



2023  
Annual Report



## Acknowledgements

This report is authored by the Commission on the Social Status of Black Men and Boys (CSSBMB). Leading institutions and practitioners provided research support.

## Report Advisors

Mauro Morales, Staff Director  
Mark Spencer, Esq., Director  
Gerald K. Fosten, Ph.D., Social Scientist

## Commission Staff

Mark Spencer, Director  
Monica Cooper, Support Services Specialist  
Gerald K. Fosten, Ph.D., Social Scientist  
Zakee Martin, Deputy Director  
Diamond Newman, Social Media Specialist

## Commission Members

Chair Frederica S. Wilson, U.S. Congresswoman, Florida, District 24  
Commissioner Jack Brewer, CEO, The Brewer Group, Inc.  
Commissioner Laurence Elder, Politician, Author  
Commissioner Dr. Joseph E. Marshall Jr., Executive Director, Alive & Free/Omega Boys Club  
Commissioner Kristen Clarke, Assistant Attorney General for Civil Rights, U.S. Department of Justice  
Commissioner Joyce Beatty, U.S. Congresswoman, Ohio, District 3  
Commissioner Hakeem Jeffries, U.S. Congressman, New York, District 8  
Commissioner Lucy McBath, U.S. Congresswoman, Georgia, District 7  
Commissioner Jamaal Bowman, U.S. Congressman, New York City, District 16  
Commissioner Steven Horsford, U.S. Congressman, Las Vegas, District 4  
Commissioner Thomas Colclough, Deputy District Director, U.S. Equal Employment Opportunity Commission  
Commissioner Dr. Calvin Johnson, Deputy Assistant Secretary for Research, U.S. Department of Housing and Urban Development (HUD)  
Commissioner Alexis Holmes, Executive Director, White House Initiative on Advancing Educational Equity  
Commissioner Tina Louise Martin, Director of Management and Human Resources, United States Commission on Civil Rights  
Commissioner Alaysia Black Hackett, U.S. Department of Labor, Chief Diversity and Equity Officer  
Commissioner Troy Carter Sr., U.S. Congressman, Louisiana, District 2  
Commissioner Maxwell Frost, U.S. Congressman, Central Florida, District 10  
Commissioner Henry Johnson, U.S. Congressman, Georgia, District 4

## CSSBMB Subcommittees

### Education

Commissioner Alexis Holmes

### Criminal Justice & Civil Rights

Commissioner Kristen Clarke (Co-Chair)

Commissioner Lucy McBath

Commissioner Jack Brewer (tentative)

### Housing & Healthcare

Commissioner Calvin Johnson (Co-Chair)

Commissioner Jack Brewer

### Labor & Employment

Commissioner Steven Horsford (Co-Chair)

Commissioner Laurence Elder

Commissioner Thomas M. Colclough

Commissioner TinaLouise Martin

### Annual Report

Chair Frederica S. Wilson

Commissioner Kristen Clarke

Commissioner Calvin Johnson

## Table of Contents

|   |           |
|---|-----------|
| Acknowledgements .....  | i         |
| Report Advisors .....   | i         |
| Commission Staff .....  | i         |
| Commission Members .....  | i         |
| CSSBMB Subcommittees .....  | ii        |
| Message from the Chair, Representative Frederica S. Wilson .....  | 3         |
| Message from the Director, Mark Spencer, Esq. ....  | 5         |
| Executive Summary .....   | 7         |
| Major Activities of the Commission in 2023.....   | 9         |
| <b>CHAPTER I Subcommittee on Education: Educational Equity to Eliminate the Achievement Gap .....</b>           | <b>11</b> |
| K-12 Achievement Gaps .....   | 12        |
| Table 1: Percent of Racial Disparities in Schools Providing STEM Courses: .....                                 | 14        |
| Racial Disparities in School Discipline .....   | 15        |
| Table 2: Department of Education Office of Civil Rights, School Discipline .....                                | 16        |
| Racial Disparities in Higher Education .....  | 16        |
| Table 3: Percentage of Degrees Conferred by Race/Ethnicity and Sex Varied by Level of Degree in 2020–2021. .... | 17        |
| Funding Gaps and the Role of Historically Black Colleges and Universities .....                                 | 18        |
| Lack of Diversity Among Teachers .....  | 20        |
| Potential Best Practices.....   | 21        |
| Mentoring, Fatherhood, and Family Initiatives .....   | 21        |
| Recommendations .....   | 23        |
| <b>CHAPTER II Subcommittee on Housing: Affordable Housing for Everyone .....</b>                                | <b>25</b> |
| Ongoing Disparities in Housing.....   | 26        |
| Homelessness .....  | 26        |
| Homeownership.....  | 27        |
| Figure 1: Racial Homeownership Gaps Over Time .....   | 27        |
| Impacts of Racial Disparities in Housing .....  | 28        |
| Housing Insecurity Among Black Homeowners and Renters.....  | 29        |
| Figure 2: Increased Likelihood of Housing Insecurity .....  | 29        |
| Collateral Consequences of Criminal Justice Disparities .....   | 30        |
| Recommendations .....   | 31        |
| <b>CHAPTER III Subcommittee on Health: Addressing Health as a Form of Healing.....</b>                          | <b>32</b> |
| Health Disparities.....   | 33        |
| Social Determinants of Health .....   | 35        |
| Figure 3: Charting Social Determinants of Health .....  | 36        |
| Trauma and Mental Health Issues .....   | 37        |



|   |           |
|---|-----------|
| Supporting Black Male Health Providers .....  | 38        |
| Figure 4: Shortage of Black Male Physicians Over Time .....   | 38        |
| Prevention and Intervention: Overrepresentation in Child Welfare, Foster Care, and Family Issues .            | 39        |
| Figure 5: Number of Children in Foster Care, by Race .....  | 40        |
| Recommendations .....   | 41        |
| <b>CHAPTER IV Subcommittee on Labor &amp; Employment: Equitable Economic Inclusion &amp; Participation...</b> | <b>42</b> |
| Labor and Employment Disparities .....  | 43        |
| Lower Wages; Impacts on Poverty Levels.....   | 44        |
| Recent Trends in the Post-COVID-19 Pandemic Era .....   | 44        |
| Figure 6: Recent Unemployment Trends, Black Males, January to October 2023 .....                              | 45        |
| Figure 7: Unemployment Rate – Black Total 2000–2022 .....   | 45        |
| The Relationship between Educational and Employment Disparities .....   | 45        |
| Figure 8: The Relationship between Educational Attainment and Employment in 2022 .....                        | 46        |
| Macroeconomic Issues .....  | 46        |
| Black-Owned Businesses .....  | 47        |
| Workforce Development Initiatives .....   | 48        |
| Addressing Collateral Employment Consequences of Incarceration for Black Men.....                             | 51        |
| Recommendations .....   | 53        |
| <b>CHAPTER V Subcommittee on Justice &amp; Civil Rights: Prevention, Not Detention.....</b>                   | <b>54</b> |
| Ongoing Racial Disparities in the Criminal Justice System .....   | 55        |
| Figure 9: Imprisonment Rates by Race/Ethnicity, 2012-2022 .....   | 57        |
| Recent Federal and State Reforms .....  | 57        |
| Disparities in Reentry .....  | 59        |
| Promising Reforms to Reduce Reentry .....   | 59        |
| The CSSBMB's Role in Prevention, Intervention, and Transition .....   | 60        |
| Collateral Consequences .....   | 60        |
| How a Father's Incarceration Issues Impacts Minor Children .....  | 61        |
| Fatherhood Initiatives for Incarcerated Men .....   | 62        |
| Criminal Street Gangs .....   | 62        |
| Gun Violence Prevention.....  | 63        |
| Disparities in Juvenile Justice .....   | 64        |
| Figure 10: Racial Disparities in Juvenile Justice Court Processing.....                                       | 64        |
| Office of Juvenile Justice and Delinquency Prevention Data.....   | 65        |
| Federal Legal Standards and Model Programs .....  | 65        |
| Diversion and Other Strategies .....  | 66        |
| Recommendations .....   | 67        |
| <b>Appendix A - Special Projects .....</b>  | <b>68</b> |
| <b>Appendix B - Accomplishments.....</b>  | <b>69</b> |
| <b>Additional Acknowledgements .....</b>  | <b>75</b> |



## Message from the Chair, Representative Frederica S. Wilson

The CSSBMB represents the second U.S. commission dedicated to civil rights, following the U.S. Commission on Civil Rights (USCCR), which President Dwight Eisenhower established in 1957. This earlier commission was tasked with holding public hearings and collecting and studying information on discrimination or denials of equal protection under the laws due to race, color, religion, sex, age, handicap, or national origin; it also focused on discrimination or denials of equal protection in the administration of justice.

In 2006, 51 years after the landmark *Brown v. Board of Education* decision, the tragic murder of Martin Lee Anderson, a 14-year-old African American boy, by corrections officers at a Florida youth detention facility spurred me,

then a Florida Senator, to present legislation that was enacted. This legislation established CSSBMB in Florida to specifically address the challenges faced by Black men and boys in the state. Six years later, while serving in the U.S. Congress, the death of Trayvon Martin—a member of my 5,000 Role Models of Excellence and my constituent—underscored the urgency of the moment. In response, I filed a bill to create CSSBMB. This bill remained inactive until the worldwide reaction to George Floyd’s murder by a Minneapolis police officer in 2020.

The global outcry, similar to the reaction to the *Brown v. Board of Education* of Topeka case in 1954, propelled then–House Speaker Nancy Pelosi and Senator Marco Rubio to support my bill, leading to the establishment of CSSBMB, which was signed into law on August 14, 2020, by the president of the United States.

As a bipartisan federal agency, our role as commissioners is to lead the national discussion addressing the complex and nuanced conditions affecting Black men and boys. Now in its third year, I lead the Commission as chair and founder, joined by prominent legislators, government appointees, and leaders from the business and community sectors.

My work in the U.S. Congress has been focused on empowering Black men and boys. I have worked closely with Senator Marco Rubio (R-FL) for several sessions of Congress to draft and advance legislation to establish this nonpartisan commission. As state legislators, we also collaborated to establish the nonpartisan Florida CSSBMB. In 1993, I founded the 5,000 Role Models of Excellence Project to mentor Black boys. This initiative offers boys from elementary, middle, and high schools a continuum of services, including college scholarships.

I authored bill H.R. 1636 (the CSSBMB Act), which passed in the House of Representatives in July 2020. I am proud to share that this measure received unanimous support in the Republican-controlled Senate and overwhelming approval in the Democrat-controlled House of Representatives before being signed into law by President Donald Trump.

Our Commission is devoted to exploring the social disparities that disproportionately affect Black males in America. Through collaboration with our partners and evidence-based research, we are making recommendations to address the social challenges that are affecting the quality of life for our Black men and boys.

We are committed to disrupting the “school-to-prison pipeline” and enhancing public understanding of the barriers that make it extraordinarily difficult for Black males to become upwardly mobile. Our goal is to encourage policy makers to initiate legislation that promotes equity in education, identifies the achievement gaps faced by Black boys in the United States, and highlights the factors contributing to these gaps, demonstrating the urgent need for action.

I have made it a top priority to create equitable housing and healthcare for Black men and boys across the U.S. My achievements include sponsoring legislation to protect homeowners against foreclosure and to reduce homeowners’ insurance premiums. We recognize the disproportionate housing challenges faced by Black men and are actively examining barriers to affordable housing, focusing on highlighting opportunities for improvement.

I have also introduced several impactful bills to support the increase of workforce development and economic inclusion for Black males. These include the American Jobs Act of 2013, aimed at stimulating employment opportunities; the Student Loan Borrower Bill of Rights, offering crucial relief to students overwhelmed with student loan debt; and the Youth Corp Act of 2013, which reconnects youth with education, the workforce, and their communities. Our Commission continues to make strides toward creating opportunities for Black men and boys in the United States, supporting my mission to provide access to equitable resources.

## Message from the Director, Mark Spencer, Esq.

### Progress? Yes, But Still Many Miles to Go

Imagine two bouncing baby boys born in the same U.S. city on the same day, one Black, the other White. Reams of data predict that the African American child is three times more likely to die before his first birthday than the White infant, three times more likely to be suspended from school, seven times more likely to be incarcerated, and nearly four times more likely to be killed by a police officer. Throughout their lifetimes, Black boys are more likely to suffer from chronic diseases such as diabetes, hypertension, and even HIV. He is more likely to die younger, to be homeless, to never marry, and to be seriously injured on the job.

His inheritance will be less, his debts larger, his assets far fewer and less valuable, and he will be unemployed longer than his White peers. When he does work, he will earn slightly more than half of what his White counterpart rakes in and is likelier to die penniless. You could argue that these two boys, born on the same day, in the same city, inhabit two different Americas, with the Black baby growing up to live in a nation with living standards that are comparable to life in the poorest nations in the world. At the same time, the quality of life for a White man in the United States is closer to that of someone in Canada or Western Europe.

But here is the thing: not even one of these yawning disparities can be explained by biology, science, or the “tangle of pathologies” once ascribed to the Black community by the late U.S. Senator Daniel Patrick Moynihan. Research studies that adjust for prenatal care show no difference in intelligence between Black and White babies. Data compiled by FBI consistently shows that White men use drugs and commit serious crimes at rates that are higher than Black men. Despite the stereotype that depicts Black fathers as deadbeats, a longitudinal study published in 2007 found that Black non-custodial dads spend more quality time with their children than any other racial demographic of fathers.

The empirical evidence, therefore, is abundantly clear: the myriad deficits that define Black life in the United States are entirely attributable to interlocking systems of persistent and pervasive racial discrimination from the broader society. Created in the aftermath of the country’s largest and most significant wave of protests that followed the videotaped murder of George Floyd by a Minneapolis police officer, CSSBMB is tasked with interrogating this intricate web of institutionalized racism ensnaring the vast majority of 24 million African American males and preventing them from participating in public life.<sup>1</sup> As a result, ours is a nation that is less safe, less prosperous, less democratic, and woefully unjust.

Our objective at CSSBMB is not to scold, assign blame to, or cancel anyone but rather to shine a light on what some scholars refer to as “sites of suffering”—schools, the workplace, hospitals, and the criminal justice system—to identify policies and ideas for long overdue racial redress.

While CSSBMB endeavors to account for the disparities, we also believe it is vital to lift what works and showcase the everyday struggles and triumphs of Black men and boys working to overcome considerable odds and living productive lives.

The CSSBMB’s 2023 Annual Report is full of insight and provides a glimpse into the realities of Black males in the United States. The report includes scores of references and academic citations. If we had to boil down this text to its essence, however, we would point to the financial costs of racial inequality and

<sup>1</sup> “National Population by Characteristics: 2020–2023,” *United States Census Bureau*, Dec. 18, 2023, <https://www.census.gov/data/tables/time-series/demo/popest/2020s-national-detail.html>.



the physical and emotional toll it takes on African American men and youth. A 2020 Citigroup study found that antiblack racism has shrunk national economic output, or gross domestic product (GDP), by \$16 trillion since 2000—an amount nearly equal to an entire year’s GDP.

And perhaps no less important is what many African American men say it feels like to live under the daily threat of violence, microaggressions, and sanctions that are intended to dispossess Black men of their dignity, confidence, property, and even lives. There is a feeling, many say, that their lives are not their own and can be snatched—almost on a whim—in a manner that is similar to what their ancestors experienced as enslaved people.

In barbershops and private discussions, Black men often express this trauma in catchphrases that repeat Eric Garner’s gasping final words while being strangled to death on a street corner in Staten Island—“I can’t breathe”—and the former National Football League (NFL) running back Marshawn Lynch, who protested his appearance at a Super Bowl press conference by asserting “I’m just here so I don’t get fined.”

*Mark Spencer, Esq.*

*Executive Director, Commission on the Social Status of Black Men and Boys*

## Executive Summary

The CSSBMB was established by bipartisan federal legislation in August 2020.<sup>2</sup> The CSSBMB is an independent, bipartisan, non-Congressional Federal Commission with 19 members. It hosts substantive quarterly meetings that are open to the public. The CSSBMB is also charged with issuing an annual report that will “address the current conditions affecting Black men and boys and make recommendations to address these issues.”<sup>3</sup> As per our statute, we hereby submit this 2023 Annual Report to the president, cabinet members, and Congress, including the chairs of the appropriate committees of jurisdiction. We are also making the report publicly available on our website, which, like our Commission, is housed by USCCR.<sup>4</sup>

This 2023 Annual Report highlights current conditions impacting Black men and boys in the five areas below:

1. Education
2. Housing
3. Health
4. Labor and Employment
5. Justice and Civil Rights

The Commission and its subcommittees held a series of meetings, events, and convenings addressing these topics as well as overarching and intersectional issues. The CSSBMB’s mission is to examine trends regarding Black males and report on the community impacts of relevant government programs within the scope of the five major topics.<sup>5</sup> Under its statute, CSSBMB and its subcommittees also propose measures to alleviate and remedy the underlying causes of “conditions affecting Black men and boys, including homicide rates, arrest and incarceration rates, poverty, violence, fatherhood, mentorship, drug abuse, death rates, disparate income and wealth levels, school performance in all grade levels—including postsecondary education and college—and health issues[.]”<sup>6</sup> This report is also informed by independent research conducted by contributing experts and CSSBMB staff.

The report starts by summarizing the major activities of CSSBMB during 2023, including convenings of experts and testimony from the public. While the Commission addressed all five issue areas, CSSBMB held important convenings in the areas of education and economic development. After briefly summarizing the major activities in 2023, this report then discusses current conditions in each of the five main issue areas in chapters about Education, Housing, Health, Employment, and Criminal Justice.

Each of the five chapters includes research based on the latest available data and, unfortunately, shows continued disparities impacting Black men and boys in many aspects. The Education chapter documents ongoing K–12 achievement gaps, racial disparities in school discipline, racial disparities in higher education, funding gaps impacting Historically Black Colleges and Universities (HBCUs), and the lack of Black male teachers who could help reduce these disparities.

<sup>2</sup> 42 U.S.C. § 1975 note (2020), Commission on the Social Status of Black Men and Boys.

<sup>3</sup> *Id.* at § 7.

<sup>4</sup> *Id.*

<sup>5</sup> *Id.* at § 2(b)(5).

<sup>6</sup> *Id.* at § 5(a)(1).



The Employment and Labor chapter includes information about systemic and macroeconomic issues that impede Black men and boys. It documents ongoing disparities in housing, homelessness, and homeownership. It also analyses the impact of racial disparities in housing impacting Black men and boys, housing insecurity among homeowners and renters alike, and the collateral consequences of criminal justice disparities on Black males' ability to find safe and affordable housing.

The Health chapter similarly documents ongoing health disparities and analyzes the social determinants of health underlying them. It discusses historic and ongoing trauma impacting Black men and boys in the United States and explores related mental health disparities. This chapter also includes research showing the need for Black male health providers. It ends with a special section addressing disparities in foster care, which falls under the jurisdiction of the U.S. Department of Health and Human Services (HHS).

The Labor and Employment chapter provides the latest data as well—which show some improvements—but ongoing, systemic racial disparities in labor and employment for Black men persist. It documents how lower wages impact poverty rates. The chapter also includes data on recent trends in the post-COVID-19 pandemic labor market. This chapter then delves into intersectional issues, such as the relationship between educational and employment disparities and macroeconomic issues impacting Black men and boys. It ends by analyzing workforce development initiatives and ways to address the collateral consequences of incarceration on Black men's ability to participate in the U.S. economy successfully.

The final chapter addresses justice and civil rights. Here again, the current data reflect ongoing disparities with harsh impacts on Black men and boys. At the same time, this chapter reflects reforms that, after many years of discrimination, are taking shape in this era—an era in which mass incarceration and the treatment of Black men by our nation's criminal justice system has become defined as an important issue. The issues addressed in this chapter are ongoing disparities in the criminal justice system and reentry. The chapter also addresses the collateral consequences of incarceration, focusing on Black fatherhood. The chapter also addresses gang and gun violence, as well as deep disparities in juvenile justice impacting Black boys.

Each chapter includes the latest available federal data—including charts and graphs—to illustrate the facts of these current conditions. Each chapter also explores evolving best practices and ideas to alleviate the crises and improve the situation of Black men and boys.

Based on our research, pursuant to Section 5(b) of CSSBMB's authorizing statute,<sup>7</sup> the Commission issues comprehensive recommendations for moving forward at the end of each chapter.

<sup>7</sup> *Id.* at § 5(b).

## Major Activities of the Commission in 2023

During 2023, CSSBMB held several major convenings while conducting independent research to examine trends in the five focus areas. The research herein also reflects current conditions based on the latest data. The Education Subcommittee relied heavily on input and testimony from subject matter experts, practitioners, and evidence-based research to develop and advocate for the implementation of strategies to close the achievement gap and dismantle the school-to-prison pipeline. The Housing Subcommittee's interrogation of a range of housing issues—including homelessness, access to affordable housing opportunities, and barriers to homeownership for Black families—is based on reams of data. The subcommittee focused on addressing affordable housing challenges for justice-involved Black men—including those with criminal records—and reentering citizens.<sup>8</sup> Ample research informs the Health Subcommittee's strategies for improving Black male health outcomes and increasing life expectancy. The Labor and Employment Subcommittee focused on improving job opportunities, preparing Black males for the workforce, and more economic participation. Similarly, data, practical strategies, and programs are central to the Justice and Civil Rights Subcommittee's efforts to identify needed areas of reform for a criminal justice system that too often discriminates against Black Americans.

The Commission held the following events in 2023:

**Virtual Roundtable Discussion: "Creating A Model for Black Economic Citizenship"**

Event Date: March 14, 2023

**FY23 2nd Quarter Business Meeting**

Event Date: March 30, 2023

**CSSBMB Participates in Homegrown St. Louis Regional Summit on the State of Opportunity for Black Boys and Young Men**

Event Date: June 7, 2023

**FY23 3rd Quarter Business Meeting**

Event Date: Jun 27, 2023

**Act Now Summit**

Event Date: July 24, 2023

**FY23 4th Quarter Business Meeting**

Event Date: August 29, 2023

**CSSBMB Congressional Black Caucus Annual Legislative Conference Panel Discussions**

Event Date: September 22, 2023

**CSSBMB Visits the White House**

Event Date: September 30, 2023

**FY24 1st Quarter Business Meeting**

Event Date: November 17, 2022

<sup>8</sup> "Meeting the Housing Needs of Formerly Incarcerated and Justice-Involved People," *U.S. Department of Housing and Urban Development (HUD)*, <https://www.hud.gov/reentry>.



# CHAPTER I Subcommittee on Education: Educational Equity to Eliminate the Achievement Gap

## **Black Men and Boys in Education**

Event Date: March 28, 2023

## **Black Men and Boys in Medicine**

Co-Host: The Association of American Medical Colleges

Event Date: April 27, 2023

## **Gun Violence Impacts Everyone**

Event Date: May 23, 2023

## **Reclaiming Fatherhood for Black Men and Boys**

Event Date: June 22, 2023

## **Health Disparities in Black Men and Boys**

Co-Host Howard University Hospital

Event Date: July 27, 2023

## **Don't Build a Jail for Me: Prevention Not Detention**

Event Date: September 22, 2023

## **Policing in the Black Community**

Event Date: September 22, 2023

## **Wake Up Africans in America: Know Your History**

Event Date: September 22, 2023

## **Preventing Crime in the Black Community**

Event Date: November 15, 2023

Each of these events resulted in substantive, interactive discussions, and ideas for best practices to improve the current conditions of Black men and boys. Transcripts are available on the CSSBMB page of the USCCR website: <https://www.usccr.gov/CSSBMB>.

In addition to transcripts, each of the events is available to the public on the CSSBMB YouTube page: <https://www.youtube.com/playlist?list=PLIXzJKLOqXNeZhIKL3bFnDsLB9mLGMdDL>.





*Current Conditions:* The research in this chapter shows that as of 2023, Black children still have lower proficiency levels in math compared to their peers, and they have less access to science, technology, engineering, and math (STEM) courses,<sup>9</sup> which is unacceptable. Black boys still experience unfair disparities in school discipline, which continues to feed the school-to-prison pipeline.<sup>10</sup> Racial disparities in higher education also continue to disparately impact Black men and boys.<sup>11</sup> The subcommittee's research also indicates that this may be due to funding gaps—particularly for HBCUs<sup>12</sup>—and lack of diversity among teachers.<sup>13</sup> This chapter then identifies potential best practices for resolving these issues,<sup>14</sup> with particular focus on mentoring, fatherhood, and family initiatives.<sup>15</sup>

Education is a highly intersectional issue for Black men and boys. The ability to attain a quality education (e.g., skills for a trade or professional) is one of the most important determining factors for successful outcomes for Black men.<sup>16</sup> The Hamilton Project reported there is a 70 percent chance that an African American man without his high school diploma will be imprisoned by his mid-thirties.<sup>17</sup> Due to the many negative impacts of disparities in education, the subcommittee is deeply concerned about the current conditions documented below.

## K-12 Achievement Gaps

In an April 2023 report on *Racial Disparities in the High School Gender Gap*, looking at the latest available state data, the Brookings Institute found that 76 percent of Black boys finished high school, compared to 87 percent of White boys, showing an over 10 percent racial disparity.<sup>18</sup> They also found that state data did not always show how gender and race interacted. When data was available, they revealed a significant gender gap by race, with Black and Latino boys lagging 9 percent behind Black and Latina girls, while the same differential was only 5 percent among White boys and girls.<sup>19</sup>

There are further indicators of ongoing racial disparities. Based on the nationwide regular assessments of math and reading testing required by the federal *Every Student Succeeds Act*, the National Center for Education Statistics' National Report Card found that there was a 30 percent difference in Black/White students' scores in eighth grade. In 2019, only 13 percent of Black eighth graders performed at or above the "proficient" level in math compared to 43 percent of White eighth graders.<sup>20</sup> Similarly, only 15 percent of Black eighth graders, compared to 41 percent of White eighth graders, performed at or above the "proficient" level in reading.<sup>21</sup> This means that 87 percent of Black eighth graders lacked proficiency

9 "Scores Decline Again for 13-Year-Old Students in Reading and Mathematics," *The Nation's Report Card*, <https://www.nationsreportcard.gov/highlights/ltt/2023/>; See also K-12 Achievement Gaps, *infra*.

10 See Racial Disparities in School Discipline, *infra*.

11 See Racial Disparities in Higher Education, *infra*.

12 See Funding Gaps and the Role of HBCUs, *infra*.

13 See Lack of Diversity Among Teachers, *infra*.

14 See Potential Best Practices, *infra*.

15 See Mentoring, Fatherhood and Family Initiatives, *infra*.

16 Nathan Grawe, "Education and Economic Mobility," *Urban Institute*, 2016, <https://www.urban.org/sites/default/files/publication/31161/1001157-education-and-economic-mobility.pdf>.

17 The Hamilton Project, "Ten Economic Facts about Crime and Incarceration in the United States," May 1, 2014, <https://www.hamiltonproject.org/publication/economic-fact/ten-economic-facts-about-crime-and-incarceration-in-the-united-states/>.

18 Richard V. Reeves and Simran Kalkat, "Racial Disparities in the High School Graduation Gender Gap," Brookings Institution, Apr. 18, 2023, <https://www.brookings.edu/articles/racial-disparities-in-the-high-school-graduation-gender-gap/>.

19 Reeves and Kalkat, "Racial Disparities."

20 Jinghong Cai, "Black Students in the Condition of Education 2020," *National School Board Association*, June 23, 2020, <https://www.nsba.org/Perspectives/2020/Black-students-condition-education>.

21 Cai, "Black Students."

in mathematics and 85 percent of Black eighth graders lacked proficiency in reading skills.<sup>22</sup> As will be discussed below, the achievement gap in math has since widened, while the achievement gap in reading is about the same.

