shape the New York City DOC, while showing that a decline in total admissions does not necessarily reduce racial disparities.

In the child welfare sector, families subject to review and intervention by Child Protective Services and the Administration for Children Services are overwhelming Black and Latino. A national study of child protective services by the U.S. Department of Health and Human Services reported that “minority children, and in particular African American children, are more likely to be in foster care placement than receive in-home services, even when they have the same problems and characteristics as white children.” Recognizing the extent and depth of racial disparities within New York’s child welfare population, the NYS Office of Children and Family Service implemented an internal review of their practices and policies in 2007. The internal review process led to the implementation of technical assistance programs in regional offices to address the high--and sometimes extreme--rates of foster care placement for Black, Native, and Latino children and pilot rollouts of racial impact processes and tools, including Racial or Equity Impact Statements.

According to the 2017 Poverty Report from the NYSCAA, New York State has been experiencing an overall 15.7% poverty rate. Disparities between the poverty rate for the White population and the Black and Hispanic/Latino population details the economic challenges communities of colors have faced and barriers when accessing the social

safety net and human services. This underline correlation shows that while the human services sector helps those in need, service providers can unintentionally “influence race/ethnicity and class health disparities in many interconnected ways.” One of the many research findings from “Paved with Good Intentions: Do Public Health and Human Service Providers Contribute to Racial/Ethnic Disparities in Health,” providers may communicate lower expectations for patients in disadvantaged social positions (race/ethnicity, income, education, class, etc). Racial and Ethnic Impact Statements can alleviate this systematic cycle of poverty by insuring that human service providers are providing the same level of service to every client through the examination of employment practices and assessments of the services and programs provided to their clients.

In Iowa, racial and ethnic impact statements appear to be having a positive effect, helping to defeat legislation that could have exacerbated disparities and providing a smoother path to passage for measures deemed neutral or beneficial to minorities. To date, New Jersey, Connecticut, and Oregon have implemented mechanisms for the preparation and consideration of racial impact statements; in addition, the Minnesota Sentencing Guidelines Commission develops racial impact statements without statutory guidance.

Racial and ethnic impact statements employ data already collected by various New York State agencies, synthesizing it to outline the potential outcomes of new legislation that affects a specific population. This accessible process will allow for more informed legislative debate on disparate outcomes, and will allow lawmakers to consider alternative policy that reinforces public safety without reinforcing discriminatory outcomes.

Considering the effectiveness of racial and ethnic impact statements and the need to eliminate the racial disparities that are evident in New York’s child welfare and criminal justice systems, we, the undersigned organizations, encourage New York to continue working toward a more equitable state through the passage of A.07519 / S.05921.