

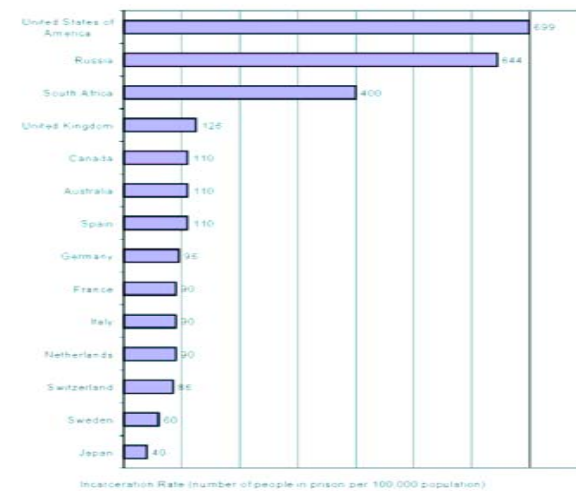
Racial Disparities in Criminal Justice in Wisconsin: A Presentation to the Sentencing Commission

Pamela Oliver

Plan for the Talk

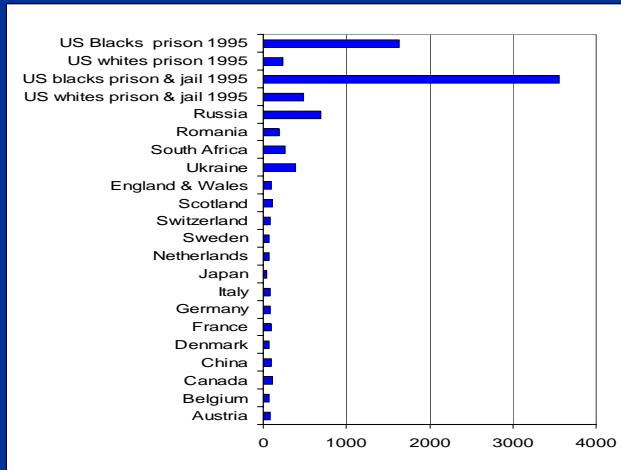
- National overview of imprisonment trends 1926-1999 (quick)
- Wisconsin overview of imprisonment trends 1926-1999 (overall) and 1990-2003 (by offense)
- Interpreting disparities: an overview
- County trends in prison sentences 1990-2003
- Dane and Milwaukee Counties 1998-9: prison admissions compared to arrests, by offense group
- Sentence lengths: some VERY preliminary results

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 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



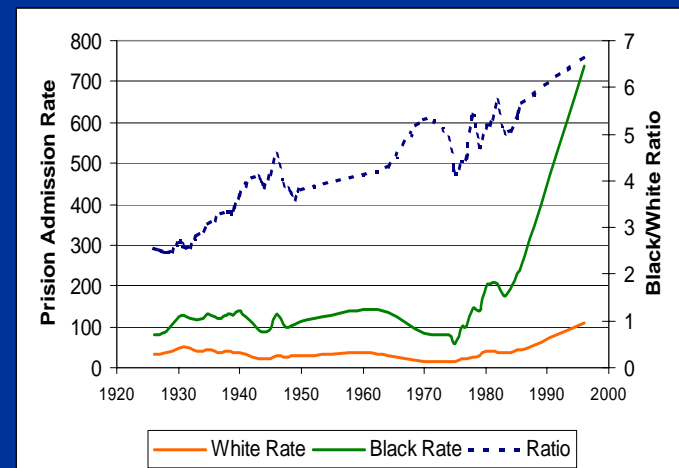
Nationally, The Black Population is Being Imprisoned at Alarming Rates

- Upwards of 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 at least 29% for young Black men.
- About 12% of Black men in their 20s are in prison, 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

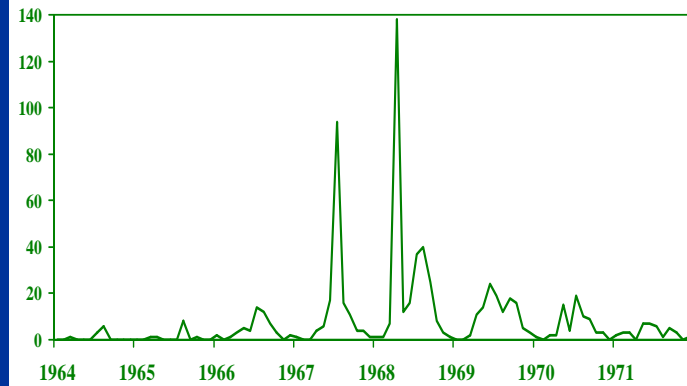
US Prison Admissions by Race



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
- Post-civil rights post-riots competitive race relations, race-coded political rhetoric.?

Monthly Riot Counts 1964-1971



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*



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.

The Drug War

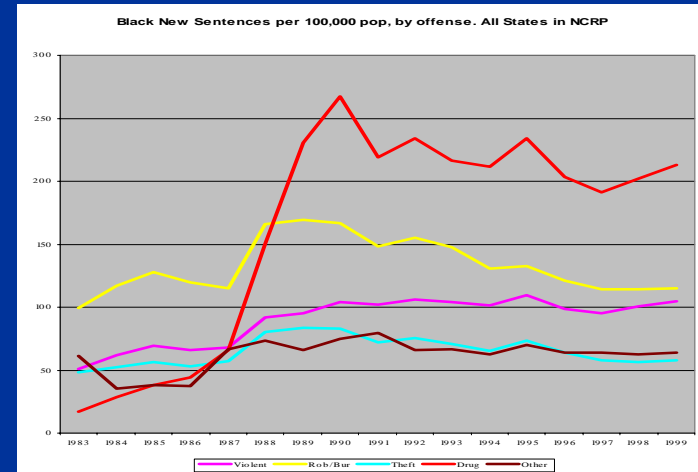
- Most of the increase in Black imprisonment & imprisonment disparity is due to drug offenses.
- Drug use rates have generally declined since the 1980s, while drug imprisonments have increased.
- Black adult drug use rates are only slightly higher than White (see next chart), while their imprisonment rates for drugs are enormous
- Among juveniles, Blacks use illegal drugs less than Whites, but Black juveniles have much higher drug arrest rates.

Current Illicit Drug Use Among Adults (National Patterns)

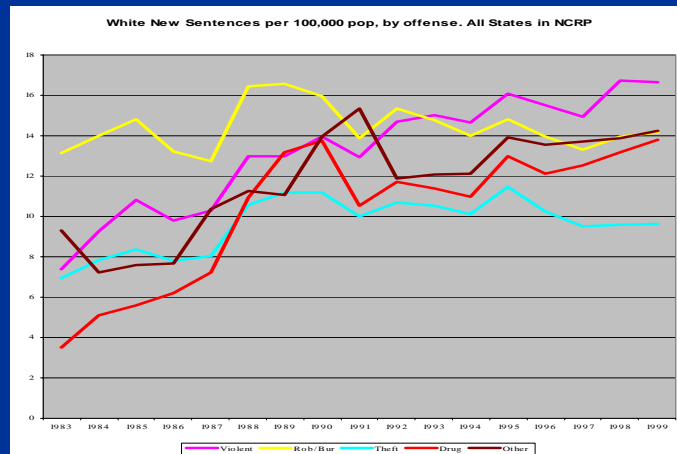
- 6.6 percent for Whites
- 6.8 percent for Hispanics
- 7.7 percent for Blacks
- 10.6 percent for American Indian/Alaska Natives (this is largely marijuana, rates for other drugs are lower than other races)
- 11.2 percent for persons reporting multiple race
- 3.2 percent for Asians