The congressionally mandated National School Boards Association National Assessment of Educational Progress (NAEP) showed that some achievement gaps narrowed from 1992 to 2017.<sup>23</sup> The Black-White achievement gap in reading for fourth graders decreased from 32 points in 1992 to 26 points in 2017,<sup>24</sup> and the Black-White achievement gap in math for fourth graders also decreased from 32 points in 1992 to 25 points in 2017.<sup>25</sup> But the data also indicated that no state had more than 19 percent of Black male eighth graders reading at a proficient level in 2018. The 2019 data also highlighted that only 6 percent of 12th-grade Black male students were reading at the proficient level and only 1 percent were reading at the advanced level.<sup>26</sup>

The 2023 NEAP report showed the following trends along with the latest data:

- On a scale of 0–500, 13-year-old Black students' reading proficiency levels were 247 in 2010, decreasing slightly to 244 in 2010, and decreasing by 7 percent to 237 in 2023.
- Thirteen-year-old Black students' math proficiency levels were 264 in 2010, increasing to 265 in 2020, and decreasing by 13 percent to 243 in 2023.<sup>27</sup>

These declines reflected an overall decline since the COVID-19 pandemic; however, a racial achievement gap was still evident, and the post-COVID-19 decline was not as harsh for White students:

- On a scale of 0–500, 13-year-old White students' reading proficiency levels were 270 in 2010, decreasing slightly to 269 in 2010, and decreasing by 4 percent to 264 in 2023.
- Thirteen-year-old White students' math proficiency levels were 293 in 2010, decreasing slightly to 291 in 2020, and decreasing by 6 percent to 285 in 2023.<sup>28</sup>
- During the 2022-2023 school year, Black 13-year-old children's reading and math scores were lower than any other race/ethnic group.<sup>29</sup>

Therefore:

- From 2020 to 2023, the Black-White achievement gap in reading went from 244/269 (a 9.3 percent difference) to 237/264 (an 11.3 percent difference).
- From 2020 to 2023, the Black-White achievement gap in math went from 265/291 (a 9 percent difference) to 243/285 (a 14.7 percent difference).<sup>30</sup>

The NAEP concluded that, in mathematics, "the 13-point score decrease among Black students compared to the 6-point decrease among White students resulted in a widening of the White-Black score gap from 35 points in 2020 to 42 points in 2023. In reading, there were no statistically significant changes in these score gaps in 2023 compared to 2020."<sup>31</sup>

22 Cai, "Black Students."

23 J. McFarland and others, "Preprimary, Elementary, and Secondary Education," in *The Condition of Education 2019* (Washington, DC: National Center for Education Statistics, 2019).

24 McFarland, "Preprimary."

25 McFarland, "Preprimary."

26 Alfred W. Tatum, Aaron Johnson, and David McMillon, "The State of Black Male Literacy Research, 1999–2020," *Sage Journals*, Aug. 13, 2021, <https://journals.sagepub.com/doi/full/10.1177/23813377211038368>.

27 "Scores Decline Again."

28 "Scores Decline Again."

29 "Scores Decline Again."

30 Internal calculations based on NAEP data.

31 "Scores Decline Again."

These math achievement gaps also correlate to less access to STEM courses in predominantly Black and Latino schools. Considering the rapid development of technology, STEM courses are particularly important to participation in the workforce today and the future. In addition to familiar STEM-based professions (such as information technology and computer science), growing STEM-based professions include those involving the green economy and combating climate change; and there are arguments that STEM is essential for every profession today.<sup>32</sup>

The latest STEM-specific educational data was issued in November 2023 from the U.S. Department of Education’s Office for Civil Rights (OCR) Civil Rights Data Collection (CRDC) based on 2020–2021 school year data collection. These data are based on a mandatory survey of all public school districts and juvenile justice facilities in the 50 states, the District of Columbia, and Puerto Rico.<sup>33</sup> The great majority of CRDC data is typically disaggregated by race, ethnicity, sex, disability, and English learners.<sup>34</sup> Regarding access to STEM courses, CRDC found disparities in access to all the main STEM subjects taught in middle and high schools. The data from their 2023 report is reproduced in the chart below:

Table 1: Percent of Racial Disparities in Schools Providing STEM Courses:<sup>35</sup>

| Course               | Percent of Schools with High Enrollment of Black and Latino Students Providing It | Percent of Schools with Low Enrollment of Black and Latino Students Providing It | Percent Disparity |
|----------------------|---|--|-------------------|
| Algebra              | 85  | 88   | 3                 |
| Geometry             | 85  | 88   | 3                 |
| Algebra II           | 80  | 86   | 6                 |
| Advanced Mathematics | 61  | 71   | 10                |
| Calculus             | 35  | 54   | 19                |
| Biology              | 89  | 90   | 1                 |
| Chemistry            | 74  | 79   | 5                 |
| Physics              | 56  | 64   | 8                 |
| Computer Science     | 40  | 54   | 14                |

SOURCE: U.S. Department of Education, OCR, “A First Look: Students’ Access to Educational Opportunities in U.S. Public Schools,” *U.S. Department of Education, OCR*, Nov. 2023, p. 6.

This year’s data collection shows ongoing disparities in access to critical STEM classes for Black and Latino students. Some disparities (such as in access to Biology, Geometry, and basic Algebra courses) are low, but the data show that racial disparities in the more advanced STEM courses—such as access to Algebra II, Calculus, Physics, and Computer Science—are glaring and extremely concerning.

32 Subcommittee of the Advisory Committee of the Education & Human Resources Directorate, “STEM Education for the Future: A Visioning Report,” National Science Foundation, 2020, <https://www.nsf.gov/edu/Materials/STEM%20Education%20for%20the%20Future%20-%202020%20Visioning%20Report.pdf>.

33 See <https://civilrightsdata.ed.gov/about/crdc>.

34 Ibid.

35 U.S. Department of Education, Office for Civil Rights, Civil Rights Data Collection, *New Data Release: 2023, A First Look: Students’ Access to Educational Opportunities in U.S. Public Schools* (Nov. 2023), at 6.

## Racial Disparities in School Discipline

Efforts to reduce the achievement gap are threatened by the reality of young Black boys and adolescents being disproportionately taken off the regular diploma track and placed on alternate and/or dropout tracks.<sup>36</sup>

In July 2019, the USCCR published a comprehensive report on disparities in school discipline experienced by children of color with disabilities. In *Beyond Suspensions*, USCCR found that students of color had higher rates of school discipline, but “data have consistently shown that the overrepresentation of students of color in school discipline rates is not due to higher rates of misbehavior by these students, but instead is driven by structural and systemic factors[.]”<sup>37</sup> At the time of publication, data showed that “approximately 56 percent of Black boys have been suspended or expelled compared to only 19 percent to 43 percent of boys in the other groups.”<sup>38</sup>

This year, the latest available data indicate that half of the 250 children expelled from preschool each day are Black boys.<sup>39</sup> To be precise, “[h]alf of the 17,000 preschool students who were suspected or expelled nationwide in 2021 were Black boys—even though they represented about 20 percent of enrolled children.”<sup>40</sup> In November 2022, Yale Professor Jayanti Owens found that Black and Latino boys are more likely to be subject to school discipline than their White counterparts, and that Black boys were the most negatively impacted.<sup>41</sup> Her research combined an original video experiment around identical sets of routine misbehavior involving 1,339 teachers in 295 U.S. schools, with data on the race/ethnic and socioeconomic composition of the schools, and the data showed a “double jeopardy.”<sup>42</sup> First, Black boys were perceived as more blameworthy for identical behavior and teachers were more likely to refer them to the principal’s office, and second, compared to teachers in predominantly nonminority schools, teachers in predominantly minority schools were more likely to impose discipline for the same behavior.<sup>43</sup>

The negative impacts prevent students from achieving their educational goals and may run afoul of federal civil rights laws requiring schools to ensure that discipline procedures are not discriminatory.<sup>44</sup> And in a vicious cycle for Black boys and men, disparities in school discipline frequently intersect with the criminal justice system, potentially correlating with future incarceration.<sup>45</sup>

In its 2019 report, USCCR found that these inequities were compounded for children of color with disabilities. Rather than receiving the special education and treatment required by federal civil rights law, Black boys with disabilities were disproportionately subjected to school discipline.<sup>46</sup> Further, they were disproportionately subjected to the school-to-prison pipeline, meaning that they were referred by their

36 Linda Darling-Hammond, “Inequality in Teaching and Schooling: How Opportunity Is Rationed to Students of Color in America,” *National Library of Medicine: National Center for Biotechnology Information*, 2001, <https://www.ncbi.nlm.nih.gov/books/NBK223640/>.

37 USCCR, “Beyond Suspensions: Examining School Discipline Policies and Connections to the School-to-Prison Pipeline for Students of Color with Disabilities,” *USCCR*, July 2019, pp. 3-4.

38 USCCR, “Beyond Suspensions,” 647n.

39 Sara Novak, “Half of the 250 Kids Expelled from Preschool Each Day Are Black Boys,” *Scientific American*, Jan. 12, 2023, <https://www.scientificamerican.com/article/half-of-the-250-kids-expelled-from-preschool-each-day-are-black-boys/>.

40 Novak, “Half of the 250 Kids.”

41 Jayanti Owens, “Double Jeopardy: Teacher Biases, Racialized Organizations, and the Production of Racial/Ethnic Disparities in School Discipline,” *American Sociological Review*, vol. 87, no. 6 (Nov. 2022), pp. 1007-1048.

42 Owens, “Double Jeopardy.”

43 Owens, “Double Jeopardy.”

44 USCCR, “Beyond Suspensions,” p. 6.

45 USCCR, “Beyond Suspensions,” p. 166.

46 USCCR, “Beyond Suspensions,” p. 104.



schools to the criminal justice system.<sup>47</sup> To be clear, none of these outcomes corresponded with higher rates of misbehavior in school.<sup>48</sup>

Contemporary data corroborates these ongoing patterns. As previously mentioned, the most recent data from the CRDC, compiled by the Department of Education across public schools and juvenile justice facilities nationwide—including all 50 states, D.C., and Puerto Rico—reveal persistent disparities.<sup>49</sup> Most recent 2020–2021 data published in November 2023 data highlights that Black students continue to face disproportionately higher rates of school referrals to law enforcement, a trend also observed among boys and children with disabilities.<sup>50</sup> Additionally, these demographics are disproportionately subject to school-related arrests, encompassing various channels of referral to law enforcement, such as citations, tickets, and court referrals.<sup>51</sup>

The latest intersectional data is summarized below:

Table 2: Department of Education Office of Civil Rights, School Discipline

| Demographic Group          | Percent of Total Enrollment | Percent of Referrals to Law Enforcement | Percent of School-related Arrests |
|----------------------------|-----------------------------|---|-----------------------------------|
| Students With Disabilities | 17                          | 28                                      | 27                                |
| Male Students              | 15                          | 68                                      | 68                                |
| Black Students             | 15                          | 22                                      | 18                                |

SOURCE: U.S. Department of Education, Office for Civil Rights, 2020-2021 Civil Rights Data Collection, Referrals to Law Enforcement and School-related Arrests in U.S. Public Schools During the 2020-2021 School Year, Nov. 2023.

The 2019 USCCR report also found that Black boys are both under- and overidentified as having special needs, that children with disabilities also experienced unfair disparities in school discipline, and that Black children with disabilities were the most negatively impacted and subjected to the school-to-prison pipeline through these intersectional forms of discrimination.<sup>52</sup> Inappropriately classifying students for special education has short-term and long-term negative impacts, especially on Black boys and students of color.<sup>53</sup> Consequences include missed opportunities to be exposed to a rigorous curriculum, lower expectations, and fewer opportunities for successful transitions to postsecondary education. Social consequences of inappropriate disability identification include students’ loss of self-esteem, exposure to greater stigma, and more racial separation in classrooms.<sup>54</sup>

## Racial Disparities in Higher Education

Racial disparities are even greater when it comes to higher education. Among students in four-year degree programs:

47 USCCR, “Beyond Suspensions,” p. 106.  
 48 USCCR, “Beyond Suspensions,” p. 106.  
 49 USCCR, “Beyond Suspensions,” 164n.  
 50 U.S. Department of Education, OCR, “Referrals to Law Enforcement and School-Related Arrests in U.S. Public Schools during the 2020-2021 School Year,” Nov. 2023, <https://www2.ed.gov/about/offices/list/ocr/docs/crdc-law-enforcement-school-arrests-snapshot.pdf>.  
 51 U.S. Department of Education, OCR, “Referrals to Law Enforcement.”  
 52 USCCR, “Beyond Suspensions,” p. 166.  
 53 “Educational Equity and Significant Disproportionality: Resources and Technical Assistance Addressing Significant Disproportionality,” North Carolina Department of Public Instruction, <https://www.dpi.nc.gov/districts-schools/classroom-resources/exceptional-children/educational-equity-and-significant-disproportionality>.  
 54 “Educational Equity.”

Black men have the lowest completion rate at 40 percent. This high dropout rate is partially due to the fact that 65 percent of African American college students are independent, meaning they must balance pursuing a degree with full-time work and family responsibilities.<sup>55</sup>

Below is the latest data showing the composition of postsecondary school degrees conferred by race/ethnicity:

Table 3: Percentage of Degrees Conferred by Race/Ethnicity and Sex Varied by Level of Degree in 2020–2021.

| Type of Degree | All Male Recipients | AIAN | AAPI | Latino | Black | White | Two or More Races |
|----------------|---------------------|------|------|--------|-------|-------|-------------------|
| Associate's    | 806,554             | 0.4  | 9.4  | 8.9    | 15.3  | 61.9  | 4.1               |
| Bachelor's     | 260,307             | 0.4  | 9.3  | 11.2   | 12    | 64    | 3.1               |
| Master's       | 260,307             | 0.4  | 9.3  | 11.2   | 12    | 64    | 3.1               |
| Doctor's       | 71,253              | 0.4  | 13.2 | 7.7    | 9.3   | 66.1  | 3.2               |

SOURCE: “Degrees Conferred by Race/Ethnicity and Sex,” U.S. Department of Education, National Center for Education Statistics, <https://nces.ed.gov/fastfacts/display.asp?id=72>.

Considering that 13.6 percent of the U.S. population is Black, and 75.5 percent is White, the above data show an overrepresentation of Black people receiving associate degrees, along with their underrepresented in higher degrees.<sup>56</sup> Not all White people receive postsecondary degrees either, but their representation is more evenly distributed among all types of degrees, including at the highest levels.

Black college and university enrollment has also been dropping steadily. Data from National Center for Education Statistics (NCES) show that Black student enrollment in degree-granting secondary education institutions fell by 22 percent between 2010 (approximately 3.04 million) and 2020 (approximately 2.38 million), or more than 650,000 students.<sup>57</sup> In the ten-year period, Black male enrollment decreased from 1,089,000 students in 2010 to 832,600 in 2020, or 23.5 percent. Black female enrollment decreased from 1,949,500 in 2010 to 1,549,900 in 2020, or 20.5 percent.<sup>58</sup> During the same decade, the Black population increased by 20.6 percent. If college enrollment kept up, Black college-student population would have been approximately 3.7 million students, or approximately 1.3 million students more.<sup>59</sup> In addition, these and other studies show a consistent institutional failure to achieve equitable outcomes for Black students attending four-year, nonspecialized, predominantly White public colleges and universities in the United States.<sup>60</sup>

55 Brian Bridges, “African Americans and College Education by the Numbers,” *United Negro College Fund*, <https://uncf.org/the-latest/african-americans-and-college-education-by-the-numbers>.  
 56 Quick Facts,” U.S. Census Bureau, <https://www.census.gov/quickfacts/fact/table/US/PST045222>.  
 57 “Digest of Education Statistics, Total Fall Enrollment in Degree-Granting Postsecondary Institutions, by Level of Enrollment, Sex, Attendance Status, and Race/Ethnicity or Nonresident Alien Status Of Student: Selected Years, 1976 through 2020,” National Center for Education Statistics, Nov. 2021, [https://nces.ed.gov/programs/digest/d21/tables/dt21\\_306.10.asp](https://nces.ed.gov/programs/digest/d21/tables/dt21_306.10.asp).  
 58 “Digest of Education Statistics.”  
 59 The population of [B]lacks increased from approximately 38.9 million in 2010 to 46.9 million in 2020 (a 20.6-percent increase). CSSBMB Internal Calculations.  
 60 Charles H. F. Davis III and others, “Legislation, Policy, and the Black Student Debt Crisis,” *National Association for the Advancement of Colored People*, 2020, <https://naacp.org/sites/default/files/documents/Legislation%2C%20Policy%2C%20and%20the%20Black%20Student%20Debt%20Crisis%20Davis%2C%20Mustaffa%2C%20King%2C%20%26%20Jama%20%282020%29%2C%20A0%20E2%80%93%20.pdf>.

The Supreme Court's June 2023 decision in *Students for Fair Admissions v. Harvard College* limiting affirmative action is also likely to further depress Black enrollment.<sup>61</sup> The majority held that:

[T]he Harvard and UNC [University of North Carolina] programs cannot be reconciled with the guarantees of the Equal Protection Clause. Both programs lack sufficiently focused and measurable objectives warranting the use of race, unavoidably employ race in a negative manner, involve racial stereotyping, and lack meaningful end points. We have never permitted admissions programs to work in that way, and we will not do so today. At the same time, as all parties agree, nothing in this opinion should be construed as prohibiting universities from considering an applicant's discussion of how race affected his or her life—be it through discrimination, inspiration, or otherwise.<sup>62</sup>

The decision only applies to certain university admissions programs, and the law still permits consideration of how race affected individual students' lives.<sup>63</sup> In the wake of the Supreme Court's decision, the Civil Rights Division of the U.S. Department of Justice (DOJ) and OCR of the U.S. Department of Education issued guidance explaining how colleges and universities may still:

- "... participate in programs that commit them to enroll, support, and graduate students from disadvantaged backgrounds, regardless of race, who are attending or have graduated from community college [;]"
- "... examine admission preferences, such as those based on legacy status or donor affiliation, that are unrelated to a prospective applicant's individual merit or potential, that further benefit privileged students, and that reduce opportunities for others who have been foreclosed from such advantages [;]" and
- "... work proactively to identify potential barriers posed by existing metrics that may reflect and amplify inequality, disadvantage, or bias."<sup>64</sup>

However, the anti-affirmative action decision is still creating confusion and hesitation in using other means to overcome disparities and unequal opportunities. Moreover, advocates for students of color are having to develop alternative legal approaches to solve the same underlying problem. Legacy admissions policies at Harvard and dozens of other colleges and universities are now being challenged under Title VI of the Civil Rights Act of 1964, based on allegations that by prioritizing applicants whose parents or grandparents attended the same college, they freeze the past demographics in place and discriminate against Black students whose ancestors were unable to attend college. Dozens of new cases have been opened, but in the meantime, any racially discriminatory impacts are still being felt while the U.S. Department of Education is adjudicating these claims.<sup>65</sup>

## Funding Gaps and the Role of Historically Black Colleges and Universities

Quality education presents the best opportunity to narrow inequity gaps. The National Urban League reported that there was a \$23 billion gap between funding provided to majority-white and majority-

61 *Students for Fair Admissions v. Harvard College*, 600 U.S. 181 (2023).

62 *Id.* at 230.

63 *Id.*

64 "Race and School Programming," *Department of Education*, Aug. 24, 2023, <https://www2.ed.gov/about/offices/list/ocr/frontpage/faq/rr/policyguidance/index.html>.

65 "List of Open Shared Ancestry Investigations," *U.S. Department of Education*, March 26, 2024, <https://www2.ed.gov/about/offices/list/ocr/sharedancestry-list.html> (see pending cases currently under investigation, dozens of which have been opened since the *Students for Fair Admissions v. Harvard College* June 2023 decision).

nonwhite K-12 school districts in 2019.<sup>66</sup> This gap is also evident in the insufficient funding of land-grant to HBCUs.

Utilizing data from the NCES, the Department of Education identified that 16 states historically underfunded their land-grant HBCUs by nearly \$13 billion.<sup>67</sup> Among the 18 states with HBCU land-grant institutions, only Delaware and Ohio have provided equitable funding.<sup>68</sup> Education Secretary Miguel Cardona remarked, "Unacceptable funding inequities have forced many of our nation's distinguished HBCUs to operate with inadequate resources and delay critical investments in everything from campus infrastructure to research and development to student support services[.]"<sup>69</sup>

In September 2023, the U.S. Departments of Agriculture and Education sent a letter to those 16 states, documenting the funding disparities between HBCUs and other land-grant institutions (both of which were granted in the 1890s with the promise that the state would provide equitable funding).<sup>70</sup> An exemplary letter stated that:

Given the large amount of state funding that is owed to Alabama A&M University [\$527,280,064 over the last 30 years alone], it would be ambitious to address the funding disparity over the course of several years in the state budget. It might very well be your desire to do so, which we wholeheartedly support. Yet, if an ambitious timetable is not a possibility, we suggest a combination of a substantial state allocation toward the 1890 deficit combined with a forward-looking budget commitment for a two-to-one match of federal land-grant funding for these institutions in order to bring parity to funding levels.<sup>71</sup>

The CSSBMB aims to enhance participation from HBCUs in elevating Black males' enrollment, retention, and graduation rates in postsecondary education and vocational training. The Commission plans to convene a forum of HBCU presidents to deliberate on the pivotal roles that HBCUs can play in advancing the educational outcomes for Black males.

Representative Wilson has been advocating for tuition subsidies for students attending HBCUs.<sup>72</sup> Chair Wilson has commented that "many [HBCUs] are bleeding students by the thousands, and relative to other four-year institutions, they do not have robust endowments or the same access to private funding streams to help them weather this crisis."<sup>73</sup> Further, she discussed in the July 27, 2023, CSSBMB meeting that "HBCUs are at the very heart of addressing our nation's longstanding education and racial-equity failures. A large percentage of HBCU students come from disadvantaged backgrounds, and attending

66 "The Equity & Excellence Project," *National Urban League*, 2024, <https://nul.org/program/equity-excellence-project>; and "Nonwhite School Districts Get \$23 Billion Less Than White Districts Despite Serving the Same Number of Students," *EdBuild*, <https://edbuild.org/content/23-billion>.

67 Susan Adams and Hank Tucker, "How America Cheated Its Black Colleges," *Forbes*, Feb. 1, 2022, <https://www.forbes.com/sites/susanadams/2022/02/01/for-hbcus-cheated-out-of-billions-bomb-threats-are-latest-indignity/?sh=74717705640c>.

68 Adams and Tucker, "How America Cheated."

69 U.S. Department of Education Press Office, "Secretaries of Education, Agriculture Call on Governors to Equitably Fund HBCUs," *U.S. Department of Education*, Sept. 18, 2023, <https://www.ed.gov/news/press-releases/secretaries-education-agriculture-call-governors-equitably-fund-land-grant-hbcus>.

70 Katherine Knott, "States Underfunded Black Land Grants by \$13 Billion over 3 Decades," *Insider Higher Ed*, Sept. 20, 2023, <https://www.insiderhighered.com/news/government/2023/09/20/states-underfunded-black-land-grants-13b-over-30-years>.

71 Miguel Cardona, U.S. secretary of education, and Thomas Vilsack, U.S. secretary of agriculture, letter to Kay Ivy, governor of Alabama, Sept. 18, 2023.

72 Frederica S. Wilson, chair, Higher Education and Workforce Investment Subcommittee, letter to Nancy Pelosi, speaker of the U.S. House of Representatives, Sept. 7, 2021.

73 David M. Wealt, "2022 Best Colleges in the U.S.: Harvard, Stanford, MIT Take Top Rankings," Sept. 21, 2021, <https://wilson.house.gov/news/documentsingle.aspx?DocumentID=244>; and USCCR, "CSSBMB Meeting 6/27/2023 11:00AM - 12:00PM," June 27, 2023, <https://www.youtube.com/watch?v=QsgQyzzQ5Z0>.

college is one of their best opportunities to escape the cycle of poverty and build successful futures.”<sup>74</sup>

In an effort to help offset the financial burden of attending college, 5,000 Role Models of Excellence Project graduates, also known as “Wilson Scholars,” received scholarships ranging from \$20,000 to \$96,000 to attend one of three HBCUs: Clark Atlanta University, Benedict College, or Tennessee State University.<sup>75</sup> These students start the program in middle school and receive support throughout high school and college, and they serve as mentors to help other Black men and boys receive and benefit from quality education. These facts and other notable achievements were highlighted during the July 24, 2023, ACT NOW Summit, and the September 30, 2023, visit by young aspiring 5,000 Role Models of Excellence mentees to the White House.

## Lack of Diversity Among Teachers

There is a tremendous need for more Black male educators at all levels. According to 2020–2021 school year data from the National Teacher and Principal Survey (NTPS), Black male teachers made up only 1.3 percent of all K–12 teachers across the entire United States.<sup>76</sup> A teacher of color, particularly a Black male teacher, can have a significant positive impact on Black male students. Black students, especially Black boys from lower socioeconomic households, are more likely to both graduate from high school and enroll in college when they have just one Black teacher in elementary school. Studies also show that Black teachers have higher expectations for Black students and that Black students are less likely to receive detentions, suspensions, or expulsions from Black teachers.<sup>77</sup>

The majority of teachers are middle-class White women, and the culture within most classrooms is based on their cultural values.<sup>78</sup> Researchers at the Association for Supervision and Curriculum Development believe that “Black boys need dedicated, racially conscious educators who believe in them and are invested in their success, both inside and outside the classroom.”<sup>79</sup> The Commission agrees that a culturally responsive, affirming, and inclusive culture of care that places Black boys at the center of the educational setting must be defined and implemented.<sup>80</sup>

In a briefing before CSSBMB during the July 2023 ACT NOW Summit, Dr. Travis Bristol, assistant professor at the University of California-Berkeley’s School of Education and chair of the National Board for Professional Teaching Standards, testified that White teachers disproportionately suspend students of color.<sup>81</sup> Dr. Bristol clarified that while recruiting teachers of color is imperative to reverse this unfair practice, it is also necessary to support White educators and continually provide White educators with implicit bias and other forms of development training.<sup>82</sup> For example, the federal government could identify and bring together districts that deeply care and are working to reduce suspensions or want

74 USCCR, “CSSBMB Meeting.”

75 “5000 Role Models of Excellence Awarded over \$1M in Scholarships,” *Education Awareness Program*, June 16, 2022, <https://nnpa.org/education/2022/06/16/5000-role-models-of-excellence-awarded-over-1m-in-scholarships/>.

76 “National Teacher and Principal Survey,” *National Center for Education Statistics*, <https://nces.ed.gov/surveys/ntps/>.

77 Jaclyn Borowski and Madeline Will, “What Black Men Need from Schools to Stay in the Teaching Profession,” *Education Week*, May 4, 2021, <https://www.edweek.org/leadership/what-black-men-need-from-schools-to-stay-in-the-teaching-profession/2021/05>.

78 Tyrone Howard and Jaleel Howard, “Radical Care’ to Let Black Boys Thrive,” *Association for Supervision and Curriculum Development*, Mar. 1, 2021, <https://www.ascd.org/el/articles/radical-care-to-let-black-boys-thrive>.

79 Howard and Howard, “Radical Care.”

80 USCCR, “Commission on the Social Status of Black Men and Boys (CSSBMB) Will Hold an In-Person Summit,” July 24, 2023, [https://www.youtube.com/watch?v=L7A9Wi\\_tU7w](https://www.youtube.com/watch?v=L7A9Wi_tU7w).

