

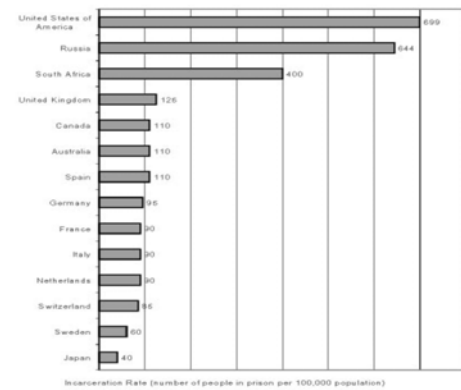
Racial Disparities in Criminal Justice in Wisconsin

Pamela Oliver

Plan for the Talk

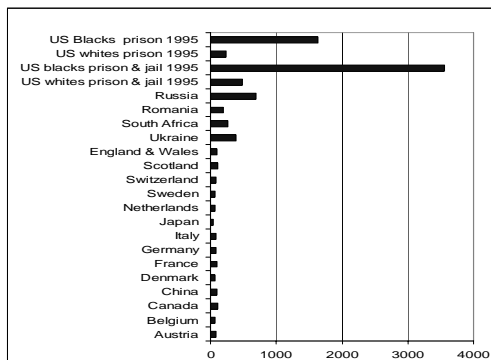
- The problem: National overview of imprisonment trends 1926-1999
- Bringing it home: Wisconsin overview of imprisonment trends 1926-1999 (overall) and 1990-2003 (by offense)
- Age Patterns
- Impacts on families and youth
- County Comparisons & Patterns
- Implications for policy

National Trends: The Magnitude of the Problem



Source: Rate for Russia calculated from figures cited on previous page; for the US Prisoners in 2000; for all other nations, Roy Wahneema, *World Prison Population List* (C²ed.), United Kingdom Home Office Research, Development and Statistics Directorate, July 2000.

World Incarceration Rates in 1995: Adding US Race Patterns



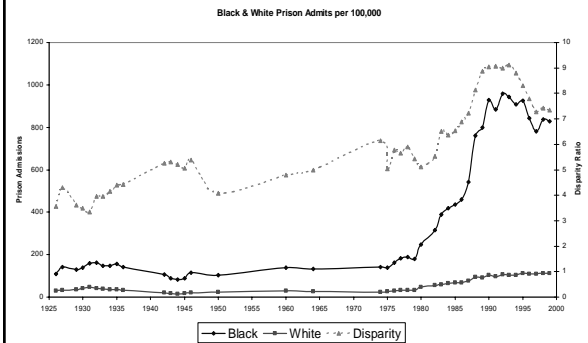
Nationally, The Black Population is Being Imprisoned at Alarming Rates

- Nearly 40% of the Black male population is under the supervision of the correctional system (prison, jail, parole, probation)
- Estimated "lifetime expectancy" of spending some time in prison is about 32% for young Black men.
- About 12% of Black men in their 20s are incarcerated, about 20% of all Black men have been in prison
- 7% of Black children, 2.6% of Hispanic children, .8% of White children had a parent in prison in 1997 – lifetime expectancy much higher

About Rates & Disparity Ratios

- Imprisonment and arrest rates are expressed as the rate per 100,000 of the appropriate population
- Example: In 1999 Wisconsin new prison sentences
 - ❖ 1021 Whites imprisoned, White population of Wisconsin was 4,701,123.
 - ❖ $1021 \div 4701123 = .000217$.
 - ❖ Multiply .00021 by 100,000 = 22, the imprisonment rate per 100,000 population.
 - ❖ 1,266 Blacks imprisoned, Black population of Wisconsin was 285,308.
 - ❖ $1266 \div 285308 = .004437$.
 - ❖ Multiply by 100,000 = 444
- Calculate Disparity Ratios by dividing rates:
 - ❖ $444/22 = 20.4$ the Black/White ratio in new prison sentence rates

Black and White prison admissions, historical



Imprisonment Has Increased While Crime Has Declined

- Imprisonment rates are a function of responses to crime, not a function of crime itself
- Property crimes declined steadily between 1970s and 2000
- Violent crime declined modestly overall, with smaller ups and downs in the period

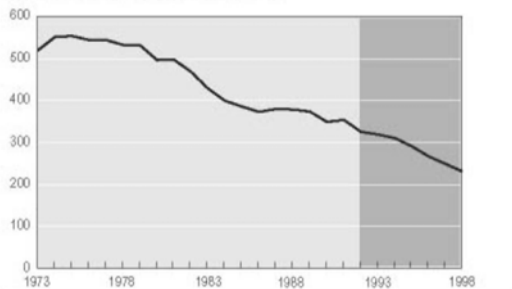
Crime Trends

Source: Crunching Numbers: Crime and Incarceration at the End of the Millennium by Jan M. Chaiken

Based on Bureau of Justice Statistics data from National Crime Victimization Survey. Figures adjusted for changed methodology, shaded area marks change.

Figure 1: Property Crime Rates, United States, 1973-98

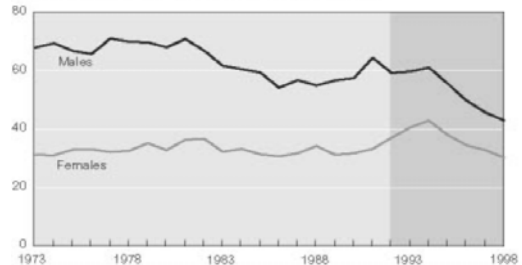
Adjusted victimization rate per 1,000 households*



Sources: Bureau of Justice Statistics, National Crime Victimization Survey
Note: The property crimes included are burglary, theft, and motor vehicle theft.

