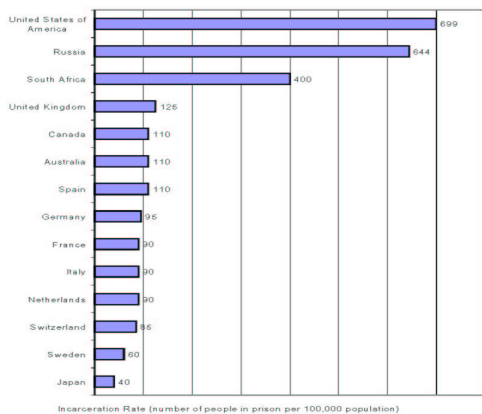


Racial Disparities in Criminal Justice in Wisconsin

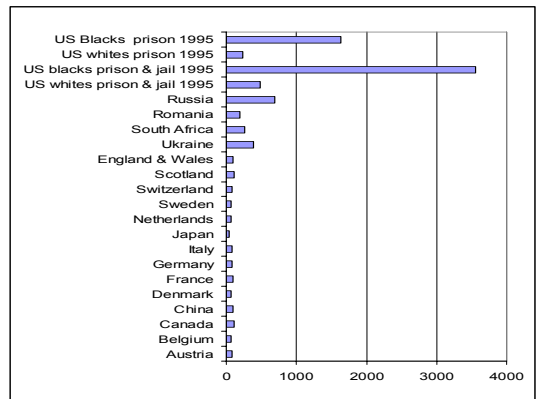
Pamela Oliver

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 Walmsley, *World Prison Population List* (2nd ed.), United Kingdom Home Office Research, Development and Statistics Directorate, July 2000.

World Incarceration Rates in 1995: Adding US Race Patterns



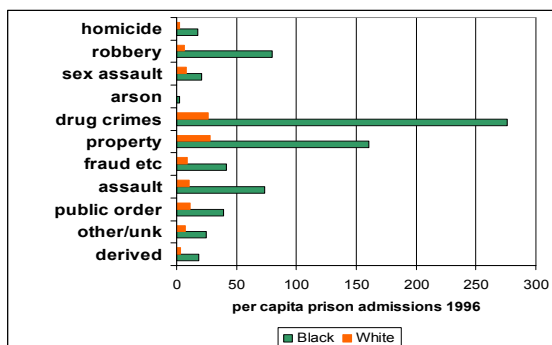
The Black Population is Being Imprisoned at Alarming Rates

- Upwards of 1/3 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 29% for young black men.
- About 9% of black men in their 20s are in prison
- 7% of black children, 2.6% of Hispanic children, .8% of white children have a parent in prison (at one time) – lifetime expectancy much higher

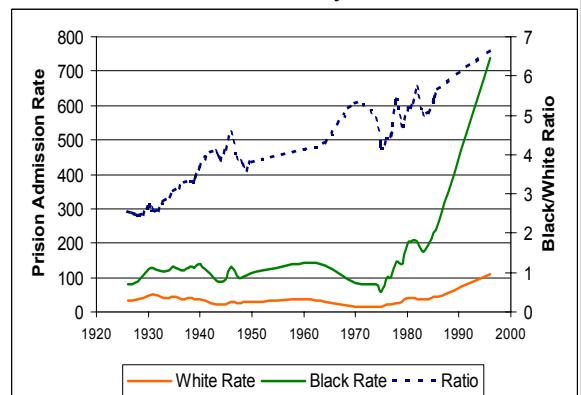
About Rates & Disparity Ratios

- 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

State Prison Admissions per 100,000 by Offense, Race: US



US Prison Admissions by Race



The 1970's Policy Shift

- Shift to determinate sentencing, higher penalties
- The drug war
- LEAA, increased funding for police departments
- Post-civil rights post-riots competitive race relations, race-coded political rhetoric.?

Imprisonment Has Risen While Crime Has Declined

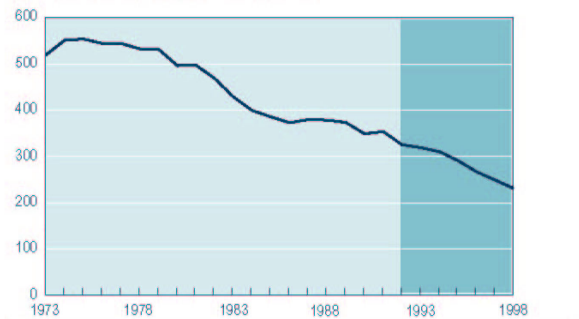
Crime Trends

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**

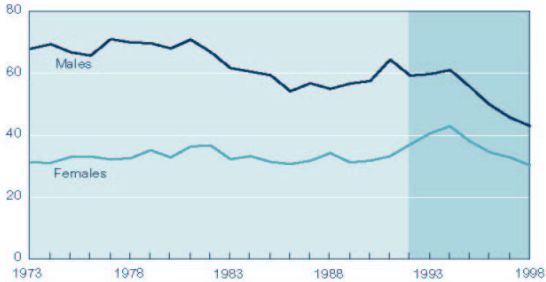


Source: Bureau of Justice Statistics, National Crime Victimization Survey

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*

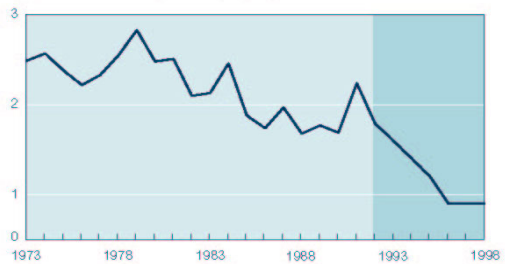


Sources: Bureau of Justice Statistics, National Crime Victimization Survey; and FBI Uniform Crime Reports

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.