81 USCCR, “Commission on the Social Status.”

82 USCCR, “Commission on the Social Status.”

to learn some best practices and provide ongoing professional learning on how to support teachers to reduce student discipline.<sup>83</sup>

One way of increasing diversity is by providing opportunities where Black males can go in the classroom and conduct fieldwork during their undergraduate years. Dr. Bristol also noted that Black male educators oftentimes had Black men serving as role models that mentored and inspired them and that they received a particular type of care from these role models than they would have otherwise experienced. This element was important for their decision to enter the teaching profession.<sup>84</sup> Another way of diversifying the teacher workforce is through the U.S. Department of Education’s grant programs.<sup>85</sup>

Sharif El-Mekki, Founder and CEO of the Center for Black Educator Development, acknowledges the imperative to recruit teachers of color. In his report, “Seeing Myself: Students of Color on the Pros and Cons of Becoming Teachers,” he highlights the experiences and nuanced perspectives of students of color and indigenous students. The report outlines crucial changes that education system leaders must implement to establish a diverse teacher workforce.<sup>86</sup> El-Mekki also identifies a potential recruitment barrier, noting that “the treatment of students of color and indigenous students by adults in the building, the curriculum and instruction they receive, the opportunities to connect with fellow students, and how they perceive their culture reflected in their school all heavily influence whether or not they would consider teaching as a career.”<sup>87</sup> According to the Kappan organization, “Black boys who go through schools without a Black male teacher are denied perspectives, guidance, and an understanding that could only come from a Black male teacher.”<sup>88</sup>

## Potential Best Practices

In examining what works for Black boys, CSSBMB builds on Shaun Harper and Dennis Williams’s (2013) well-known study of 325 successful students at 40 New York City schools and other research talking to Black and Latino boys and young men in Los Angeles–area schools.<sup>89</sup> These and other studies have documented the multiple institutional failures that prevent Black boys from positively transitioning into adulthood while also indicating ways that could change.<sup>90</sup>

## Mentoring, Fatherhood, and Family Initiatives

The CSSBMB’s objective is to increase the number of partnerships with positive Black male role models in the community and encourage their expansion. We also support the creation of new mentoring opportunities. One approach to filling the void created because of the shortage of positive Black male role models in the community is by providing mentors and programs that affirm and provide the care and structure that all youth need while providing opportunities for academic and career enrichment. As

83 USCCR, “Commission on the Social Status.”

84 USCCR, “Commission on the Social Status.”

85 USCCR, “Commission on the Social Status.”

86 “Seeing Yourself: Students of Color on the Pros and Cons of Becoming Teachers,” *Teach Plus*, Oct. 17, 2023, <https://teachplus.org/teachplus-cbed-seeingmyself/>.

87 “Seeing Yourself.”

88 Bobby J. Rodgers Jr. and Devery Rodgers, “The Need for Black Male Mentors,” *Phi Delta Kappan*, Mar. 27, 2023, <https://kappanonline.org/the-need-for-black-male-mentors-rodgers/>.

89 University of Pennsylvania, Center for the Study of Race and Equity in Education, “Succeeding in the City: A Report from the New York City Black and Latino Male High School Achievement Study,” *Open Society Foundations*, 2014, <https://www.opensocietyfoundations.org/uploads/656e16cf-726a-4228-b05e-31bb296caa4b/succeeding-city-20130930.pdf>.

90 Howard and Howard, “Radical Care.”

discussed above, the 5,000 Role Models of Excellence is one such program.<sup>91</sup>

The Commission is also exploring ways to integrate more fatherhood involvement and related mentoring components into school environments. A controlled study found that there exist no substantial differences in post-educational attainment between White and Black students when a father is present in the home.<sup>92</sup> Students who live in single-parent families scored lower on mathematics and reading tests than children who live with both parents, and the gap in reading achievement tests between children from single-parent families and children from two-parent families increased over time.<sup>93</sup>

Dads on Duty pilot mentorship program in Shreveport, Louisiana, shows promising results.<sup>94</sup> In its first semester, the program significantly reduced behavioral referrals such as absenteeism and fighting. The men also may play a role as stand-in father figures for vulnerable “at-risk” students who do not have fathers in the home. During the program’s first year of implementation referrals to law enforcement dropped by 12 percent or more. Over a period of several months, more severe School Environmental Safety Incident Reporting incidents, such as fighting or vaping, declined by 40 percent.<sup>95</sup>

The Concerned Black Men (CBM) Fatherhood Initiative is dedicated to promoting effective and responsible fathering through parenting education and fostering economic stability.<sup>96</sup> One of their key projects, “Saving Lives and Minds,” is a tutoring program specifically designed to assist at-risk teenagers in enhancing their grades and standardized test scores. The CBM’s programs—including the CARES National Mentoring Initiative—are tailored to address the needs of youth with truancy histories and behavioral challenges. These initiatives provide academic support and mentoring, motivating children to improve both their school performance and attendance.<sup>97</sup> Additionally, the program incorporates a summer enrichment component offering instruction in art, science, sports, and reading. Through their commitment to “best-practice” programs and initiatives in mentoring, tutoring, fatherhood, parent literacy, and other areas, CBM implements a range of model strategies that can be replicated and scaled for broader impact.<sup>98</sup>

The Georgetown Pivot Program’s Prisons and Justice Initiative (PJI) has also been impactful. Expanding on the achievements of the Prison Scholars Program—a nondegree initiative at the D.C. jail since 2018—the university’s PJI, administered by Director Marc Howard, successfully initiated its Bachelor of Liberal Arts program in 2022 at the high-security Patuxent Institution correctional facility in Jessup, Maryland.<sup>99</sup> Director Howard expresses enthusiasm, stating, “We are excited to build upon the success of the prison Scholars Program and provide an opportunity for students to earn a college degree while incarcerated.”<sup>100</sup>

91 See p. 8 and p. 26, supra.

92 Cory Maret Dickerson, “The Lived Experience of Fatherlessness in Male Adolescents: The Student Perspective,” *Liberty University*, Jul. 2014, <https://digitalcommons.liberty.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=1960&context=doctoral>.

93 Dickerson, “The Lived Experience.”

94 “Dads on Duty’ Stepping Up to Keep Shreveport High School Secure and Safe,” *KTALnews*, Oct. 29, 2021, <https://www.youtube.com/watch?v=dXpyDiDv-6g>.

95 Brittany Misencik, “Dad’ Program Has Significant Discipline Referrals Down 40% at Pine Forest High School,” *Pensacola News Journal*, May 17, 2023, <https://www.pnj.com/story/news/education/2023/05/17/dads-on-duty-at-pine-forest-high-school-in-pensacola-helping-students/70221007007/>.

96 “Concerned Black Men of America,” *CBM National*, <https://cbmnational.org/>.

97 “Concerned Black Men National Organization,” <https://www.globalgiving.org/pfil/21096/projdoc.pdf>.

98 “National Organization.”

99 “Georgetown to Launch Bachelor’s Degree Program at Maryland Prison,” *Georgetown University, Prisons and Justice Initiative*, <https://prisonsandjustice.georgetown.edu/news/georgetown-to-launch-bachelors-degree-program-at-maryland-prison/>.

100 “Bachelor’s Degree Program.”

Endorsed by the DC Department of Employment Services and the DC Mayor’s Office on Returning Citizen Affairs (MORCA), the MORCA-Georgetown Paralegal Program offers employer partners the chance to integrate qualified paralegals into their staff, thereby dismantling barriers in the professional legal field that frequently limit individuals with criminal records.<sup>101</sup> In June 2023, the program successfully graduated more than 16 new professionals with promising futures, many of whom are actively contributing to their communities.<sup>102</sup> The Commission aims to replicate successful interagency programs and partnerships, akin to the Georgetown Pivot Program, on a national scale.

The Commission has partnered with Morgan State University’s National Center for the Elimination of Educational Disparities as an integral component of our enduring education strategy. Dr. Glenda Prime, currently serving as the Dean of the School of Education and Urban Studies at Morgan State University, is a key collaborator in this initiative. The Commission believes that this partnership will be a valuable resource, offering an opportunity to engage in scholarly efforts addressing educational disparities within the Black community.

## Recommendations

Based on our research, the Subcommittee on Education recommends that:

1. More fulsome public policy be developed to address racial disparities experienced by Black men and boys in education, as this annual report finds that these disparities have extreme consequences and indicate that measures are needed to improve access to quality education—especially during childhood at the K–12 level. Sufficient funding must be provided to include the full range of STEM courses that are often not available in majority-Black public schools. Access to higher education and lifelong skills learning programs must be dramatically increased for Black men and boys, particularly for those whose education has been interrupted due to high dropout rates, socioeconomic inequities, or the school-to-prison pipeline. The Supreme Court has stated that “public education is the very foundation of good citizenship.”<sup>103</sup> As discussed throughout this report, the negative impacts of educational disparities include higher likelihoods of incarceration, loss of voting rights or less propensity to participate in civic and community life, and much lower employment opportunities. These and other intersectional impacts merit further studies and solutions that start with equalizing educational opportunities for Black men and boys. The CSSBMB encourages the Department of Education to use existing legal authorities and funding to study these issues and Congress to take action to lessen these disparities.
2. Promising practices to close educational disparities should be fully funded and implemented at all levels. These include closing massive funding gaps, particularly for HBCUs, and taking measures to increase diversity among teachers, which is especially important to ensure that all students have equal access to a positive learning environment. Potential best practices focusing on mentoring, fatherhood, and family initiatives should be expanded and supported. Programs like the Florida Career and Professional Education (CAPE) Act discussed in chapter IV of this report also serve to equalize high school graduation rates and increase employment opportunities; these programs—as well as scholarships for Black males to pursue higher education—must also be fully supported and expanded.

101 Georgetown University, Prisons and Justice Initiative, “2022 Annual Report,” *Georgetown University, Prisons and Justice Initiative*, 2022, [https://issuu.com/georgetownpji/docs/pji\\_annual\\_report\\_2022\\_4\\_fr-sN2Y4ZjQ4MzU1MTg](https://issuu.com/georgetownpji/docs/pji_annual_report_2022_4_fr-sN2Y4ZjQ4MzU1MTg).

102 “Georgetown Pivot Program Celebrates 2023 Graduates,” *Pivot Program*, 2023, <https://pivot.georgetown.edu/news/georgetown-pivot-program-celebrates-2023-graduates/>.

103 *Plyler v. Doe*, 457 U.S. 202, 223 (1982).



3. The CSSBMB supports the recommendations of the USCCR in their July 2019 report, *Beyond Suspensions: Examining School Discipline Policies and Connections to the School-to-Prison Pipeline for Students of Color with Disabilities*.
4. The CSSBMB is concerned about the aftermath of the Supreme Court's June 2023 decision in *Students for Fair Admissions v. Harvard College*<sup>104</sup> as it is likely to further depress Black male enrollment in higher education; however, the decision permits "considering an applicant's discussion of how race affected his or her life, be it through discrimination, inspiration, or otherwise,"<sup>105</sup> and colleges and universities should quickly adapt comprehensive procedures and provide guidance consistent with recent questions and answers regarding *Students for Fair Admissions* issued by DOJ and the Department of Education<sup>106</sup> and support for Black males who have experienced racial disparities to have equal access to higher education, including monitoring to ensure their effectiveness. Considering the foreseeably devastating impacts of the decision and potentially overly broad interpretations on young Black men in particular, the Commission affirms our commitment to continue to document the ongoing racial inequities and disparities. The guidance issued in by Civil Rights Division of DOJ and OCR of the U.S. Department of Education in August 2023<sup>107</sup> should be fully implemented at the state and local level across the country in every college and university that receives federal funding. The federal government should be provided with resources to study, investigate, and enforce civil rights law, remedy racial discrimination in education, and provide technical assistance for colleges and universities to determine how to end discrimination in higher education that disparately impacts young Black men. Noting that de facto segregation has increased in American schools, resulting in wide gaps in access to quality education for Black boys, the Commission also emphasizes that the promises of *Brown v. Board of Education* must still be honored, and majority-student-of-color schools should be provided with the funding and support needed so Black children have quality education and can succeed.<sup>108</sup>

<sup>104</sup> *Students for Fair Admissions v. Harvard College*, 600 U.S. 181 (2023).

<sup>105</sup> *Id.* at 230.

<sup>106</sup> U.S. Department of Education, OCR, and DOJ, Educational Opportunities Section, "Questions and Answers Regarding the Supreme Court's Decision in *Students for Fair Admissions, Inc. v. Harvard College and University of North Carolina*," DOJ, <https://www.justice.gov/opa/file/1310161/dl?inline>.

<sup>107</sup> Kristin Clarke, assistant attorney general, and Catherine E. Lhamon, assistant secretary for civil rights, letter to colleges and universities, Aug. 14, 2023.

<sup>108</sup> 347 U.S. 483 (1954).

## CHAPTER II Subcommittee on Housing: Affordable Housing for Everyone



*Current Conditions:* This chapter briefly describes the overall context of ongoing racial disparities in housing, then takes a deeper look into the negative impacts of the over-policing of Black males in their ability to access housing for themselves and their families. A November 2023 report found that affordable housing can help address deeply connected problems such as homelessness, mental illness, substance use disorders, and criminalization.<sup>109</sup> As shown by the research below, however, lack of access to affordable housing and housing disparities—including grave disparities in homelessness—continue to negatively impact Black men and boys.<sup>110</sup>

This chapter also presents data showing ongoing racial disparities in homeownership while also explaining how homeownership is key to lifting communities out of poverty in the United States.<sup>111</sup> The chapter then presents further research on the impacts of racial disparities in housing<sup>112</sup> and ongoing indicators of housing insecurity among Black homeowners and renters.<sup>113</sup> The research herein also shows how disparities in the criminal justice system continue to present major challenges to Black men having equitable access options to secure affordable housing.<sup>114</sup>

### Ongoing Disparities in Housing

According to the latest public data, Black men continue to experience ongoing disparities in access to housing. This year's data show that among all demographic groups, Black men have the highest rates of homelessness, the lowest rates of homeownership, and the highest rates of housing insecurity (among both homeowners and renters) and, in turn, these disparities negatively impact health, wealth, employment prospects, and other key areas of life.

### Homelessness

Black men experience extremely high rates of homelessness, the most egregious disparity.<sup>115</sup> The Department of HUD estimated that there were at least 582,462 homeless people in the United States in 2022. Of these, nearly 40 percent (217,366) were Black Americans. The Department of HUD points out that as Black people represent only 13 percent of the total population, this amounts to being three times as likely to be homeless.<sup>116</sup> Black males are even more negatively impacted, as males represented approximately 61 percent of the total homeless population in 2022.<sup>117</sup>

The racial disparities of homeless youth are even more staggering—one study found that 78 percent of homeless people aged 18–24 were Black.<sup>118</sup> The National Center for Homeless Education found that among public school children (ungraded, 3–5 year-olds, and grades K-12), Black children have an 83

109 Brian Nam-Sonenstein, "Seeking Shelter from Mass Incarceration: Fighting Criminalization with Housing First," *Prison Policy Institute*, Sept. 11, 2023, <https://www.prisonpolicy.org/blog/2023/09/11/housing-first/>.

110 See Ongoing Disparities in Housing, and Homelessness, *infra*.

111 See Homeownership, *infra*.

112 See Impacts of Racial Disparities in Housing, *infra*.

113 See Housing Insecurity Among Black Homeowners and Renters, *infra*.

114 See Collateral Consequences of Criminal Justice Disparities, *infra*.

115 *Ibid*.

116 HUD, Office of Community Planning and Development (CPD), "The 2022 Annual Homelessness Assessment Report (AHAR) to Congress, Part I: Point-in-Time Estimates of Homelessness," *HUD*, December 2022, <https://www.huduser.gov/portal/sites/default/files/pdf/2022-ahar-part-1.pdf>.

117 HUD, CPD, "Annual Homelessness Assessment Report."

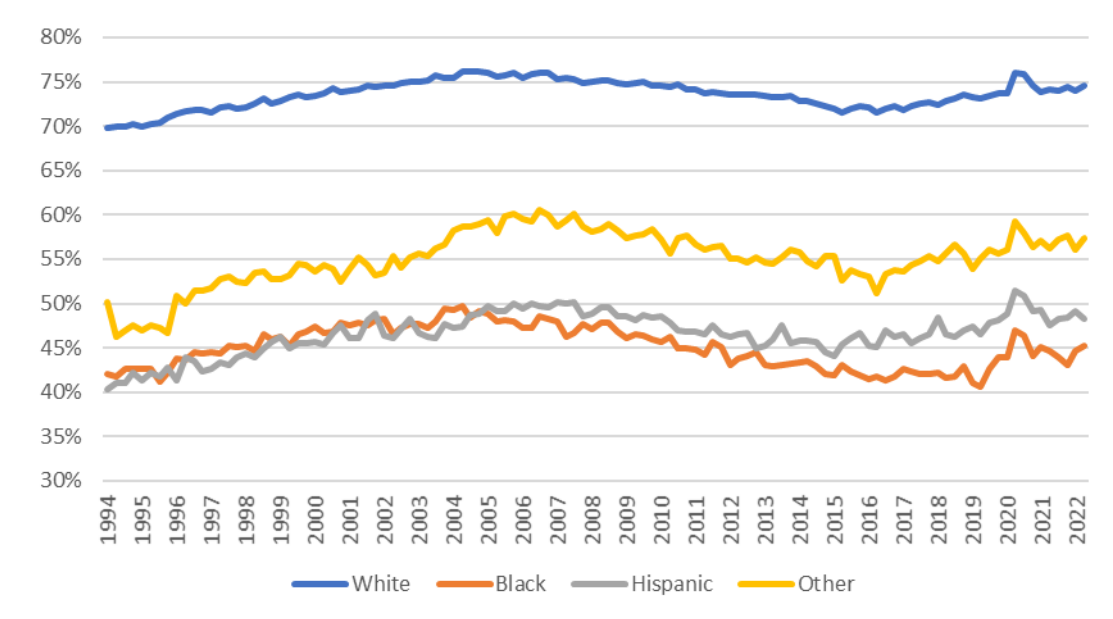
118 "How Race Impacts Youth Experiencing Homelessness," *Homeless Youth Connection*, <https://hycaz.org/race-impacts/>

percent higher risk of becoming homeless than their White counterparts."<sup>119</sup> This does not bode well for the future of Black men and boys.

### Homeownership

Housing disparities are apparent in homeownership rates as well. The Fair Housing Act of 1968 prohibited discrimination in renting or buying a home, getting a mortgage, seeking housing assistance, or engaging in other housing-related activities.<sup>120</sup> Despite improvements, as shown in the data below, wide racial disparities in housing persist:

Figure 1: Racial Homeownership Gaps Over Time



SOURCE: "Racial Differences in Economic Security: Housing," U.S. Department of the Treasury, Nov. 4, 2022, <https://home.treasury.gov/news/featured-stories/racial-differences-in-economic-security-housing>.

According to the National Association of Realtors 2023 Snapshot of Race and Home Buying in America, the Black-White homeownership rate gap is the largest in a decade.<sup>121</sup> The dire situation of Black American's lack of access to homeownership is most obvious in the key findings of their report:

- While the U.S. homeownership rate increased to 65.5 percent in 2021, the rate among Black Americans lags significantly (44 percent), has only increased 0.4 percent in the last ten years and is nearly 29 percentage points less than White Americans (72.7 percent), representing the largest Black-White homeownership rate gap in a decade.
- Asian and Hispanic Americans experienced the biggest homeownership rate gains over the last decade. Asian American households rose nearly 5 percentage points, driving the rate to an all-time

119 University of North Carolina at Greensboro, National Center for Homeless Education, "Student Homelessness in America: School Years 2017-18 to 2019-20," *University of North Carolina at Greensboro, National Center for Homeless Education*, 2021, <https://nche.ed.gov/wp-content/uploads/2021/12/Student-Homelessness-in-America-2021.pdf>.

120 U.S.C. 42 §§ 3601-3631.

121 Lauren Cozzi, "More Americans Own Their Homes, but Black-White Homeownership Rate Gap Is Biggest in a Decade, NAR Report Finds" *National Association of Realtors*, Mar. 2, 2023, <https://www.nar.realtor/newsroom/more-americans-own-their-homes-but-black-white-homeownership-rate-gap-is-biggest-in-a-decade-nar>.



high (62.8 percent). Hispanic American households increased by more than 4 percentage points to 50.6 percent.

- Black homeowners and renters are more cost-burdened than any other racial group. Less than 10 percent of Black renters can afford to buy the typical home.<sup>122</sup>

The National Association of Realtors also found that these disparities are concerning because “homeownership is the primary source of wealth creation among families and results in many economic and societal benefits.”<sup>123</sup>

### Impacts of Racial Disparities in Housing

Policies and practices such as 200 years of racial segregation and decades of redlining excluding Black Americans from White neighborhoods are widely credited as a root cause of the current racial wealth gap in wealth accumulation.<sup>124</sup> According to the Department of HUD, “discrimination by private real estate agents and rental property owners helped establish and sustain stark patterns of housing and neighborhood inequality.”<sup>125</sup> Lack of affordable and decent housing has also resulted in racial disparities in health and education, as “[h]ousing is a paradigmatic example of a social determinant of health, as it influences—and is influenced by—structural determinants, such as social, macroeconomic, and public policies, politics, education, income, and ethnicity/race, all intersecting to shaping the health and well-being of populations.”<sup>126</sup> Not having a stable address also makes it harder to vote and otherwise participate in civic engagement, actions that could improve community conditions.<sup>127</sup> The U.S. Treasury also found that housing is important to economic well-being and summarized the relevant calculations as follows:

In addition to the substantial sense of security that housing stability provides, homeownership imparts many economic benefits to households including unique access to leverage, a hedge against rising rents, tax deductions for mortgage interest and property taxes, low capital gains taxes relative to other investments, and—crucially—a vehicle for building wealth. Households outside the top wealth decile derive more wealth from housing equity than from financial assets, businesses, or other components of nonretirement wealth.<sup>128</sup>

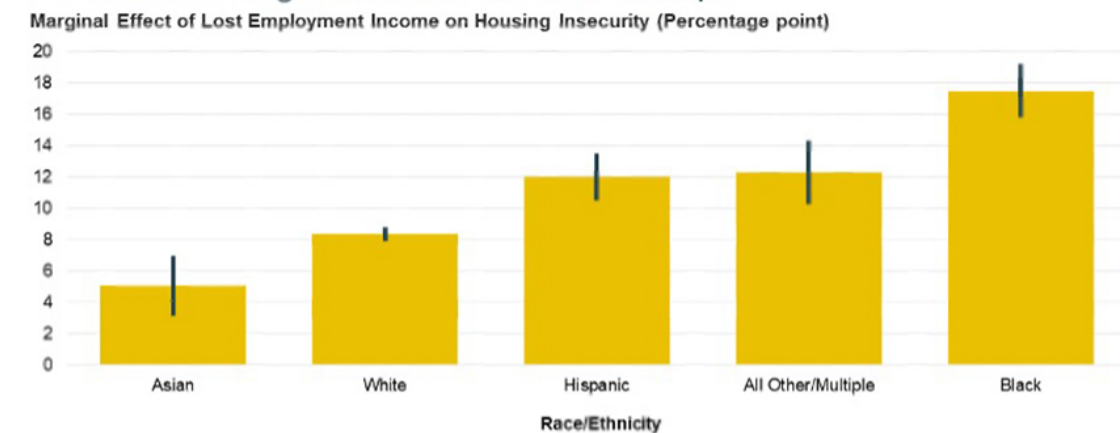
122 Cozzi, “More Americans.”  
 123 National Association of REALTORS Research Group, “2022 Housing Wealth Gains for the Rising Middle-Class Markets,” *National Association of REALTORS*, 2022, [https://cdn.nar.realtor/sites/default/files/documents/2022-housing-wealth-gains-for-the-rising-middle-class-markets-03-09-2022.pdf?\\_gl=1\\*1b0cxrk\\*\\_gcl\\_au\\*MTkwMjAyMTM2Ny4xNzExNjQ3NDZz](https://cdn.nar.realtor/sites/default/files/documents/2022-housing-wealth-gains-for-the-rising-middle-class-markets-03-09-2022.pdf?_gl=1*1b0cxrk*_gcl_au*MTkwMjAyMTM2Ny4xNzExNjQ3NDZz).  
 124 Jacob Faber, “Impact of Government Programs Adopted during the New Deal on Residential Segregation Today,” *Institute for Research on Poverty*, Feb. 2021, <https://www.irp.wisc.edu/resource/impact-of-government-programs-adopted-during-the-new-deal-on-residential-segregation-today/>; and Rachel Horvath, “Not All WWII Veterans Benefited Equally from the GI Bill,” *Brandeis University, The Heller School for Social Policy and Management*, Nov. 7, 2023, <https://heller.brandeis.edu/news/items/releases/2023/impact-report-gi-bill.html>.  
 125 “Housing Discrimination against Racial and Ethnic Minorities 2012,” *HUD, Office of Policy Development and Research*, [https://www.huduser.gov/portal/datasets/hsg\\_discrimination.html](https://www.huduser.gov/portal/datasets/hsg_discrimination.html).  
 126 Meggie Mwoka and others, “Housing as a Social Determinant of Health: Evidence from Singapore, the UK, and Kenya: The 3-D Commission,” *Journal of Urban Health* (September 2021), <https://link.springer.com/content/pdf/10.1007/s11524-021-00557-8.pdf>.  
 127 “[P]eople who have lived at their current address for less than one year are considerably less likely to be matched than those who have resided at their address for at least five years.” Ruth Igeilnik and others, “Commercial Voter Files and the Study of U.S. Politics,” *Pew Research Center*, Feb. 15, 2018, <https://www.pewresearch.org/methods/2018/02/15/commercial-voter-files-and-the-study-of-u-s-politics/>.  
 128 “Racial Differences in Economic Security: Housing,” *U.S. Department of the Treasury*, Nov. 4, 2022, <https://home.treasury.gov/news/featured-stories/racial-differences-in-economic-security-housing>.

### Housing Insecurity Among Black Homeowners and Renters

In July of this year, the Joint Center for Housing Studies of Harvard University analyzed data from the U.S. Census’ Household Pulse Survey, a nationally representative survey that was designed and implemented to track data during and after the COVID-19 pandemic.<sup>129</sup> The ongoing data collection showed that Black households were far more likely (23 percent) than White households (8 percent) to fall behind on housing payments during the pandemic. Black households were nearly three times as likely to become housing insecure than White households, while Latino households (18 percent) and Asian households (15 percent) were also disparately impacted.<sup>130</sup> Harvard reported that Black renters were most negatively impacted, with one in four Black renters (26 percent) reporting being behind on rent.<sup>131</sup> As shown in Figure 2 of this report, during the pandemic, job loss was more likely to result in housing insecurity for Black people and other people of color:

Figure 2: Increased Likelihood of Housing Insecurity

Figure 2. After Losing Income, Black Households Were More Likely to Become Housing Insecure than Other Groups



Notes: Marginal effects can be interpreted as the likelihood a household fell behind on their rent or mortgage conditional on having lost employment income, holding all other variables constant at the mean. Results were estimated following the regression in Model 7 of the paper. 95% confidence intervals are shown. Source: Author tabulations of US Census Bureau, Household Pulse Survey data, August–December 2020.

2 | © PRESIDENT AND FELLOWS OF HARVARD COLLEGE

Joint Center for Housing Studies of Harvard University JCHS

129 Sharon Cornelissen and Alexander Hermann, “The Pandemic Aggravated Racial Inequalities in Housing Insecurity: What Can It Teach Us about Housing amidst Crises?,” *Joint Center for Housing Studies of Harvard University*, July 12, 2023, <https://www.jchs.harvard.edu/blog/pandemic-aggravated-racial-inequalities-housing-insecurity-what-can-it-teach-us-about-housing>; and “Household Pulse Survey Data,” *U.S. Census Bureau*, Feb. 13, 2024, <https://www.census.gov/programs-surveys/household-pulse-survey/data.html>.  
 130 Cornelissen and Hermann, “Pandemic Aggravated Racial Inequalities”; and “Household Pulse Survey.”  
 131 Cornelissen and Hermann, “Pandemic Aggravated Racial Inequalities”; and “Household Pulse Survey.”



## Collateral Consequences of Criminal Justice Disparities

At the July 2023 CSSBMB ACT NOW Summit, Commissioner Calvin Johnson, Deputy Assistant Secretary for the Office of Research Evaluation and Monitoring from the U.S. Department of HUD highlighted the collateral consequences of incarceration on Black men's ability to find affordable housing due to the history of housing policies excluding individuals with criminal records and those who are returning from jail or prison.<sup>132</sup>

Commissioner Johnson's concerns parallel previous findings of USCCR findings in their June 2019 report *Collateral Consequences: The Crossroads of Punishment, Redemption and the Effects on Communities*. In that report, USCCR found documented how "[f]ederal laws prohibit individuals with certain types of criminal records from living in public or subsidized housing and/or living in certain geographical areas, and private housing providers may implement policies that restrict individuals with arrests or criminal convictions."<sup>133</sup> Further, because of the racial disparities in the criminal justice system, Black men are significantly more likely to be targeted by law enforcement and incarcerated.<sup>134</sup>

Based on extensive research, the Civil Rights Commission found that:

Many formerly incarcerated people return to low-income communities, and the National Low Income Housing Coalition estimates that only 35 affordable rental units exist for every one-hundred "extremely low-income" households. Coupled with the collateral consequences that formerly incarcerated individuals face when trying to earn a living, formerly incarcerated individuals face a high risk of housing insecurity and homelessness.<sup>135</sup>

Upon returning to the community, Black men who have been jailed, imprisoned, or otherwise incarcerated experience many of the same social, economic, and health conditions that contributed to their incarceration.<sup>136</sup> According to Jack Duran of the Vera Institute of Justice:

Restrictions on housing for formerly incarcerated people can lead to a dangerous cycle of reincarceration. And yet, these people are often barred from either moving back in with their family members or obtaining their own housing on release due to their arrest and conviction histories—leading many to live on the street or in shelters and become caught in the system again.<sup>137</sup>

<sup>132</sup> USCCR, "Commission on the Social Status."