Figure 6: Violent Crime Rates, by Gender of Victim, United States, 1973-98

Adjusted victimization rate per 1,000 people age 12 and over*

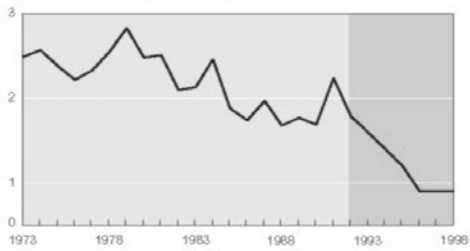


Sources: Bureau of Justice Statistics, National Crime Victimization Survey; and FBI Uniform Crime Reports

Note: The violent crimes included are rape, robbery, aggravated and simple assault, and homicide.

Figure 5: Rape Rates, United States, 1973-98

Adjusted victimization rate per 1,000 people age 12 and older*



Source: Bureau of Justice Statistics, National Crime Victimization Survey

Note: Includes both attempted and completed rape.

* The National Crime Victimization Survey redesign was implemented in 1993; the area with the lighter shading is before the redesign and the darker area after the redesign. The data before 1993 are adjusted to make them comparable with data collected since the redesign.

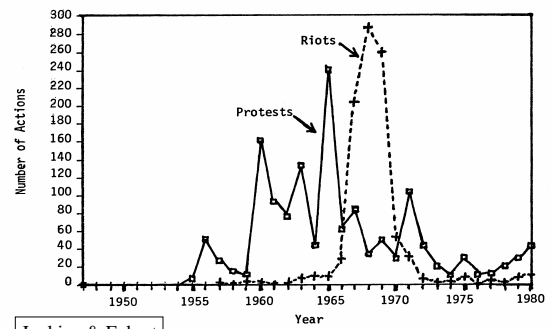
So what has been going on?

The 1970's Policy Shift

- Shift to determinate sentencing, higher penalties
- LEAA, increased funding for police departments
- Crime becomes a political issue
- Drug war funding gives incentives to police to generate drug arrests & convictions: this escalates in the 1980s
- Post-civil rights post-riots competitive race relations, race-coded political rhetoric?

Timing of Black Protests, Riots

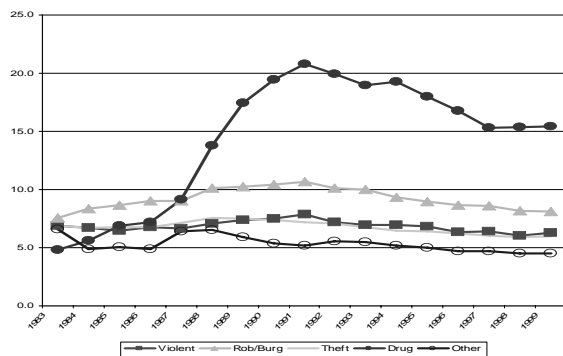
Figure 5. Black Unruliness, 1955-80



Jenkins & Eckert

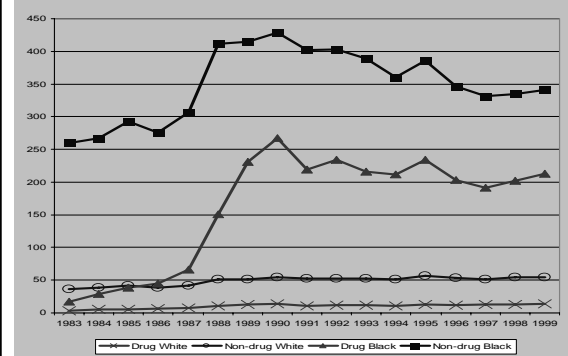
Disparities by offense

B/W Disparity Ratios in Prison Admits., by Offense. All States in NCRP

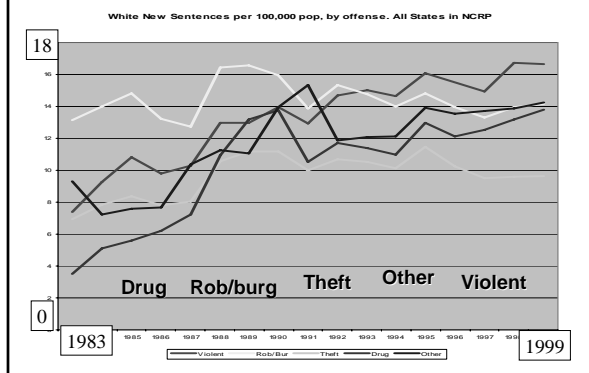


Black & White, drug vs other sentences

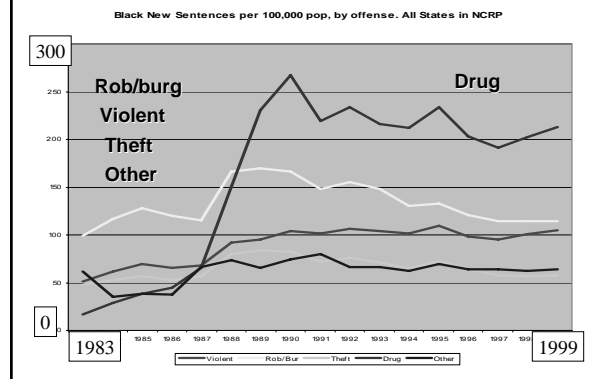
Black & White Prison Sentence Rates (NCRP) per 100,000, by Offense Type



National White Prison Sentences by Offense



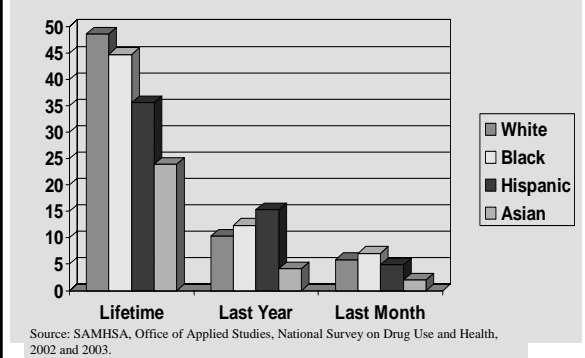
National Black Prison Sentences by Offense