Trends

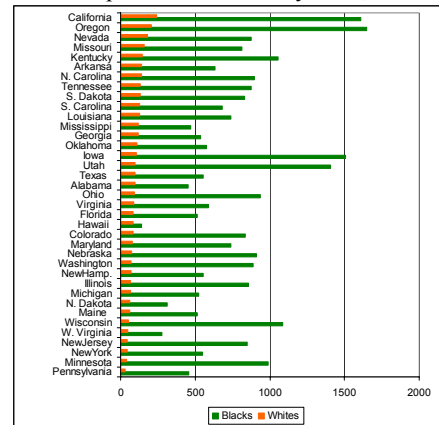
- Prison up, violent crime down.
- Drug offenses driving imprisonment increases, but drug use down. Drugs not index crime.
- Larceny/theft is 52.5% of index crime

Current illicit drug use

- 6.6 percent for whites
- 6.8 percent for Hispanics
- 7.7 percent for blacks
- 10.6 percent for American Indian/Alaska Natives (this is largely marijuana, rates for other drugs are lower than other races)
- 11.2 percent for persons reporting multiple race
- 3.2 percent for Asians
- Source: 1999 National Household Survey on Drug Abuse

Wisconsin

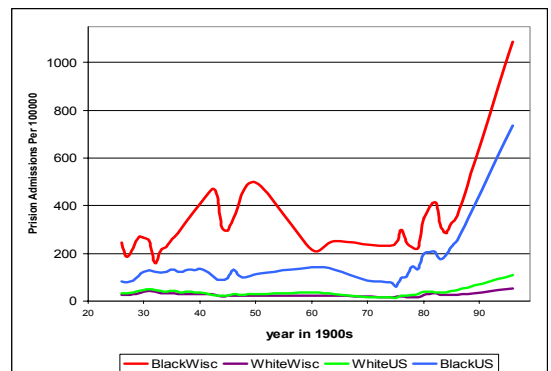
New Imprisonment Rates by State, 1996



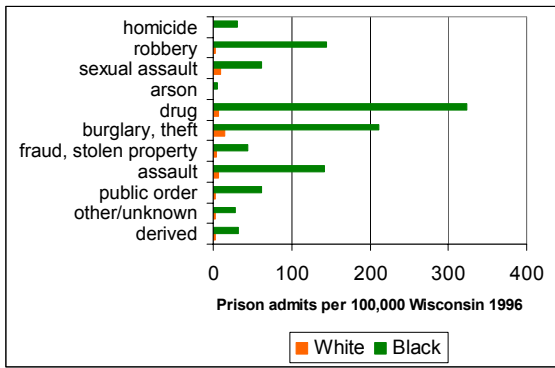
State Imprisonment Rates

- Higher **white** imprisonment rates predicted by higher white unemployment rate and lower percentage urban ($R^2=.36$)
- Higher **black** imprisonment rates predicted by higher white imprisonment rate ($r^2=.3$ for this alone, a regime control), **lower** percent black, and higher black/white poverty ratio ($R^2=.72$ for all three)
- If you don't control for white rates, the only significant predictor of black rates is low percent black
- Data are prison admissions for the 37 states participating in 1996 NCRP

National & Wisconsin Imprisonment Rates

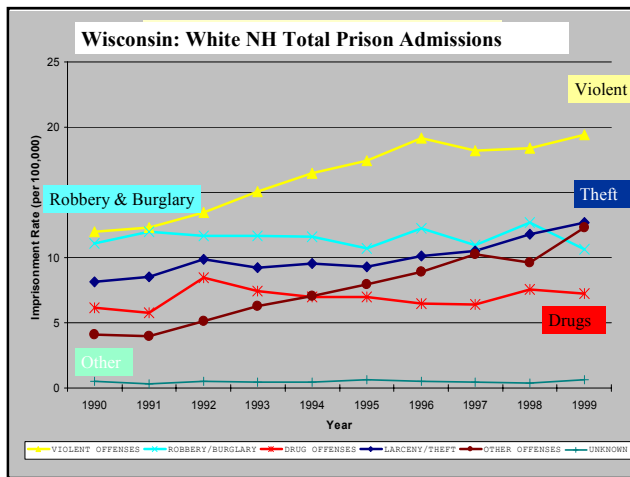
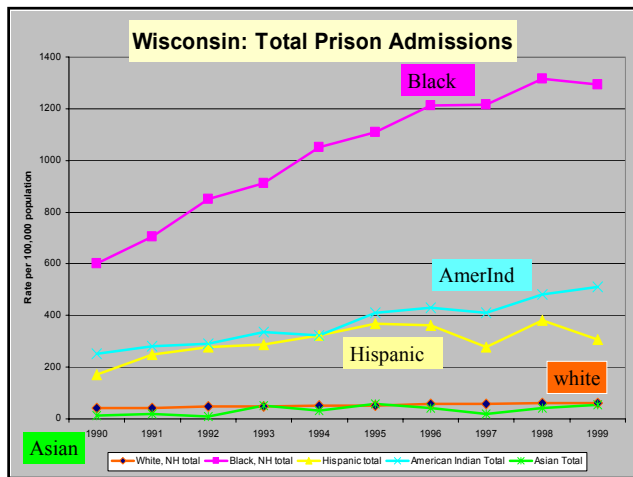


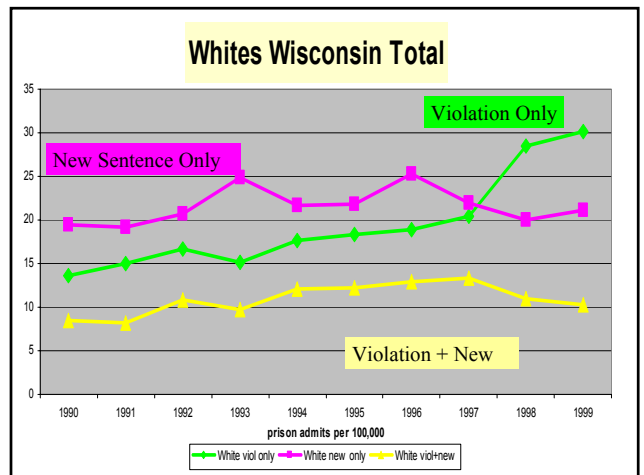
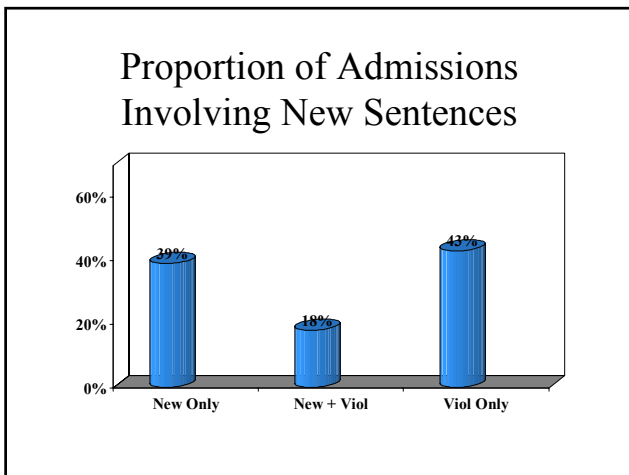
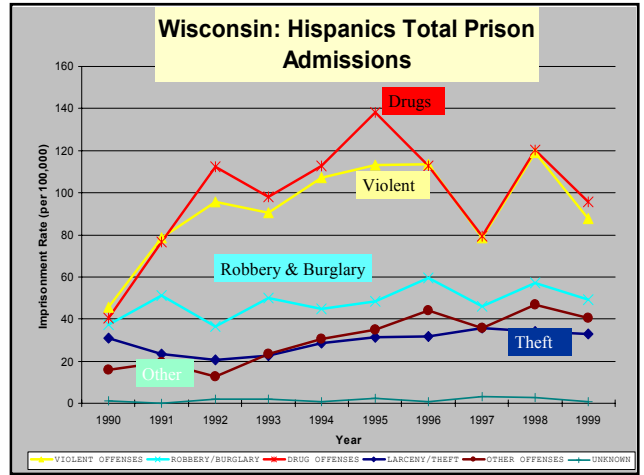
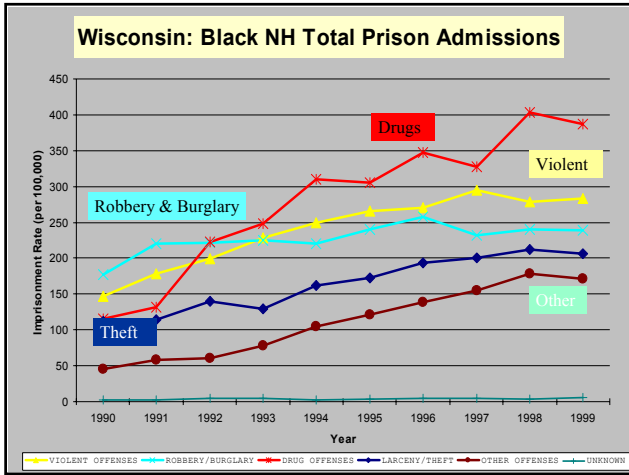
Prison Admissions per 100,000, by Race: Wisconsin