<sup>133</sup> "42 U.S.C. § 1437n(f) (permanently prohibiting from public housing people convicted of manufacturing methamphetamine on the premises); 42 U.S.C. § 13663 (prohibiting from public housing certain individuals registered as state sex offenders); 42 U.S.C. § 13661(a) (prohibiting from public housing a tenant evicted for 'drug related criminal activity' for three years post-eviction unless the evicted tenant completes a rehabilitation program or obtains a waiver); 42 U.S.C. § 13661(b) (requiring public housing agencies and owners to set standards prohibiting from admission any household with a member determined to be 'illegally using a controlled substance'); 42 U.S.C. § 13661(c) (allowing public housing agencies and owners to deny admission to an individual or any member of the individual's household suspected of engaging 'in any drug-related or violent criminal activity or other criminal activity' under certain circumstances)." USCCR, "Collateral Consequences: The Crossroads of Punishment, Redemption, and the Effects on Communities," USCCR, June 2019, <https://www.usccr.gov/files/pubs/2019/06-13-Collateral-Consequences.pdf>.

<sup>134</sup> USCCR, "Collateral Consequences," p. 20, p. 63; and chapter 5, *infra*.

<sup>135</sup> USCCR, "Collateral Consequences," pp. 60-61.

<sup>136</sup> Jack Duran, "Finding Housing Is Hard—but for People Leaving Prison and Jail, It's Almost Impossible," *Vera*, Aug. 30, 2018, <https://www.vera.org/news/finding-housing-is-hard-but-for-people-leaving-prison-and-jail-its-almost-impossible>.

<sup>137</sup> Duran, "Finding Housing Is Hard."

The impact is severe: "One study found that nearly 8 in 10 formerly incarcerated individuals reported ineligibility or denial of housing because of their or a loved one's conviction history. According to another study, men who had been incarcerated were twice as likely to become homeless as men without a history of incarceration."<sup>138</sup>

The extremely negative impact of these collateral consequences is greatest for Black men. As discussed in chapter 5 of this report, current conditions include ongoing disparities in incarceration rates of Black men.<sup>139</sup> One in three Black boys will experience entanglement with the criminal justice system over their lifetime.<sup>140</sup> Due in large part to failed and discriminatory drug policies, Black people are six or seven times as likely as White people to spend time in prison.<sup>141</sup> In some states, Black men make up more than 50 percent of jail or prison populations.<sup>142</sup> There are seven states with a Black-to-White incarceration disparity of nine to one or greater.<sup>143</sup> The scale of the problem is also massive, as one in three adults in the United States has a criminal record. Landlords often refuse to rent to them even when they are financially qualified. There is no viable evidence that a person with a criminal record will be a problematic tenant or that they will reengage with criminal activity.<sup>144</sup> Although tenant screening practices are in the rental application process for all who apply, people of color, particularly Black males who have a criminal record, are unfairly affected by these practices and are, in many cases, denied housing.<sup>145</sup>

## Recommendations

Based on our research, the Subcommittee on Housing recommends that:

1. Continued in-depth research and aggressive policy innovations are needed to address ongoing indicators of housing insecurity, including the extremely high incidence of homelessness impacting Black men. Homeownership is critical to lifting Black men and their families and communities out of poverty, and affordable housing can help address deeply connected problems such as mental illness, substance use disorders, and criminalization; therefore, racial equity programs, such as those developed under Executive Order 13985 of January 20, 2021, are merited and should be expanded to address systemic inequities in access to affordable housing and improve housing conditions for Black males, which will benefit their families, communities and society as a whole. Further, racial discrimination in housing should be systemically investigated and remedied, and federal civil rights protections should be fully enforced.
2. As overpolicing of Black males impacts their ability to access housing for themselves and their families, it should be addressed as per the recommendations of the Criminal Justice Committee through measures such as the *George Floyd Justice in Policing Act*. Further, collateral housing consequences of being justice-involved should be drastically reduced, if not eliminated. The CSSBMB supports the recommendations of the USCCR in their June 2019 report *Collateral Consequences: The Crossroads of Punishment, Redemption, and the Effects on Communities* regarding increasing equal access to housing.

<sup>138</sup> USCCR, "Collateral Consequences," p. 62.

<sup>139</sup> See *Ongoing Racial Disparities in the Criminal Justice System*, *infra*.

<sup>140</sup> Michael Tonry and Matthew Melewski, "The Malign Effects of Drug and Crime Control Policies on Black Americans," *Crime & Justice*, 2008, [https://scholarship.law.umn.edu/faculty\\_articles/499](https://scholarship.law.umn.edu/faculty_articles/499).

<sup>141</sup> Tonry and Melewski, "The Malign Effects."

<sup>142</sup> USCCR, "Commission on the Social Status."

<sup>143</sup> Ashley Nellis, "The Color of Justice: Racial and Ethnic Disparity in State Prisons," *The Sentencing Project*, Oct. 2021, <https://www.sentencingproject.org/app/uploads/2022/08/The-Color-of-Justice-Racial-and-Ethnic-Disparity-in-State-Prisons.pdf>.

<sup>144</sup> USCCR, "Collateral Consequences," p. 75.

<sup>145</sup> USCCR, "Collateral Consequences," p. 75.

# CHAPTER III Subcommittee on Health: Addressing Health as a Form of Healing

*“Of all the forms of inequality, injustice in health care is the most shocking and inhumane.”*

– Dr. Martin Luther King, Jr.

*Current conditions:* This chapter begins by summarizing the current conditions of health disparities according to the latest data, which shows that Black men and boys consistently rank at or near the bottom of every social index measuring health and well-being.<sup>146</sup> The chapter goes on to explain the systemic social determinants of health impacting Black males in the United States.<sup>147</sup> The chapter also addresses the nation’s history of trauma impacting Black men and boys and summarizes ongoing mental health disparities.<sup>148</sup> It then addresses potential solutions to these issues through increasing racial diversity among healthcare providers.<sup>149</sup> As foster care is part of HHS, the chapter ends with a special section on prevention and intervention with a goal of decreasing the overrepresentation of Black children that has been negatively impacting Black boys and men for generations.<sup>150</sup>

## Health Disparities

Black men and boys consistently rank at or near the bottom of every social index measuring health and well-being in the United States.<sup>151</sup> The health of Black men and boys consistently ranks lowest across nearly all groups in the United States.<sup>152</sup> “Black men are hidden in plain sight,” Roland Thorpe says Deputy Director of the Johns Hopkins Center for Health Disparities Solutions, Thorpe continues,

[W]e have the worst health profile. We have premature mortality, which means we die before the overwhelming majority of men do. We are often in the media either being attacked by the police, or enduring other experiences from structural racism. There’s very little support that’s been given. The evidence is all in front of us, but there seems to be no particular people calling it out or moving to drive toward solutions.<sup>153</sup>

There are significant ongoing health disparities for Black people in 2023. Below are key findings of the Kaiser Family Foundation’s analysis of the latest data on racial disparities in health in the United States:

- Among adults with any mental illness, Black (39 percent), Hispanic (36 percent), and Asian (25 percent) adults were less likely than White (52 percent) adults to receive mental health services as of 2021.
- Roughly, six in ten Hispanic (62 percent), Black (58 percent), and American Indian/Alaskan Native (AIAN) (59 percent) adults went without a flu vaccine in the 2021-2022 season, compared to less than half of White adults (46 percent).
- At birth, AIAN and Black people had a shorter life expectancy (65.2 and 70.8 years, respectively) compared to White people (76.4) as of 2021, and AIAN, Hispanic, and Black people experienced larger declines in life expectancy than White people between 2019 and 2021.

<sup>146</sup> See Health Disparities, *infra*.

<sup>147</sup> See Social Determinants of Health, *infra*.

<sup>148</sup> See Trauma and Mental Health Issues, *infra*.

<sup>149</sup> See Supporting Black Male Health Providers, *infra*.

<sup>150</sup> See Prevention and Intervention: Overrepresentation in the Foster Care System, *infra*.

<sup>151</sup> Keon Gilbert and others, “Visible and Invisible Trends in Black Men’s Health: Pitfalls and Promises for Addressing Racial, Ethnic, and Gender Inequities in Health,” *National Library of Medicine*, May 22, 2019, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6531286/>.

<sup>152</sup> Gilbert, “Visible and Invisible Trends.”

<sup>153</sup> Steven Petrow, “Black Men Face Many More Health Hurdles. An Expert Discusses Why,” *MSN*, April 2023, <https://www.msn.com/en-us/news/us/black-men-face-many-more-health-hurdles-an-expert-discusses-why/ar-AA19T7UL?ocid=entnewsntp&pc=DCTS&cvid=ddd62c0409d3480792231030a9cab645&ei=19>.



- Black infants were more than two times as likely to die as White infants (10.4 vs. 4.4 per 1,000), and AIAN infants were nearly twice as likely to die as White infants (7.7 vs. 4.4 per 1,000) as of 2021. Black and AIAN women also had the highest rates of pregnancy-related mortality; and
- Black (13 percent) and Hispanic (11 percent) children were over twice as likely to be food insecure than White children (4 percent) as of 2021.<sup>154</sup>

Although there were differences looking at different aspects of health, overall, Black people fared the worst among all demographics, with overall health disparities showing they experienced 28 percent worse outcomes than White people in the United States.<sup>155</sup> There were similar disparities along color lines, with AIAN persons faring 24 percent worse and Latino people faring 15 percent worse than White individuals;<sup>156</sup> however, in all basic public health measures, the largest racial disparities in health in the United States are still experienced by the Black community.

Further, there are particular historical and ongoing disparities experienced by Black men and boys. In a comprehensive literature review published by the National Institutes of Medicine and the Annual Review of Public Health, *Visible and Invisible Trends in Black Men's Health: Pitfalls and Promises for Addressing Racial, Ethnic, and Gender Inequities in Health*, the authors documented that:

Throughout American history, African Americans have suffered different and worse health status and outcomes, which began as a slave health deficit. The treatment of Black men and Black women was very harsh during slavery; however, where it may have differed is in the demonization and criminalization of Black men in ways that require a more nuanced understanding of these determinants of Black men's health. This differential treatment may have led to the early reports from the U.S. Census between 1731 and 1812, showing that Black males lived shorter lives than did White males and Black females.<sup>157</sup>

The article goes on to document numerous ongoing health disparities experienced by Black men, including that:

- The health of Black men continues to be worse than that of nearly all other groups in the United States. On average, Black men die more than 7 years earlier than do U.S. women of all races, and Black men die younger than all other groups of men, except Native Americans.
- After a disturbing rise in disparities during the 1980s and 1990s, trends are again moving in a positive direction, but there is still a significant gap to close.
- The gender gap in life expectancy between Black men and women (6.1 years) is wider than the racial gap among men (4.4 years) or among women (3.0 years). The gender gap in life expectancy between Black men and women is also larger than the gender gap between White men and women (4.7 years).
- In addition to homicide, diseases of the lower respiratory tract, HIV disease, and septicemia are among the top 10 causes of death for Black men between the ages of 25 and 59 years. Among U.S. men overall, suicide, Alzheimer's disease, influenza, and pneumonia figure in the top 10 causes of death, but they do not for Black men. Also, AIDS is seven times more prevalent in Black men than in White men, and Black men are more than nine times more likely to die from AIDS and HIV-related illness.<sup>158</sup>

154 Latoya Hill, Nambi Ndugga, and Samantha Artiga, "Key Data on Health and Health Care by Race and Ethnicity," *Kaiser Family Foundation*, Mar. 15, 2023, <https://www.kff.org/racial-equity-and-health-policy/report/key-data-on-health-and-health-care-by-race-and-ethnicity/>.

155 Hill, Ndugga, and Artiga, "Key Data on Health."

156 Hill, Ndugga, and Artiga, "Key Data on Health."

157 Gilbert, "Visible and Invisible Trends."

158 Gilbert, "Visible and Invisible Trends."

Some scholars interpret these disparities by positing that being a Black male in the United States can be a traumatic journey of trying to exist and adapt to continuous crisis, hardship, and adversity.<sup>159</sup> Dr. Camille Busette, director of the Race, Prosperity, and Inclusion Initiative at the Brookings Institute, writes: "[t]o be male, poor, and either African American or Native American is to daily confront legacies of racism that exists in every social institution."<sup>160</sup> She calls for "a New Deal for Black men" consisting of intentional policymaking focus in the fields of education and training, the labor market, fatherhood and family policy, criminal justice reform, and tackling concentrated poverty.<sup>161</sup> She continues, "No other demographic group has fared as badly, so persistently and for so long."<sup>162</sup>

## Social Determinants of Health

It is important to take a complete view of Black men's health outcomes and obtain a broader understanding of how lived social experiences and institutional forces influence and determine these outcomes. An expansive and comprehensive approach is needed. A comprehensive literature review study published by the National Institute of Health in 2022 found that analyses of Black male health in recent decades have focused on: (i) maladaptive behaviors that are presumed to reflect deeper cultural and psychological deficits, (ii) the victimization and systematic oppression of Black males, (iii) strategies to promote adaptive coping to racism and other structural barriers, and (iv) health-promotion strategies rooted in African and African American cultural traditions.<sup>163</sup> The study showed that "[t]his limited focus omits age-specific leading causes of death and other social determinants of health, such as discrimination, segregation, access to health care, employment, and income."<sup>164</sup>

Social determinants of health are important factors that impact health-related outcomes and life expectancy.<sup>165</sup> This well-known theory, illustrated below, has also been adopted by HHS, the World Health Organization, and numerous public health scholars.<sup>166</sup>

159 Robert Motley and Andrae Banks, "Black Males, Trauma, and Mental Health Service Use: A Systematic Review," *National Library of Medicine*, Dec. 13, 2018, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6292675/>.

160 Richard V. Reeves, Sarah Nzau, and Ember Smith, "The Challenges Facing Black Men – and the Case for Action," *Brookings Institution*, Nov. 19, 2020, <https://www.brookings.edu/articles/the-challenges-facing-black-men-and-the-case-for-action/>.

161 Reeves, Nzau, and Smith, "Challenges Facing Black Men."

162 Reeves, Nzau, and Smith, "Challenges Facing Black Men."

163 Gilbert, "Visible and Invisible Trends."

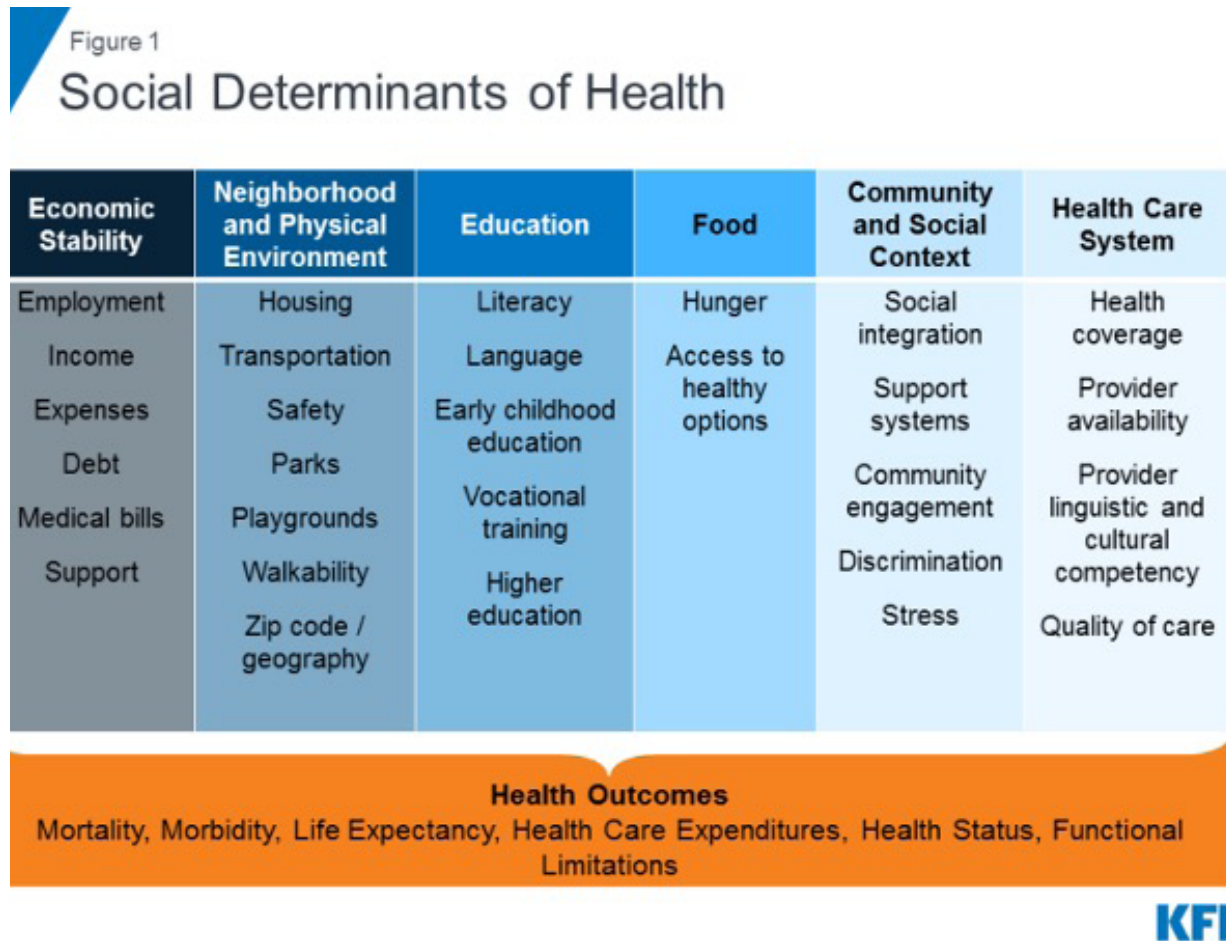
164 Gilbert, "Visible and Invisible Trends."

165 Samantha Artiga and Elizabeth Hinton, "Beyond Health Care: The Role of Social Determinants in Promoting Health and Health Equity," *Kaiser Family Foundation*, May 10, 2018, <https://www.kff.org/racial-equity-and-health-policy/issue-brief/beyond-health-care-the-role-of-social-determinants-in-promoting-health-and-health-equity/>.

166 "Healthy People 2020: Social Determinants of Health," *Office of Disease Prevention and Health Promotion*, <https://www.healthypeople.gov/2020/topics-objectives/topic/social-determinants-of-health>; and "About Social Determinants of Health," *World Health Organization*, [http://www.who.int/social\\_determinants/sdh\\_definition/en/](http://www.who.int/social_determinants/sdh_definition/en/).



Figure 3: Charting Social Determinants of Health



SOURCE: Samantha Artiga and Elizabeth Hinton, “Beyond Health Care: The Role of Social Determinants in Promoting Health and Health Equity,” *Kaiser Family Foundation*, May 10, 2018, <https://www.kff.org/racial-equity-and-health-policy/issue-brief/beyond-health-care-the-role-of-social-determinants-in-promoting-health-and-health-equity/>.

As illustrated above, social determinants of health are the conditions in which people are born, grow, live, work and age. They include factors like socioeconomic status, education, neighborhood and physical environment, employment, social support networks, and access to health care.<sup>167</sup>

As discussed above, the legacy of slavery is a root cause of many of the negative social determinants of health impacting Black men;<sup>168</sup> however, more recent forms of discrimination such as Jim Crow, lynching, de facto segregation, and the criminal justice system disparately targeting Black Americans in contemporary U.S. society are enduring versions of institutional forces that maintain health disparities.<sup>169</sup> The CSSBMB believes that applying frameworks that help to contextualize the ongoing social determinants of Black men’s health across the life course can help progress toward more effective programmatic and policy interventions.<sup>170</sup>

167 Artiga and Hinton, “Beyond Health Care.”  
 168 Artiga and Hinton, “Beyond Health Care.”  
 169 Artiga and Hinton, “Beyond Health Care.”  
 170 Gilbert, “Visible and Invisible Trends.”

## Trauma and Mental Health Issues

According to the National Alliance on Mental Illness (NAMI), as a byproduct of environmental stressors and other factors, Black males suffer also disproportionately high rates of mental health issues and substance use disorders.<sup>171</sup> The NAMI also documents that:

The ultimate consequences have been devastating for the [B]lack community. Suicide is the [third leading cause of death](#) for [B]lack or African American men ages 15–24. The mental health crisis is particularly evident in the case of Black men; in 2018, the suicide rate for [B]lack or African American men was [four times greater](#) than for African American women.<sup>172</sup>

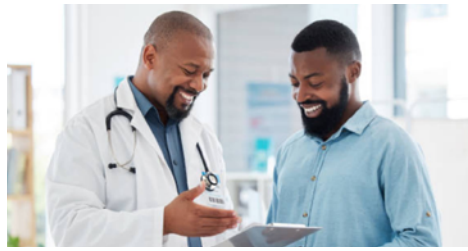
Other complicating factors include that Black males are less likely to seek help for mental health issues, there are large disparities in access to treatment, and further, that treatments that would work well for Black men and boys are not found in traditional setting.<sup>173</sup>

Studies examining trauma exposure among Black men show that approximately 62 percent have directly experienced a traumatic event in their lifetime, 72 percent witnessed a traumatic event, and 59 percent have learned about a traumatic event involving a friend or family member.<sup>174</sup> Trauma can trigger depression, stress, and anxiety. The composite social determinants of health with stress and trauma endured as a routine lived experience create stressors that manifest physical deterioration and/or “weathering” effects on the health of Black men.<sup>175</sup>

There are also mental health disparities experienced by Black boys. Studies indicate that cultural considerations such as stereotyping, racism, implicit bias, inadequate research representation, and care disparities negatively affect the way Black children are evaluated and treated by mental health professionals and in school settings.<sup>176</sup> It is also important to note that to resolve the school-to-prison pipeline created by discriminatory school discipline rates discussed in the first chapter of this report, mental health and behavioral health should be differentiated, and more focus should be given regarding how mental health and behavioral health are connected in the lives of Black boys.<sup>177</sup>

171 Nashira Kayode, “Black Men and Mental Health: Practical Solutions,” *National Alliance on Mental Illness*, Mar. 6, 2023, <https://www.nami.org/Blogs/NAMI-Blog/March-2023/Black-Men-and-Mental-Health-Practical-Solutions>.  
 172 Kayode, “Black Men and Mental Health.”  
 173 Kayode, “Black Men and Mental Health.”  
 174 Robert Motley and Andrae Banks, “Black Males, Trauma, and Mental Health Service Use: A Systematic Review,” *Perspectives on Social Work*, vol. 14, no. 1 (Summer 2018), pp. 4-19.  
 175 Motley and Banks, “Black Males.”  
 176 Eve Kessler, “ADHD: Challenges for Black Kids,” *Smart Kids with Learning Disabilities*, <https://www.smartkidswithld.org/getting-help/adhd/adhd-challenges-for-black-kids/>.  
 177 Hope Gillette, “What’s the Difference between Mental Health and Behavioral Health?,” *Healthline*, <https://www.healthline.com/health/mental-health-vs-behavioral-health>; see also Disparities in School Discipline, supra. (discussing the school-to-prison pipeline).

## Supporting Black Male Health Providers



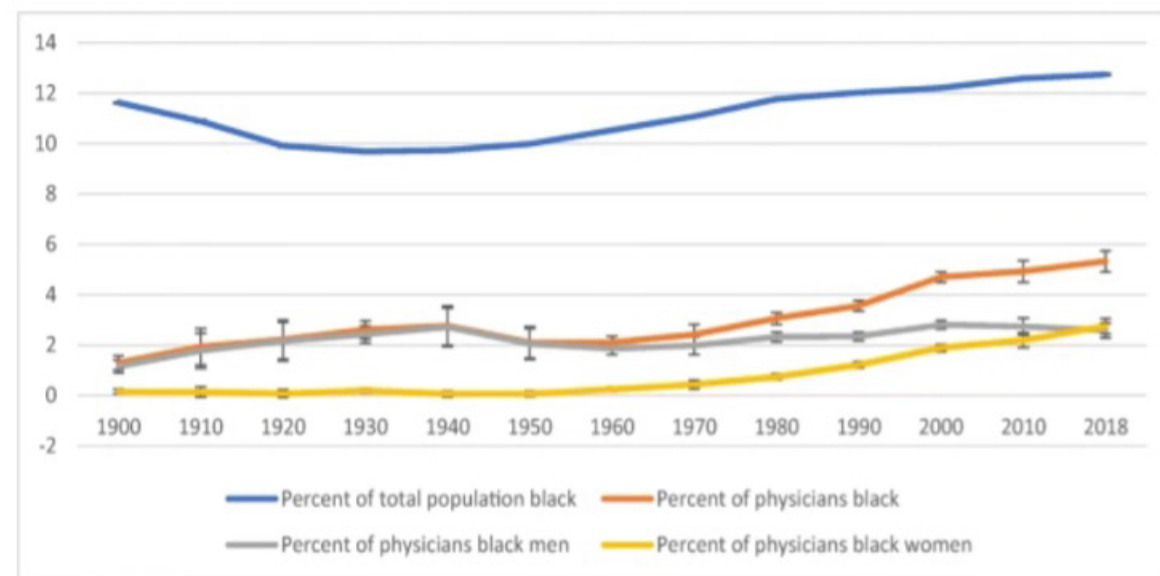
Lack of trust in health care providers is a major issue within the Black community. Surveyed Black Americans testify of being distrustful of the medical establishment.<sup>178</sup> This distrust is due to the legacy of segregated hospitals and medical experiments on Black men, along with ongoing experiences of less than equal health care.<sup>179</sup> Trust increases greatly, however, when Black doctors serve Black communities.<sup>180</sup> Because they are

highly underrepresented in the profession, there is a great need for Black male doctors and cultural competency training for other healthcare professionals.<sup>181</sup>

The percent of Black male physicians has always been low and has even declined in the last decade:

Figure 4: Shortage of Black Male Physicians Over Time

Figure 1



SOURCE: Dan P. Ly, “Historical Trends in the Representativeness and Incomes of Black Physicians, 1900–2018,” *Concise Research Report*, vol. 37 (2022), pp. 1310-1312.

- 178 Rakesh Singh and Mac Nwulu, “New Nationwide Poll by the Kaiser Family Foundation and the Undeclared Reveals Distrust of the Health Care System among Black Americans,” *KFF*, Oct. 13, 2020, <https://www.kff.org/racial-equity-and-health-policy/press-release/new-nationwide-poll-by-the-kaiser-family-foundation-and-the-undeclared-reveals-distrust-of-the-health-care-system-among-black-americans/>.
- 179 David March, “Trust between Doctors and Patients Is Culprit in Efforts to Cross Racial Divide in Medical Research,” *Johns Hopkins Medicine*, Jan. 14, 2008, <https://www.hopkinsmedicine.org/news/media/releases/trust-between-doctors-and-patients-is-culprit-in-efforts-to-cross-racial-divide-in-medical-research>.
- 180 Kavontae Smalls, “Hard to Figure Out What’s True’ Black Americans More Likely to Trust Black Doctors, but Undoing Generations of Mistrust in Healthcare Will Take More,” *SurvivorNet*, Jul. 19, 2023, <https://www.survivornet.com/articles/hard-to-figure-out-whats-true-black-americans-more-likely-to-trust-black-doctors-but-undoing-generations-of-mistrust-in-healthcare-will-take-more/>.
- 181 Brian McGregor and others, “Improving Behavioral Health Equity through Cultural Competence Training of Health Care Providers,” *National Library of Medicine*, Jun. 13, 2019, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6604769/>.

