



## Hennepin County

Department of Community Corrections & Rehabilitation  
Thomas R. Merkel, J.D., Director  
C-2353 Government Center  
Minneapolis, Minnesota 55487-0533

Phone: (612) 348-6180  
Fax: (612) 348-6488  
www.co.hennepin.mn.us

July 7, 2008

Associate Justice Paul Anderson  
Minnesota Supreme Court  
Minnesota Judicial Center  
25 Rev Dr Martin Luther King Jr Blvd  
St Paul, MN 55101

Dear Justice Anderson:

On behalf of the Hennepin County Department of Community Corrections and Rehabilitation (DOCCR), I requested a MNCIS data extract to include race data. It is my understanding that the current court rules do not allow access to summary race data without an order from the Supreme Court. This request is for statewide race data from both adult criminal and juvenile matters for research and evaluation purposes.

We have had access to the self-reported race survey data for the Fourth Judicial District via the prior Hennepin County Subject-in-Process (SIP) system. Prior to the 2005 change in the Rules of Public Access in regard to race data, such access was not prohibited under the access rules. Race data is critical for the limited purpose of conducting validation studies and program evaluation studies. These studies benefit the Fourth Judicial District's criminal and juvenile case processing through (1) evaluating the fairness of various screening/assessment tools to ensure that they are race neutral; and (2) studies of various service delivery methods to determine if they are addressing specific cultural needs in terms of outcomes.

### **Validation Studies**

Validation studies are conducted to analyze the effectiveness of assessment tools in predicting a specific criterion, such as risk to reoffend, violate probation, skip court hearings, etc. We are currently involved in a number of these studies, including: 1) the use of the Research Institute of America Self Inventory (RIASI) for predicting risk to reoffend among DWI offenders, 2) the use of the Risk and Needs Triage tool (RANT) for identifying high risk chemically dependent drug offenders for tracking into Drug Court and other probation options, 3) the use of the Pretrial Evaluation tool for identifying offenders likely to reoffend or fail to appear during the court process, and 4) the use of the LSI and its associated triage tool for predicting risk to reoffend or violate conditions of probation.

Validation is a process that includes the psychometric evaluation of individual items on an assessment tool and the total score for bias due to factors such as race and gender. Professional standards for assessment require that assessment tools should be free of bias.

Another part of validation is the evaluation of the assessment tool for its ability to predict the specific criterion it was designed to predict. In the case of risk tools this requires the collection of conviction, charge, probation violation, and other relevant data which is correlated with offender scores on the assessment tool. Here, too, it is critical that the tool does not adversely affect offenders representing specific racial and ethnicity groups.

These tools are used to aid in making specific decisions related to offenders. Among these are recommendations regarding probation conditions, alternative treatment options, levels of probation supervision and types of probation programs. The effectiveness and quality of various probation decisions is directly related to the validity of the assessment tool. Information on how an assessment tool is affected by the race of the offender can also be used in the development of probation programs that are responsive to the needs of offenders of specific races. This is an important part of Evidence Based Practice (EBP).

### **Evaluation Studies**

The evaluation of specific probation programs is another important part of EBP. The Department is currently involved in an evaluation of the DWI One Day Program and the Conditional Release Program. Evaluation of these programs involves comparison of offenders who receive or participate in the program (treatment group) with offenders who do not participate in the program. It is necessary to match offenders in the comparison group with those in the treatment group on key characteristics, including gender, race, offense, offense level, criminal history, etc. This data is pulled from the court system, since these offenders may not have received probationary services. Analyzing race data also helps us determine if our service delivery to clients is culturally competent. In other words, is there a difference in outcomes based on race? Are we successfully addressing the issues unique to specific cultures, i.e. African Americans, Native Americans, Hispanics?

### **How does race data establish fairness of the criminal justice system?**

The interest of the DOCCR is in evaluating the fairness of various screening/assessment tools to ensure that they are race neutral. Biased client tools would adversely impact the fairness of the criminal justice system.

In addition, the DOCCR conducts studies of various service delivery methods to determine if they are addressing specific cultural needs in terms of outcomes

### **What race data does DOCCR use now? What is the source of that data? Why is that insufficient?**

The DOCCR has had access to court data (including race) for many years as part of Subject-In-Process (SIP). It wasn't until last summer when SIP was replaced with MNCIS that we lost access to court data.

The DOCCR now only has access to our internal information systems such as JUVIS and CORRIS. This means that we only have access to data on clients supervised by our department. Both JUVIS and CORRIS interface with MNCIS to some degree and include data entered by our probation officers.

The DOCCR is involved in a number of joint research/evaluation projects with the courts. These include changes in the handling of DWI offenders, Drug Court, and a Pretrial Evaluation tool. These types of studies often require comparison samples of offenders that are not under the jurisdiction of the DOCCR. It is important to match these samples on basic demographics including gender, race, criminal history, etc.

The court data is important in another aspect. At times information might be missing in our internal systems and/or we need to reconcile that two people are in fact the same person. Race may be the only variable by which to make that determination.

Associate Justice Paul Anderson  
July 7, 2008  
Page 3 of 3

Validation and evaluation studies are an important part of Evidence Based Practice (EBP). The results are also of mutual benefit to the DOCCR and the Courts.

**Limited Use of the Race Data**

There are limits as to how we would use the race data. The DOCCR views itself as bound by the agreement it has signed with the courts regarding access to confidential data. We understand that the access would be limited to the use of researchers within the department only and would not be made available to other agencies or the public. The use of the data will be limited to what we have spelled out in this letter requesting the data. Also, while race data is sometimes missing from our internal systems, we would not add race data supplied by the courts to our information systems. We would also not use the courts race data for assistance in obtaining warrants against persons who have violated probation/supervised release.

The results of many of these research and evaluation studies are valuable to the courts as well in guiding release and sentencing practices.

Please contact me if you have questions or need additional information. I can be reached at 612-348-7962 or [thomas.r.merkel@co.hennepin.mn.us](mailto:thomas.r.merkel@co.hennepin.mn.us). Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. Merkel', written over a light blue horizontal line.

Thomas R. Merkel, Director  
Hennepin County Department of Community Corrections and Rehabilitation

cc Chief Justice Eric Magnuson  
Michael B. Johnson, Senior Legal Counsel