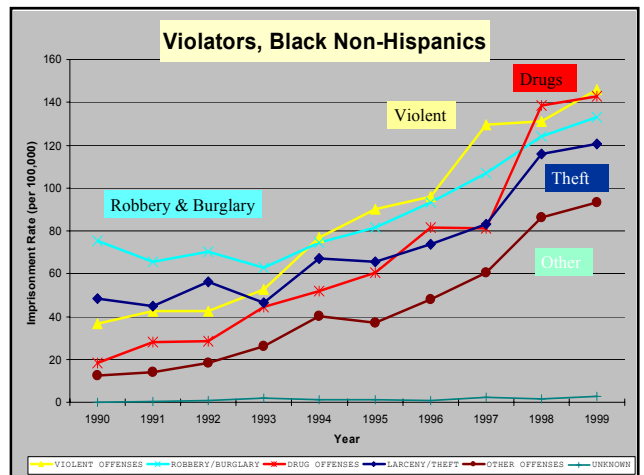
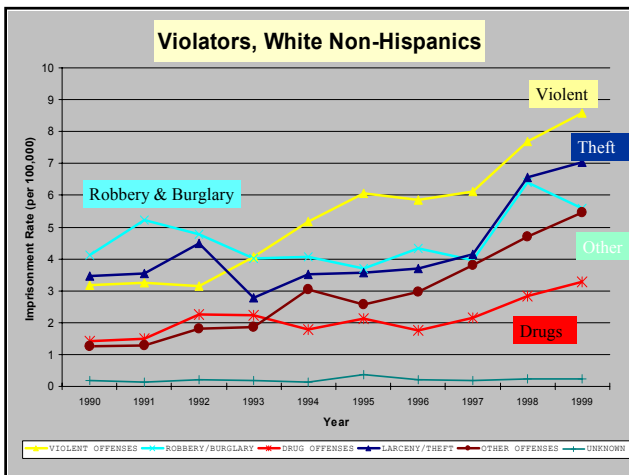
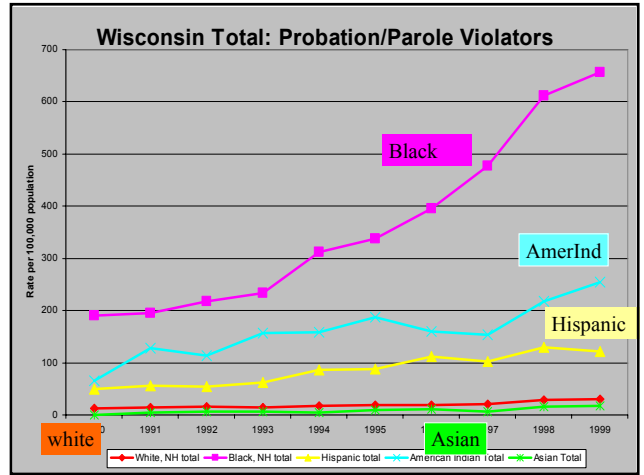
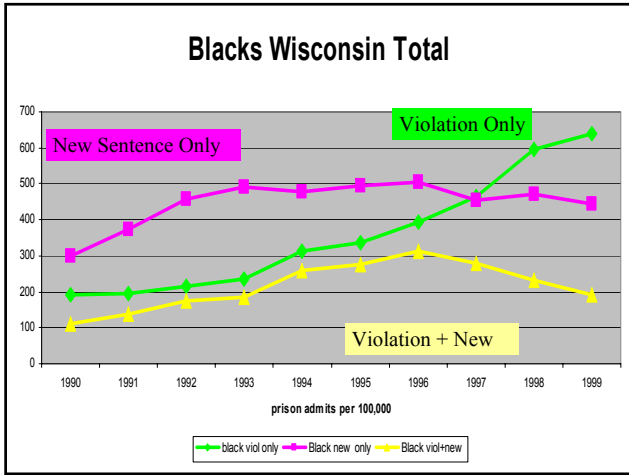