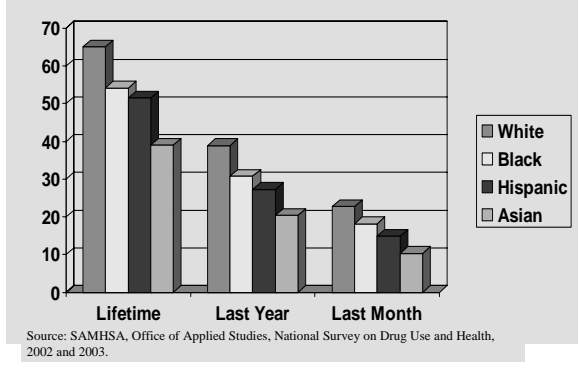
Drug Use Graphs

Source: 2003 National Survey on Drug Use & Health, Department of Health & Human Services

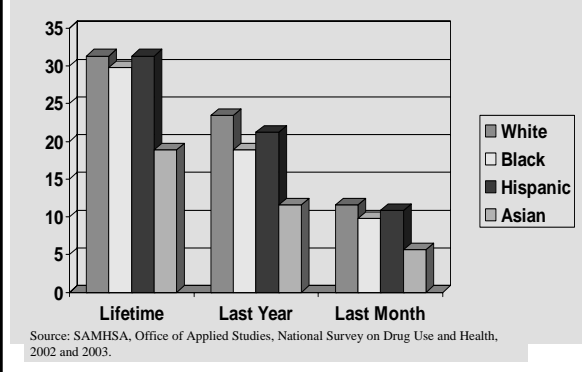
Any Illegal Drug, % of Persons 26+ who have used, 2002-3



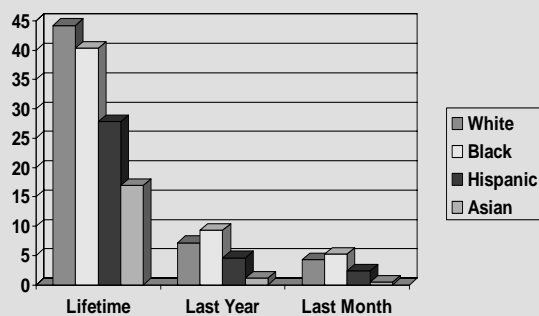
Any Illegal Drug, % of Persons 18-25 who have used, 2002-3



Any Illegal Drug, % of Persons 12-17 who have used, 2002-3

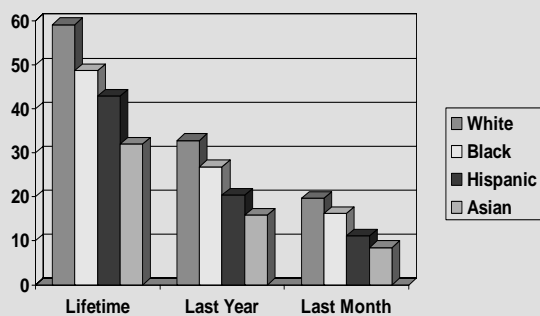


Marijuana, % of Persons 26+ who have used, 2002-3



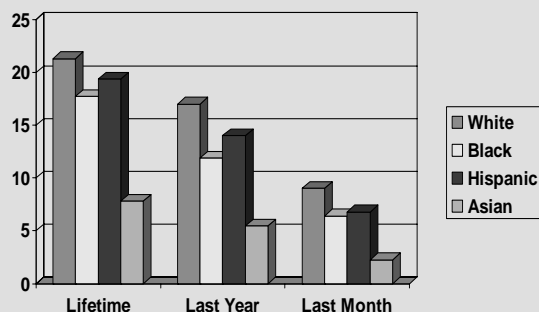
Source: SAMHSA, Office of Applied Studies, National Survey on Drug Use and Health, 2002 and 2003.

Marijuana, % of Persons 18-25 who have used, 2002-3



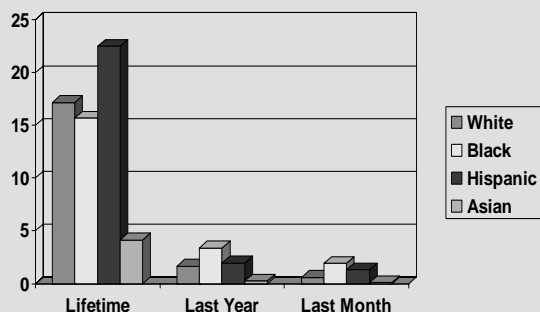
Source: SAMHSA, Office of Applied Studies, National Survey on Drug Use and Health, 2002 and 2003.

Marijuana, % of Persons 12-17 who have used, 2002-3



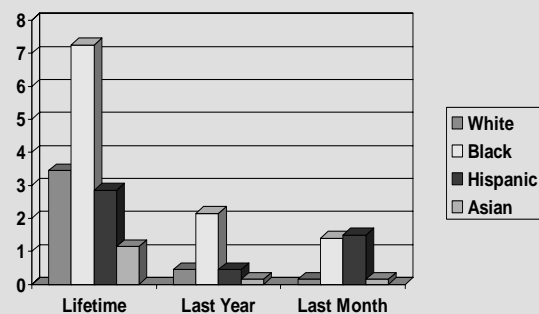
Source: SAMHSA, Office of Applied Studies, National Survey on Drug Use and Health, 2002 and 2003.

Cocaine, % of Persons 26+ who have used, 2002-3



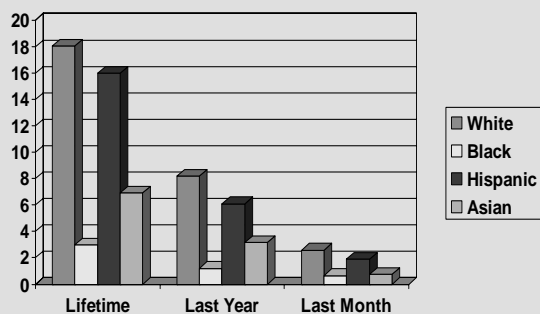
Source: SAMHSA, Office of Applied Studies, National Survey on Drug Use and Health, 2002 and 2003.