The CSSBMB is partnering with Association of American Medical Colleges (AAMC) to improve Black health outcomes and increase Black male health providers—in particular physicians.

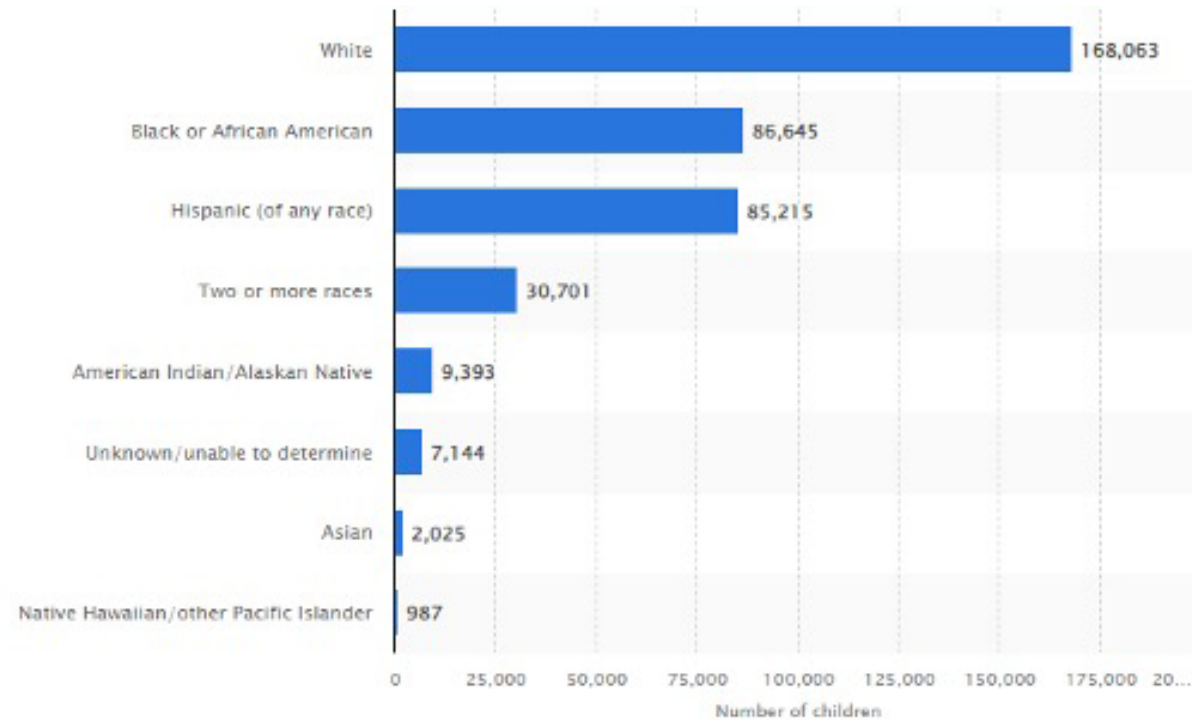
Some successful AAMC efforts include the National Program Office for the Summer Health Professions Education Program, or Summer Health Professions Education Program (SHPEP) (formerly Summer Medical and Dental Education Program [SMDEP]), funded by the Robert Wood Johnson Foundation.<sup>182</sup> It has a credible track record of successfully admitting and matriculating students with low family incomes and who identify as African American/Black, American Indian and Alaska Native, and Latino to medical and dental school.<sup>183</sup> Since its first cohort participated in summer 1989, SHPEP has served more than 30,000 students.<sup>184</sup>

## Prevention and Intervention: Overrepresentation in Child Welfare, Foster Care, and Family Issues

In 2021, Black children comprised 14 percent of the total child population in the nation, but 22 percent of all kids in foster care (see figure 5 of this report).<sup>185</sup> According to the HHS Children’s Bureau, in 2021, the foster care system acted as the parent for 86,645 Black children.<sup>186</sup> Over 50 years of data demonstrate that Black, AI/AN, and other children of color are disproportionately represented and have disparate outcomes throughout the child welfare process, including investigations, entry into out-of-home care, and exits from care.<sup>187</sup> The Commission should examine the causation of the overrepresentation of minorities in child welfare. Data evidence that family structure and the promotion of healthy family relationships can positively impact the well-being of Black children.

- 182 *Summer Health Professions Education Program*, <https://www.shpep.org/>.
- 183 “Impact Evaluation of the RWJF Summer Medical and Dental Education Program (SMDEP),” *Mathematica Progress Together*, Jan. 28, 2015, <https://www.mathematica.org/publications/impact-evaluation-of-the-rwjf-summer-medical-and-dental-education-program-smdep>.
- 184 “Summer Health Professions Education Program,” *Summer Health Professions Education Program*, <https://www.shpep.org/>.
- 185 “Black Children Continue to Be Disproportionately Represented in Foster Care,” *The Annie E. Casey Foundation*, May 14, 2023, <https://www.aecf.org/blog/us-foster-care-population-by-race-and-ethnicity>.
- 186 HHS, Administration for Children and Families, Children’s Bureau, “The AFCARS Report,” *HHS, Administration for Children and Families*, Jun. 28, 2022, <https://www.acf.hhs.gov/sites/default/files/documents/cb/afcars-report-29.pdf>.
- 187 “Addressing Disproportionality, Disparity, and Equity throughout Child Welfare,” *HHS, Administration for Children and Families, Children’s Bureau*, <https://www.acf.hhs.gov/cb/focus-areas/equity>.

Figure 5: Number of Children in Foster Care, by Race



SOURCE: HHS, Administration for Children and Families, Children’s Bureau, “The AFCARS Report,” *HHS, Administration for Children and Families*, Jun. 28, 2022, <https://www.acf.hhs.gov/sites/default/files/documents/cb/afcars-report-29.pdf>.

As an extension of Chair Wilson’s prevention-oriented strategy and approach, the Commission’s Health Subcommittee plans to begin the work of framing the basis for a comprehensive approach to reducing the number of Black children entering state care. Potentially helpful strategies relate to risk factors identified by three theories of causation. These are (i) family preservation programs, (ii) family planning/teen pregnancy prevention programs, and (iii) increasing cultural competence in the child welfare workforce agencies. According to theories about risk factors, minorities are overrepresented in the child

welfare system because they have disproportionate needs; therefore, addressing these causal risk factors by filling these needs should be helpful to Black children and their families.<sup>188</sup>

In addition, overrepresentation has less to do with race or class and more to do with systemic factors that make families more visible to surveillance from public authorities, such as residing in neighborhoods and communities that have high levels of poverty, welfare assistance, unemployment, homelessness, and single-parent families.<sup>189</sup> Overrepresentation of Black children in the child welfare system also results from the decision-making processes of Child Protective Service agencies, cultural insensitivity and biases of workers, governmental policies, and institutional or structural racism.<sup>190</sup>

Based on this research, going forward, the Health Subcommittee seeks to take a comprehensive and holistic approach in addressing potential solutions to reducing the number of Black children entering state care through prevention and intervention programs and services. The subcommittee plans to identify best practices to safely reduce the number of Black children in the child welfare system through addressing some of the underlying risk factors.

### Recommendations

Based on our research, the Subcommittee on Health recommends that:

1. As years of data show, Black men and boys continue to live through health disparities and are at or near the bottom of every social index measuring health and well-being in the United States; ongoing studies and systemic improvements in public policy are needed. Resources should be provided with the necessary breadth and depth to address the social determinants of health, including discrimination and segregation, as well as unequal access to health care, employment, and income and their role in the massive disparities, pain, and hardship that also cut lives short. The CSSBMB encourages HHS to use existing legal authorities and funding to study and lessen the disparities pointed out in this report. Our health care system must address the nation’s history and ongoing trauma impacting Black men and boys that negatively impact their physical and mental health while also taking every measure to eradicate bias in the treatment of Black males. The Commission also recommends that HHS, health care providers, and medical schools work to increase the number of Black male health providers who can better understand and partner with Black men and boys experiencing health crises and addressing preventable diseases. Mental health resources for Black males should also be made much more available and tailored to meet their needs.
2. The Commission recommends ongoing research and new projects to address the pressing problem of overrepresentation of Black males in foster care through a comprehensive approach, including (i) family preservation programs, (ii) family planning/teen pregnancy prevention programs, and (iii) increasing cultural competence in child welfare agencies.

188 Edwin Garcia, “JAMA Article Recounts School of Medicine’s Holistic Admissions Practices,” *UC Davis Health*, Aug. 16, 2023, <https://health.ucdavis.edu/news/headlines/jama-article-recounts-school-of-medicines-holistic-admissions-practices/2023/08>; and Robert B. Hill, “The Casey-CSSP Alliance for Racial Equity,” *Issue Lab*, Oct. 2006, <https://www.issuelab.org/resources/11355/11355.pdf>.

189 Garcia, “JAMA Article”; and Hill, “The Casey-CSSP Alliance.”

190 Garcia, “JAMA Article”; and Hill, “The Casey-CSSP Alliance.”

# CHAPTER IV Subcommittee on Labor & Employment: Equitable Economic Inclusion & Participation

Current Conditions: In this chapter, the Commission explores nationwide disparities hindering Black men's equal participation in the labor market and access to wealth. During 2023, this has involved practitioner engagement, interviews, and research. This chapter documents ongoing labor and employment disparities, lower wages with negative impacts on poverty levels, recent trends in the post-COVID-19 pandemic era, the relationship between educational and employment disparities, and macroeconomic issues impacting Black males.<sup>191</sup> The chapter goes on to discuss Black-owned businesses, workforce development initiatives, and addressing collateral employment consequences of incarceration.<sup>192</sup>

The Commission's Labor and Employment Subcommittee's primary purpose is to identify and support economic opportunities for Black males. Under its statute, CSSBMB and its subcommittees also propose measures to alleviate and remedy the underlying causes of "conditions affecting Black men and boys, including homicide rates, arrest, and incarceration rates, poverty, violence, fatherhood, mentorship, .. disparate income and wealth levels, school performance in all grade levels including postsecondary education and college, and health issues[.]"<sup>193</sup> We therefore not only look at labor and employment but also at poverty, disparate income and wealth levels, and the relationship of education and other factors to employment and labor disparities.

## Labor and Employment Disparities

Our research shows ongoing economic disparities for Black men, especially in employment. In November 2023, the Black unemployment rate stood at 5.8 percent, nearly double the national rate of 3.7 percent.<sup>194</sup> State-by-state data also showed a similar disparity, with Black people experiencing twice the unemployment rate of their White counterparts.<sup>195</sup> According to the U.S. Census Bureau, Black men and boys ages 16 to 64 had a lower participation rate in the labor force compared to all males, at 69 and 79 percent, respectively.<sup>196</sup> Even though recent trends show that the labor force participation rates of Black men and White men are converging, the unemployment rate for Black men is still nearly twice that of White men.<sup>197</sup> Focusing solely on the labor force participation rate overstates the recent success Black men have had in joining the workforce because the data leaves out persons who were incarcerated. In recent years, Black men had the highest imprisonment rates in state and federal institutions across race/ethnicity and gender; about 1 in 55 Black men in the United States were incarcerated.<sup>198</sup> When the widespread effects of incarceration are included, the relative position of Black men's labor force participation falls to where it was in 1950.<sup>199</sup>

<sup>191</sup> See sections on each of these issues, *infra*.

<sup>192</sup> See Black-Owned Businesses, Workforce Development Initiatives, and Addressing Collateral Employment Consequences of Incarceration, *infra*.

<sup>193</sup> 42 U.S.C. § 1975 note § 5(a)(1) (2020) (Commission on the Social Status of Black Men and Boys).

<sup>194</sup> "The Employment Situation – December 2023," *U.S. Department of Labor (DOL)*, Jan. 5, 2024, [https://www.dol.gov/newsroom/economicdata/empsit\\_01052024.pdf](https://www.dol.gov/newsroom/economicdata/empsit_01052024.pdf).

<sup>195</sup> Regina Seo and others, "June's Jobs Report Shows Warning Signs for Workers of Color," *Brookings Institution*, Jul. 20, 2022, <https://www.brookings.edu/blog/the-avenue/2022/07/20/junes-jobs-report-shows-warning-signs-for-workers-of-color/>; and Kyle K. Moore, "State Unemployment by Race and Ethnicity," *Economic Policy Institute*, Nov. 2023, <https://www.epi.org/indicators/state-unemployment-race-ethnicity/>.

<sup>196</sup> "Black Men: Statistics," *Black Demographics*, <https://blackdemographics.com/population/black-male-statistics/>.

<sup>197</sup> William Rodgers III and Alice L. Kassens, "Labor Market Opportunities for Black Men: How Good Is the News?," *Federal Reserve Bank of St. Louis*, Jul. 12, 2023, <https://www.stlouisfed.org/publications/regional-economist/2023/july/labor-market-opportunities-black-men-how-good-is-news>.

<sup>198</sup> See chapter 5 of this report; see also Rodgers and Kassens, "Labor Market Opportunities."

<sup>199</sup> See chapter 5 of this report; see also Rodgers and Kassens, "Labor Market Opportunities."





## Lower Wages; Impacts on Poverty Levels

In addition to the higher rate of unemployment, Black men are negatively impacted from lower median wages than the general population. The Census Bureau released a report on this data in 2023, discussing that in 2022, the median weekly earnings for Black males were \$991 and this was 16.7 percent below median earnings for the total population.<sup>200</sup> The median annual earnings for Black males were \$22,499 and 23 percent below the median earnings for the total male population, and the number of Black males considered to earn below the poverty level was 17.1 percent.<sup>201</sup>

This year, the Census Bureau reported that in 2022, the poverty rate among Black Americans was at a record low and had reached prepandemic numbers.<sup>202</sup> Poverty rates in 2022 were also at historic lows for Black children under 18, at 22.3 percent.<sup>203</sup> Yet still, Black individuals made up only 13.5 percent of the total population, but 20.1 percent of the U.S. population lived in poverty.<sup>204</sup>

## Recent Trends in the Post-COVID-19 Pandemic Era

While the economy has shown some signs of improvement since the COVID-19 pandemic, according to the Bureau of Labor Statistics, the overall unemployment rate for Black males rose. While many American citizens struggle because of inflation, the number of Black men negatively impacted is disproportionate relative to the total population. Seasonally adjusted, 2023 fiscal year, third quarter unemployment for Black men older than 20 years of age held steady in July at 5.3 percent, August at 5.0 percent, and September at 5.6 percent.<sup>205</sup> During the second quarter of 2023, the unemployment of Black Americans increased by 267,000, contributing to 90 percent of the total 300,000 increase in unemployment during the three months of April, May, and June.<sup>206</sup>

These trends point to sudden shifts and instability in the job market for Black Americans and this demographic's vulnerable susceptibility to economic downturns and market conditions. The Housing chapter of this report showed how job insecurity can more quickly lead to housing insecurity for Black Americans.<sup>207</sup> The latest unemployment trends are in the graphs reproduced on the next page.

200 Em Shrider, "Poverty Rate for the Black Population Fell Below Pre-Pandemic Levels," *U.S. Census Bureau*, Sep. 12, 2023, <https://www.census.gov/library/stories/2023/09/black-poverty-rate.html>.

201 Shrider, "Poverty Rate."

202 Shrider, "Poverty Rate."

203 Shrider, "Poverty Rate."

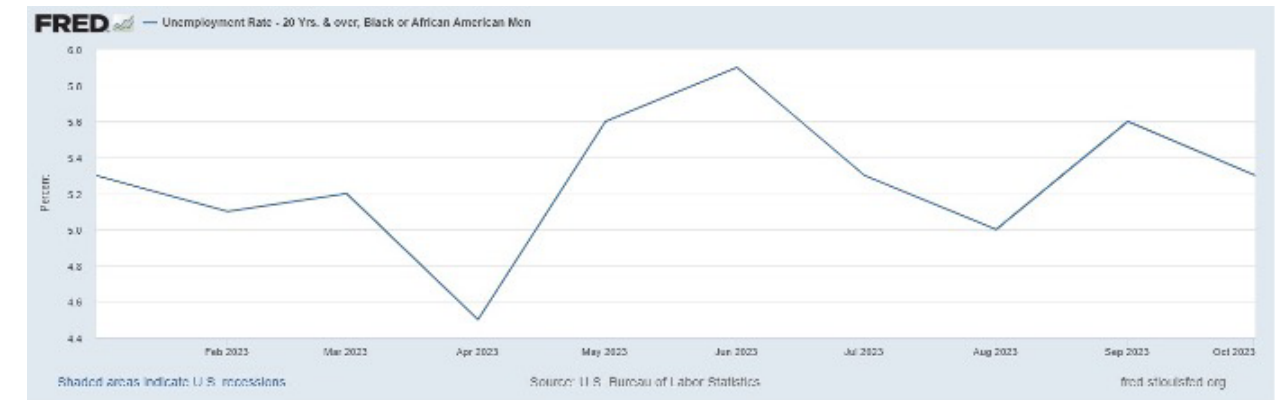
204 Shrider, "Poverty Rate."

205 "The Employment Situation – October 2023," DOL, *Bureau of Labor Statistics*, Nov. 3, 2023, [https://www.bls.gov/news.release/archives/empst\\_11032023.htm](https://www.bls.gov/news.release/archives/empst_11032023.htm).

206 "Bloomberg: Black Workers in the US Account for 90% of Recent Rise in Unemployment," *National Community Reinvestment Coalition*, Jul. 7, 2023, <https://ncrc.org/bloomberg-black-workers-in-the-us-account-for-90-of-recent-rise-in-unemployment/>.

207 See p. 44–48, *supra*.

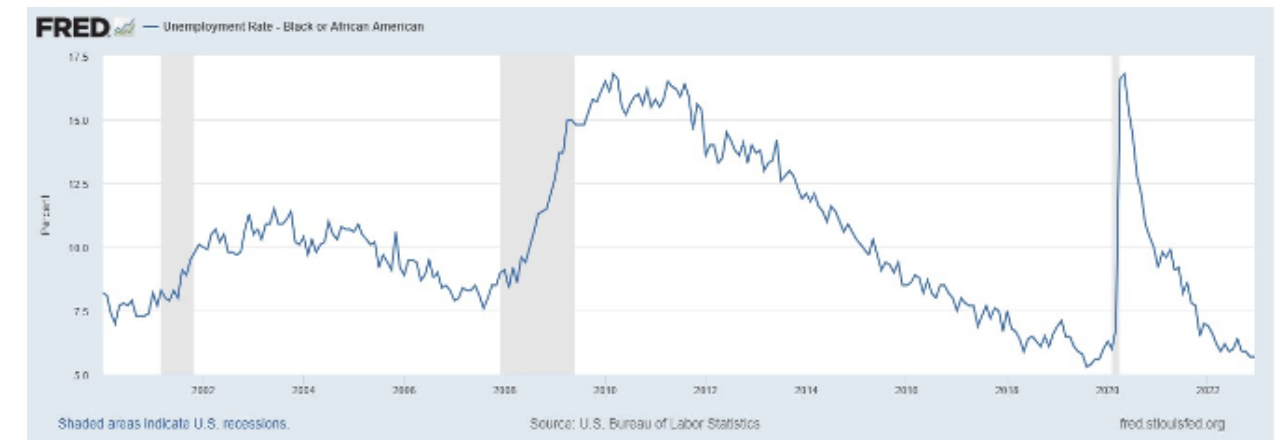
Figure 6: Recent Unemployment Trends, Black Males, January to October 2023



Source: William Rodgers III and Alice L. Kassens, "Labor Market Opportunities for Black Men: How Good Is the News?," *Federal Reserve Bank of St. Louis*, Jul. 12, 2023, <https://www.stlouisfed.org/publications/regional-economist/2023/july/labor-market-opportunities-black-men-how-good-is-news>.

The data below show that these recent disparities or current conditions are preceded by over a decade of sharply declining Black unemployment rates, followed by a spike due to the COVID-19 pandemic, followed by another decline in 2022; however, the data above indicates that the decline may have been reversing in 2023.

Figure 7: Unemployment Rate – Black Total 2000–2022



Source: William Rodgers III and Alice L. Kassens, "Labor Market Opportunities for Black Men: How Good Is the News?," *Federal Reserve Bank of St. Louis*, Jul. 12, 2023, <https://www.stlouisfed.org/publications/regional-economist/2023/july/labor-market-opportunities-black-men-how-good-is-news>.

## The Relationship between Educational and Employment Disparities

Numerous socioeconomic and other factors contribute to difficult economic and employment prospects for Black men and boys. These factors include but are not limited to lack of education and job readiness of Black men, high rates of incarceration of Black men, and higher rates of the Black population lacking basic resources required for self-sufficiency. As previously mentioned in this report, there is nearly a 70 percent chance that a Black male without a high school diploma will be imprisoned by his mid-thirties.<sup>208</sup>

208 zza Choudhry, "High School Dropouts More Likely to Go to Prison," *The Spotlight*, Mar. 19, 2018, <https://slspotlight.com/opinion/2018/03/19/high-school-dropouts-more-likely-to-go-to-prison/>.

The Commission recognizes that education can help address employment and other economic opportunities. Education can influence interrelated problems connected to criminalization, homelessness, and health outcomes.

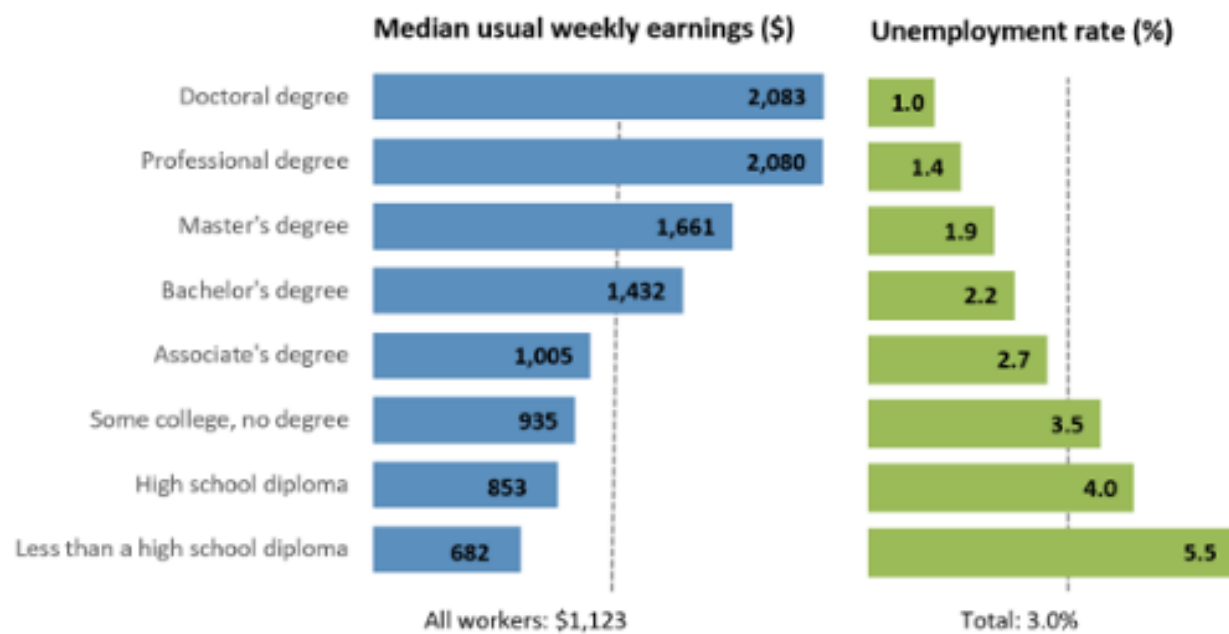


Lack of education and job readiness are two of the biggest challenges to productive and stable employment. Data shows that Black men who drop out of high school are far less likely to enter postsecondary education or obtain employment. The data shows a direct correlation between education attainment and future economic status.<sup>209</sup>

As discussed in the Education chapter of this report, the latest data shows that in 2021, 76 percent of Black boys finished high school compared to 87 percent of

White boys,<sup>210</sup> and the latest data below show the unemployment rate correlates with lack of education.

Figure 8: The Relationship between Educational Attainment and Employment in 2022



Note: Data are for people aged 25 and over. Earnings are for full-time wage and salary workers.

Source: U.S. Bureau of Labor Statistics, Current Population Survey

The CSSBMB believes Workforce Development Initiative programs provided in middle and high school may be one of the best ways to reduce Black male unemployment.<sup>211</sup> The Labor and Employment Subcommittee also supports the measures called for in the Education chapter of this report.<sup>212</sup>

### Macroeconomic Issues

209 Reeves and Kalkat, "Racial Disparities."

210 Reeves and Kalkat, "Racial Disparities."

211 See Workforce Development Initiatives, *infra*.

212 See chapter 1, *supra*.

Pursuing economic policies that promote equitable economic inclusion and participation is in the best economic interests of the United States.<sup>213</sup> In 2020, Citigroup estimated the U.S. economy lost \$16 trillion over the past 20 years because of economic inequality and discrimination against African Americans.<sup>214</sup> Further:

The analysis in the accompanying report shows if four key racial gaps for [B]lacks – wages, education, housing, and investment—were closed 20 years ago, \$16 trillion could have been added to the U.S. economy. And if the gaps are closed today, \$5 trillion can be added to U.S. GDP over the next 5 years.<sup>215</sup>

In 2021, the Center for Economic and Policy Research similarly estimated that unemployment of Black men costs the U.S. economy \$50 billion annually.<sup>216</sup> It found that Black men had the highest levels of unemployment for the last 20 years. The director of the Economic Policy Institute's Program on Race, Ethnicity, and the Economy, and leading researcher, Algernon Austin, also explained that unemployment is an undercount, stating that "[b]ecause we typically assess joblessness among Black men based on the unemployment rate, we grossly underestimate the problem of joblessness for Black men, the harm it causes to Black communities, and the need for bold policy interventions."<sup>217</sup>

According to the National Urban League's Annual State of Black America Equality Index, economics is the area with the greatest degree of racial inequality in our nation.<sup>218</sup> In 2005, the Urban League found that the Economics Equality Index was 57.4 percent, meaning that Black individuals had only 57.4 percent of the economic opportunities that White individuals had that year.<sup>219</sup> In 2022, the Economics Equality Index improved, but it reached only 62.1 percent for Black Americans.<sup>220</sup> These data suggest that nearly four out of ten (38.4 percent) of Black Americans experience economic disparities in categories such as income, poverty, employment and housing and wealth.<sup>221</sup> As discussed in the Housing chapter of this report, barriers to homeownership also correlate with an inability to build Black wealth and sustainable economic development.<sup>222</sup>

### Black-Owned Businesses

A 2021 Brookings Institute study found that approximately 96 percent of Black-owned businesses are sole proprietorships, which makes it difficult for Black business owners to raise capital.<sup>223</sup> According to Brookings' researchers Andre Perry and Carl Romer, "underrepresentation of Black businesses encapsulate

213 Dana M. Peterson and Catherine L. Mann, "Closing the Racial Inequality Gaps: The Economic Cost of Black Inequality in the U.S.," *Citigroup*, Sept. 1, 2020, <https://www.citigroup.com/global/insights/citigps/closing-the-racial-inequality-gaps-20200922>.

214 Peterson and Mann, "Racial Inequality Gaps."

215 Peterson and Mann, "Racial Inequality Gaps."

216 Karen Conner, "Joblessness Crisis for Black Men Costs About \$50 Billion per Year," *Center for Economic and Policy Research*, December 8, 2021, <https://cepr.net/press-release/joblessness-crisis-for-black-men-costs-about-50-billion-per-year/>.

217 Conner, "Joblessness Crisis."

218 National Urban League, "Under Siege: The Plot to Destroy Democracy," *State of Black America*, Apr. 12, 2022, <https://soba.iamempowered.com/sites/soba.iamempowered.com/files/State-of-Black-America-2022-Black-white%20Index.pdf>.