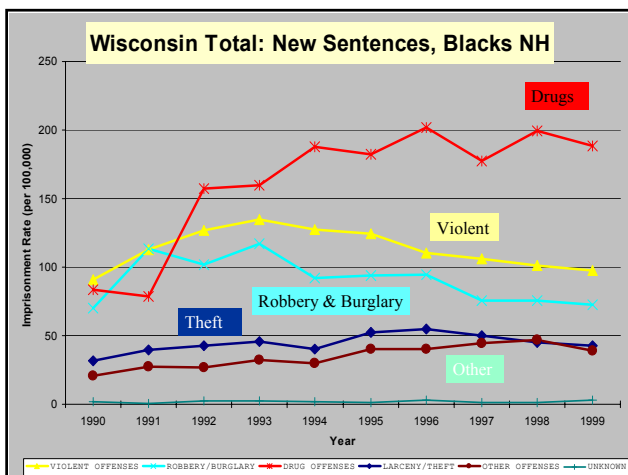
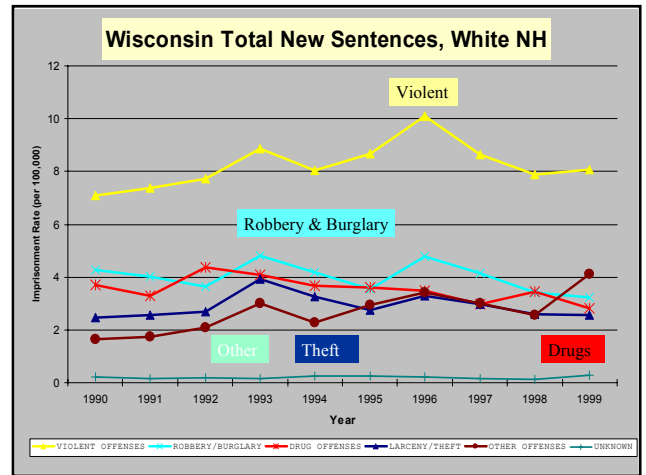
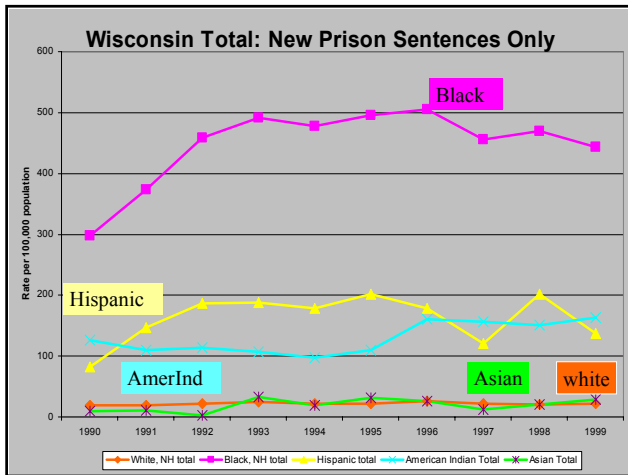
Wisconsin Prison Admissions

Time Trends 1990-1999
(Preliminary Data)







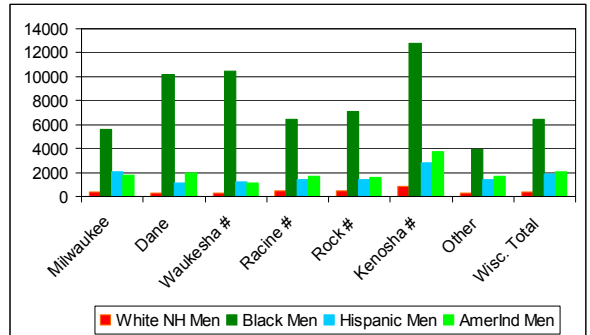


Conclusions

- Huge racial disparities, especially black vs. white
- Probation/parole violators returning to prison are a major source of the rise
- Blacks show steep rises in new sentences for drugs, while whites show no increase
- White new sentences are primarily for violent offenses.
- Black new sentences are primarily for drug offenses.

County Comparisons

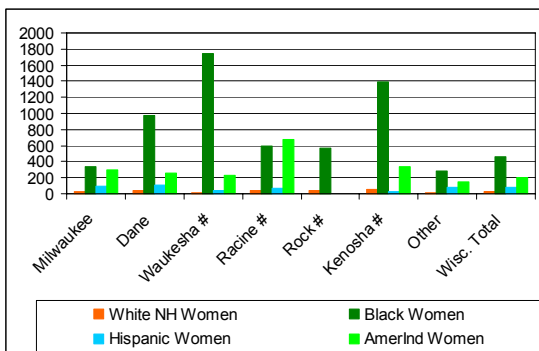
Males in prison per 100,000 population in April 2000, Wisconsin
Counties with More than 1000 Non-Prisoner Blacks



counties with < 1000 American Indians

Graphic calculated using 1999 population estimates

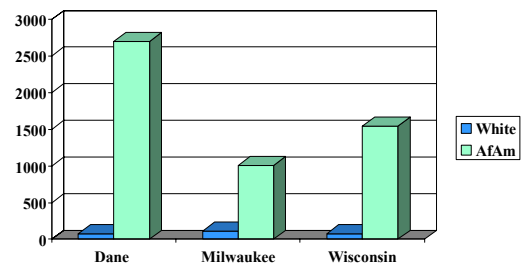
Females in Prison per 100,000 population in April, 2000, Wisconsin
Counties with More than 1000 Non-Prisoner Blacks

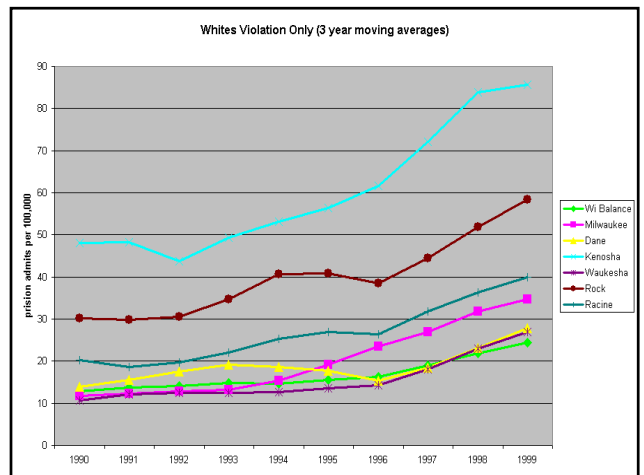
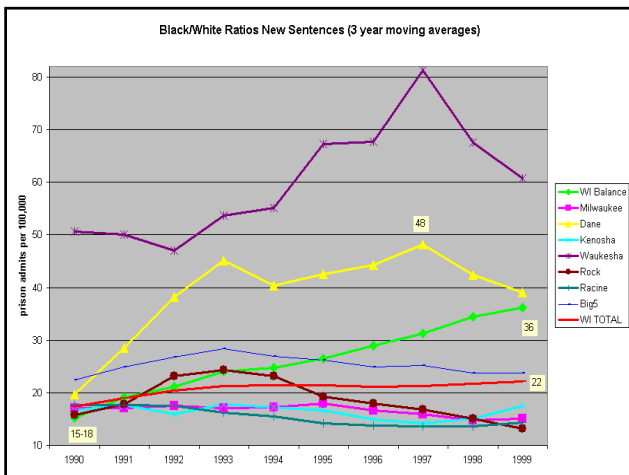
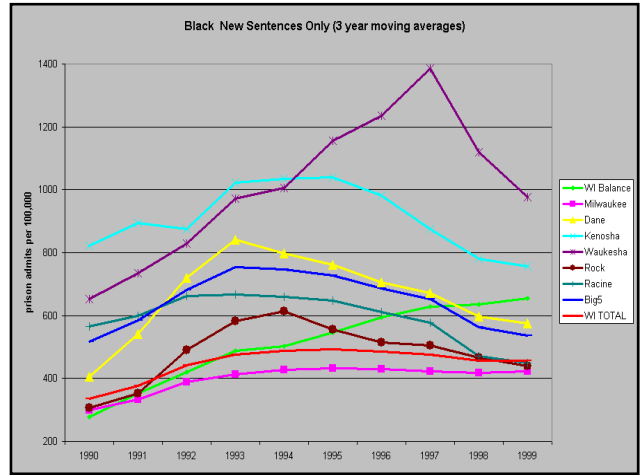
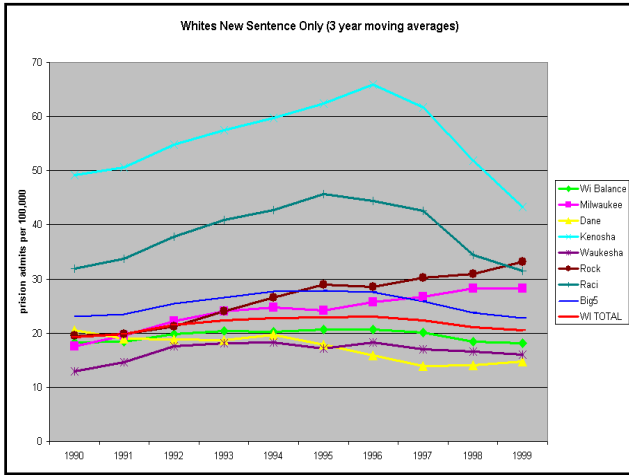