Source: 1999 National Household Survey on Drug Abuse

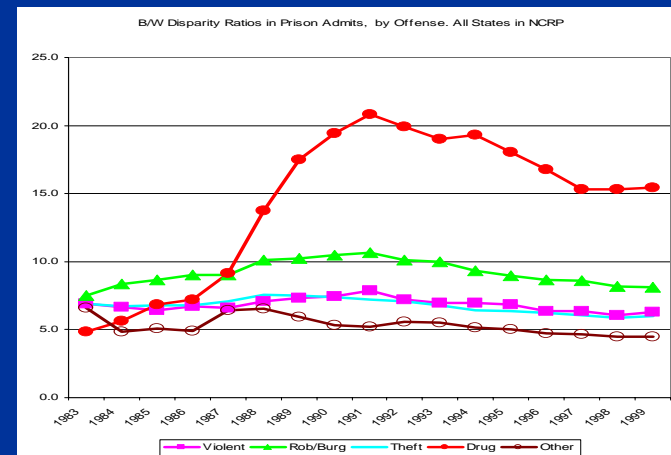
National Black Prison Sentences by Offense



National White Prison Sentences by Offense



National Black/White Disparity in Prison Sentences, by Offense



These trends have major social consequences

Offenders are parts of families & communities

- The vast majority of offenders WILL GET OUT. Does prison help or hurt their likelihood of becoming productive members of society?
- Many have children, and all have families
- Families bear significant costs when a family member is imprisoned both from lost earning potential of the offender AND other costs (phone calls, prison visits etc.)
- Even short prison terms generate lifetime reductions in earning capacity
- Women are unwilling to marry men with prison records: contributes to “single motherhood”

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 Northwestern
- 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

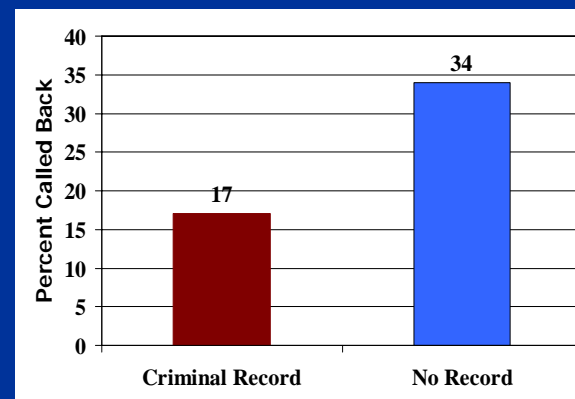
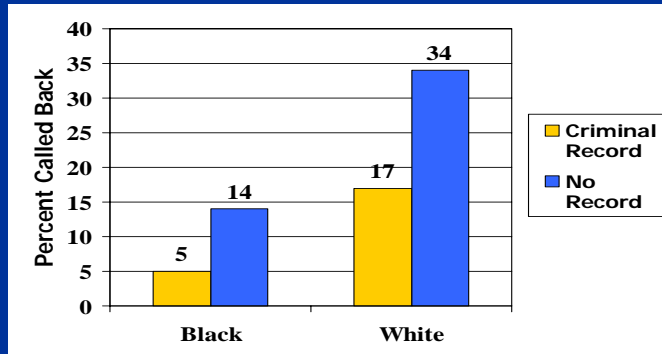
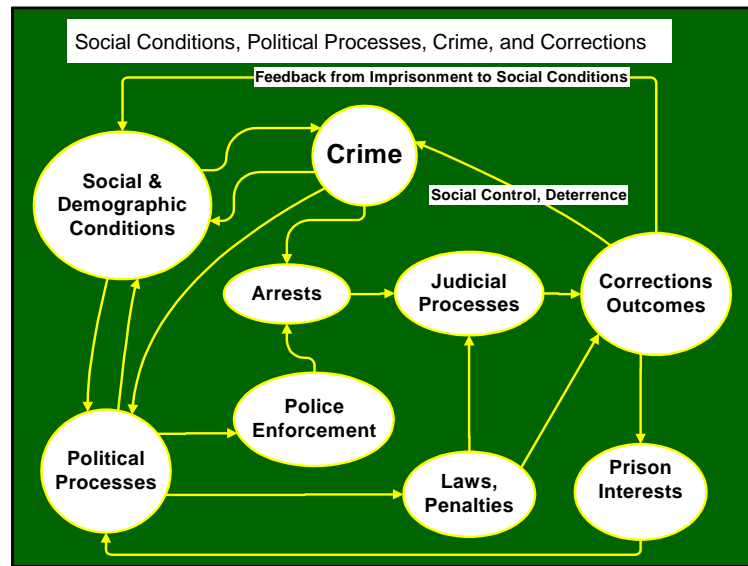
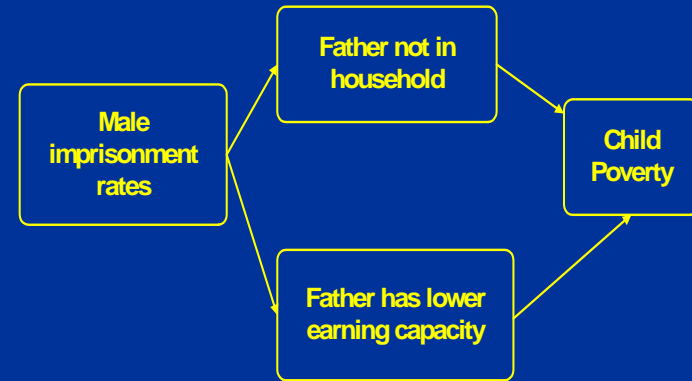


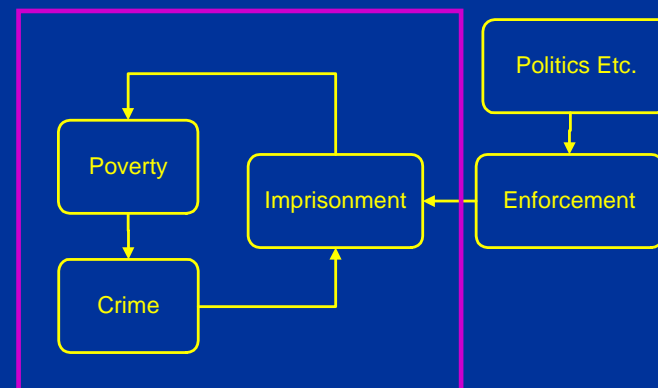
Figure 5. The Effect of a Criminal Record for Black and White Job Applicants



Why Black Men's Incarceration Increases Black Child Poverty



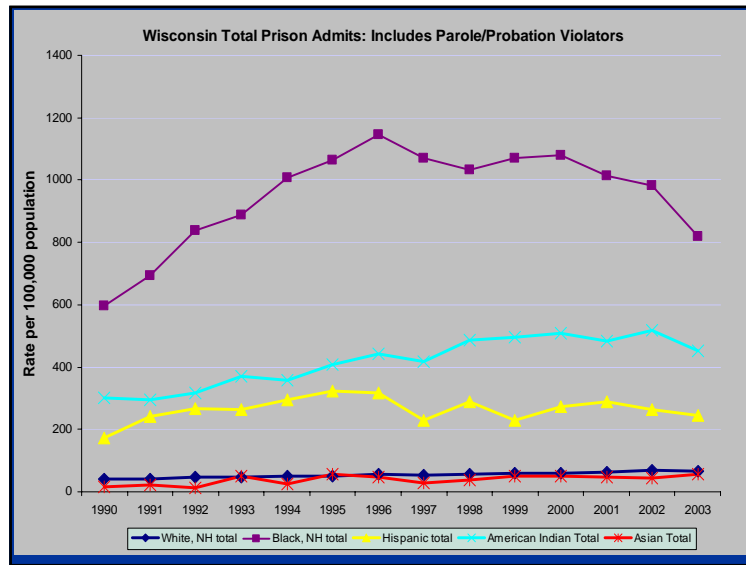
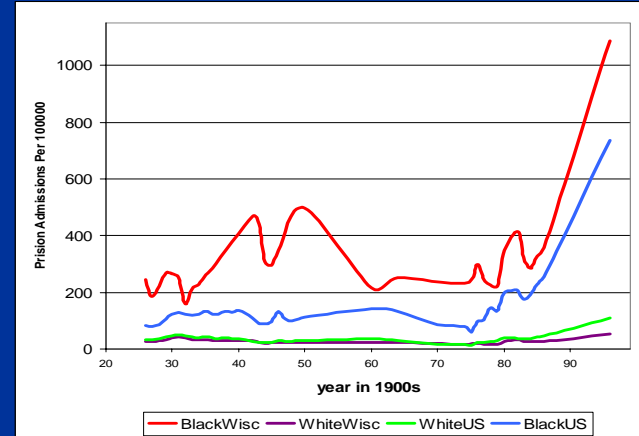
Changes in enforcement regimes can have major effects through system feedbacks



