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Racial Equity Impact Statement or Racial Equity Impact Assessment

Definitions:

The Center for Racial Justice Innovation defines a Racial Equity Impact Assessment (REIA) as a systematic examination of how different racial and ethnic groups will likely be affected by a proposed action or decision. REIAs are used to minimize unanticipated adverse consequences in a variety of contexts, including the analysis of proposed policies, institutional practices, programs, plans and budgetary decisions. The REIA can be a vital tool for preventing institutional racism and for identifying new options to remedy long-standing inequities.

Connecticut General Statute defines Racial Equity Impact Statements (REIS) as statements prepared by the Office of Legislative Research and the Office of Fiscal Analysis to indicate whether or not the bill or amendment would have a **disparate impact** on the racial and ethnic composition of the **correctional facility population** and an explanation of that impact.

Connecticut History:

- P.A. 08-143

  CONN. GEN. STAT. ANN. § 2-24b(a)

  (a) Beginning with the session of the General Assembly commencing on **January 7, 2009**, a racial and ethnic impact statement shall be prepared with respect to certain bills and amendments that could, if passed, increase or decrease the pretrial or sentenced **population of the correctional facilities** in this state…

- **On June 2, 2017,** SB 482 (GAE Committee) AN ACT CONCERNING THE PREPARATION OF RACIAL AND ETHNIC IMPACT STATEMENTS was passed in the **Senate with 35 Yes votes** and only one Nay. This bill would require racial and ethnic impact statements to be prepared at the request of any legislator. No Vote was taken in the House of Reps… It says:

  (a)… a racial and ethnic impact statement shall be prepared **at the request of any member of the General Assembly** with respect to certain bills and amendments that could if passed, increase or decrease the pretrial or sentenced population of the correctional facilities in this state.

  (b) The joint standing committee of the General Assembly on judiciary may make recommendations for a provision to be included in the joint rules of the House of Representatives and the Senate concerning the procedure for the preparation of such racial and ethnic impact statements…

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National History

- Equity and Social Justice Initiative **King County, WA** The County government is using an Equity Impact Review Tool to intentionally consider the promotion of equity in the development and implementation of key policies, programs and funding decisions.
- Race and Social Justice Initiative **Seattle, WA** City Departments are using a set of Racial Equity Analysis questions as filters for policy development and budget making.
- Minority Impact Statements **Iowa and Connecticut** Both states have passed legislation, which requires the examination of the racial and ethnic impacts of all new sentencing laws prior to passage. Commissions have been created in Illinois and Wisconsin to consider adopting a similar review process. Related measures are being proposed in other states, based on a model developed by the Sentencing Project.
- Proposed Racial Equity Impact Policy **St. Paul, MN** if approved by the city council, a Racial Equity Impact Policy would require city staff and developers to compile a "Racial Equity Impact Report" for all development projects that receive a public subsidy of $100,000 or more.

International History

- Race Equality Impact Assessments **United Kingdom** Since 2000, **all public authorities** required to develop and publish race equity plans must assess proposed policies using a Race Equality Impact Assessment, a systematic process for analysis.

Recommended strategies used to develop responsive REIS/REIA's*

- Data collection combined with appropriate analytics
- Knowledge of fiscal implications of preparing REIS/REIA's
- Choosing appropriate agency/professionals/community members preparing REIS/REIA's
- Choosing appropriate content of REIS/REIA's
- Deciding the REIS/REIA's frequency, quantity, and who is responsible for responding

*Catherine London, Racial Impact Statements: A Proactive Approach to Addressing Racial Disparities in Prison Populations, 29 Law & Ineq. 211 (2011).

Definitions-Background-History

"REIAs are used to minimize unanticipated adverse consequences in a variety of contexts, including theanalysis of proposed policies, institutional practices, programs, plans and budgetary decisions."

~RACE FORWARD

According to the **Praxis Project** a legislative body can use REIAs to assess "whether laws and rule-making advance a shared agenda of fairness; spread the burden of regulation fairly; and help address historic patterns of institutional bias and discrimination."

Two aspects of an REIS.

(1)By using a normative set questions and evaluating available data each proposed bill would be measured by its intended and untintended consequences on protected subgroups.

(2) Any bill that passes that has been identified as potentially causing adverse effects can now be tracked and easily assessed by legislators, agencies, the courts, and voters.

Nearly 25 years ago…

Executive Order 12898 - Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations E.O. 12898, from the National Archives 59 FR 7629; February 16, 1994

The E.O. directs federal agencies to identify and address the disproportionately high and adverse human health or environmental effects of their actions on minority and low-income populations, "to the greatest extent practicable and permitted by law."

Per the City of Portland, Oregon's Budget Equity Assessment Tool 2016

What should it assess?

A broad REIA should be designed to "Assess the equity and social impacts of budget [appropriations] requests to ensure programs [grant applications], projects and other investments to help reduce disparities and promote service level equity… [And]

"Identify whether **budget requests** advance equity, represent a strategic change to improve efficiency and service levels and/or are needed to provide for basic public welfare, health and/or meet all applicable national and state regulatory standards."

Next, the Report to the Legislature on Racial and Ethnic Impact Statements State of Washington 2ESHB 2376 Section 125(2) passed by 2016 Legislature December 27, 2016.

Triggers or **parameters** for production of REISs include a request by a majority of a committee, a member from both parties of the proposed legislation's house of origin, and time frame parameters such as prior to major legislative cut-off dates. **We believe any committee chair, legislator, commission or agency should be allowed to request one f**

In Oregon one member of the Legislative Assembly from each major political party must sign a written request for the Oregon Criminal Justice Commission to prepare a REIS. **This is a bad idea and we have this trigger in the Judiciary Committee and its doesn't work now**

Should the bill mandate that agencies or commissions participate in this process?

Yes. State agencies that can collect and provide data analysis for the purpose of producing the REIS must play an integral role in the process. Funding must accompany any new responsibilities.

Cost-effectiveness, Timeliness, and Format of a REIS

"One of the biggest challenges in providing a fiscal estimate is not knowing the complexity or format of the REIS as well as what the frequency of REIS requests will be…" **Its never been done in Connecticut. We don't know the cost? This is an opportunity for Connecticut to be a leader and innvoator.**