219 National Urban League, "Under Siege."

220 National Urban League, "Under Siege."

221 National Urban League, "Under Siege."

222 See 42-44, *supra*.

223 Alaya Linton, Dan Shepard, and Xiomara Martinez-White, "Atlanta Remains Nation's Hub for Black-Owned Businesses," *LendingTree*, Feb. 7, 2022, <https://www.lendingtree.com/business/small/Black-owned-businesses-study/>.

a myriad of structural barriers underscoring America’s tumultuous history with structural racism.”<sup>224</sup> They posit that on the other hand, investing in Black-owned businesses will help decrease Black male unemployment and expand the economy.<sup>225</sup>

The Commission is exploring ways to increase Black male economic and labor force participation with the U.S. Small Business Administration (SBA), the U.S. Department of Commerce’s Economic Development Administration and Minority Business Development Agency (MBDA), as well as state and local level economic and community development agencies, and local chamber of commerce offices to inform and promote entrepreneurship to Black males by providing managerial, technical, and contractual assistance. The section below describes these potential opportunities with other workforce development initiatives.

## Workforce Development Initiatives



The CSSBMB supports a framework of innovation to grow the nation’s economy through competing in both domestic and global markets while expanding access to opportunities for Black men and boys. This can strengthen economies at the national, state, and local levels. Several initiatives provide services designed to address the social development needs that also impact the ability of Black men and boys to make successful transitions into the workforce. The goal is to create and nurture talent at state and local levels, in partnership with the federal government

agencies. These types of workforce programs implement strategies that can help Black boys and men enter, remain in, and advance in the workplace.

An effective workforce system includes national and state workforce agencies, working with state and local partners or participating agencies to offer a variety of workforce, unemployment compensation, and early learning programs that benefit employees at the state and local levels. The following programs are examples of programs that enhance workforce skills of youth and adults in Black communities and can also provide incentives to employers who hire them.

*The Workforce Innovation and Opportunity Act of 2014*—amends the Workforce Investment Act of 1998 and offers a comprehensive range of workforce development activities through state and local Workforce Development Boards.<sup>226</sup> Workforce development activities provided in local communities can benefit job seekers, laid off workers, youth, incumbent workers, new entrants to the workforce, veterans, persons with disabilities, and employers. The purpose of these activities is to promote and increase employment, job retention, earnings, and the occupational skills of program participants. They seek to improve the quality of the workforce, reduce welfare dependency and increase the productivity and competitiveness of the nation.<sup>227</sup>

The major activities under the *Workforce Innovation and Opportunity Act of 2014* are workforce investment activities through state and local providers, Youth Workforce Investment Activities, Adult and Dislocated Worker Employment and Training Activities, national Job Corps, and other national plans.<sup>228</sup> The subcommittee believes that expanding these programs will benefit young Black males.

224 Andre Perry and Carl Romer, “To Expand the Economy, Invest in Black Businesses,” *Brookings Institution*, Dec. 31, 2020, <https://www.brookings.edu/essay/to-expand-the-economy-invest-in-Black-businesses/>.

225 Perry and Romer, “Expand the Economy.”

226 Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, 128 Stat. 1425 (codified as 29 U.S.C. § 3101).

227 *Id.* At section 3101, Workforce Innovation and Opportunity Act, Pub. L. No. 113-128. July 22, 2014.

228 *Id.*

**The federal Job Corp Program** is centered around free residential training for youth ages 16 to 24.<sup>229</sup> In addition to the age criteria, Job Corp students must also show that they are low income. In addition to job training, the program provides free housing, medical care, nutritious meals, and a living allowance. The CSSBMB notes that this program is extremely helpful to young Black men and boys as it provides opportunities to gain independence, complete and enhance education, learn a vocational trade, improve social skills, and obtain long-term employment. Job Corps operates on more than 120 campuses nationwide, providing residential training in 10 in-demand industries in over 100 training areas.<sup>230</sup> As Representative Bobby Scott noted, Job Corp was signed into law by former President Lyndon Johnson “as part of the president’s Great Society plan to help eliminate poverty and racial injustice.”<sup>231</sup> Job Corp has a long track record of changing students’ lives, leading them to employment, creating new jobs, and improving local economies.<sup>232</sup> The latest data on the demographics of admissions, published by the Department of Labor in April 2023, reported very high percentages of Black male participation, as “[t]he dominant racial/ethnic group of enrollees served in PY 2018 was African American (45.8 percent),” and over three-fifths of all enrollees served were male.<sup>233</sup> Nearly all (99.8 percent) enrollees were low-income individuals, representing those who would benefit the most from this program.<sup>234</sup>

**American Job Centers** and partnering agencies and programs can help employers connect with skilled job seekers who may be in a targeted group for the Work Opportunity Tax Credit. Nearly 2,300 American Job Center locations nationwide help people search for jobs, find training, and answer other employment-related questions.<sup>235</sup> The American Job Centers also help individuals who are eligible to access state Workforce Innovation and Opportunity Act–funded training.<sup>236</sup>

The Work Opportunity Tax Credit (WOTC) is a U.S. Department of Labor (DOL), Employment, and Training Administration program offering private, for-profit employers an opportunity to earn a federal income tax credit for hiring individuals from certain target groups. The WOTC program was designed to facilitate the employment of jobseekers who consistently have particularly high unemployment rates.<sup>237</sup> It is beneficial to Black men and boys who face serious barriers to employment and need workforce tools to assist them in their job search.

- The targeted groups are persons receiving temporary assistance to needy families recipients, veterans/disabled veterans, ex-felons, designated community residents, vocational rehabilitation referrals, summer youth, food stamp recipients, supplemental security income recipients and long-term family assistance recipients.<sup>238</sup>

The CSSBMB also posits that DOL, SBA, and MBDA could collaborate with state-level agencies to increase partnerships using the model of Florida’s Ready to Work program, which provides workforce training and credentialing to middle and high school students. The CSSBMB supports and encourages the creation of

229 “Job Corps,” *Job Corps*, <https://www.jobcorps.gov/>.

230 “Job Corps,”

231 Bobby Rush, “The Legacy of Job Corps Must Be Preserved,” *The Hill*, Feb. 23, 2016, <https://thehill.com/opinion/oped/270520-the-legacy-of-job-corps-must-be-preserved/>.

232 Rush, “Legacy of Job Corps.”

233 Job Corps, “Job Corps Program Year (PY) 2019 Annual Performance Report,” *Job Corps*, Apr. 2023, <https://jobcorps-gov.s3.us-west-2.amazonaws.com/2023-04/PY%202019%20WIOA%20Job%20Corps%20Annual%20Report%20and%20Appendix.pdf>.

234 Job Corps, “2019 Annual Performance Report.”

235 “Work Opportunity Tax Credit: Quick Reference Guide for Employers,” *DOL*, [https://www.dol.gov/sites/dolgov/files/ETA/wotc/pdfs/WOTC\\_Quick\\_Reference\\_Guide\\_for\\_Employers.pdf](https://www.dol.gov/sites/dolgov/files/ETA/wotc/pdfs/WOTC_Quick_Reference_Guide_for_Employers.pdf).

236 “WIOA-Eligible Training Program Finder,” *CareerOneStop*, <https://www.careeronestop.org/LocalHelp/EmploymentAndTraining/find-WIOA-training-programs.aspx>.

237 26 U.S.C. § 51.

238 *Id.*

skill assessment and workforce credentialing programs being implemented by agencies such as regional workforce boards, community colleges, high schools, other workforce-development agencies, and education partners at statewide and local levels. This type of program gives young Black males a competitive edge through a credentialing process that proves to employers that job seekers have the right social and technical skills for the job. For employers, it takes the guesswork out of hiring, saving time, and saving money. The program provides individual skill assessments, remediation training, credentialing, and job-profiling services. The Florida program provides credentialing signed by the governor and as part of high school diplomas.<sup>239</sup>

- » The goal of the Florida Ready to Work Program is to increase the quality, rigor, and outcome of academic experiences for all students. The program identifies strengths and deficiencies in the areas of Math, Reading, and Locating Information. This program can be extremely beneficial for underrepresented students and job seekers by offering workforce-related assessment and self-paced remediation training. Encouraging minority students and job seekers to participate in the Florida Ready to Work and other workforce readiness programs will increase their employment opportunities and postsecondary education options.<sup>240</sup>

**The Florida CAPE Act** was passed in 2007 to revamp the state's Career Technical Education system.<sup>241</sup> It operates through a statewide partnership between the Florida Department of Education and the Agency for Workforce Innovation, and state and local school districts.<sup>242</sup> The partnership also includes Workforce Florida, Inc., along with industry groups and other associations.<sup>243</sup>

Overall, the latest outcome measures reported in Florida suggest that Black male students enrolled in career academies are more likely to perform better academically, have better attendance, and are more likely to graduate from high school and continue into postsecondary education or employment. Furthermore, Black males have equal access to the CAPE program, as it is reaching Black men and boys. Rather than being underrepresented in the most rigorous academic programs,<sup>244</sup> the latest available data show that their participation rates are statistically like that of non-CAPE students in Florida:

- Among CAPE participants, more were male (53.6 percent) than female (46.4 percent).
- Approximately 41 percent of CAPE participants were White, and the largest minority populations were Hispanic (32.2 percent) and Black (20.3 percent).
  - » Compared to CAPE participants, a lower percentage of non-CAPE participants were White (36.0 percent), and a higher percentage were Hispanic (35.1 percent) and Black (22.2 percent).<sup>245</sup>

The data also show that CAPE students in the digital tools program (one of several available concentrations) did well:

- During the 2019–2020 school year, 74,295 CAPE participants earned 88,756 certifications with a passing rate of 70.1 percent, and 33,196 students earned 49,926 CAPE digital tools with a passing rate of 67.1 percent.<sup>246</sup>

239 "Florida Ready to Work," *Florida Ready to Work*, <https://www.floridareadytowork.com/>.

240 "Florida Ready to Work."

241 Fla. Stat. § 1003.491; and "Florida: Career and Professional Education Act (CARE)," *Advance Career Technical Education*, June 2016, <https://careertech.org/resource/florida-career-and-professional-education-act-cape/>.

242 Fla. Stat. § 1003.491; and "Career and Professional Education."

243 Fla. Stat. § 1003.491; and "Career and Professional Education."

244 See Education chapter.

245 Florida Department of Education, "Career and Professional Education Act Enrollment and Performance Report, Program Year 2019-2020," *Florida Department of Education*, 2020, <https://www.fldoe.org/core/fileparse.php/9904/urlt/1920capepr.pdf>.

246 Florida Department of Education, "Enrollment and Performance Report."

Students enrolled in CAPE programs had higher grades, lower dropout rates, and higher placement rates in employment or postsecondary education:

- Middle school and high school CAPE participants had higher average grade point averages than their non-CAPE counterparts.
- Middle school and high school CAPE participants were less likely to have been chronically absent than their non-CAPE counterparts.
- There was no clear pattern indicating that CAPE participants were more or less likely to have been subjected to disciplinary action than non-CAPE students.
- High school CAPE participants were less likely to have dropped out of school than non-CAPE students.
- CAPE and non-CAPE students who earned a certification were significantly more likely to take advanced placement or dual-enrollment courses than students who did not earn a certification.
- The earning of industry certifications is correlated with higher student performance among high school students.
- Academy students who graduate with an industry certification outperform the academy students who graduate without an industry certification, with a higher placement rate in employment or postsecondary education.<sup>247</sup>

## Addressing Collateral Employment Consequences of Incarceration for Black Men

Prisoners face a myriad of challenges as they complete their term of incarceration and prepare to re-enter their home communities. As it relates to employment, the common challenges are economic conditions, low educational levels, lack of job skills/experience, and weak connections to stable employment opportunities; however, there is little justification for these collateral consequences. For example, based on empirical research, SBA concluded there is no defensible justification for continuing to inquire into a loan applicant's criminal history. Specifically, there is "no evidence of a negative impact on repayment for qualified individuals with criminal history records in any American business loan program."<sup>248</sup> The Consumer Financial Protection Bureau has reached a similar conclusion.<sup>249</sup>

The federal regulatory process has been used to promulgate several recent reforms to "Ban the Box," a term used to ban inquiries about criminal records in several SBA business loan programs.<sup>250</sup> In 2023, the SBA proposed regulatory reforms to existing regulations that "reflect an outdated, inaccurate structural bias against individuals with criminal history records."<sup>251</sup> Under the proposed SBA reform, applicants for credit would no longer be asked about criminal history, unless they were currently incarcerated.<sup>252</sup> Public comments on the proposed SBA reforms were due in November 2023 and are now under agency review, with the issuance of final regulations expected in 2024.<sup>253</sup> The U.S. Office of Personnel Management (OPM) also recently took steps to implement the *Fair Chance to Compete for Jobs Act of 2019* (*Fair Chance*

247 Florida Department of Education, "Enrollment and Performance Report."

248 "Collateral Consequences Resource Center," *Collateral Consequences Resource Center*, <https://ccresourcecenter.org/>.

249 "Collateral Consequences Resource Center."

250 SBA, "Criminal Justice Reviews for the SBA Business Loan Programs and Surety Bond Guaranty Program," *National Archives*, Sept. 15, 2023, <https://www.federalregister.gov/d/2023-19183>.

251 SBA, "Criminal Justice Reviews."

252 SBA, "Criminal Justice Reviews."

253 "Returning Citizens Empowered to Start and Grow Businesses under Proposed Rule," *SBA*, Sep. 14, 2023, <https://www.sba.gov/article/2023/09/14/returning-citizens-empowered-start-grow-businesses-under-proposed-rule>.

Act) by issuing final regulations in September 2023.<sup>254</sup> Although the new “Ban the Box” regulations apply only to federal employees, they are a promising development for jobs that include background checks.<sup>255</sup>

The CSSBMB notes that there are many remaining collateral consequences contributing to joblessness and other economic impacts for Black men. When incarceration rates, mortality, labor force participation, and other factors are taken into consideration, the problem of joblessness for Black men is on average three times worse than what is generally assumed.<sup>256</sup> All age categories of the Black male population in the nation face many tremendous challenges in life before they can be productive, contributing members of their communities. Stable employment is an essential aspect influencing the outcome of how well an individual has been successful in meeting those challenges.

While all Black males have difficulty obtaining jobs, Black males who are ex-offenders have an even more difficult time. Researchers find that 19.5 percent of employers report they will not hire ex-offenders and another 42.1 percent said they probably would not hire ex-offenders. In a 2021 *Getting Talent Back to Work Report*, which polled Human Resource (HR) professionals, individual contributors, managers, and business executives, revealed that 53 percent of HR professionals say they would be willing to hire individuals with criminal records, up from just 37 percent in 2018. Contrarily, this means that 35 percent of HR professionals were neither willing nor unwilling to hire someone with a criminal record and 12 percent admittedly were unwilling to hire someone with a criminal record.<sup>257</sup>

In 2019, the USCCR issued a comprehensive report on the collateral consequences of incarceration and found the following regarding employment:

Due to the collateral consequences of criminal convictions, one in four Americans are locked out of the labor market, leading to between \$57 billion and \$65 billion in lost output and a significant loss in human capital. An audit study that measured the negative impact of criminal records on employment found that applicants with a criminal record are 50 percent less likely to receive a callback or job offer than applicants without criminal records. *The study’s findings were more pronounced for [B]lack applicants: about 60 percent of all [B]lack applicants with criminal records did not receive callbacks or job offers, compared to 30 percent of all [W]hite applicants with criminal records [emphasis added].*<sup>258</sup>

As discussed in the next chapter of this report, due to racial disparities in the criminal justice system, many thousands of Black men are incarcerated in the United States and are disparately impacted by collateral consequences.<sup>259</sup> In their 2019 report, among other policy fixes, including lifting restrictions on the ability to secure professional licenses, the Civil Rights Commission recommended that:

States should enact policies that enhance employment opportunities for people with criminal convictions while also vigorously enforcing prohibitions on racial discrimination in hiring. Such policies include training and outreach on how to consider criminal history of applicants and robust equal employment opportunity protections. Employers should not automatically disqualify a candidate with a criminal record, except in circumstances when the criminal record directly conflicts with the scope of employment.<sup>260</sup>

254 OPM, “Fair Chance to Compete for Jobs,” 88 FR 60317, *Federal Register*, Sep. 1, 2023, <https://www.federalregister.gov/documents/2023/09/01/2023-18242/fair-chance-to-compete-for-jobs>.

255 OPM, “Fair Chance.”

256 Conner, “Joblessness Crisis.”

257 Society for Human Resource Management and the Charles Koch Institute, “2021 Getting Talent Back to Work Report,” *Getting Talent Back to Work*, May 2021, [https://www.gettingtalentbacktowork.org/wp-content/uploads/2021/05/2021-GTBTW\\_Report.pdf?\\_ga=2.31196543.1727492461.1697933228-128877883.1697933228](https://www.gettingtalentbacktowork.org/wp-content/uploads/2021/05/2021-GTBTW_Report.pdf?_ga=2.31196543.1727492461.1697933228-128877883.1697933228).

258 USCCR, “Collateral Consequences,” p. 36.

259 USCCR, “Collateral Consequences,” p. 39.

260 USCCR, “Collateral Consequences,” p. 137.

The CSSBMB agrees with the above assessment. The CSSBMB also fully supports the changes made in the *Second Chance Act of 2008*. Continued funding and grants made to states for re-entry programs under the *Second Chance Act* would be very helpful to closing employment disparities for Black men who have been incarcerated.<sup>261</sup>

The CSSBMB also supports the federal “Ban the Box” regulatory reforms discussed above. The Commission also notes that the Federal Bonding Program is a DOL initiative established in 1966, which provides businesses with insurance policies for a period of six months to protect the employer in case of any loss of money or property due to hiring a previously incarcerated person.<sup>262</sup> At no cost to either the employer or employee, each bond insures the employer for theft, forgery, larceny, or embezzlement by the bonded employee.<sup>263</sup> Black men and boys who are justice-involved individuals, recovering substance abusers, welfare recipients and other persons having poor financial credit, youth and adults who lack a work history, individuals dishonorably discharged from the military, and others may benefit from the programs.<sup>264</sup>

## Recommendations

Based on our research, the Subcommittee on Labor and Employment recommends that:

1. Macroeconomic disparities that hinder Black men’s equal participation in the labor market have resulted in poverty and should be addressed by continuing federal measures such as those developed under Executive Order 13985 of January 20, 2021, to close the racial wealth gap by increasing access to labor and employment. Congress should act to ensure state and federal programs address related disparities and equalize access to education, stable housing and homeownership, and banking and credit, while also providing for federal contracts and support for Black-owned businesses that can help increase labor and employment opportunities for Black men.
2. Unemployment and low wages rendering Black men unable to live with dignity in the United States should be addressed by improving labor market conditions impacting them, and Black-owned businesses and workforce development initiatives for Black males—including the ones documented in this report—should be scaled up by the federal government and continuously developed and innovated to build on successful results.
3. The CSSBMB supports the recommendations of the USCCR in their June 2019 report *Collateral Consequences: The Crossroads of Punishment, Redemption, and the Effects on Communities* regarding equal access to labor and employment opportunities.

261 “Second Chance Act,” *National Reentry Resource Center*, <https://nationalreentryresourcecenter.org/second-chance-act>; and Justice & Civil Rights, pp. 93-98.

262 “The Federal Bonding Program,” *The Federal Bonding Program*, <https://bonds4jobs.com/>.

263 “The Federal Bonding Program.”

264 “Job Seekers,” *The Federal Bonding Program*, <https://bonds4jobs.com/our-services/job-seekers>.



# CHAPTER V Subcommittee on Justice & Civil Rights: Prevention, Not Detention

*Current Conditions:* This chapter summarizes research showing ongoing disparities in all aspects of the criminal justice system, along with reforms that may be working regarding each problem identified. While the road ahead is long and winding, the Subcommittee can report that some of these reforms are underway. The issues addressed in this chapter are overall ongoing disparities in the criminal justice system, disparities in reentry, collateral consequences of incarceration that especially impact Black fathers and their families, criminal street gangs and gun violence, and disparities in the juvenile justice system and their impacts on Black boys.<sup>265</sup> The research herein then examines some of the proposed or underway reforms to address all these issues, along with CSSBMB’s potential role going forward.



## Ongoing Racial Disparities in the Criminal Justice System

The latest federal data, published by the Bureau of Justice Statistics (BJS) in December 2023, show that in 2022, an estimated 32 percent of state and federal prisoners were Black, while 31 percent were White.<sup>266</sup> Considering population shares, Black people were five times as likely as White people to be imprisoned.<sup>267</sup> The latest U.S. Census population data indicate that Black people make up an

estimated 13.6 percent of the total population, whereas non-Hispanic White persons make up 58.9 percent.<sup>268</sup> Therefore, the prison population being 32 percent Black shows significant overincarceration, and the same population being 31 percent White shows much less likelihood of incarceration.

Recent data also show that “Black U.S. residents were imprisoned at a rate of 911 per 100,000 at yearend 2022, a 1 percent increase from 2021 (901 per 100,000).”<sup>269</sup> We note that there were similar disparities in 2022 for Hispanic/Latino Americans, but the racial disparities were harshest among Black Americans.<sup>270</sup> Federal data also show an increase in overall prison population from 1,205,100 in yearend 2021 to 1,230,100 in yearend 2022, a 2 percent increase that reversed last year’s 1 percent decrease.<sup>271</sup> This does not include the significant jail population as well as other forms of detention that add to those in prison in the United States, with the total of individuals locked up reaching over two million.<sup>272</sup> While racial disparities are also apparent in jails,<sup>273</sup> the data below focuses on the incarceration of Black males in prison.

Adding gender to the analysis of federal data about incarceration shows that there were 1,185,648 men over 18 in federal prison in 2022, of whom 328,400 (27.7 percent) were White and 370,700 (31.2 percent) were Black.<sup>274</sup> Similarly, there were 1,039,540 men over 18 in state prison, of whom 297,600 (28.6 percent) were White and 325,300 (31.3 percent) were Black.<sup>275</sup> It is interesting that the percentages

265 See subsections herein with the same titles (Ongoing Racial Disparities in the Criminal Justice System, Disparities in Reentry, etc.).  
 266 Ann Carson and Rich Kluckow, “Prisoners in 2022 – Statistical Tables,” DOJ, BJS, Dec. 2023, <https://bjs.ojp.gov/library/publications/prisoners-2022-statistical-tables>.  
 267 Carson and Kluckow, “Prisoners in 2022.”  
 268 “Quick Facts.”  
 269 Carson and Kluckow, “Prisoners in 2022.”  
 270 Carson and Kluckow, “Prisoners in 2022.”  
 271 Carson and Kluckow, “Prisoners in 2022.”  
 272 Wendy Sawyer and Peter Wagner, “Mass Incarceration: The Whole Pie 2023,” *Prison Policy Initiative*, Mar. 14, 2023, <https://www.prisonpolicy.org/reports/pie2023.html>.  
 273 “Racial Disparities Persist in Many U.S. Jails,” *Pew Research Institute*, May 16, 2023, <https://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2023/05/racial-disparities-persist-in-many-us-jails>.  
 274 Carson and Kluckow, “Prisoners in 2022.”  
 275 Carson and Kluckow, “Prisoners in 2022.”



are nearly the same among both federal and state male prisoners—Black men make up 31.2 percent of federal and 31.3 percent of state prison populations—as this is indicative of a systemic pattern of disparate impacts on Black men.

Over the past several decades, overall incarceration levels of Black males in the United States have resulted in a Black man having a one-in-four up to a one-in-three chance of going to prison during his lifetime.<sup>276</sup> The disparities have been higher at the state level. The 2021 Sentencing Project report, *The Color of Justice: Racial and Ethnic Disparity in State Prisons*, found that Black men are incarcerated in state prisons at nearly six times the rate of White men.<sup>277</sup> The report revealed that seven states maintain a Black/White imprisonment rate ratio disparity larger than nine-to-one and that in 12 states, more than half the prison population is Black.<sup>278</sup>

According to the Equal Justice Initiative: “The United States incarcerates its citizens more than any other country. Mass incarceration disproportionately impacts the poor and people of color and does not make us safer . . . The U.S. has 5 percent of the world’s population but nearly 25 percent of its incarcerated population.”<sup>279</sup> “In 1972, there were only 200,000 people incarcerated in the United States . . . [by 2019] that number has grown to 2.2 million.”<sup>280</sup>

Analysts agree that policies enacted in the 1980s and 90s (e.g., Three Strikes, War on Drugs, Stop and Frisk, mandatory minimum sentencing) and practices that resulted in longer prison sentences served and recidivism rates related to these outcomes.<sup>281</sup> Further:

A substantial portion of the federal prison growth was due to harsh penalties for drug offenses. In 1980, sentences for drug offenses accounted for 47 percent of the total admissions to federal prisons; by 1991, 86 percent of new federal sentences were for drug offenses. Indeterminate sentencing was replaced with mandatory minimums, three-strikes laws, and the abolishment of parole.

The impact of these policies fell disproportionately on people of color, especially Black Americans, whose representation rose sharply in the federal prison population over this time.<sup>282</sup>

In calling for reforms in drug policy, including criminalization of marijuana, the National Association for the Advancement of Colored People similarly reports that “Black and Latinx people make up nearly 80 percent of those in federal prison and 60 percent of those in state prison for drug crimes.”<sup>283</sup> Recent reforms are showing a decline in mass incarceration, but there are still high levels of mass incarceration in the United States with racial disparities in who is being imprisoned.<sup>284</sup>

The most recent federal data regarding imprisonment reflect these overall trends, with BJS reporting that “[t]he

276 Thomas Bonczar and Allen Beck, “Lifetime Likelihood of Going to State or Federal Prison,” *DOJ, BJS*, <https://bjs.ojp.gov/content/pub/pdf/Llgsfp.pdf>.

277 Sawyer and Wagner, “Mass Incarceration.”

278 Nellis, “The Color of Justice.”

279 “Criminal Justice Reform,” *Equal Justice Initiative*, <https://eji.org/criminal-justice-reform>.

280 “Criminal Justice Reform”; Jennifer Bronson and Ann Carson, “Prisoners in 2017,” *DOJ, BJS*, Apr. 2019, <https://bjs.ojp.gov/content/pub/pdf/p17.pdf>; and Zhen Zeng, “Jail Inmates in 2017,” *DOJ, BJS*, Apr. 2019, <https://bjs.ojp.gov/content/pub/pdf/ji17.pdf>.

281 Harold J. Krent and Robert Rucker, “The First Step Act—Constitutionalizing Prison Release Policies,” *The Rutgers University Law Review*, vol. 74, no. 2 (winter 2022), pp. 631-676; and “A Brief History of Civil Rights in the United States: The War on Drugs and Mass Incarceration,” *Howard University, Vernon E. Jordan Law Library*, Jan. 6, 2023, <https://library.law.howard.edu/civilrightshistory/blackrights/massincarceration>.

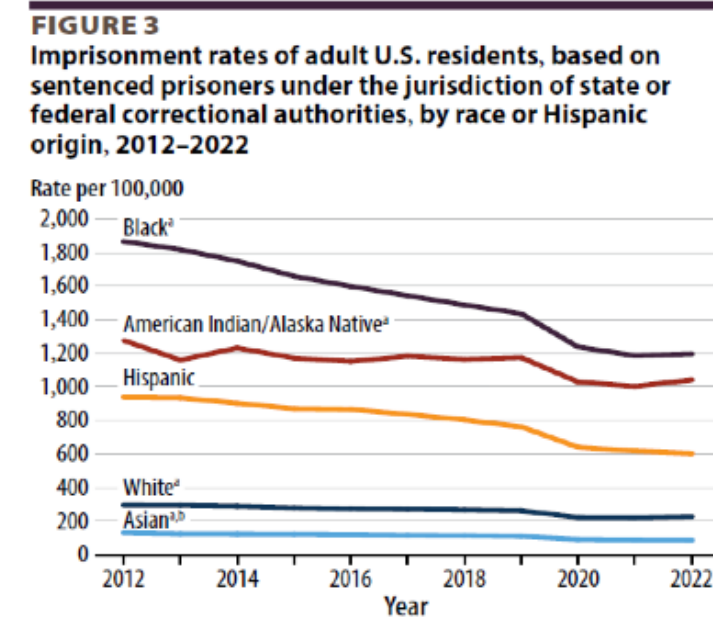
282 Ashley Nellis and Liz Komar, “The First Step Act: Ending Mass Incarceration in Federal Prisons,” *The Sentencing Project*, Aug. 22, 2023, <https://www.sentencingproject.org/policy-brief/the-first-step-act-ending-mass-incarceration-in-federal-prisons/>.