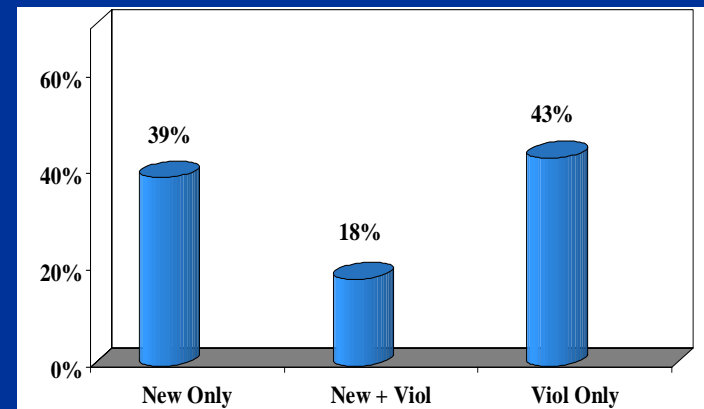
Wisconsin Prison Admissions

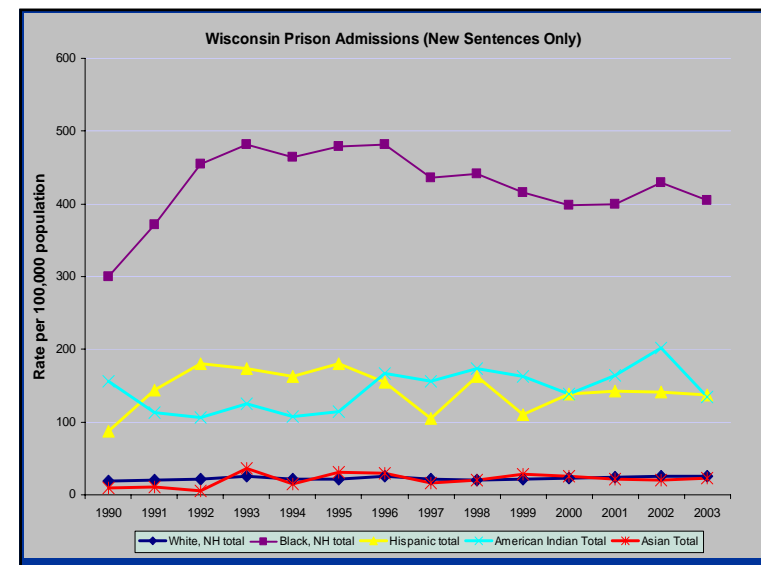
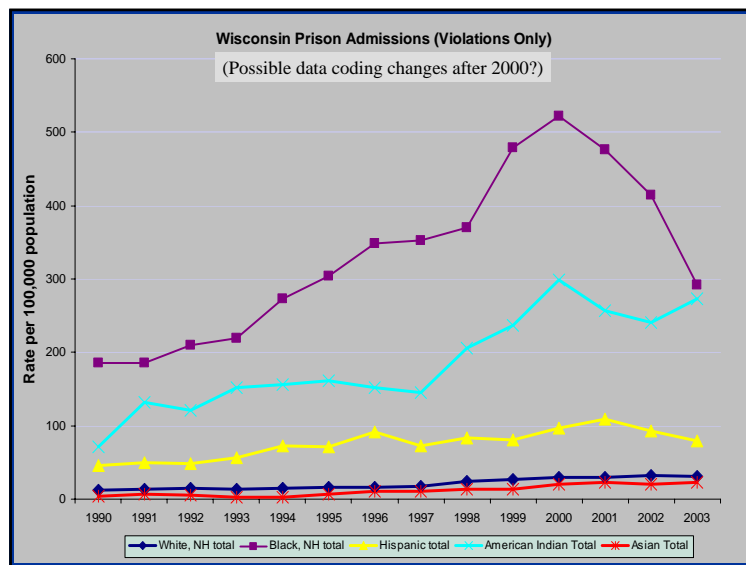
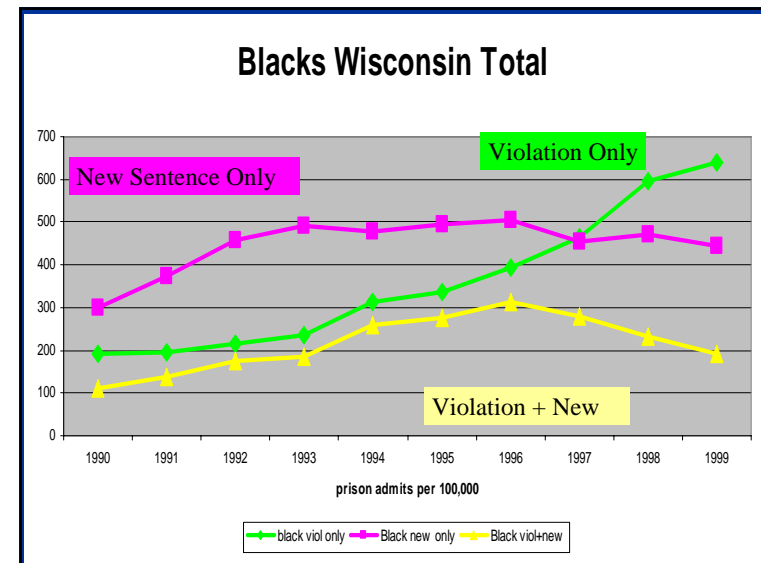
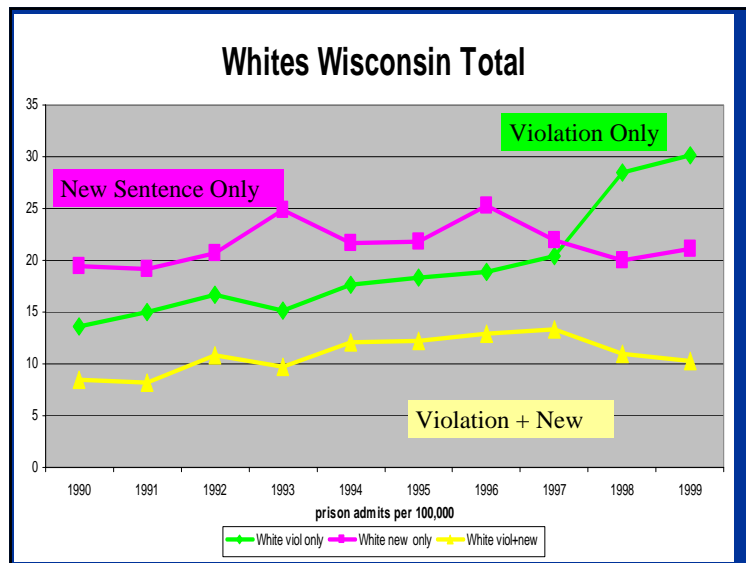
Including Detailed Time Trends
1990-1999/2003

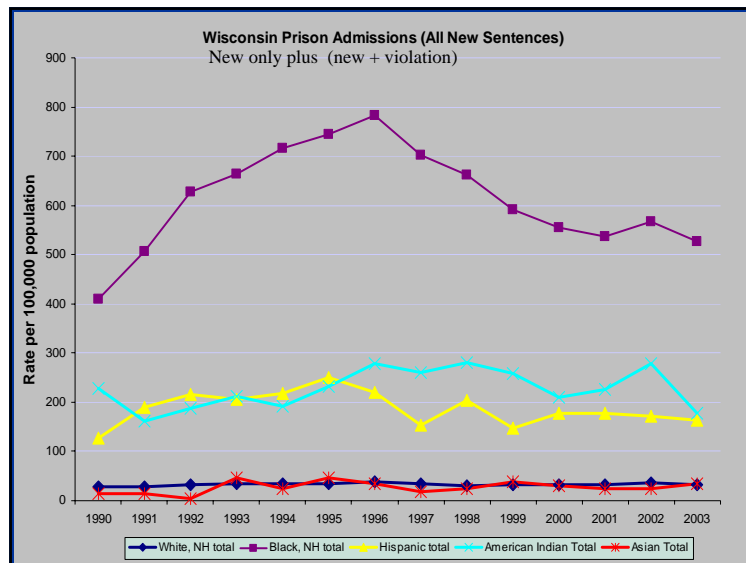
National & Wisconsin Imprisonment Rates



Proportion of Admissions Involving New Sentences (1991-9)