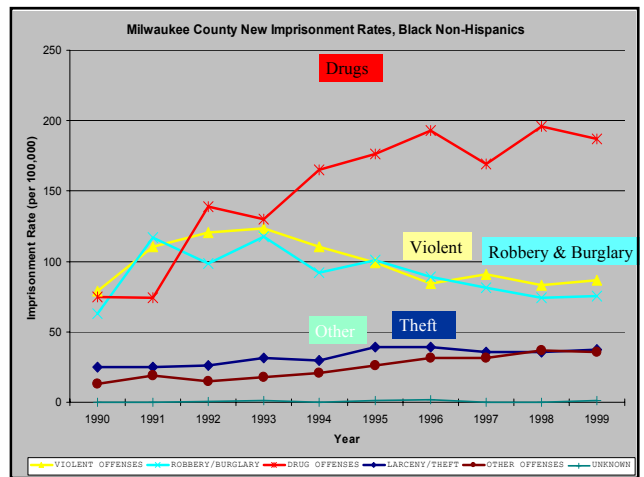
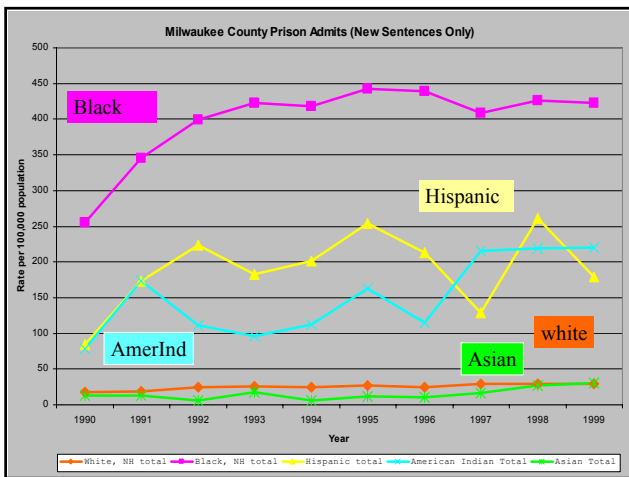
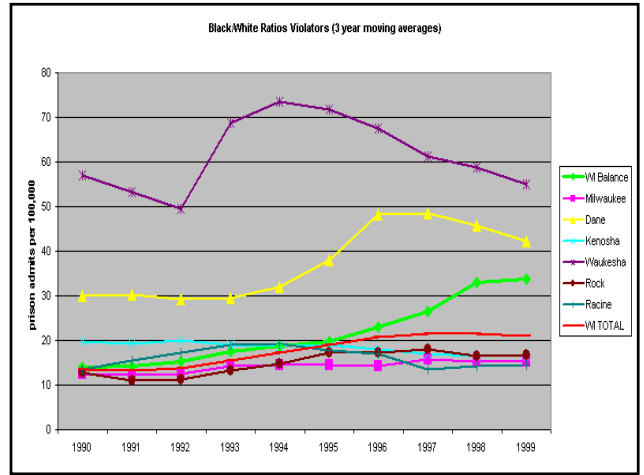
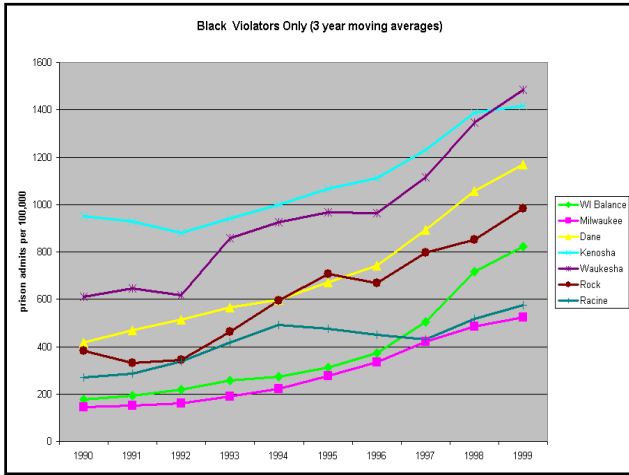
counties with < 1000 American Indians