Crack Cocaine, % of Persons 26+ who have used, 2002-3



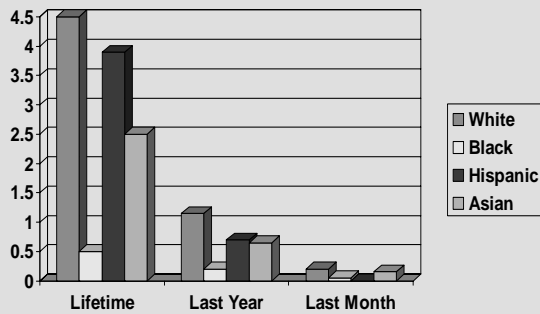
Source: SAMHSA, Office of Applied Studies, National Survey on Drug Use and Health, 2002 and 2003.

Cocaine, % of Persons 18-25 who have used, 2002-3



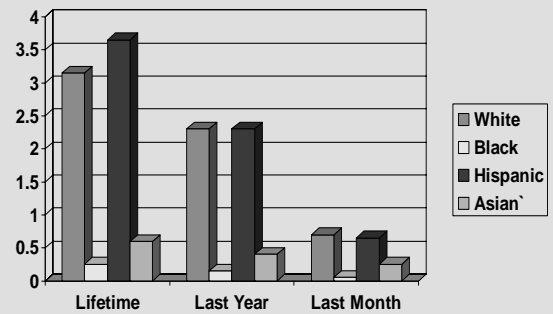
Source: SAMHSA, Office of Applied Studies, National Survey on Drug Use and Health, 2002 and 2003.

Crack Cocaine, % of Persons 18-25 who have used, 2002-3



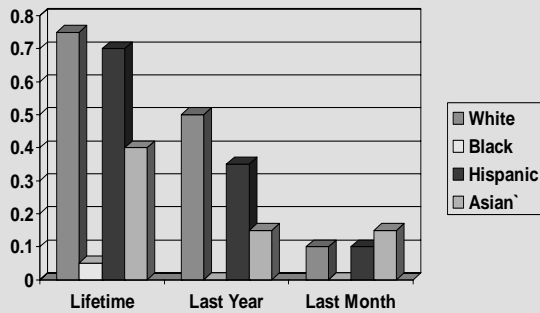
Source: SAMHSA, Office of Applied Studies, National Survey on Drug Use and Health, 2002 and 2003.

Cocaine, % of Persons 12-17 who have used, 2002-3



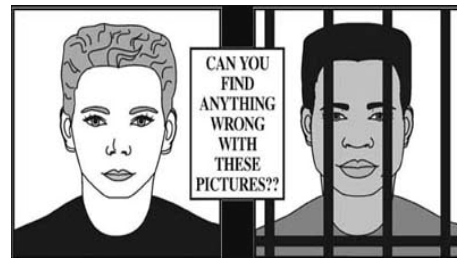
Source: SAMHSA, Office of Applied Studies, National Survey on Drug Use and Health, 2002 and 2003.

Crack Cocaine, % of Persons 12-17 who have used, 2002-3 **NOTE: THESE ARE <1%**



Source: SAMHSA, Office of Applied Studies, National Survey on Drug Use and Health, 2002 and 2003.

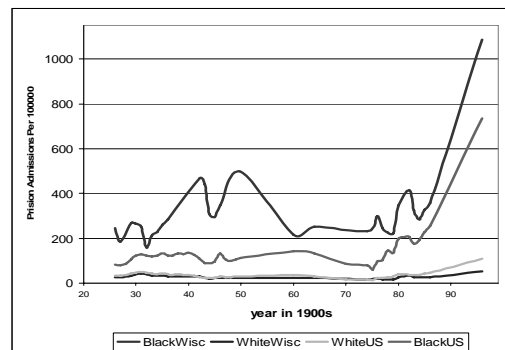
White kids are more likely to use and sell illegal drugs than Black kids