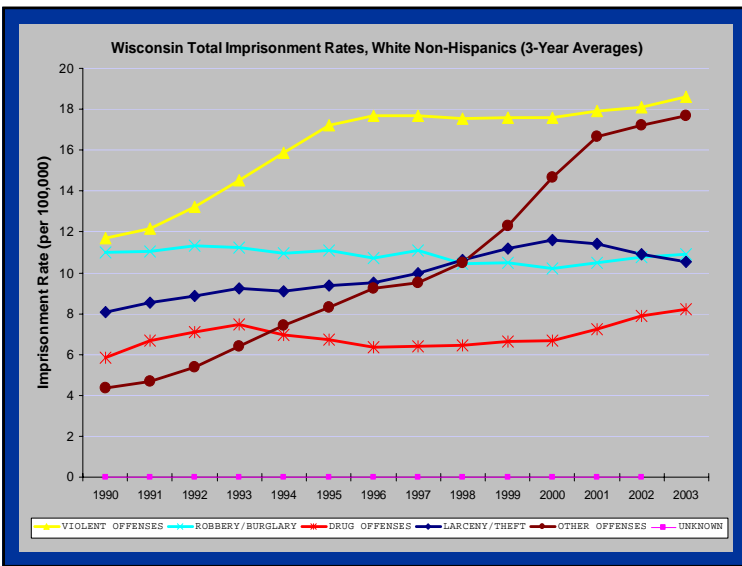


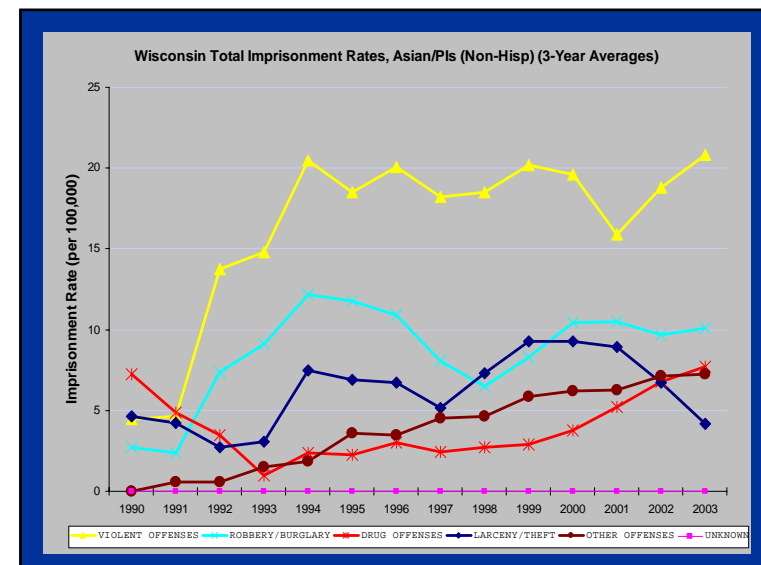
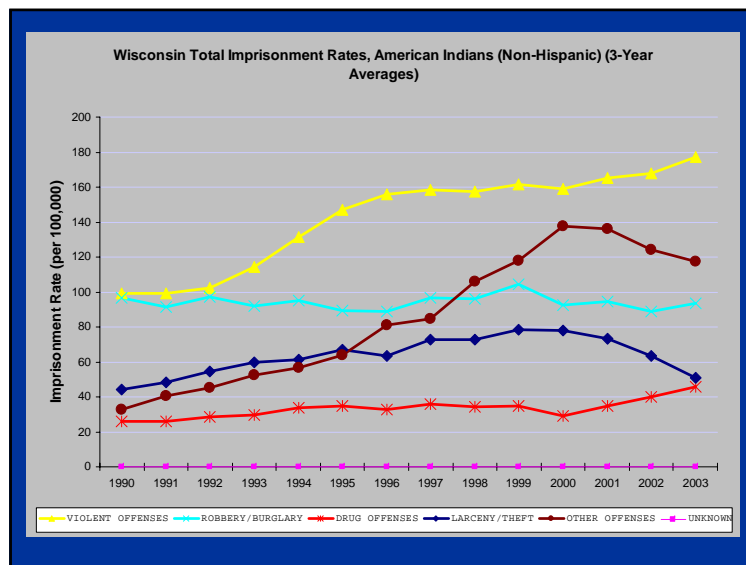
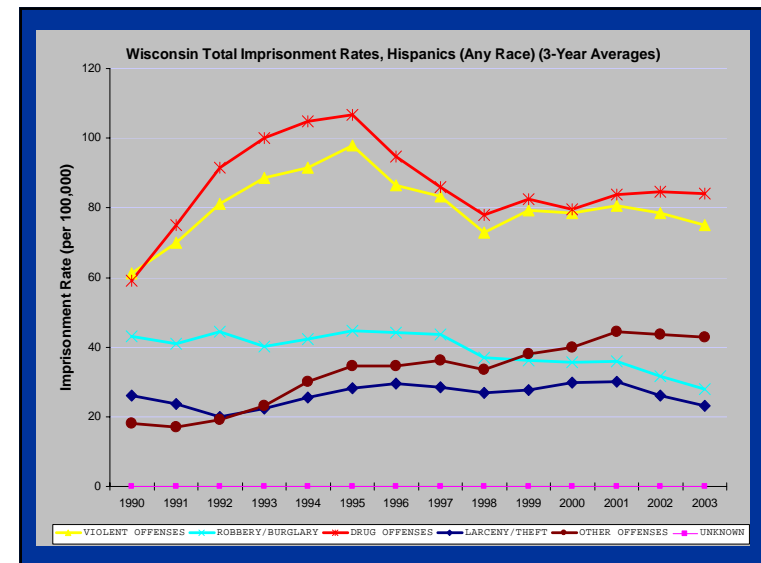
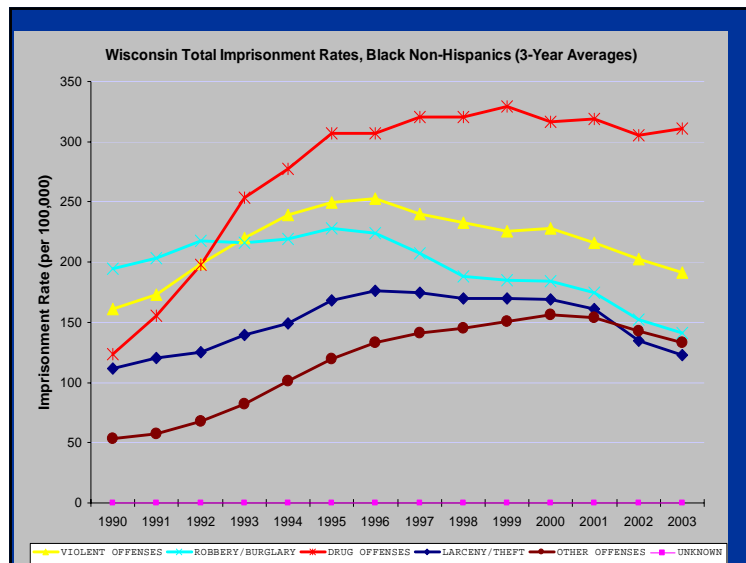
Trends by race in offenses

1. First set of charts show trends in admissions for all offenses for 1990s – hard to see patterns (quick)
2. Second set of charts show that probation/parole revocations were rising in 1990s across all offense groups (quick)
3. Rest of charts focus on new sentences to prison. More focused for sentencing trends.