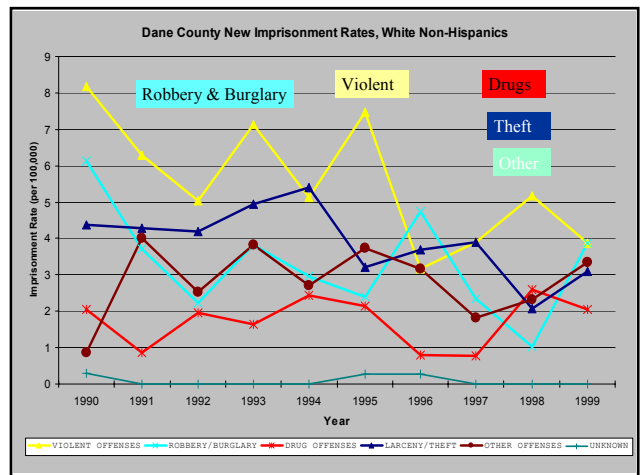
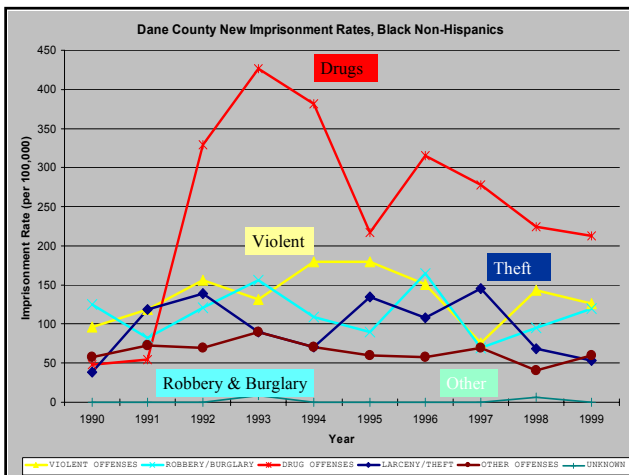
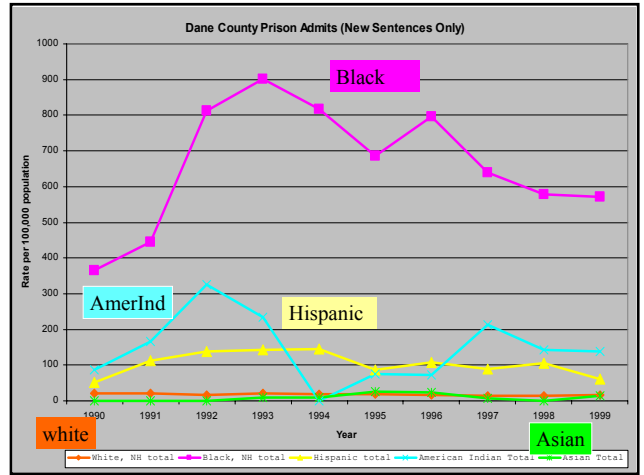
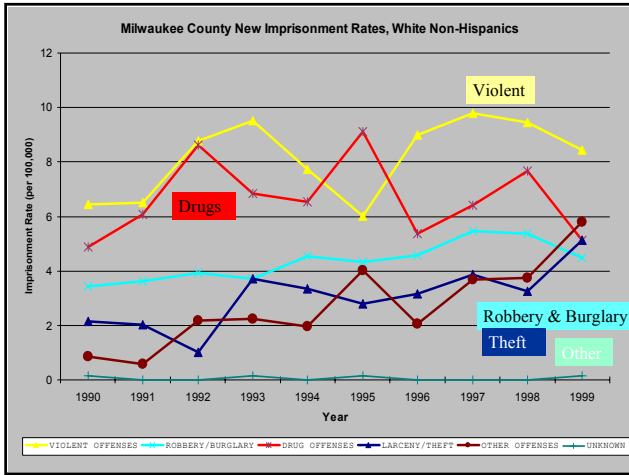
Graphic calculated using 1999 population estimates

Average Annual Prison Admissions Per
100,000 1/1/98-4/30/00

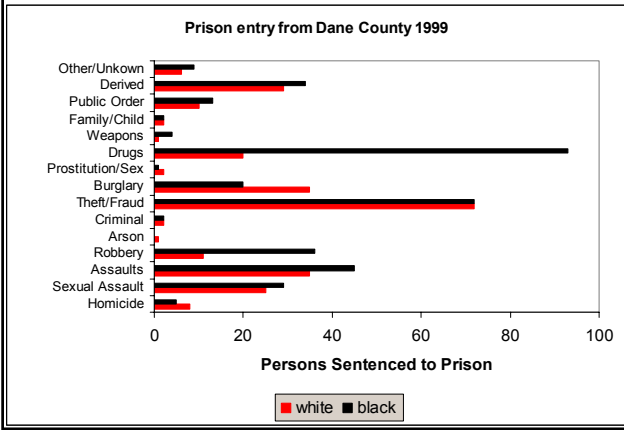




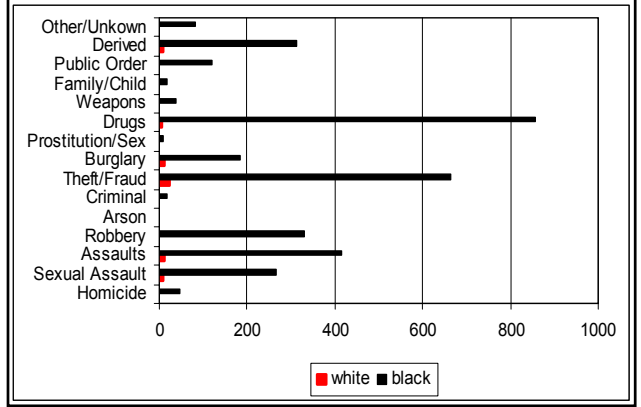




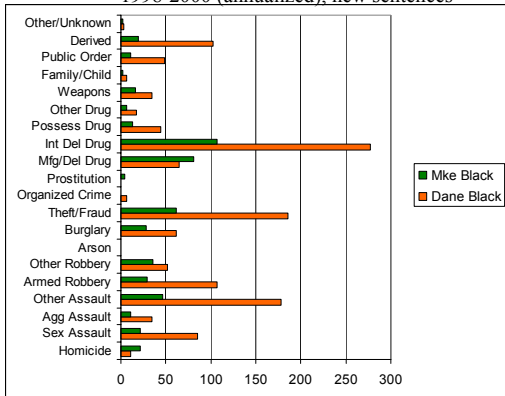
Prison Entry From Dane County 1999, by offense and race



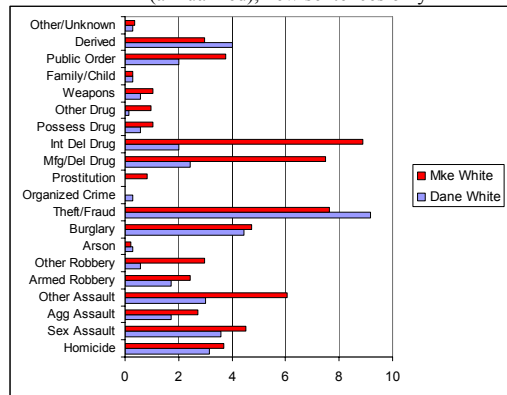
Dane County Prison Admissions per 100,000 by race & offense, 1999
(Totals: Black 3361, White 87)



Black Prison Admission Rates From Dane & Milwaukee Counties
1998-2000 (annualized), new sentences



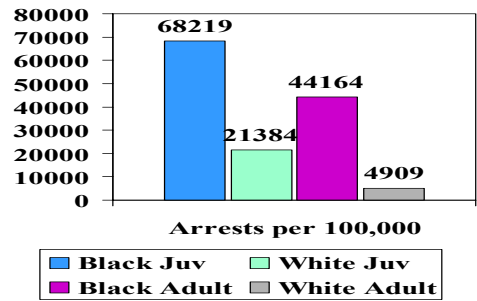
White Prison Admission Rates, Dane & Milwaukee Counties 1998-2000
(annualized), new sentences only