283 “Calling for Reparative Racial Justice Measures in an Effort for Marijuana Legalization,” *National Association for the Advancement of Colored People*, 2018, <https://naacp.org/resources/calling-reparative-racial-justice-measures-effort-marijuana-legalization>.

284 See notes [245-252], *supra*.

imprisonment rate at yearend 2022 (355 sentenced prisoners per 100,000 U.S. residents of all ages) was down 26 percent from yearend 2012 (480 per 100,000) but up 1 percent from yearend 2021 (350 per 100,000).<sup>285</sup>

Figure 9: Imprisonment Rates by Race/Ethnicity, 2012-2022



Note: Jurisdiction refers to the legal authority of state or federal correctional officials over a prisoner, regardless of where the prisoner is held. Imprisonment rate is the number of sentenced prisoners per 100,000 U.S. residents age 18 or older in a given category. Rates are for December 31 of each year and are based on prisoners with a sentence of more than 1 year. Rates for 2021 and earlier may have been revised from previous reports. See table 6 for rates.  
<sup>a</sup>Excludes persons of Hispanic origin (e.g., “white” refers to non-Hispanic white persons and “black” refers to non-Hispanic black persons).  
<sup>b</sup>Includes Asians, Native Hawaiians, and Other Pacific Islanders.  
 Source: Bureau of Justice Statistics, Federal Justice Statistics Program, 2022 (preliminary), National Corrections Reporting Program, 2021, National Prisoner Statistics, 2012–2022, Survey of Inmates in State and Federal Correctional Facilities, 2004, and Survey of Prison Inmates, 2016; and U.S. Census Bureau, postcensal resident population estimates for January 1 of the following calendar year.

SOURCE: Ann Carson and Rich Kluckow, “Prisoners in 2022 – Statistical Tables,” *DOJ, BJS*, Dec. 2023, <https://bjs.ojp.gov/library/publications/prisoners-2022-statistical-tables>.

### Recent Federal and State Reforms

In 2018, the bipartisan *First Step Act* was signed into law and enacted major steps toward legislating reforms needed to reduce mass incarceration, such as reducing mandatory minimum sentences, increasing judicial discretion, and providing more programs for rehabilitation and to reduce recidivism.<sup>286</sup> The act applies to federal systems only, while also requiring annual reporting about the effectiveness of these and other reforms in the federal prison system. The act’s compassionate and expedited release programs have led to approximately 30,000 people being released from federal prison between 2019 and early 2023.<sup>287</sup>

285 Carson and Kluckow, “Prisoners in 2022.”

286 Nellis and Komar, “The First Step Act.”

287 DOJ, Office of the Attorney General, “First Step Act Annual Report: April 2023,” *DOJ, Office of Justice Programs (OJP)*, Apr. 2023, <https://www.ojp.gov/first-step-act-annual-report-april-2023>; and Pub. L. No. 115-391, 132 Stat. 5194 (codified as 18 U.S.C. § 3582(c)(1)(A)).

The act's programs are documented by DOJ as being highly effective—for example, “[t]he majority (58 percent) of people released because of the First Step Act were serving time for a drug trafficking offense. Within this group, 13 percent have been rearrested or reincarcerated since their release. Comparatively, 57 percent of people released from state custody for a drug trafficking conviction recidivated within three years.”<sup>288</sup> The 2023 annual report illustrated some of the underlying disparities and need for educational programs. For example, most federal prisoners assessed as being challenged by dyslexia were Black, and they could be referred to “intense, individualized programs in reading and spelling.”<sup>289</sup>

However, the latest federal data also show that the act's funding and scope are still too limited:

Between 2022 and 2023, the Bureau of Prisons (BOP) expanded participation in evidence-based programs and promising, prosocial activities by 35 percent. Available programming, however, is still often inadequate to meet the needs of incarcerated individuals and the goals of the First Step Act. Just over 2,000 people in federal prison earned a GED or equivalent certificate in 2021, which, while nearly double that from 2020, is still quite low. The waitlist for literacy program instruction in the BOP is over 28,500 people long.<sup>290</sup>

In 2022 and 2023, the president pardoned thousands of individuals with federal convictions for simple marijuana possession, attempted possession, or use, and blocking future prosecutions.<sup>291</sup> The president acknowledged that data show that there have been disproportionate arrests and convictions of Black individuals and other people of color for marijuana possession and use, despite having the same rates of marijuana use as White people.<sup>292</sup>

States have also taken many measures to reform laws prohibiting marijuana use that have led to the conviction of millions for nonviolent drug use. This major reform trend means that more than half of Americans now reside in states where marijuana use is legal.<sup>293</sup> Considering the backdrop of many years of racial disparities, however, these trends live on and require interventions to ensure that Black men and boys and the Black community in general benefit from legalization. In 2020, the American Civil Liberties Union (ACLU) issued a report analyzing FBI Uniform Crime data, entitled *A Tale of Two Countries: Racially Targeted Arrests in the Era of Marijuana Reform*.<sup>294</sup> The data showed ongoing disparities across the nation in every state showing that a Black person is still on average 3.64 times more likely to be arrested for marijuana possession than a White person.<sup>295</sup> These disparities are less in states that have legalized marijuana, but they persist there as well, showing the ongoing need for ending racial profiling by police.<sup>296</sup>

288 Nellis and Komar, “The First Step Act.”

289 DOJ, Office of the Attorney General, “Annual Report,” p. 53.

290 DOJ, Office of the Attorney General, “Annual Report,” p. 53.

291 Proclamation No. 10688, 88 Fed. Reg. 90083 (Dec. 22, 2023); Proclamation No. 10467, 87 Fed. Reg. 61441 (Oct. 6, 2022); and Joseph R. Biden Jr., “A Proclamation on Granting Pardon for the Offense of Simple Possession of Marijuana, Attempted Simple Possession of Marijuana, or Use of Marijuana,” *The White House*, Dec. 22, 2023, <https://www.whitehouse.gov/briefing-room/presidential-actions/2023/12/22/a-proclamation-on-granting-pardon-for-the-offense-of-simple-possession-of-marijuana-attempted-simple-possession-of-marijuana-or-use-of-marijuana/>.

292 The White House, “Too Many Lives Have Been Upended Because of Our Failed Approach to Marijuana,” X, Oct. 6, 2022, <https://twitter.com/WhiteHouse/status/1578108939174281218>.

293 Kelly Tyko, “Marijuana Legal for More Than Half of Americans After Election Win,” *Axios*, Nov. 8, 2023, <https://www.axios.com/2023/11/08/pot-weed-legal-medical-marijuana>.

294 ACLU, “A Tale of Two Countries: Racially Targeted Arrests in the Era of Marijuana Reform,” ACLU Research Report, ACLU, Apr. 16, 2020, <https://www.aclu.org/publications/tale-two-countries-racially-targeted-arrests-era-marijuana-reform>.

295 ACLU, “Tale of Two Countries.”

296 ACLU, “Tale of Two Countries.”

The CSSBMB believes that drug courts should be added to these efforts. Drug courts were created under the premise that diverting nonviolent, substance-abusing offenders from prison and jail into treatment would lower recidivism rates and improve public safety. Drug courts can achieve lower recidivism by providing closer, more comprehensive supervision. This effort is achieved by effectively supervising offenders with more frequent drug testing and the ability to receive expanded treatment services. The process employed represents the strongest opportunity for long-term reduction in addiction and related chronic criminal activity while offering significant savings in justice and societal costs. With the opioid crisis and fentanyl crises having disastrous effects on entire communities, a significant opportunity now exists to expand the number of eligible addicted, nondealing offenders for drug courts.<sup>297</sup>

## Disparities in Reentry

More than 95 percent of all inmates will eventually be released back into the community.<sup>298</sup> An estimated 68 percent of released prisoners were arrested within three years, 79 percent within six years, and 83 percent within nine years.<sup>299</sup> Put differently, more than two-thirds of released inmates are rearrested within three years of their release, and half are reincarcerated.<sup>300</sup> There are higher reentry impacts in Black communities.<sup>301</sup> High reentry rates may be due in part to longer prison sentences served by Black males compared to others for similar crimes and recommitment rates related to technical violations of probationers.<sup>302</sup> According to the National Conference of State Legislatures, nearly 45 percent of prison admissions are the result of violations of probation or parole and not from the commission of a new crime.<sup>303</sup> The reality of these data suggests the urgent need for proven interventions to substantially reduce the rate of prison reentry and increase reintegration outcomes.

## Promising Reforms to Reduce Reentry

Given all the above racial disparities, the challenge to the nation is to prevent Black men and boys from becoming involved in the criminal justice system—but considering the sheer size of the currently incarcerated population, the challenge also to ensure Black men and boys can succeed once released from, prison, commitment, or community supervision.

Along those lines:

Through the [Federal Interagency Council on Crime Prevention and Improving Reentry](#), federal agencies are working together to enhance community safety and well-being, assist those returning from prison and jail in becoming productive citizens, and save taxpayer dollars by lowering incarceration's direct and collateral costs. Because reintegration into the community after

297 DOJ, OJP, “Drug Treatment Courts,” *DOJ, OJP*, June 2023, <https://www.ojp.gov/pdffiles1/nij/238527.pdf>.

298 Timothy Hughes and Doris James Wilson, “Reentry Trends in the United States,” *DOJ, BJS*, 2002–2004, <https://bjs.ojp.gov/content/pub/pdf/reentry.pdf>.

299 Mariel Alper, Matthew R Durose, and Joshua Markman. “2018 Update on Prisoner Recidivism: A 9-Year Follow-Up Period (2005–2014),” *DOJ, BJS*, May 2018, <https://bjs.ojp.gov/library/publications/2018-update-prisoner-recidivism-9-year-follow-period-2005-2014>.

300 “Incarceration & Reentry,” *HHS, Office of the Assistant Secretary for Planning and Evaluation (ASPE)*, <https://aspe.hhs.gov/topics/human-services/incarceration-reentry-0>.

301 Annelies Goger, David J. Harding, and Howard Henderson, “A Better Path Forward for Criminal Justice: Prisoner Reentry,” *Brookings Institution*, Apr. 2021, <https://www.brookings.edu/articles/a-better-path-forward-for-criminal-justice-prisoner-reentry/>.

302 Sawyer and Wagner, “Mass Incarceration.”

303 “Legislative Primer Series on Community Supervision: Limiting Incarceration in Response to Technical Violations,” *National Conference of State Legislatures*, June 29, 2022, <https://www.ncsl.org/civil-and-criminal-justice/community-supervision-limiting-incarceration-in-response-to-technical-violations>.





incarceration intersects with issues of health, housing, education, employment, family, faith, and community well-being, HHS and other federal agencies are focusing on the reentry population with activities that aim to improve outcomes in these areas.<sup>304</sup>

In 2023, federal initiatives also included:

- Supporting Reentry 2030. The DOJ's Bureau of Justice Assistance partnered with the Council of State Governments to launch the [national Reentry 2030 campaign](#), which will work with state leaders to set public reentry goals to achieve better economic mobility and outcomes for persons exiting prison, parole, or probation by 2030.
- Promoting Resources for Second Chance Month. The National Reentry Resource Center (NRRC) is [hosting a series](#) of live training and technical assistance events for *Second Chance Act* grantees as well as the public in honor of Second Chance Month.
- Reentry Toolkit. The [National Reentry Resource Center](#) launched the Bureau of Justice Assistance's [Reentry Toolkit](#) for local reentry coalition leaders and community leaders to allow assessment of existing reentry efforts and opportunities to strengthen outcomes for incarcerated persons in their communities. The NRRC will also continue to host its searchable database of reentry resources.<sup>305</sup>

## The CSSBMB's Role in Prevention, Intervention, and Transition

The Commission, in affiliation with federal, state, and local participating agencies and partners, is uniquely positioned to advise national efforts to reduce the rate of offender recidivism by being able to work with both inmates in prison and offenders on community supervision. This opportunity is achievable through partnership with DOJ, state and local government-level agencies, nonprofits, practitioners, and community stakeholders.

The CSSBMB believes the disproportionate representation of Black men and boys in the criminal justice system requires a systematic approach to examine current causes and results. With a clearer understanding of the problems documented in this report and through our other activities, a strategic plan can be developed that permits a more seamless approach to interagency collaboration and community interventions that achieve lasting results.

The Commission's objective is to bring awareness to national and state policy makers, citizens, and community stakeholders about the socioeconomic disparities and the disproportionate number of Black men and boys adversely impacted by the criminal justice system. By planning and proactively developing interagency, community, and grassroots programs and partnerships, supportive social infrastructures can promote environments that have positive intergenerational outcomes in the lives of Black men and boys and the communities in which they live, learn, and contribute as valued citizens.

## Collateral Consequences

The disproportionate representation of Black men and youths involved in the nation's criminal justice system leads to disparate impacts of collateral consequences that continually punish Black males long after they have served their incarceration time. Collateral consequences are the legal restrictions and

<sup>304</sup> "Legislative Primer"; and "Incarceration & Reentry."

<sup>305</sup> "FACT SHEET: Biden-Harris Administration Expands Second Chance Opportunities for Formerly Incarcerated Persons," *The White House*, Apr. 26, 2022, <https://www.whitehouse.gov/briefing-room/statements-releases/2022/04/26/fact-sheet-biden-harris-administration-expands-second-chance-opportunities-for-formerly-incarcerated-persons/>.

societal stigma that burden people with a criminal record long after their criminal case is closed.<sup>306</sup> As discussed in the previous chapter of this report, the USCCR issued a seminal report on *Collateral Consequences*. Since then, CSSBMB has been documenting the ongoing severe and disproportionate impact of collateral consequences on the ability of Black males to have equal opportunity to succeed. These socioeconomic impacts have many negative consequences.

On the positive side, since the USCCR report, many measures have been taken to reduce collateral consequences. Many have included "record relief" or clearing a criminal record so that other collateral consequences are not incurred.<sup>307</sup> The Collateral Consequences Resource Center reports that:

In 2023, 20 states, the District of Columbia, and the federal government enacted 36 separate pieces of legislation and took executive action to restore rights and opportunities to people with an arrest or conviction history.<sup>308</sup>

There are several federal agencies that have made changes to "Ban the Box." This means that application forms for bank loans and employment that are under the purview of the federal government may, with some exceptions, no longer require applicants to check a box disclosing whether they have been convicted of a crime.<sup>309</sup>

The Subcommittee on Justice and Civil Rights has focused on how collateral consequences and other systemic issues impact Black fatherhood.

## How a Father's Incarceration Issues Impacts Minor Children

According to HHS: "A father's incarceration can represent a serious threat to economic stability for his children and family, yet little is known about earnings and child support payments among justice-involved men over the course of incarceration and release."<sup>310</sup> It is important to note that most incarcerated people are parents, with an average of two or more minor children.<sup>311</sup> Approximately 1.5 million children have at least one parent in prison, and in 94 percent of those cases, that parent is the father.<sup>312</sup>

HHS conducted a Multi-site Family Study on Incarceration, Parenting and Partnering (MFS-IP) in five states and issued a research brief reporting that:

[M]ost of men in the study and their partners were involved with the child support system; the majority had at least one child support case for one or more of their children. And, child support arrears often increased substantially during incarceration. With regard to earnings, the findings suggest that pre- and post-incarceration earnings were not sufficient to avoid poverty.<sup>313</sup>

<sup>306</sup> "Comments on SBA Proposal to Eliminate History Loan Restrictions," *Collateral Consequences Resource Center*, Nov. 16, 2023, <https://ccresourcecenter.org/2023/11/16/comments-on-sba-proposal-to-eliminate-criminal-history-loan-restrictions/>.

<sup>307</sup> Margaret Love and Nick Sibilla, "Advancing Second Chances: Clean Slate and Other Reforms in 2023," *Collateral Consequences Resource Center*, Jan. 8, 2024, [https://ccresourcecenter.org/wp-content/uploads/2024/01/Annual-Report-2023.1.5.24.rev2\\_.pdf](https://ccresourcecenter.org/wp-content/uploads/2024/01/Annual-Report-2023.1.5.24.rev2_.pdf).

<sup>308</sup> Love and Sibilla, "Advancing Second Chances."

<sup>309</sup> See Employment and Labor.

<sup>310</sup> "Earnings and Child Support Participation among Reentering Fathers," *HHS, ASPE*, Sept. 12, 2017, <https://aspe.hhs.gov/reports/earnings-child-support-participation-among-reentering-fathers>.

<sup>311</sup> "Earnings and Child Support"; and Laura M. Maruschak, Jennifer Bronson, and Mariel Alper, "Parents in Prison and Their Minor Children: Survey of Prison Inmates, 2016," *DOJ, BJS*, March 2021, <https://bjs.ojp.gov/library/publications/parents-prison-and-their-minor-children-survey-prison-inmates-2016>.

<sup>312</sup> Maruschak, Bronson, and Alper, "Parents in Prison."

<sup>313</sup> Maruschak, Bronson, and Alper, "Parents in Prison."

HHS also noted that these impacts occurred already vulnerable families and communities.<sup>314</sup>

There are numerous impacts on millions of Black children. About half of nearly 1.5 children whose parents are incarcerated in the United States are under the age of ten.<sup>315</sup> More than 4 in 10 fathers in state or federal prisons were Black men.<sup>316</sup> Nationally, 1 in 28 children experience parental incarceration, which is a high amount reflecting the high incarceration rates in the United States, but the numbers are significantly higher among Black children, as one in nine Black children experience parental incarceration.<sup>317</sup> These demographic factors can compound children’s social, psychological, and emotional development. Parental incarceration is now recognized as an “adverse childhood experience;” it is distinguished from other adverse childhood experiences by the unique combination of trauma, shame, and stigma, and a recent study published by the National Institutes of Health also found that parental incarceration correlates with increased mental health risks and fewer positive childhood experiences.<sup>318</sup>

### Fatherhood Initiatives for Incarcerated Men

Research demonstrates that family support and connections are vital to the future success of returning citizens and the diminished likelihood of recidivism. More than 50 studies have shown that strengthening the family network and maintaining supportive family contact throughout an inmate’s prison sentence can improve outcomes.<sup>319</sup> Equally important is a child’s connection to his or her incarcerated parent.<sup>320</sup> The CSSBMB believes that Black fatherhood programs would be helpful in addressing extreme disparities in the incarceration of Black men.

### Criminal Street Gangs

Although data from its 2020 National Youth Gang Survey (NYGS) report have yet to be released, the DOJ’s 2012 NYGS report estimates that there were approximately 30,000 gangs and 850,000 gang members across the United States.<sup>321</sup> According to the estimates, Blacks account for 35 percent of the gang member population. Latino accounted for 46 percent, and Whites accounted for nearly 12 percent.<sup>322</sup> Of this number, juveniles (people younger than 18) comprised 35 percent of the gang population.<sup>323</sup> The current gang population in the United States now exceeds 1,000,000 members and 13 percent of all homicides, 48.9 percent of violent crime, 42.9 percent of property crime, and 39.9 percent of drug sales

314 Maruschak, Bronson, and Alper, “Parents in Prison.”

315 “Children and Families of the Incarcerated Fact Sheet,” *Rutgers University*, <https://nrccfi.camden.rutgers.edu/files/nrccfi-fact-sheet-2014.pdf>.

316 Laura M. Maruschak, Jennifer Bronson and Mariel Alper, “Parents in Prison and Their Minor Children: Survey of Prison Inmates, 2016,” *DOJ, BJS*, March 2021, <https://bjs.ojp.gov/library/publications/parents-prison-and-their-minor-children-survey-prison-inmates-2016>.

317 Rutgers University, National Resource Center on Children & Families of the Incarcerated (NRCCFI), “Children and Families of the Incarcerated Fact Sheet,” *Rutgers University, NRCCFI*, <https://nrccfi.camden.rutgers.edu/files/nrccfi-fact-sheet-2014.pdf>.

318 C. A. Rhodes and others, “Enhancing the Focus: How Does Parental Incarceration Fit into the Overall Picture of Adverse Childhood Experiences (ACEs) and Positive Childhood Experiences (PCEs)?,” *Research on Child and Adolescent Psychopathology*, vol. 51, no. 12 (Dec. 2023), pp. 1933-1944.

319 Leah Wang, “Research Roundup: The Positive Impacts of Family Contact for Incarcerated People and Their Families,” *Prison Policy Initiative*, Dec. 1, 2021, [https://www.prisonpolicy.org/blog/2021/12/21/family\\_contact/](https://www.prisonpolicy.org/blog/2021/12/21/family_contact/).

320 Maruschak, Bronson, and Alper, “Parents in Prison.”

321 “Frequently Asked Questions about Gangs,” *National Gang Center*, <https://nationalgangcenter.ojp.gov/about/faq>.

322 “National Youth Gang Survey Analysis: Measuring the Extent of Gang Problems,” *National Gang Center*, <https://nationalgangcenter.ojp.gov/survey-analysis/measuring-the-extent-of-gang-problems#estimatednumbergangs>.

323 “National Youth Gang Survey Analysis: Demographics,” *National Gang Center*, <https://nationalgangcenter.ojp.gov/survey-analysis/demographics>.

in the United States are gang-related.<sup>324</sup> Reducing gang activity is important to addressing public safety—especially for Black communities—as young Black men and boys join for a complex variety of reasons.<sup>325</sup>

The prevalence of gangs and gang-related violence across the nation is a threat to the safety and security of many communities. Law enforcement alone cannot stop the threats to public safety brought about by gang violence. The targeted response must involve the active engagement of local and state leaders from the faith-based community, education, prevention, and intervention organizations, the business community, criminal justice, government, and other concerned citizens to achieve a real impact in reducing and deterring gang-related crime and violence.

### Gun Violence Prevention

The Commission is in the preliminary stages of planning a response to work with the newly formed federal Office of Gun Violence Prevention.<sup>326</sup> In addition, Chair Frederica Wilson introduced legislation requesting a ban on assault weapons.<sup>327</sup> Black Americans are twice as likely as White Americans to be killed by gun violence, with a particularly devastating impact on Black men, including young Black men.<sup>328</sup> The CSSBMB is also concerned about Black men and boys being injured or killed by gang-related gun violence, and therefore supports programs that teach youth how to avoid gangs and prevent them from participating in gang activity, with a focus on reducing gun violence.

324 “25 Dreadful Gang Violence Statistics for 2023,” *Safeatlast*, Apr. 2, 2022, <https://safeatlast.co/blog/gang-violence-statistics/#gref> (page discontinued).

325 D. E. Neely, “Social Reality of African American Street Gangs,” *Journal of Gang Research*, vol. 4, no. 2 (winter 1997), pp. 37-46.

326 “President Joe Biden to Establish First-Ever White House Office of Gun Violence Prevention, To Be Overseen by Vice President Harris,” *The White House*, Sep. 21, 2023, <https://www.whitehouse.gov/briefing-room/statements-releases/2023/09/21/president-joe-biden-to-establish-first-ever-white-house-office-of-gun-violence-prevention-to-be-overseen-by-vice-president-kamala-harris/>.

327 “Congresswoman Frederica S. Wilson Renews Push for Assault Weapons Ban,” *Congresswoman Frederica S. Wilson*, Feb. 27, 2018, <https://wilson.house.gov/news/documentsingle.aspx?DocumentID=864>.

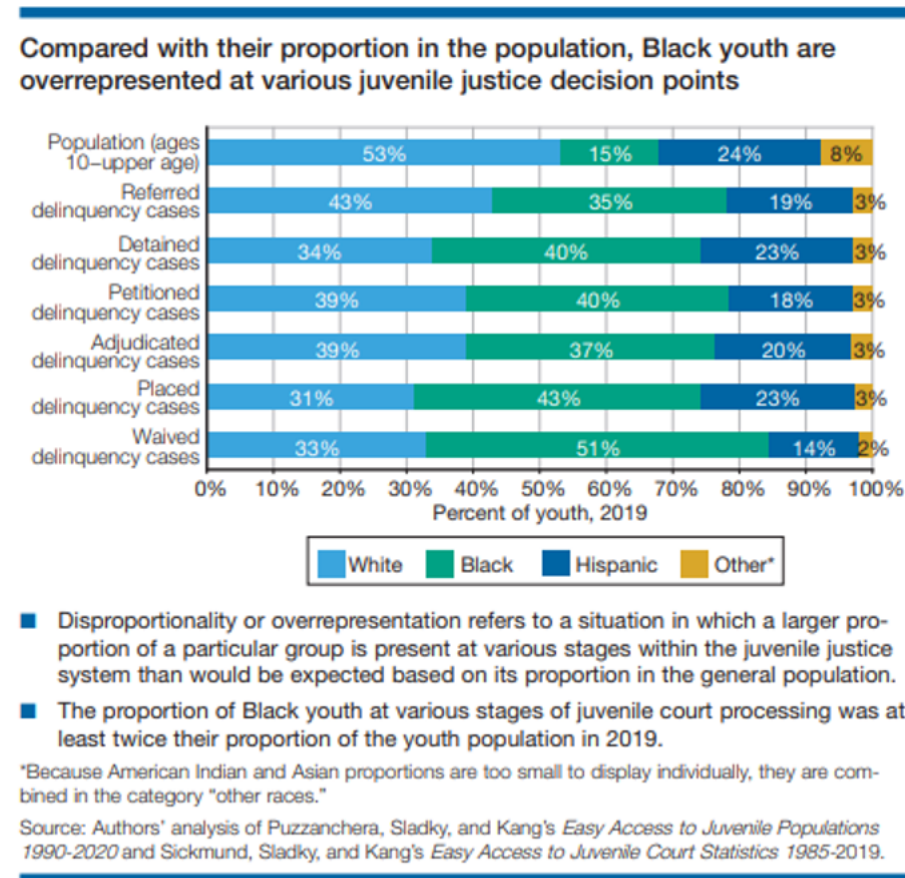
328 “Gun Violence Is a Racial Justice Issue,” *Brady United*, <https://www.bradyunited.org/issue/gun-violence-is-a-racial-justice-issue>; and Alex Nguyen and Kelly Drane, “Gun Violence in Black Communities,” *Giffords Law Center to Prevent Gun Violence*, Feb. 23, 2023, <https://giffords.org/memo/gun-violence-in-black-communities/>.



## Disparities in Juvenile Justice

The latest data also show that proportion of Black youth at various stages of juvenile court processing was at least twice their proportion of the youth population (see figure 10 of this report).<sup>329</sup>

Figure 10: Racial Disparities in Juvenile Justice Court Processing



Source: National Center for Juvenile Justice, December 2022

In year 2020, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) statistics for juveniles reported that the arrest rates for Black youth (2,487 per 100,000) was nearly twice the arrest rate compared to White youth (1,275 per 100,000).<sup>330</sup> It also issued a literature review of other studies, finding overwhelming and collaborative evidence that Black children were much more likely to be referred to the juvenile justice system than White children in similar circumstances.<sup>331</sup> Studies also identified systemic contributing factors involving racial disparities in society as a whole.<sup>332</sup>

329 "Racial Justice Issue"; and Nguyen and Drane, "Gun Violence."

330 "Estimated Number of Arrests by Offense and Race, 2020," *Statistical Briefing Book*, [https://ojjdp.ojp.gov/statistical-briefing-book/crime/faqs/ucr\\_table\\_2#0-0](https://ojjdp.ojp.gov/statistical-briefing-book/crime/faqs/ucr_table_2#0-0).

331 "Racial and Ethnic Disparity in Juvenile Justice Processing," *DOJ, OJJDP*, March 2022, <https://ojjdp.ojp.gov/model-programs-guide/literature-reviews/racial-and-ethnic-disparity>.

332 "Racial and Ethnic Disparity."