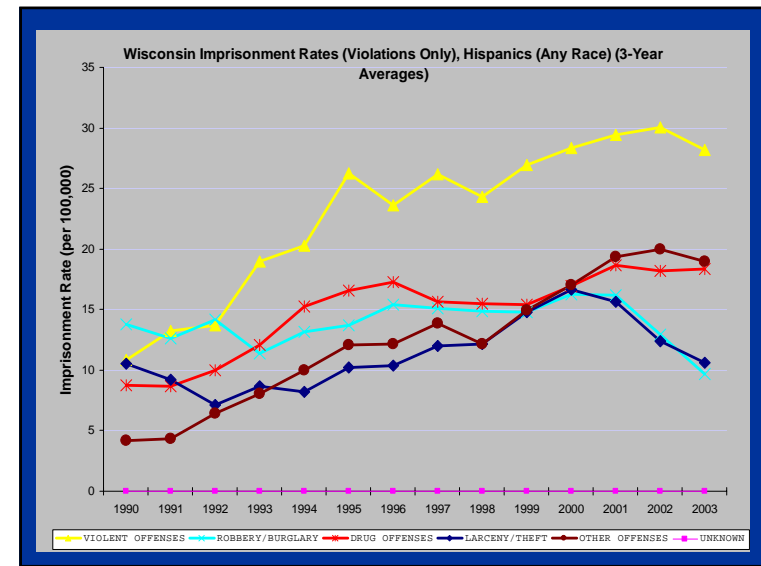
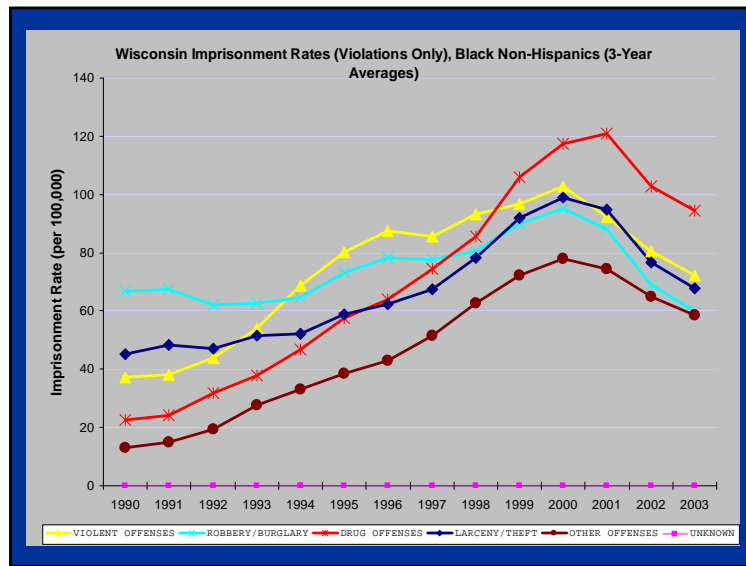
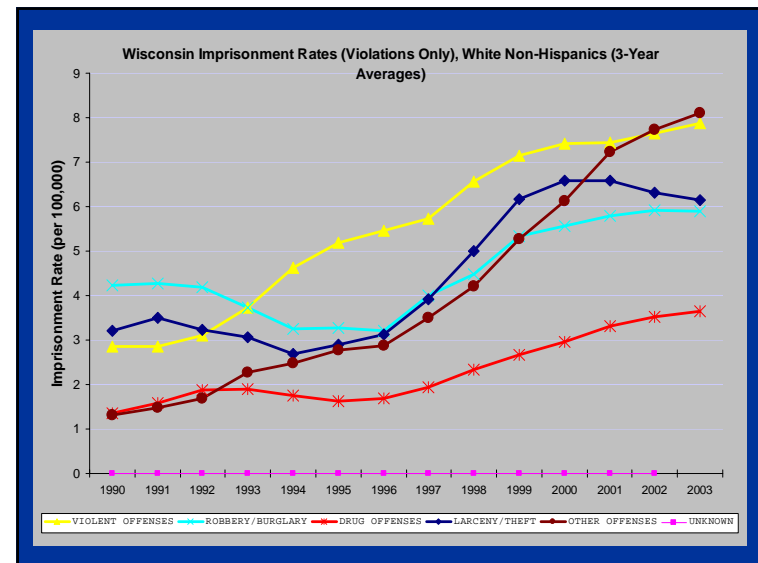
All prison admissions combined (new sentences + violations)

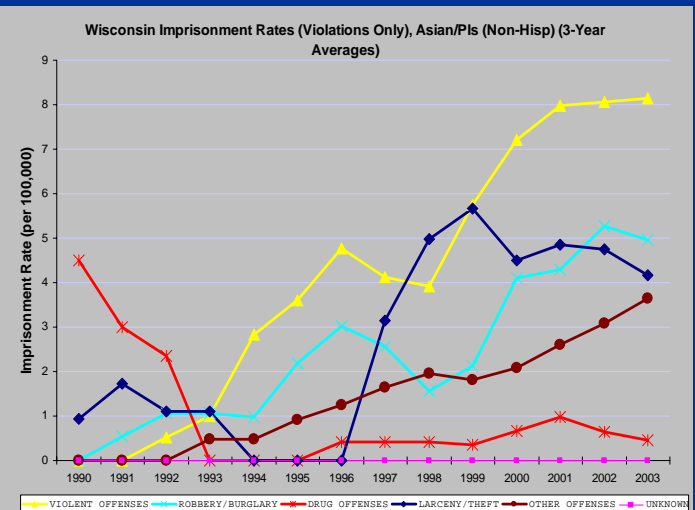
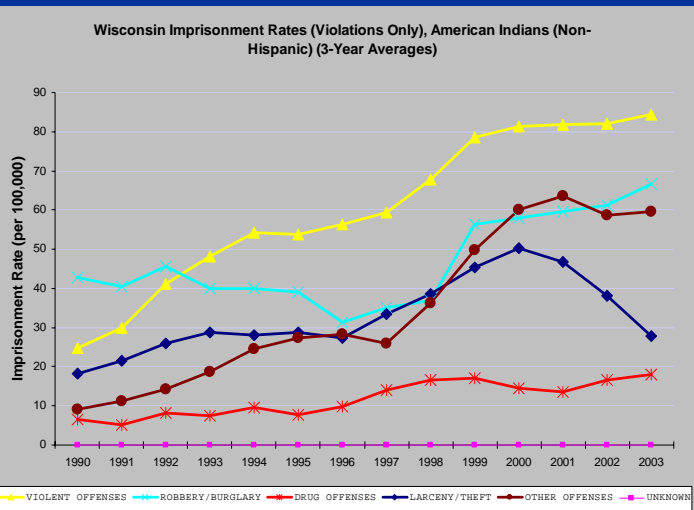
Three-year averages in rates



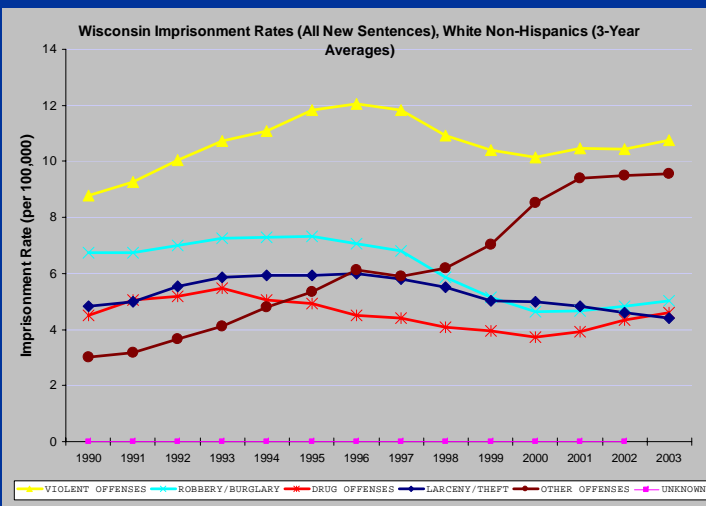


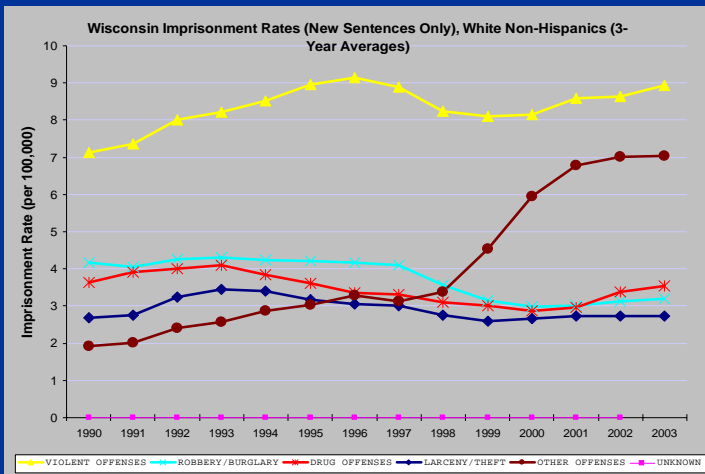
Admissions for probation & parole
revocations only