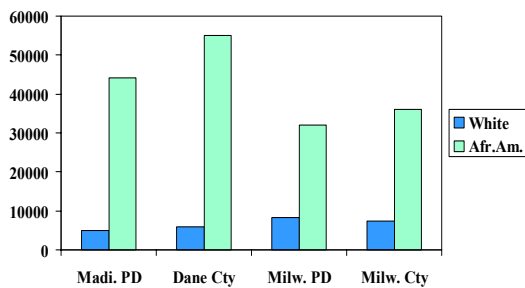
Arrest Rates in Madison & Milwaukee, 1998-1999

Source: Uniform Crime Reports Data
obtained from Wisconsin Office of
Justice Assistance

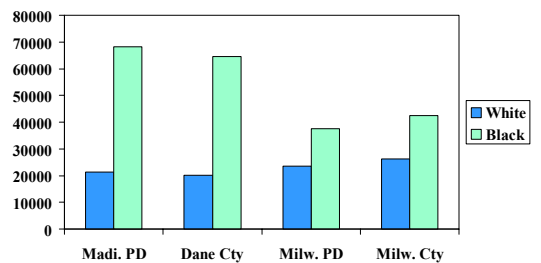
Annual Arrest Rate Per 100,000 Madison PD
1998-1999



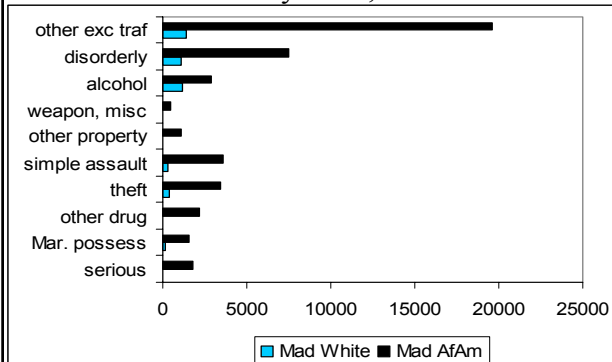
Adult Arrest Rates Per 100,000
Average 1998-1999



Juvenile Arrest Rates Per 100,000
Average 1998-1999

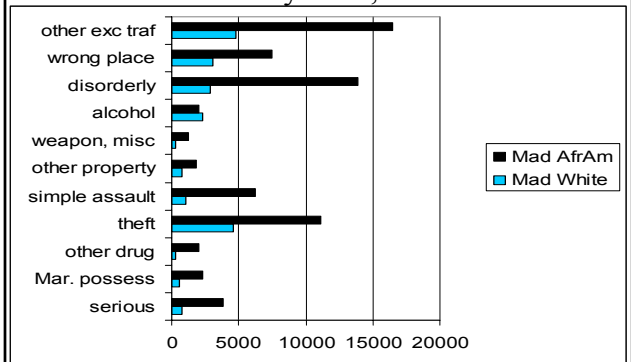


Madison PD Average Annual Adult Arrest Rate by Race, 1998-2000



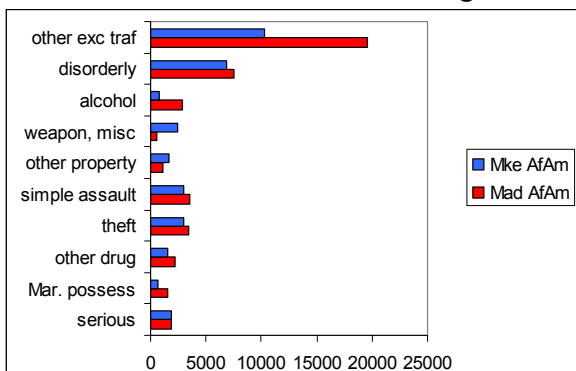
"Serious" = homicide, sexual & aggravated assault, burglary, robbery, arson, auto theft
 "Wrong place" = loitering, curfew, vagrancy, runaways

Madison PD Average Annual Juvenile Arrest Rate by Race, 1998-2000

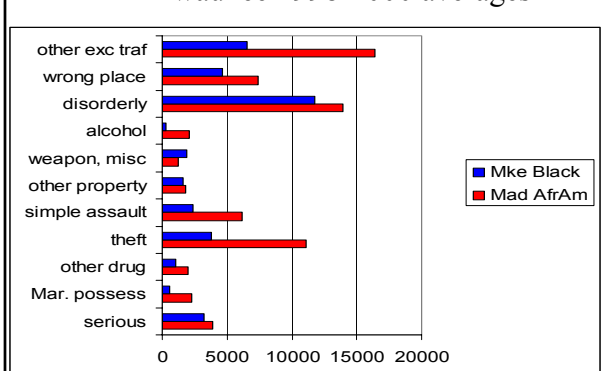


"Serious" = homicide, sexual & aggravated assault, burglary, robbery, arson, auto theft
 "Wrong place" = loitering, curfew, vagrancy, runaways

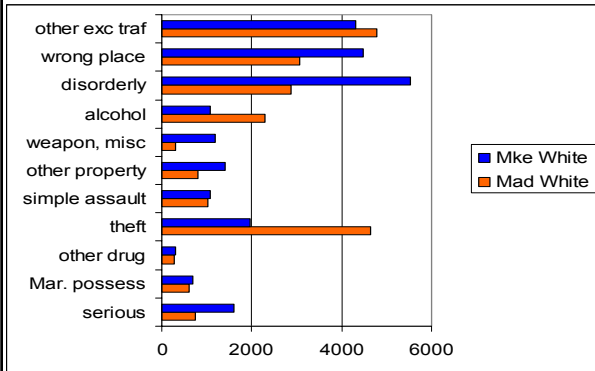
Black Adult Arrest Rates, Madison vs. Milwaukee 1998-2000 averages



Black Juvenile Arrest Rates, Madison vs. Milwaukee 1998-2000 averages



White Juvenile Arrest Rates, Madison vs. Milwaukee 1998-2000 averages



Evidence of “Differential Enforcement” in Adult Arrests

- Alcohol offenses: African Americans drink alcohol less than whites, and nationally are arrested for alcohol-related offenses less than whites. Madison black/white arrest ratio is 2.5, Milwaukee .9.
- Marijuana possession: Madison black/white ratio 12.7, Milwaukee 3.6.

Multiple Arrests

- An arrest rate of 50,000 could mean that 50% of African Americans in Dane County are arrested each year, or could be that 5% are arrested 10 times a year.
- These imply very different images of what “the problem” is.