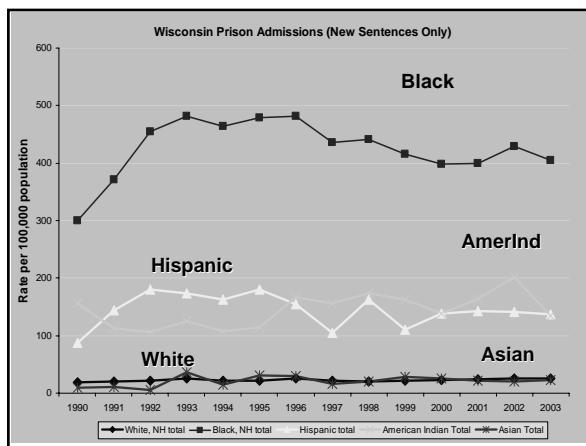
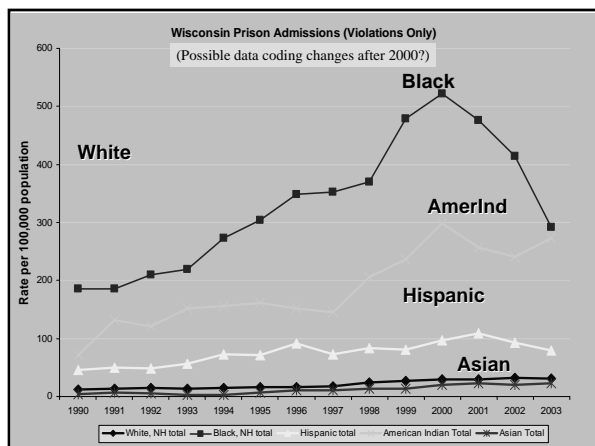
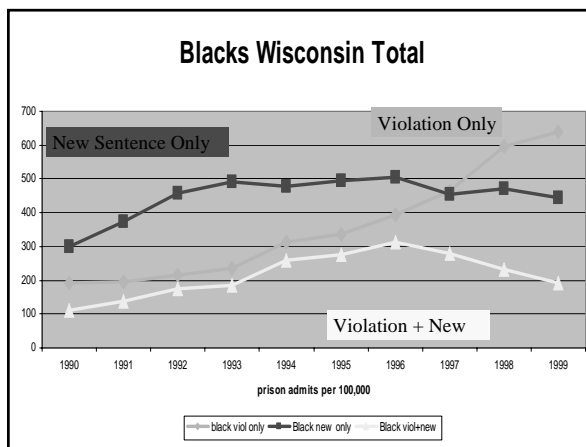
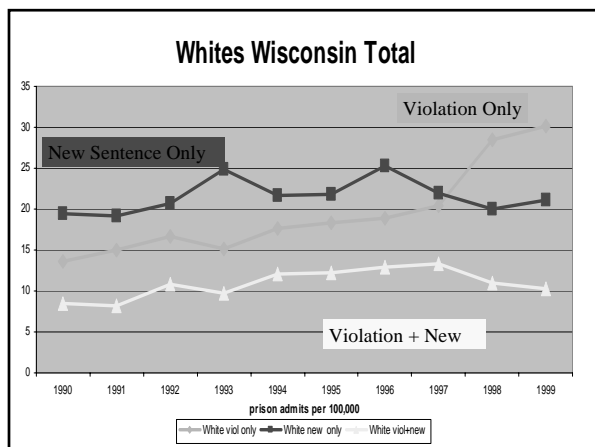
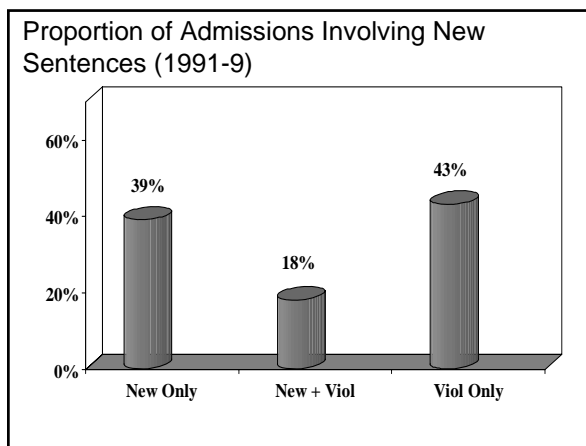
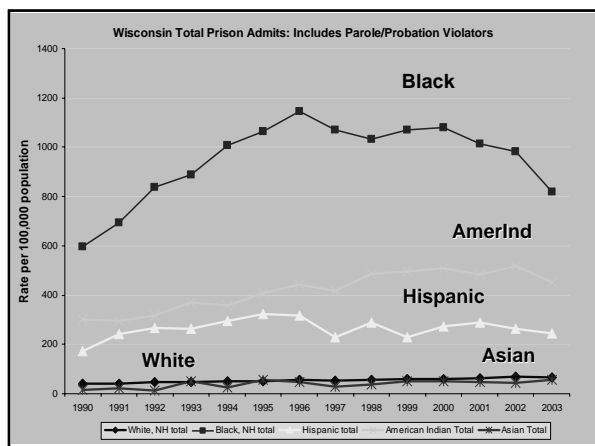


