



## NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE

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The National Association for the Advancement of Colored People (NAACP) is the nation's oldest, largest and most widely-recognized grassroots based civil rights organization. Formed in 1909 by a multiracial group of progressive thinkers, the NAACP is a nonprofit organization established with the objective of ensuring the political, educational, social, and economic equality of people of color. For over 102 years, the NAACP has challenged this nation to uphold its promise of equal opportunity toward the goal of eliminating racial prejudice and removing all barriers of racial discrimination through democratic processes.

In a process established by the NAACP Constitution, this resolution was adopted by the delegates to the 101<sup>st</sup> Annual Convention in Kansas City, Missouri, during the legislative session in July, 2010. It was subsequently ratified by the NAACP National Board of Directors at its meeting on October 15, 2010. This resolution is now the policy of the Association, and is "binding on the Board of Directors, the Executive Committee, the Officers, and all units."

### *Establishing a "Criminal Justice Impact Statement"*

**WHEREAS**, one (1) of every nine (9) black males is in prison or jail; and

**WHEREAS**, one of every three black males born today can expect to do time in state or federal prison if these current trends persist; and

**WHEREAS**, African-Americans are nearly six (6) times as likely to be incarcerated, but there is also broad variation of the ratio among the State of Iowa leading the nation with a black/white ratio of more than 13 to 1; and

**WHEREAS**, crime commission rates among the races and ethnicities has been determined to be similar, there is no judicial and/or public safety reason for such disparities; and

**WHEREAS**, the effects of high incarceration rates go beyond the trauma of incarceration itself, including extra challenges in gaining employment, reduced lifetime earnings, restrictions of various public benefits and voting rights; and

**WHEREAS**, the effects of incarceration also have broad consequences for the families of offenders, including the shame and stigma of that imprisonment, loss of financial, and emotional support of the loved ones behind bars; and

**WHEREAS**, the effects of incarceration extend to communities at large, with the challenges of re-entry resulting in high rates of recidivism and the consequent costs of burgeoning prison systems; and

**WHEREAS**, the states need policies and practices that can work effectively to promote public safety, they must also find ways to reduce the disproportionate rate of incarceration of people of color; and

**WHEREAS**, these imbalanced outcomes result from a complex set of socio-economic factors, overtly impartial criminal justice policies have unintended consequences that would be best addressed prior to adoption of new initiatives; and

**WHEREAS**, racial impact statements, similar to presently practiced fiscal and environment impact statements, are particularly important for criminal justice policies because it is exceedingly difficult to reverse sentencing policies once they have been adopted; and

**WHEREAS**, in 2007, the American Law Institute revised its Model Penal Code calling for sentencing commissions to prepare projections to quantify “demographic patterns” and with correctional resource projections; and

**WHEREAS**, the Model Penal Code “provision treats numerical disparities in punishment as an important societal cost that must be considered along with other factors when existing sentencing structure is assessed, or when changes within the system are contemplated”; and

**WHEREAS**, in 2007, the Delaware Supreme Court, in conjunction with the Delaware Criminal Justice Council, convened a Racial and Ethnic Fairness Summit, including 75 key policymakers, practitioners, and community leaders producing a working document promoting policies and perceived to be fair policies by all members of the community; and

**WHEREAS**, the 110<sup>th</sup> Congress introduced the bipartisan legislation of the Justice Integrity Act of 2008 calling for the establishment of broad-based task forces in ten United States attorney districts, comprised of leaders from the jurisdiction’s federal and state justice systems, as well as community representatives charged with producing racial and ethnic fairness plans analyzing data on prosecutorial decision-making, assessing whether disparities are explained by relevant legal variables, and recommending policies and practices reducing any unjustified disparities; and

**WHEREAS**, in 2008, the State of Iowa enacted near-unanimous legislation requiring, in addition to, preparing a correctional impact statement for policy changes, the legislative services agency should also conduct a racial impact analysis that examines the impact of sentencing or parole changes on racial and ethnic minorities; and

**WHEREAS**, in 2008, the State of Connecticut enacted similar bipartisan legislation; and

**WHEREAS**, in 2008, Wisconsin Governor Jim Doyle issued an executive order supporting the creation of a Racial Disparities Oversight Commission.

**THEREFORE, BE IT RESOLVED**, that the NAACP directs its State/State Area Conferences to advocate to their State Legislatures the mandated collection and

disaggregation of racial and ethnic criminal justice data for the creation of racial impact statements to be considered in the promulgation of any and all new criminal justice policies or regulations within their state criminal justice systems; and

**BE IT FURTHER RESOLVED**, that if such disparities are determined to exist, the units lobby their legislatures to enact racial impact statement procedures that rectify these unjust disparities within their criminal justice systems; and

**BE IT FINALLY RESOLVED**, that the NAACP support final passage of the Justice Integrity Act to serve as a national model of process in addressing discriminatory sentencing and incarceration practices.



Roslyn M. Brock  
Chairman  
National Board of Directors



Leon Russell  
Chairman  
Committee on Resolutions



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