Place

- Much of the racial disparity in arrests arises from WHERE police concentrate their efforts
- Police appear to be using arrests for less serious offenses as a way of combating more serious offenses
- Place is not neutral with respect to race or other social factors
- There are real community debates about how to police high-crime places

Intensive Policing

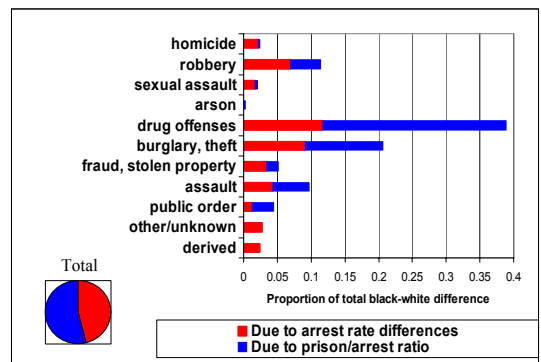
- Parallels political repression
- Constantly asking people what they are doing, monitoring
- Blurred boundaries between crime & politics
- LEAA etc a response to riots & political turmoil

Politics

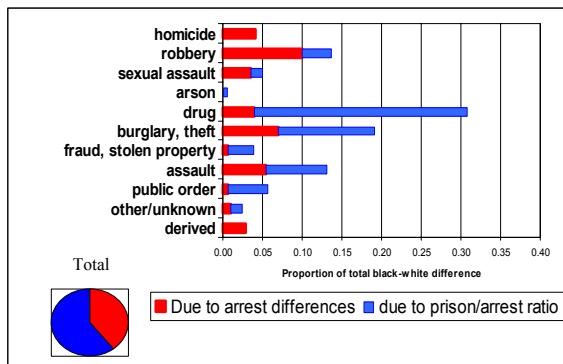
- War on drugs was/is political
- Police incentives to have high drug arrests
- Political incentives to focus on small, politically weak populations
- Economic interests in prisons: rural whites

Allocating Disparities to Arrests & Prison/Arrest Ratios

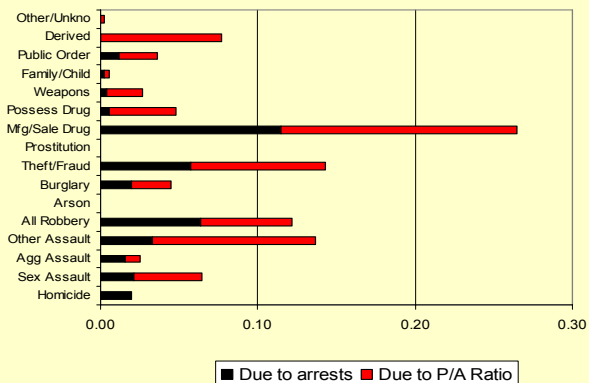
US: Accounting for 1996 black-white difference in prison admissions



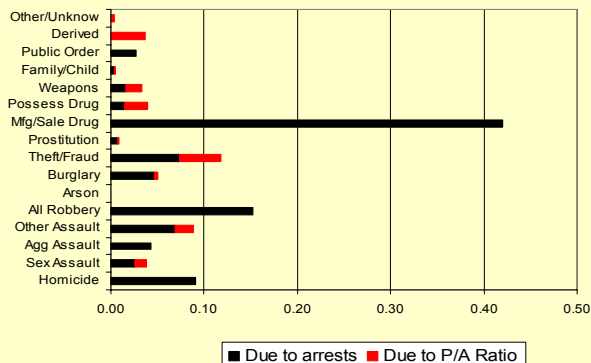
Wisconsin 1996 accounting for black white imprisonment difference



Sources of Black/White Imprisonment Rate Difference: Dane County



Sources of Black/White Imprisonment Rate Difference: Milwaukee County



Conclusions of this Analysis

- There are large disparities in serious crimes
- Imprisonment disparities are largely driven by drug and property crimes
- Milwaukee County's disparities are almost entirely arrest-driven, while Dane County's disparities arise from both arrests and prison/arrest ratios

Methodological Caveats About this Decomposition

- Prison admissions and arrests are not directly comparable. You can be arrested multiple times for multiple offenses. May not be convicted of the crime you were arrested for.
- Imprisonment may not occur in the year of arrest.
- Many people are imprisoned for parole/probation violations and are thus imprisoned for offenses that would not, themselves, merit prison. Hard to track in aggregate statistics.

Assessing “Bias”

- Prison/arrest ratio may not be “bias.”
- Seriousness of offense within category & prior record affect sentence. Studies say this accounts for much of the racial difference in sentencing, but not all.
- Factors correlated with social standing, such as “good family,” employed, educational level also play a role in sentencing.

Arrests and Crime: On the Other Hand . . .

- For homicide, robbery, stranger rape, arrests track crime fairly well. (Although there is a pattern in some cities of “rounding up” suspects – many more arrests for murder than murders, for example.)
- But for drugs, theft, assault, public order offenses, arrests are not a good proxy for actual crime.
- Arrests for less serious offenses are more a measure of police zealousness and emphasis on particular crimes or particular populations than a measure of crime.

Less Serious Offenses Matter

- Arrests for minor crimes affect “prior record” – this seems more true in Dane than Milwaukee County
- The “drug war” is the central source of racial disparities in new sentences in both counties
- Probation/parole system is where a lot of the action is: relatively minor crimes or non-criminal probation/parole violations lead to prison admission

Policing of Minor Crimes Matters

- Most people, even black youths, never commit a serious crime
- Lots of research shows impact of intervention on whether a person stays criminal or desists
- Prison does not aid desistence. Labeling.

Segregation, Crime and Policing

Location of Crime

- Much research showed spatial concentration of violent crime, especially homicide.
- Not clear whether it generalizes.
- Property crime (& drug sales?) may be more often concentrated where the poor & affluent meet

Segregation and Crime

- Spatial isolation leads to reduced opportunities, poverty, and increased crime
- Major reason non-poor move out of poor areas is fear of crime
- Crime increases spatial isolation of poor, especially black poor
- Disrupted families, destabilized neighborhoods, downward spirals

Segregation & Policing

- Some literature that segregation and intensive policing are alternate ways of protecting the affluent from property crimes by the poor
- Higher %black increases the probability of intra-racial crime, which is less politically inflammatory
- Higher % black increases black political influence, reduce arbitrary policing

Non-poor areas matter

- Too much focus on inner cities has neglected some of the engines of causation
- Poor also out-migrate from high-crime areas
- What happens to them where they go affects long-term trajectories
- Policing in non-poor areas a crucial factor

In Conclusion

- Looking at the data challenges many preconceived ideas of where “the problem” is
- There is a serious need to address racial disparities in Wisconsin’s smaller communities
- Blacks are being differentially affected by the drug war
- The drug war & attendant policing look a lot like political repression might look