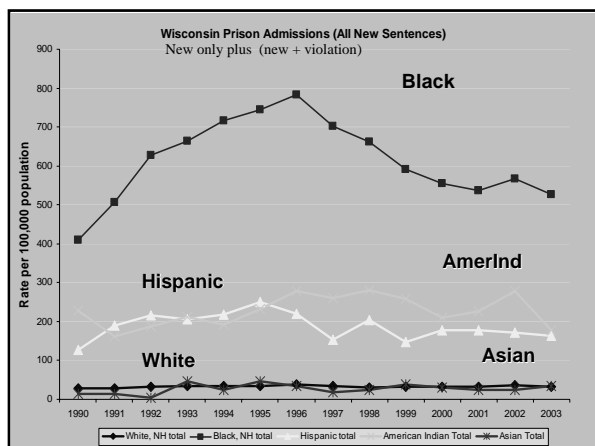
Wisconsin Prison Admissions

Including Detailed Time Trends
1990-1999/2003

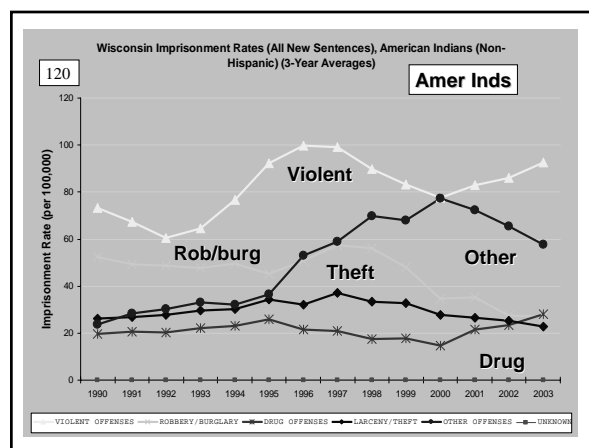
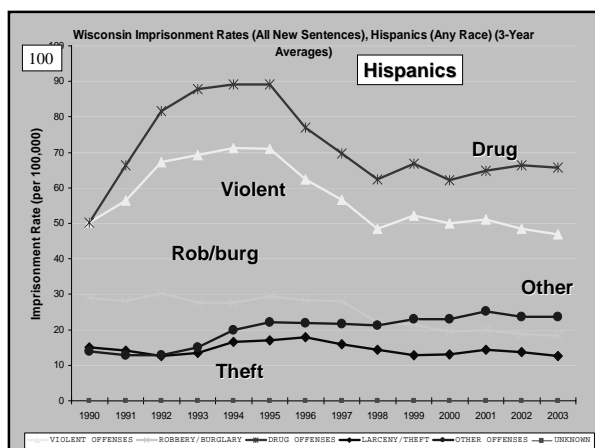
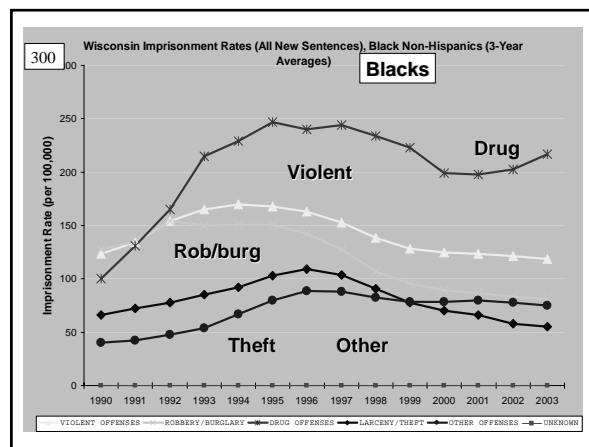
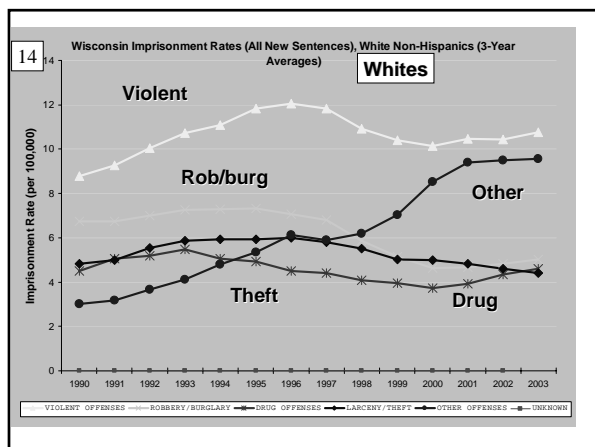
National & Wisconsin Imprisonment Rates

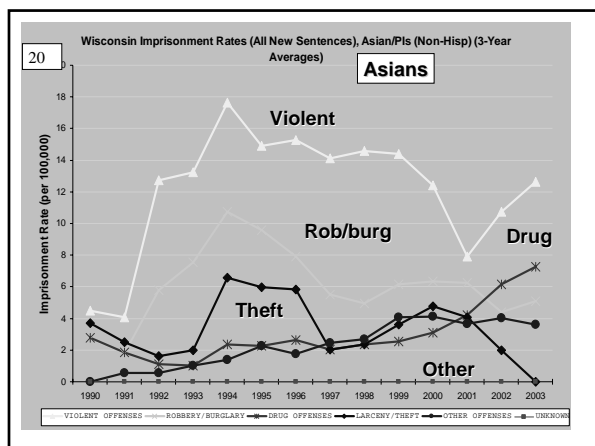




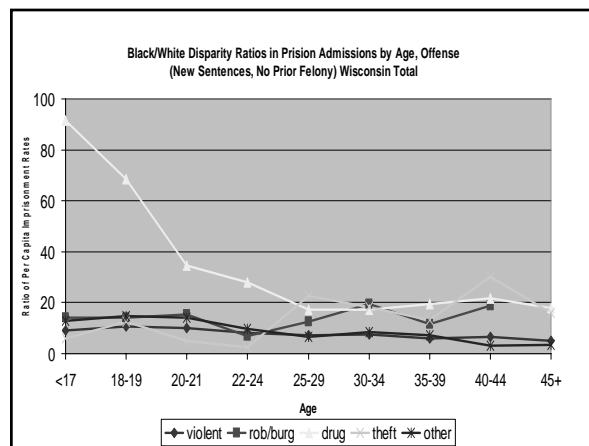
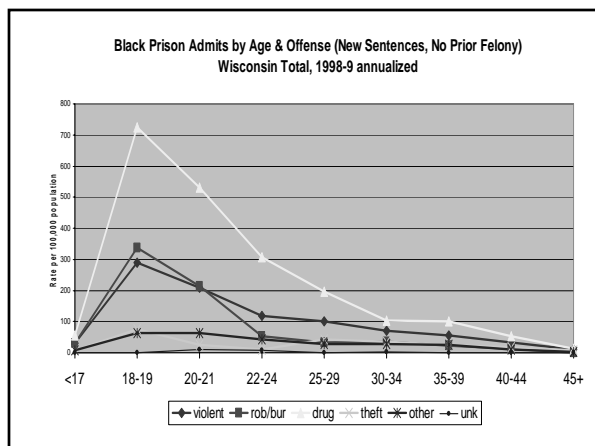
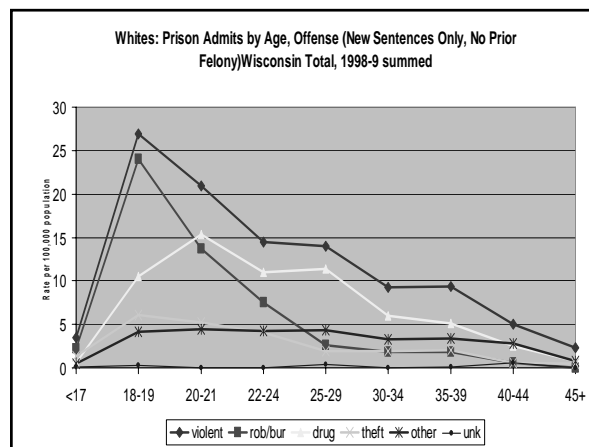
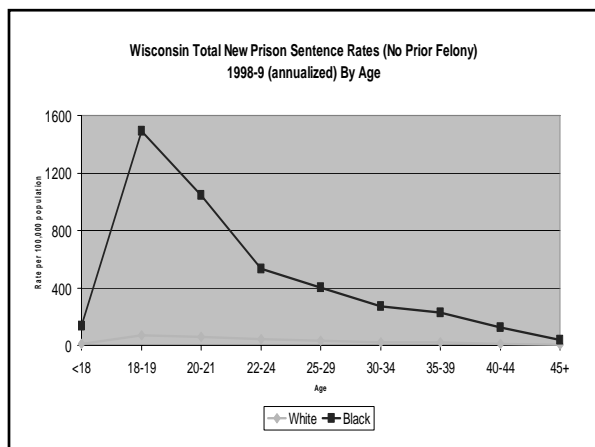


Offense trends in new prison sentences by race.

