

Some Facts About Race and Prison in Wisconsin

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A few weeks ago, many in Wisconsin were shocked by the news that we now have the nation's highest black incarceration rate in 2001, 4058 per 100,000 (equivalent to 4.058% of Wisconsin's black population). This is devastating poor black communities. But seeing this statistic is like being a doctor examining a patient whose fever is 107°. Something is terribly wrong, but we have to figure out what is causing the fever before we know how to treat it. For several years, I've been running detailed tests on Wisconsin prison admissions in the 1990s by race, offense, legal status, and age, trying to give us the detailed information we need. This isn't a simple problem with a simple fix, but there is lots of evidence to show that common assumptions about the problem are wrong, and that social policies are making the problem worse. To fully understand the problem, you need to be willing to examine a lot more evidence than I have room to present in this short column, but perhaps a few facts will make you willing to take the time to learn more. I'll summarize using disparity ratios. The disparity ratio for total incarceration is calculated by dividing the black rate (4058) by the white rate (350) yielding a ratio of 11.6, meaning that an average black person is 11.6 times more likely than a white person to be incarcerated in this state. Wisconsin's black/white disparity ratio in prison admissions averaged 13 to 1 in the 1970s and 1980s, and rose from 14 in 1990 to 21 in 1999. Prison admission disparities are higher than total incarceration, which includes jails, consistent with national patterns where disparities rise with the seriousness of the punishment.

- There are real disparities in serious crime, but these are *not* the source of rises in black incarceration. Disparities for violent crimes are smaller than for other crimes. For Wisconsin as a whole in 1999, considering only new prison sentences (not probation or parole revocations), the black/white disparity in prison admissions for violent offenses was about 12 to 1, for robbery & burglary about 22 to 1, and for non-violent larceny/theft about 16 to 1. Black new prison sentences for violent offenses and robbery and burglary *declined* significantly after 1993.
- For drug offenses, the black/white disparity for new prison sentences was much higher, about 64 to 1. Black new sentences for drug offenses rose in the 1990s, while white drug sentences declined slightly. This and other more detailed analyses at the county level provide strong evidence that the drug war has been waged against African Americans, especially people under age 25.
- In 1998-9, 43% of black new prison sentences were for drug offenses versus 16% of white. By contrast, 39% of white new prison sentences were for violent offenses, versus only 22% of black.
- The share of prison admissions due to probation/parole revocations rather than new sentences has been rising for both races, from about 1/3 in the early 1990s to about half by the late 1990s. The black/white disparity in prison admission for a probation or parole violation with no new sentence rose from about 13 to 1 in the early 1990s to about 21 to 1 in the late 1990s.
- Because 76% of Wisconsin's black residents live in Milwaukee County, most black prisoners are from Milwaukee County. On a proportional basis, however, the rest of the state has much higher black incarceration rates and higher disparity ratios than Milwaukee.

Dane County has exceptionally high disparities in drug imprisonments, having peaked at 218 to 1 in 1996, and declining to about 100 to 1 by 1999.

What do these patterns add up to? First, the disparities in the most serious offenses are substantial and should not be ignored. We do need to address the underlying causes of crime and protect people from victimization. But the huge increases in the black incarceration are not coming from serious violent offenses or rising crime.

Second, rising probation and parole revocations are now the major source of prison admissions. They are also filling county jails with people being held while the decision is made whether to revoke their probation or parole. Most people who are sent to prison on a revocation have not committed a new serious crime, but have violated the terms of their supervision. Rising revocations are due to changed policies encouraging revocation for even minor infractions, not to an increase in infractions.

Third, the drug war is, in a statistical sense, clearly targeting African Americans, and is the only crime category for which new sentences were rising in the 1990s. No police officer or district attorney I have spoken with has ever argued that these enormous differences in incarceration for drug offenses are due to actual racial differences in behavior. National data suggest that the rates of illegal drug use and sales are at most 10-20% higher for black adults than whites (that's a disparity of 1.1 to 1.2) and cannot possibly account for the disparities in imprisonment. Professionals who defend these ratios say they arise from an enforcement emphasis on "open air" drug dealing in poor neighborhoods rather than the more covert drug dealing by middle class whites. Critics point to drug enforcement grants which give police incentives to make drug arrests. This is an important issue with no easy resolution, but I have become convinced that current policy, which involves targeting poor black neighborhoods and incarcerating huge percentages of young black men, causes many more problems than it solves. Explaining the logic of this conclusion requires a separate essay, but the short version is that anti-drug enforcement raises the profits to be made in the drug trade and increases its association with violence and organized crime without appreciably reducing the supply of drugs. In the meantime, sending high proportions of young black men through the prison system reduces their chances of obtaining legitimate employment and exacerbates the problems of under-education, under-employment, poor family relationships, and racial discrimination. Incarceration of young men reduces their availability as marriage partners and substantially impacts the well-being of women, children, and older people.

I have become convinced that the high incarceration rates of African Americans is itself one of the great evils of our time. I believe members of the white majority need to take the trouble to educate themselves about what is going on and then speak up and stop supporting politicians who try to win our votes with "tough on crime" rhetoric. At the same time, we must not forget the reality of serious crime, and inform ourselves about what is known about crime prevention, as well as the effects of poverty and racial discrimination. We can have more safety and order with less injustice if we are willing to let our policies be guided by reason, evidence, compassion and fairness rather than sound-bites, slogans, and political opportunism.