## Office of Juvenile Justice and Delinquency Prevention Data

Juvenile justice based on incarceration is not effective and may lead to further negative outcomes including decreased public safety, mental and physical health challenges, and reducing educational and career success for young Black men and boys.<sup>333</sup> The Commission believes that addressing the root of the problem and prevention requires carefully examining key issues addressed by OJJDP. According to their reports released in August 2023, the overrepresentation of Black youth in the juvenile justice system is impacted by the following five factors centering around school delinquency issues. Problems with the school-to-prison pipeline disparately impacting Black males are also discussed in the Education chapter of this report.<sup>334</sup>

The OJJDP found that "law enforcement accounted for 82 percent of all delinquency cases referred to juvenile court in 2019. The proportion referred to by law enforcement was as high as 88 percent in the early 1990s. The remaining referrals were made by others, such as parents, victims, school personnel, and probation officers."<sup>335</sup> Although Blacks account for approximately 17 percent of the nation's (ages 10 to 17) juvenile population, they represented 34 percent of the cases handled in the juvenile justice system during 2019.<sup>336</sup> During the same period, Whites accounted for 75 percent of cases, and Blacks accounted for 63 percent of the cases, as reported by OJJDP.<sup>337</sup>

Black boys are three times as likely to be arrested at school than their White male peers.<sup>338</sup> Schools disproportionately referred Black students to law enforcement. Such referrals included citations, court referrals, and, in some cases, arrests. There are substantial differences in the types of school offenses for Black youth compared to White youth. The OJJDP determined that there was a much higher number of Black youths charged with disorderly conduct and assault and battery compared to Whites. In addition, there was a much higher number of drug and alcohol offenses among White youth compared to Black youth.<sup>339</sup>

## Federal Legal Standards and Model Programs

The *Juvenile Justice and Delinquency Prevention Act of 1974* as amended in 2018 and 2021 sets forth core custody-related requirements that must be met to receive federal funding under the OJJDP Formula Grants Program.<sup>340</sup> Core requirements include deinstitutionalization of status offenders (DSOs) (defined as youth not charged with adult crimes), separation of juveniles from adults in incarceration, and taking measures to ensure juveniles are not in adult jails or lockups. The OJJDP ensures compliance by setting compliance monitoring rates for the DSOs, separation, and jail removal core requirements.<sup>341</sup> For example, the 2020 Compliance Determination Standards require that for every 100,000 juveniles in the

333 Richard Mendel, "Why Youth Incarceration Fails: An Updated Review of the Evidence," *The Sentencing Project*, Mar. 1, 2023, <https://www.sentencingproject.org/reports/why-youth-incarceration-fails-an-updated-review-of-the-evidence/>.

334 Mendel, "Why Youth Incarceration Fails."

335 "Program Profile: Spotlight Serious Offender Services Unit (Canada)," *DOJ, National Institute of Justice (NIJ)*, June 5, 2023, <https://crimesolutions.ojp.gov/ratedprograms/1791>.

336 "Serious Offender Services Unit."

337 "Data Snapshot Shows Racial and Ethnic Disparities in Delinquency Cases," *DOJ, OJJDP*, Aug. 2, 2023, <https://ojjdp.ojp.gov/publications/data-snapshot-racial-ethnic-disparities-processing-delinquency-cases-2020.pdf>.

338 Evie Blad and Alex Harwin, "Analysis Reveals Racial Disparities in School Arrests," *PBS News Hour*, Feb. 27, 2017, <https://www.pbs.org/newshour/education/analysis-reveals-racial-disparities-school-arrests>.

339 "Data Snapshot."

340 *Juvenile Justice and Delinquency Prevention Act of 1974*, Pub. L. No. 93-415, 88 Stat. 110 (1974).

341 28 C.F.R. § 31.303(f)(6).

system, there should be less than 4.57 DSOs, less than 2.54 not separated from adults in incarceration, and less than 2.54 in adult jails or lockups.<sup>342</sup>

The OJJDP Model Programs Guide includes evidence-based juvenile justice and youth prevention, intervention, and reentry programs submitted by stakeholders and reviewed by a committee of experts.<sup>343</sup> The guide of consolidated resources provides program models to guide practitioners and communities about what works, what is promising, and what does not work in juvenile justice, delinquency prevention, and child protection and safety for various stages of the juvenile justice system in which Black boys are overrepresented.<sup>344</sup>

Among these evidence-based practices, the federal goal of placing youthful offenders at juvenile facilities is to prevent young offenders from associating with older and more experienced criminals during the terms of their incarceration.<sup>345</sup>

The CSSBMB also took note of the Serious Offenders Services Unit in Canada, which was spotlighted by the National Institutes of Justice as follows:

This was an urban-based intensive supervision program in which high-risk, gang-affiliated youth (ages 12 to 19) were assigned to work with a probation officer who was paired with a paid “street mentor.” The program is rated “promising.” Youths in the program were significantly less likely than those in the comparison group to have a new conviction in the follow-up period of up to three years and remained offense-free for a longer period.<sup>346</sup>

## Diversion and Other Strategies

Diversion is a term used to describe intervention approaches that redirect youths away from formal juvenile justice system processing while still holding them accountable for their actions. The goal of diversion is to help youths avoid or be diverted from the juvenile justice process as possible to avoid later negative outcomes associated with formal processing, such as increased odds of recidivism, stigmatization/labeling, and increased criminal justice costs.

The **Take CHARGE!** curriculum targets students with emotional and behavioral disorders, aiming to improve knowledge and development of social problem-solving skills. The program is rated “effective.” Students who participated in the Take CHARGE! program had a statistically significant greater likelihood of reporting increased knowledge of and improved problem-solving behaviors than students who did not participate.<sup>347</sup>

Other options include offering alternative sentencing<sup>348</sup> and implementing a preadjudication diversion program (a program that diverts youth from formal processing before they go to court).<sup>349</sup> Preadjudication diversion can occur at different contact points in the juvenile justice system, such as

342 TeNeane Bradford, associate administrator, State Relations and Assistance Division, memo to state agency directors and others, Aug. 31, 2020

343 “Model Programs Guide,” DOJ, OJJDP, <https://ojjdp.ojp.gov/model-programs-guide/home#07byc>.

344 “Model Programs Guide.”

345 National Research Council and others, “The Juvenile Justice System,” in *Juvenile Crime, Juvenile Justice* (Washington, DC: National Academies Press, 2001).

346 “Serious Offender Services Unit.”

347 “Program Profile: Take CHARGE! Curriculum for Students with Emotional and Behavioral Disorders,” DOJ, NIJ, Aug. 23, 2023, <https://crimesolutions.ojp.gov/ratedprograms/1799>.

348 “Juvenile Offenders – Alternatives to Confinement,” *Child Crime Prevention & Safety Center*, <https://childsafety.losangelescriminallawyer.pro/juvenile-offenders-alternatives-to-confinement.html>.

349 “Practice Profile: Juvenile Diversion Programs,” DOJ, NIJ, Feb. 23, 2015, <https://crimesolutions.ojp.gov/ratedpractices/37>.

arrest, referral, and intake. Preadjudication diversion channel youth who would otherwise be formally processed in juvenile court to address their issues through alternatives such as house arrest, community-based alternatives, or specialized foster care, among others.<sup>350</sup> Studies have shown that:

Jurisdictions that have substantially reduced youth confinement in recent times have not suffered any increase in juvenile offending. Indeed, sharply reducing juvenile custody populations seems not to exert any independent upward impact on juvenile offending rates.<sup>351</sup>

Considering juvenile incarceration can lead to increased criminality, by exposing youth to more criminal offenders and taking them away from supports and education in communities and considering that Black boys are subject to juvenile justice at a much higher rate than others, these programs are likely to have a positive impact for Black males.

## Recommendations

Based on our research, the Subcommittee on Justice and Civil Rights recommends that:

1. Ongoing disparities in the state and federal criminal justice system—in stops, arrests, use of force, incarceration, reentry, in collateral consequences of incarceration that especially impact Black fathers and their families, and in the juvenile justice system disparately targeting Black boys—all point to the need for systemic criminal justice. While some promising legislative reforms, such as the *First Step Act* and the *Second Chance Act*, have had a positive impact, ongoing monitoring of data and adjustments are needed to continuously improve results and close racial disparities. Further, broad, systemic legislation is needed to address the unequal and unmerited targeting of Black males by the juvenile justice system, police on the streets, in courts, in prison, and upon re-entry to society. The Commission recommends enacting the *End Racial Profiling Act*, among other provisions of the *George Floyd Justice in Policing Act*, and legislation aimed at preventing crime—especially youth crime—that have yet to be enacted.
2. The CSSBMB supports the promising and evidence-based reforms in reentry and juvenile justice summarized in this report and recommends continued federal support for these programs. The CSSBMB believes that drug courts should be added to these efforts. Further reforms to close the disparate targeting of Black males should also be initiated and evaluated, and the work of the Civil Rights Division of DOJ to investigate and enforce our nation’s civil rights laws regarding criminal justice and conditions of incarceration should be fulsomely supported.
3. The Commission supports the recommendations of the USCCR in their November 2018 report on *Police Use of Force: An Examination of Modern Policing Practices*, along with their recommendations in their July 2019 report on *Beyond Suspensions: Examining School Discipline Policies and Connections to the School-to-Prison Pipeline for Students of Color with Disabilities*; and in their June 2019 report on *Collateral Consequences: The Crossroads of Punishment, Redemption and the Effects on Communities*.

350 “Practice Profile.”

351 Richard Mendel, “No Place for Kids: The Case for Reducing Juvenile Incarceration,” *The Annie E. Casey Foundation*, Oct. 4, 2011, <https://www.aecf.org/blog/reliance-on-incarcerating-youth-offenders-not-paying-off-for-states-taxpayer>.

## Appendix A - Special Projects

Dr. Sean Joe, Director, HomeGrown StL, Washington University-St. Louis

Dr. Walter E. Fluker, Professor Emeritus of Ethical Leadership

Dr. Sekou Franklin, Director, Middle Tennessee State University

Dr. Gregory Hutchings, Jr., Founder and CEO, of Revolutionary ED, LLC

DeBorah D. Ahmed, Executive Director, Better Family Life, Inc.

Danielle Turnipseed, Public Policy Officer, AAMC

Kathy Hollowell-Makle, Executive Director, DC Association for Education of the Young

Dr. Glenda Prime, Dean, Morgan State University

Dr. James H. Harris, Virginia Union University

Dr. Barbara Williams-Skinner, Masters Series of Distinguished Leaders (MSDL)

Nicholas Turner, JD., President and Director, Vera Institute of Justice

Ed Chung, JD., Vice President, Vera Institute of Justice

Hadi Sedigh, JD., Director, Vera Institute of Justice

Dr. Arohi Pathak, Director of Poverty Policy, Center for American Progress

Dr. Rashawn Ray, Sociologists, University of Maryland, and Brookings Institution

Dr. Keon L. Gilbert, Fellow, Brookings Institution

Sam Kirk, CEO, Youth About Business

Dr. Marc Howard, Director, Pivot Program, Georgetown University

Michael DeVaul, Director, YMCA Boys & Young Men of Color Movement Services, BYMOC

Dr. Warren Neal Holmes, Associate Professor, Virginia State University

Dr. Camille Busette, Director, Brookings Institution

Dr. Travis Bristol, Associate Professor, University of California

Dr. Dr. Adonijah Bakari, Chair, Middle Tennessee State University

Dr. Nicholas Eberstadt, Chair, American Enterprise Institute, Men Without Work

Dr. Marybeth Gasman, Chair, Rutgers University

Dr. Joseph Richardson, Professor, *Violence Prevention Program*, University of Maryland

## Appendix B - Accomplishments

In August 2023, CSSBMB worked closely and in support of Chairwoman Wilson's office to prepare for the Congressional Black Caucus Annual Legislative Conference Week events from September 20–24, 2023.

- Two discussion panels were scheduled at the Washington Convention Center:
  - » September 22, at 9 a.m.: "Reclaiming African American History"
  - » September 22, from noon to 1 p.m.: "Don't Build a Jail for Me: Prevention, Not Detention. Breaking the School-to-Prison Pipeline."
- "ACT NOW Summit"

In July, CSSBMB hosted our very successful "ACT NOW Summit" at the National Press Club in downtown Washington, D.C. The Summit introduced our commissioners to many of the partners in academia, policy think tanks, community-based activists, and advocates. The CSSBMB team has spent months holding discussions with partners to develop a greater understanding of the many issues that negatively impact the lives of Black Men and boys.

Many thanks to the renowned scholar and theologian Dr. Walter Fluker, who skillfully served as the moderator for the event. You can learn more about Dr. Fluker at [Walter Fluker's Biography \(thehistorymakers.org\)](https://www.thehistorymakers.org/walter-fluker).

A very gracious thank you to our presenters during the ACT NOW Summit:

- » Dr. Adonijah Bakari, Chair of Africana Studies, Middle Tennessee State University
- » Dr. Travis Bristol, Assistant Professor, Berkley (CA) School of Education
- » David Dwight IV, Forward Through Ferguson
- » Karishma Furtado, Forward Through Ferguson
- » Dr. Sekou Franklin, Middle Tennessee State University
- » Akhi Johnson, Director, Reshaping Prosecution / Vera Institute of Justice
- » Dr. Calvin Johnson, CSSBMB Commissioner / U.S. Department of HUD
- » Mona Sahaf, Deputy Director, Reshaping Prosecution / Vera Institute of Justice
- » Chad Williams, "Never Whisper Justice"
- » Jon-Thomas Royston, "Never Whisper Justice"

The first half of the summit allowed time for each presenter to educate the audience about the nature of their work, research, and advocacy. The second half of the summit brought together the presenters with the commissioners and other stakeholders in breakout sessions designed to ignite further conversations about policy, legislation, and practical efforts that can lead to the uplift of CSSBMB. The team is now reviewing the transcript of the summit to determine what we learned about the next steps for action.

You can view the ACT NOW Summit proceedings on the USCCR YouTube channel:

[https://www.youtube.com/watch?v=L7A9Wi\\_tU7w](https://www.youtube.com/watch?v=L7A9Wi_tU7w)

- **The CSSBMB Turns 3 Years Old**

August 2023 marked the three-year anniversary of the creation of CSSBMB. The CSSBMB team, led by Diamond Newman and Zakee Martin, collaborated with the USCCR Media Director, Angelia Rorison, to produce a wonderful video celebrating Chairwoman Wilson's



vision and the evolution of the Commission. Please check it out at: <https://drive.google.com/file/d/1D7mSAQxjtGj6J9-vw5l33Uzh-slwtuU/view> and tweets at <https://x.com/cssbmb/status/1691086696404733952?s=46>

- The CSSBMB created the ‘Roundtable of Education Scholars’ led by Dr. Gregory Hutchings, Jr.: [HOME | Revolutionary ED LLC \(revolutionary-ed.com\)](#).
  - » The CSSBMB assisted Dr. Hutchings in convening a panel of education experts and advocates to explore and highlight best-practice research and initiatives to promote equity in education and expand educational access and opportunities for CSSBMB. The roundtable will produce a report on its efforts and recommend policy and legislative actions for the White House and Congress.
  - » The open discussion featured Commissioner Richard Cesar; Dr. Arohi Pathak, Center for American Progress; Dr. Sean Joe, University of Washington at St. Louis, and Director - HomeGrown StL; and Dr. Rashawn Ray, University of Maryland, and the Brookings Institution.
  - » The discussion was lively and engaging and developed elements that the Labor and Employment Subcommittee should explore:
- Building an economy that works for everyone, including CSSBMB.
- Protecting the civil rights of CSSBMB through economic activity.
- Hyper-focus economic stimulus to CSSBMB through a local and regional approach to close the earning and wealth gap.
- Concentrate resources on educational development and vocational/technical training as pathways to greater economic inclusion. These efforts should apply to the incarcerated and returning citizens.
- Address the continuing racial segregation of public schools and the resource allocations that follow this phenomenon.
- Commit to education policies that advance economic equity like that envisioned in President Biden’s Executive Order No. 13985 on Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce.
- The Commission should support the concept of a “21st Century New Deal for Black Americans.”
- The CSSBMB continued our work by engaging Mr. Sam Kirk, CEO of Youth About Business (YAB). The YAB was founded as a project of Creating an Environment of Success, a Tennessee-based 501(c)3 not-for-profit corporation in 1992. After 17 years in the corporate sector, program founder Sam Kirk decided to change careers to create one of the most innovative leadership training programs to help expose young people to options in business and industry.

The YAB began with only seven student participants as an entrepreneurial training program to prepare students with all the mechanics of how to successfully run a business. Sam’s dedication to YAB eventually led to the development of its cornerstone program, the YAB Summer Business Camp, in 1999. The Summer Business Camp has become the national component that serves as the entry point into YAB. The YAB currently operates its in-person programming in Tennessee, New York, Illinois, Georgia, and Texas. Since the founding of YAB, more than 8,000 students have participated in one or more of its educational components. The YAB students graduate from high school at a rate of 98 percent or better. The CSSBMB believes that YAB is a model program of academic support and mentoring that can and should be replicated by school systems across the country. You can learn more about YAB at [www.youthaboutbusiness.org](http://www.youthaboutbusiness.org).

- The CSSBMB will work in collaboration with Mr. Michael DeVaul, National Director, Boys and Young Men of Color Movement Services of the YMCA of the USA. Mr. Duval has been an important and inspirational partner of CSSBMB, using the offices’ power and influence to promote the

Commission’s mission and goals since 2022. The Boys and Young Men of Color (BYOMC) initiative of the YMCA focuses on making the “Y” s around the country places of nurturing and upliftment for Black boys and boys of color. Their programs focus on youth development, healthy living, and social responsibility. Learn more at [YMCA BYOMC Strategy | YMCA of the USA](#). During this period, Michael invited me to the gathering of regional directors of youth programs for the “Y” summit in Washington, D.C. We were introduced to the gathering and were warmly received. The CSSBMB partnership with the YMCA and BYOMC Initiative is a key element in the Commission’s efforts to achieve a national impact.

- Members of CSSBMB attended the #ThankaBlackTeacher forum, which was held at the U.S. Department of Education and directed by CSSBMB Commissioner Alexis Holmes.

The conference highlighted the efforts to uplift, identify challenges to Black educators, and expand efforts to support Black educators as first-line supporters and influencers of Black children through education.

Our CSSBMB focus was targeted at the discussions involving expanding the number of Black teachers, specifically Black male teachers in the industry. We engaged participants like Dr. Sharif El-Mekki, CEO of the Center for Black Educator Development, and Rictor Craig, CEO of Statesman College Preparatory Academy for Boys, Washington, D.C. They have agreed to partner with CSSBMB to develop policy recommendations for expanding the pipeline of Black Men into the teaching profession over a 10-year period.

Learn more about Dr. El-Mekki at [About Us – CENTER FOR BLACK EDUCATOR DEVELOPMENT \(thecenterblack.org\)](#) and Rictor Craig at [Statesmen College Preparatory Academy for Boys \(statesmenboys.org\)](#).

The CSSBMB also engaged Mr. Jemar Rountree, National Teacher of the Year from Washington, D.C. Mr. Rountree agreed to become a partner and assist the Commission in focusing on initiatives to improve educational outcomes for CSSBMB.

The CSSBMB staff continued the exploration of best-practice efforts to assist incarcerated CSSBMB and make the transition back to the community. We continued our engagement with the Vera Institute and discussed:

- » The CSSBMB staff interviewed Mr. Hadi Sedigh of the Vera Institute about his experiences as an incarcerated person and what, if any, changes he was advocating for returning citizens.
- » Mr. Sedigh identified the ‘Restoring Promise Initiative’ that the Vera Institute and its partners had established in cities like Washington, D.C. “Restoring Promise, an initiative led by MILPA and the Vera Institute of Justice, creates housing units grounded in dignity for young adults in prison. We help transform correctional culture through training, presentations, workshops, and healing circles—setting a new tone for the entire system . . .”

“By confronting the history of racism in the United States with incarcerated people and staff, we’re able to understand and address how that history manifests inside prisons today and weave it into the entire transformation process. Restoring Promise works with corrections agencies to transform harsh conditions (for example, people locked in cells 22 hours a day) and eliminate punitive responses to infractions (such as “being out of place”). We do this by exposing correctional leaders to new approaches, designing new daily routines, retraining staff, partnering with people in prison (especially those serving long sentences), and implementing a restorative justice model that treats conflict as an opportunity to be accountable, heal, and learn.” Learn more at [Restoring Promise | Restoring Promise \(vera.org\)](#).



The CSSBMB staff has identified the 'Restoring Promise Initiative' as a best-practice and effective effort to address Black Men and Boys while incarcerated and assist them in making the best transition back to the community as returning citizens.

The CSSBMB staff was introduced to the "Never Whisper Justice" collaborative by Mr. Chad Williamson. Chad explained the purpose of Never Whisper Justice, stating, "We are a justice-centered media company that fuses bold storytelling with concrete social impact."

Never Whisper Justice recently produced a full-length film, "BLACK BOYS," that they describe as:

*"A film for this historic moment. In a nation still struggling to rectify its racial legacy, BLACK BOYS illuminates the full humanity of Black boys and men in America."*

We were also introduced to Mr. Jon Thomas, who focuses on programs of music production for children and has collaborated on efforts like 'Peace for Kids' in Compton, CA, and creating spaces for justice through film with Never Whisper Justice.

The CSSBMB staff has adopted a partnership with Never Whisper Justice as a vibrant and courageous medical collaborative that tells truthful and uplifting stories about CSSBMB and our supporting communities and organizations. We urge you to learn more at [Black Boys – Never Whisper Justice](#).

In June 2023, most of the CSSBMB team traveled to St. Louis, Missouri, to observe the sixth annual 'HomeGrown StL Summit.' HomeGrown StL is dedicated to improving the well-being of Black boys and young men and reimagining how our communities support their health, academic attainment, employment, developmental opportunity, and transition into adulthood. For Black boys and young men to flourish in St. Louis, a community or village must be invested in their individual needs. HomeGrown StL will invest in nourishing this St. Louis village and its continual forward development. Learn more at [Who We Are | HomeGrown StL | Washington University in St. Louis \(wustl.edu\)](#).

The CSSBMB team participated in two days of workshops and observed discussions about program initiatives covering a range of efforts involving mentoring, healthcare, housing, education, criminal justice, and focusing on the economic empowerment of CSSBMB in the St. Louis region.

The CSSBMB staff concluded that the efforts of the HomeGrown StL collaborative are an excellent template for creating other collaborative efforts across the nation that focus on initiatives that uplift the condition of Black men and boys.

During our last evening in St. Louis, the team had an interesting dinner meeting with leaders of the community advocacy organization, Forward Through Ferguson (FTF). The FTF grew out of the formation of the Ferguson Commission that was convened after the tragic killing of Michael Brown. In 2015, the Ferguson Commission produced a report: "Forward Through Ferguson – A Path Toward Racial Equity." The report can be viewed at [Forward Through Ferguson The Work – Forward Through Ferguson](#).

Our dinner meeting produced some truthful and important observations about how multifaceted community-based efforts to create pathways toward greater racial equity, understanding, and opportunity for Black people and other people of color and the underserved in St. Louis continued to meet obstacles; however, some measurable progress was seen in some areas. Community healthcare, policing accountability, issues surrounding assistance to returning citizens, and seeking nontraditional alternatives to incarceration through restorative justice practices based on community accountability approaches were subjects of concern. The FTF's efforts to gather adequate funding for its successful programs were a great need. We left with the agreement to continue our engagement with FTF to learn more about how

their initiatives were proving to be successful. This was particularly the case with efforts to divert youthful offenders out of the criminal justice system that had shown very good success.

The CSSBMB team interviewed Ms. Natasha White, who is an advocate on issues impacting incarcerated persons and is currently focused on a national effort to reform the abusive use of solitary confinement in the nation's prisons and jails. Ms. White was formerly incarcerated on drug-related charges at the notorious Rikers Island Prison in New York City. She spoke of first-hand experience of the trauma related to incarceration, solitary confinement, mental health, and healthcare challenges of the incarcerated and has dedicated her life to the overincarceration of Black people. Ms. White and her compatriots have formed an organization called "Unlock the Box" that educates the public and decision makers about the negative effects associated with solitary confinement. Learn more at [Unlock The Box The National Campaign Against Solitary Confinement \(unlocktheboxcampaign.org\)](#).

Former Commissioner Dr. LaShawn McIver is the Director of the Office of Minority Health at the Centers for Medicare & Medicaid Services (CMS). Dr. McIver developed a presentation on the major issues related to healthcare disparities and equitable access to quality healthcare for minorities, focusing on Black Men and Boys.

- Dr. McIver highlighted work that the Office of Minority Health had performed during an initiative to address gun violence as a healthcare-related issue in Baltimore City. The CMS project showed promise in creating wrap-around services for those victims of gun violence and their families and neighborhoods. An example of potentially fruitful research work on gun violence victims is the Supporting Male Survivors of Violence Baltimore project. Learn more at: [Supporting Male Survivors of Violence Baltimore \(bhsbaltimore.org\)](#).
- Dr. McIver stressed the importance of the government's critical role in creating structures of comprehensive healthcare services. She pointed to a study performed by the Morehouse University School of Medicine related to healthcare disparities among Black Men who are incarcerated. Dr. McIver identified this as an important study that should provoke greater focus, particularly as it relates to detainees who will transition to the community as returning citizens. The mental health challenges faced by returning citizens deserve much greater attention from CSSBMB, decision makers, and policy makers. See the Morehouse study [Substance Use Correlates of Depression among African American Male Inmates \(nih.gov\)](#).
- Dr. McIver also stressed the need to focus on the disparities involving healthcare delivery in underserved communities as a critical component of improving the total well-being of CSSBMB and their families.

Commissioner Alexis K. Holmes serves as the Executive Director of the White House Initiative on Advancing Educational Equity, Excellence, and Economic Opportunity for Black Americans. Commissioner Holmes provided useful guidance on developing program and policy initiatives and recommendations that CSSBMB should pursue.

- Commissioner Holmes identified Black Male teacher hiring, retention, and expanding the pipeline of Black Men into the teaching profession as priorities. She also stressed the importance of mentoring efforts for new teachers like those currently modeled by Devon Morris in Boston and supported by Dr. Sharif El-Mekki.
- Commissioner Holmes also suggested that the Commission focus on the White House Initiative on Wealth Creation through programs that promote financial literacy among CSSBMB. Lastly, Commissioner Holmes stressed that the Commission remember to strongly support adequate funding for vocational and technical and STEM learning to be supported with federal funding.

The CSSBMB had a recent conversation with Mr. Marc Howard, Ph.D., J.D., founder and director of the PJI at Georgetown University Law Center. Georgetown's PJI works in prisons, communities, and on campus to address the mass incarceration crisis while recognizing humanity in everyone. Mr. Howard described the mission and goals of the PJI as:

PJI's programs offer transformative education and training to open doors for incarcerated and formerly incarcerated individuals in the Washington, D.C. area. We empower those whose potential has been stymied by lack of opportunity and constrained by incarceration to become leaders in their communities. We equip talented individuals with knowledge, skills, experiences, and academic achievement to help them overcome the stigma of incarceration.

Learn more about the PJI at: [About | Prisons and Justice Initiative | Georgetown University](#).

## Additional Acknowledgements

This report was produced in collaboration with CSSBMB. The CSSBMB Social Scientist Gerald K. Fosten, Ph.D., assisted with research and writing. Attorney Katherine Culliton-Gonzalez provided additional writing, research and civil rights expertise. The CSSBMB writer/editor Naomi A. Burrell performed editing assistance. The CSSBMB Director Mark Spencer provided valuable data analysis and drafting assistance.

The USCCR's general counsel, David Ganz, and attorney-advisors, Sheryl Cozart and Pilar Velasquez McLaughlin, reviewed and approved the report for legal sufficiency. Legal intern Sydney Richardson-Gorski (J.D. Candidate 2025, Georgetown University Law Center) also provided valuable research and writing assistance.

Special thanks to Dr. Barbara Williams-Skinner, co-founder and dean of the MSDL, and talented MSDL Fellows Zac Applin (Coca-Cola Co.) and Tiffany James (James Media Strategy). The two joined the CSSBMB team and immediately began collaborating with staff to complete a comprehensive media strategy for CSSBMB. The MSDL Fellows and CSSBMB staff wrapped up the collaborative project on creating a comprehensive media strategy for CSSBMB. You can learn more about the MSDL at <https://www.skinnerleaders.org/msdl>.