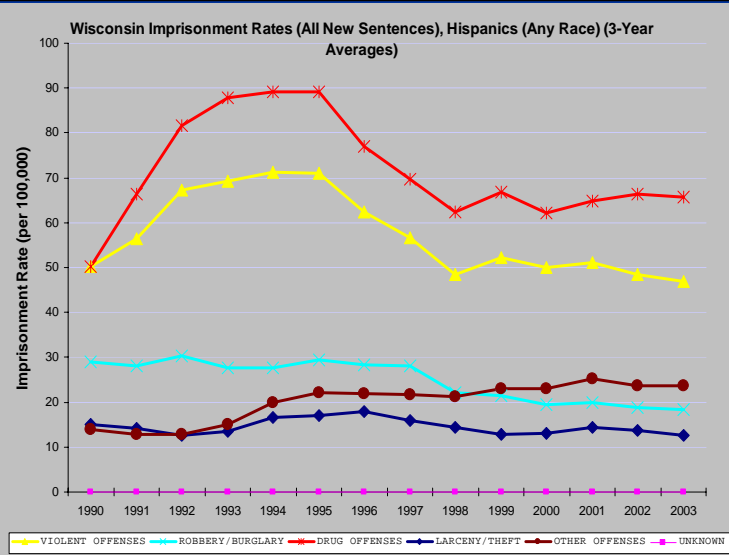
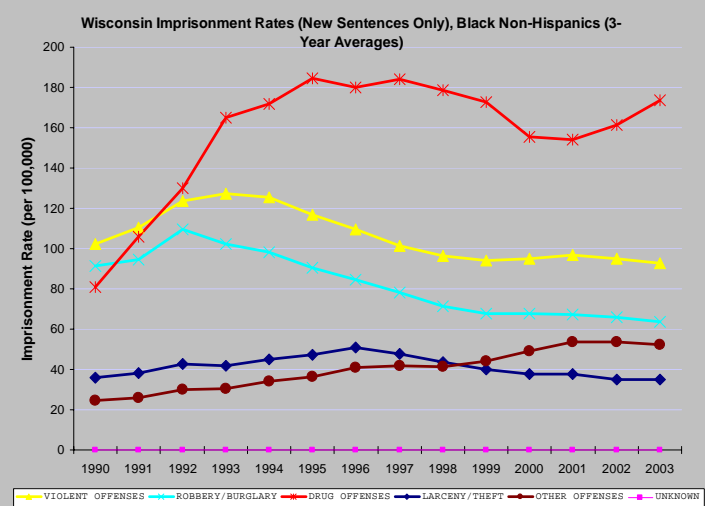
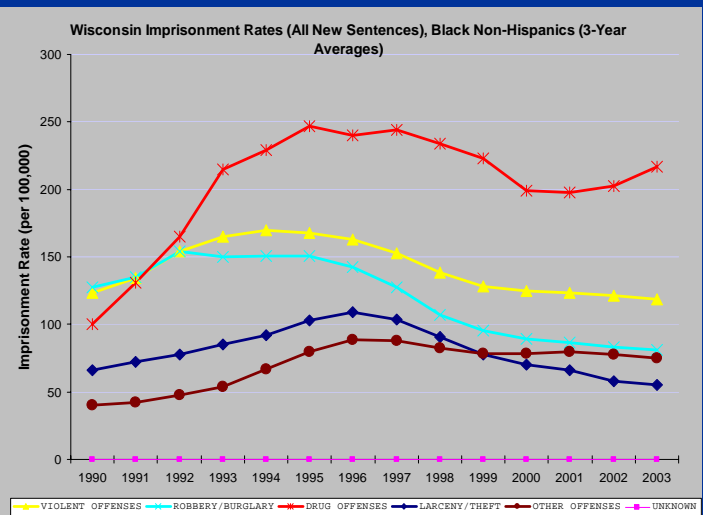


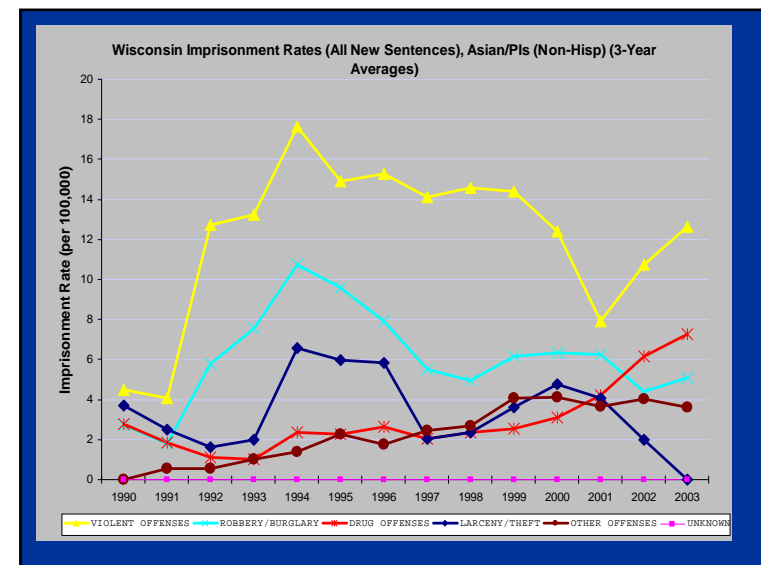
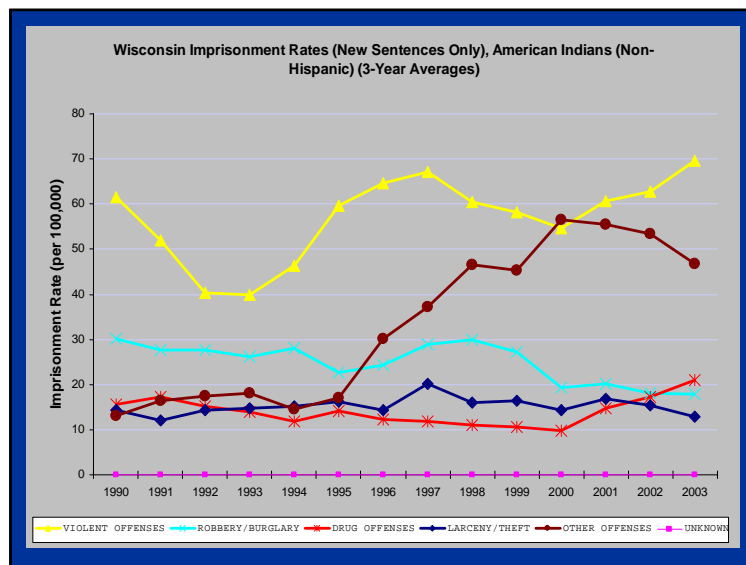
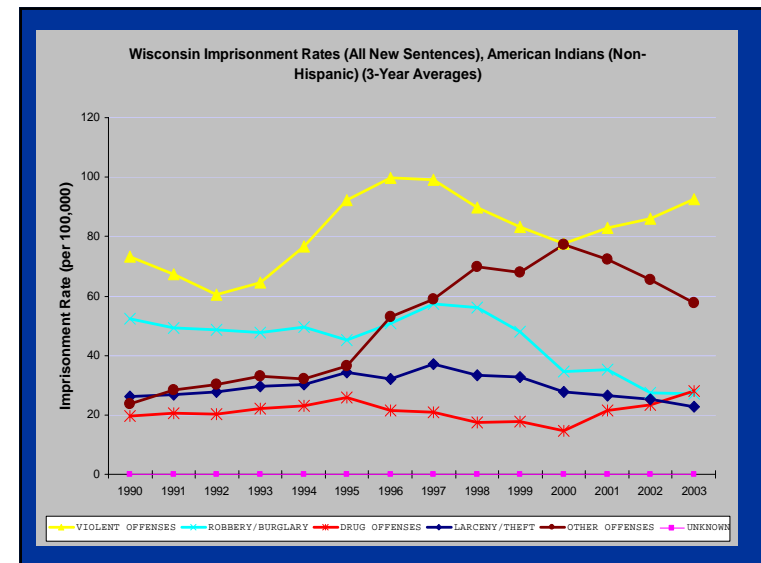
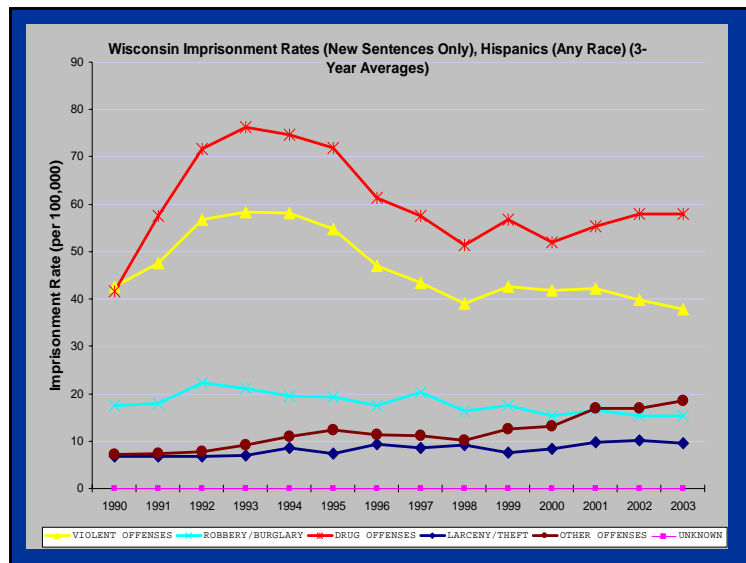
New sentences. Two graphs for each race. One is all new sentences, whether alone or with a violation. The other is new sentence only. They are generally pretty similar.