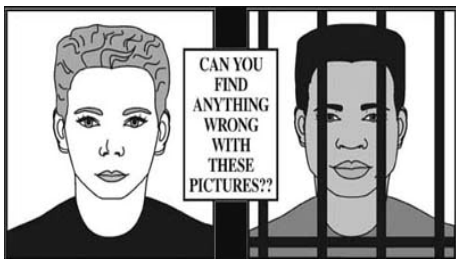




Age Patterns for Imprisonment



White kids are more likely to use and sell illegal drugs than Black kids, but Black kids are MUCH more likely to be arrested and prosecuted for drug offenses



Incarceration Exacerbates the Effects of Racial Discrimination

- Next few slides are from research by Devah Pager, new PhD from University of Wisconsin Sociology, now on faculty at Princeton
- This was a controlled experiment in which matched pairs of applicants applied for entry-level jobs advertised in Milwaukee newspapers

Figure 4. The Effect of a Criminal Record on Employment Opportunities for Whites

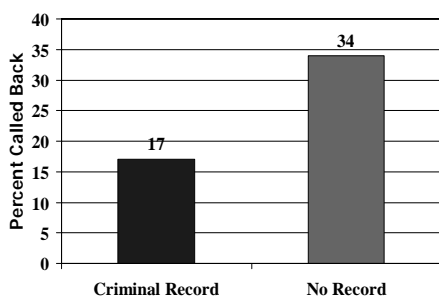
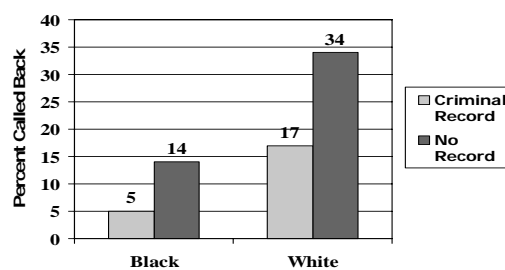
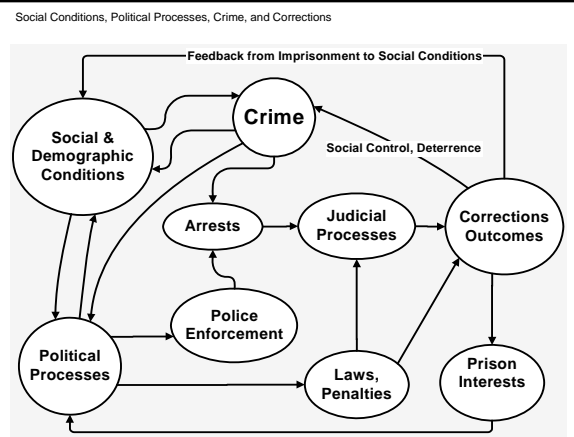
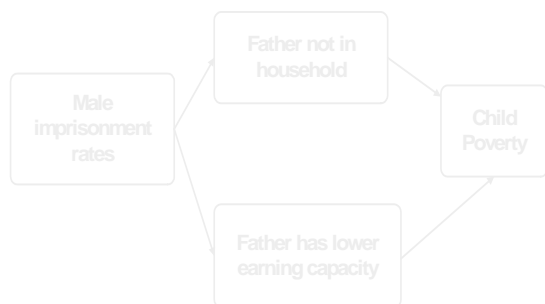
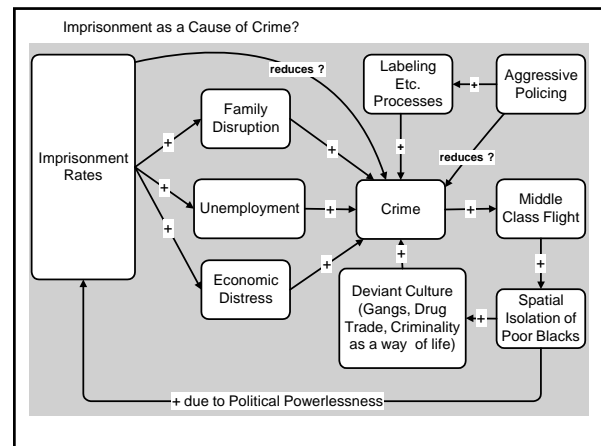
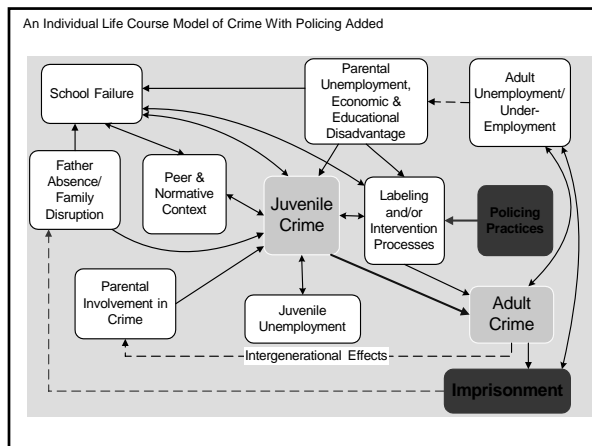