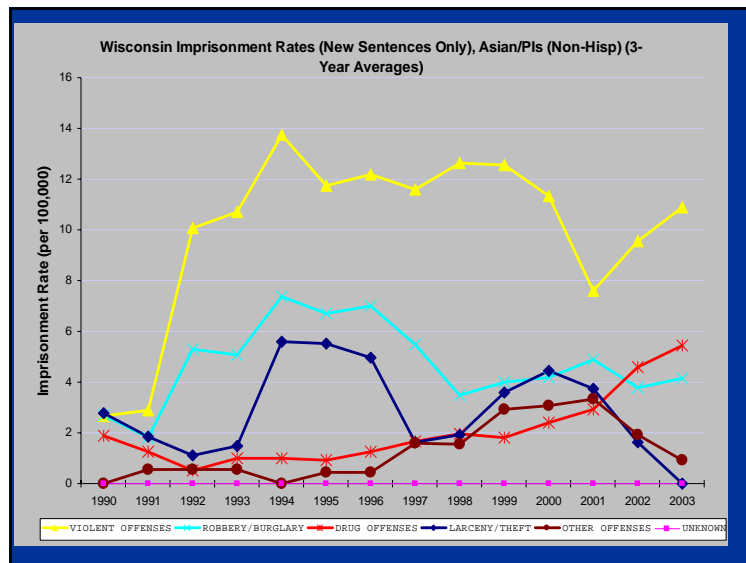




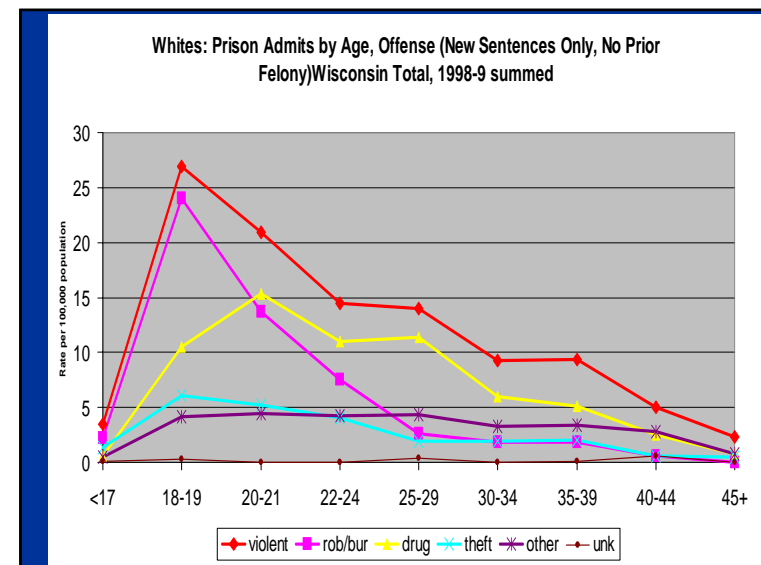
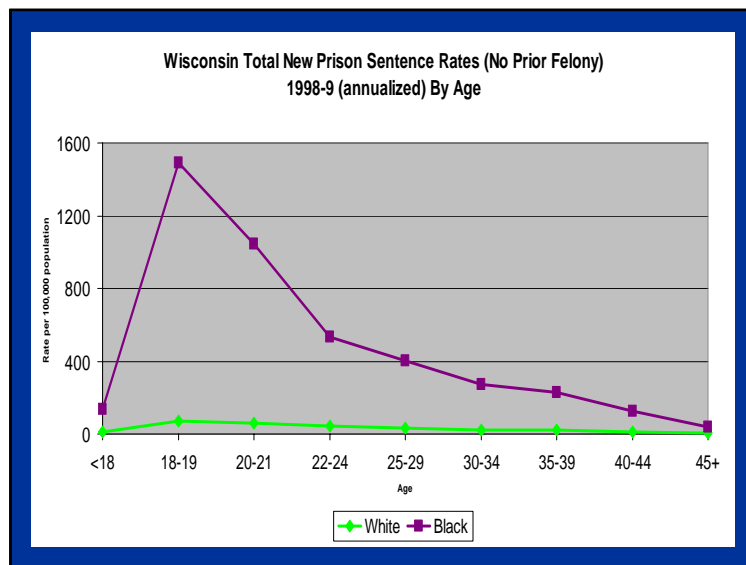
Rising "Other" offenses are DUI, disorderly conduct, disobeying traffic officer, child support, escape, bail jumping

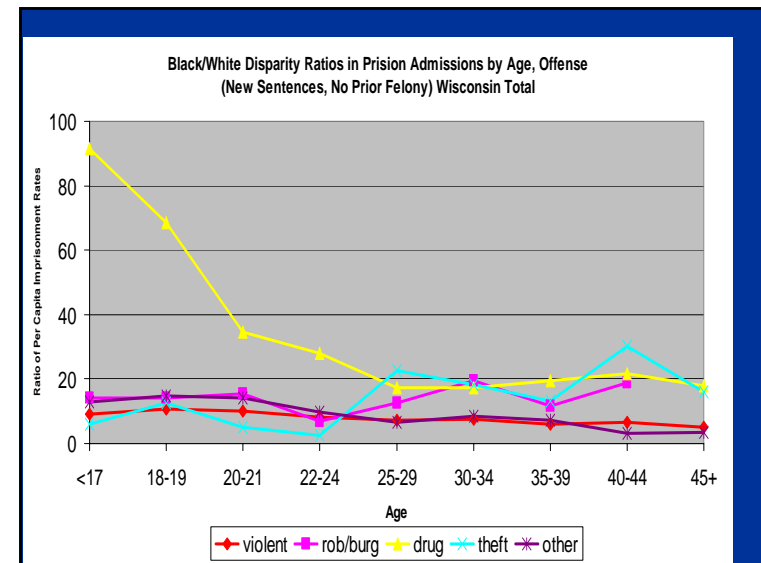
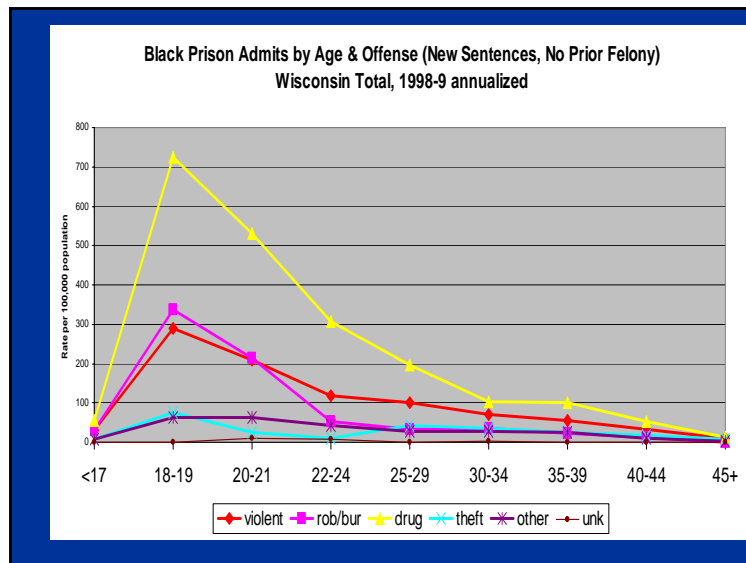