Figure 5. The Effect of a Criminal Record for Black and White Job Applicants



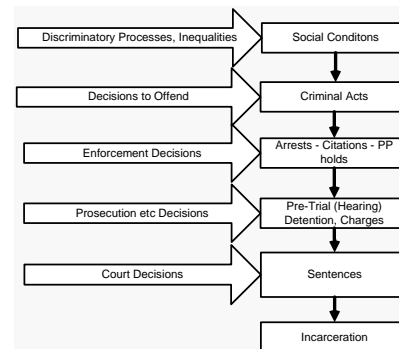
Why Black Men's Incarceration Increases Black Child Poverty





Interpreting Disparity Data

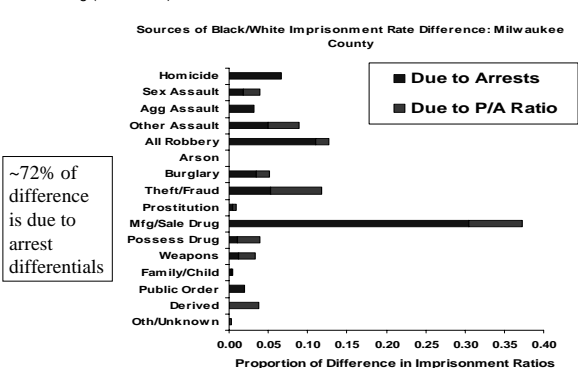
Steps to Incarceration



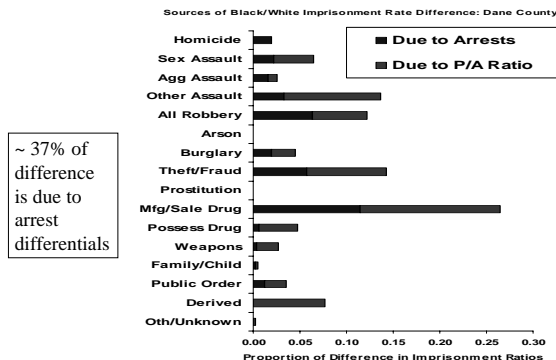
Contributors to Disparity

- **Statistical artifacts:** rates calculated on small populations are unstable and can be distorted by non-residents. → Keep track of residency status in data.
- **Underlying rates of actual offending:** especially for serious offenses, most of the disparity is due to rates of offending. → Examine larger problems of social inequality, discrimination outside criminal justice system.
- **Discrimination (direct or indirect) in criminal justice system:** enforcement, prosecution, adjudication, etc. →
 - Individual-level conscious & unconscious prejudice
 - System-level processes that have disparate effects, especially those correlated with economic standing but not actual criminality.
 - Examine each part of the system separately

Milwaukee County: Allocating Prison Disparities to Arrest vs. Post-Arrest Processing (1998-1999)

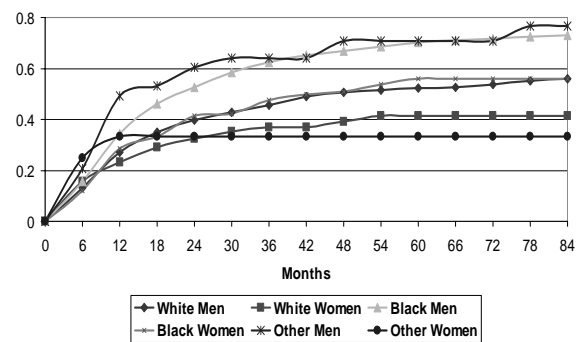


Dane County : Allocating Prison Disparities to Arrest vs. Post-Arrest Processing (1998-1999)



Dane County 1990s

Proportion Back in Prison by months after release (6-month intervals)



County Comparisons

Go to County Comparisons File

What is to be done?

- This is not a sound bite issue.
- Factors include a combination of bias, real differences in serious crime, social & political conditions
- Patterns are arising from the core structures of our society
- But there are steps we can take

Oppose the “drug war”

- Treatment and public education are the most effective ways to reduce drug use
- Drug enforcement just increases the profits of illegal drugs, makes the problem worse
- Learn about the consequences of alcohol prohibition: drive-by shootings, organized crime
- The largest racial disparities are for drug offenses
- Association of violence with drugs is due to illegality & police enforcement

Oppose “tough on crime” rhetoric

- Help depoliticize crime as an issue
- Distinguish among different kinds of crimes
- Take the crime problems of poor (& economically integrated) neighborhoods seriously without over-reacting and “middle class panic”
- Call for rehabilitation & restoration for lesser offenses, not “lock ‘em up”

Revisit probation & parole

- The vast majority of offenders are not murderers or rapists – they will get out
- Insist the system focus on rehabilitating and reintegrating offenders, rather than looking for opportunities to incarcerate them
- NOTE: Wisconsin has abolished parole, but has “extended supervision”

Address “root causes” of crime

- Reduce poverty and deprivation through income transfers (e.g. earned income credit), training programs, living wages
- Provide social support, education, constructive alternatives for juveniles who are not doing well in school
- Need to break the inter-generational cycle caused by massive incarceration

Address racial bias & prejudice

- Racial discrimination in employment & housing reduce constructive options
- Conscious and unconscious biases, perceptions, assumptions affect policing & sentencing
- White fear of crime more sensitive to presence of Blacks than to actual crime rates
- Politicians play on Whites’ race-tinged crime fears in pushing “tough on crime” policies

Racism and Justice: Conclusions

- We cannot move from an unjust to a just situation by ignoring race and pretending the disparities are not there
- We cannot achieve racial justice by ignoring the real differences in serious crimes, economic & social conditions
- We cannot achieve racial justice by treating this as “somebody else’s” problem
- Politics caused the problem, and politicians need to be part of the solution

Web Site

- Has copy of this presentation + lots of other stuff
- <http://www.ssc.wisc.edu/~oliver>
- Follow the links to “racial disparities” section