Age Patterns for Imprisonment



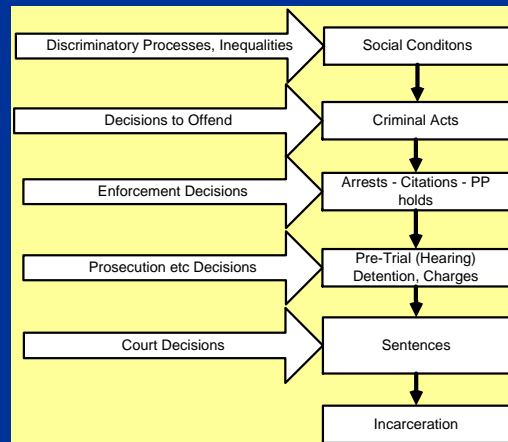


Conclusions About Wisconsin Prison Admissions

- Huge racial disparities, especially Black vs. White
- Probation/parole violators returning to prison were a major source of the rise in the 1990s
- Blacks showed steep rises in new sentences for drugs, while Whites showed no increase
- White new sentences are primarily for violent offenses, with a recent rise in "other"
- Black new sentences are primarily for drug offenses.
- The Black/White disparity is especially high for young people and drug offenses

Interpreting Disparity Data

Steps to Incarceration



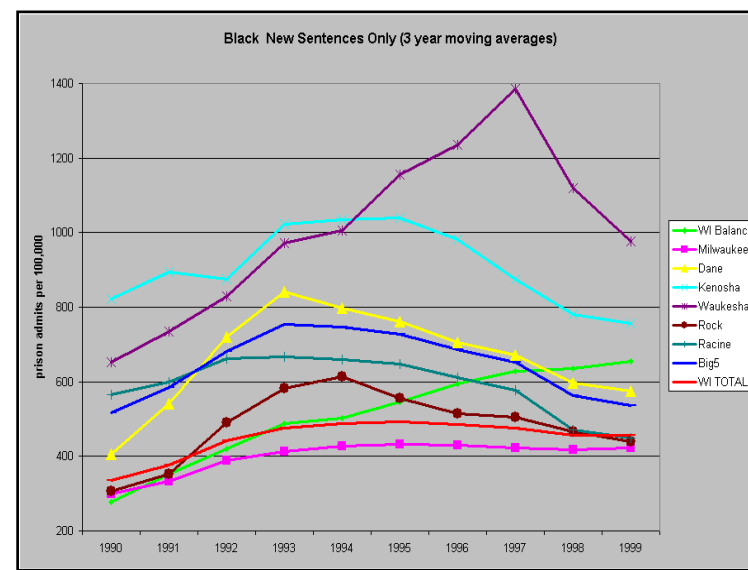
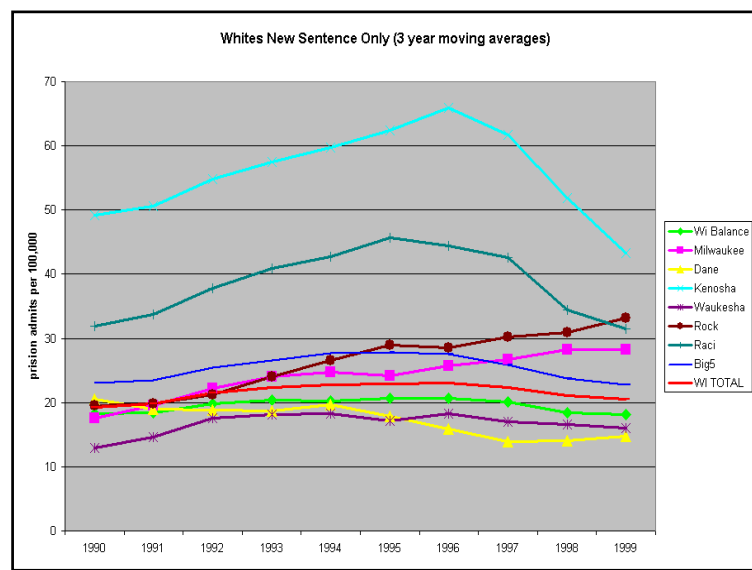
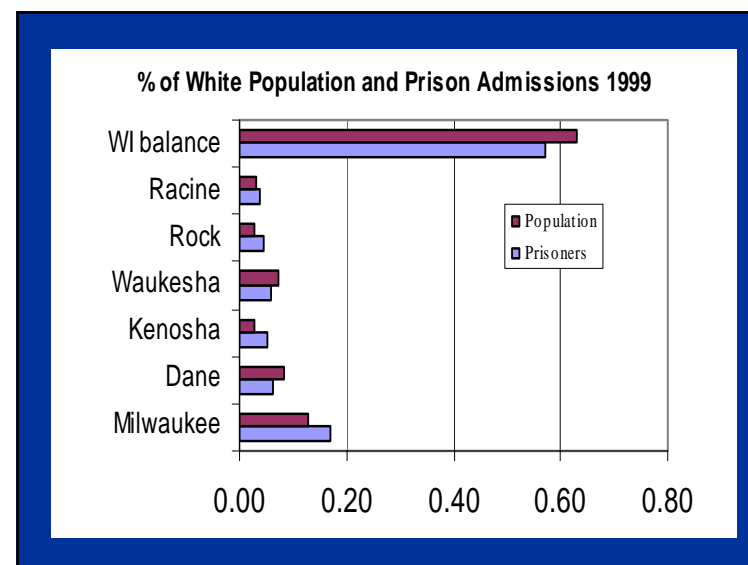
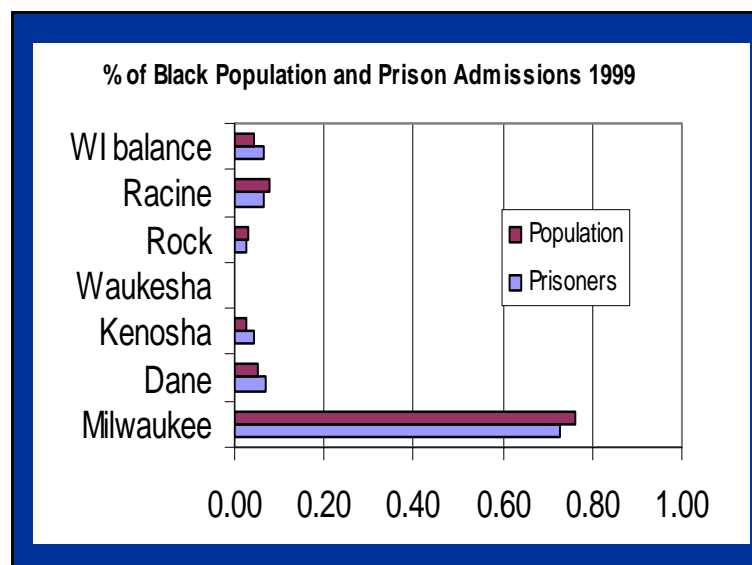
Contributors to Disparity

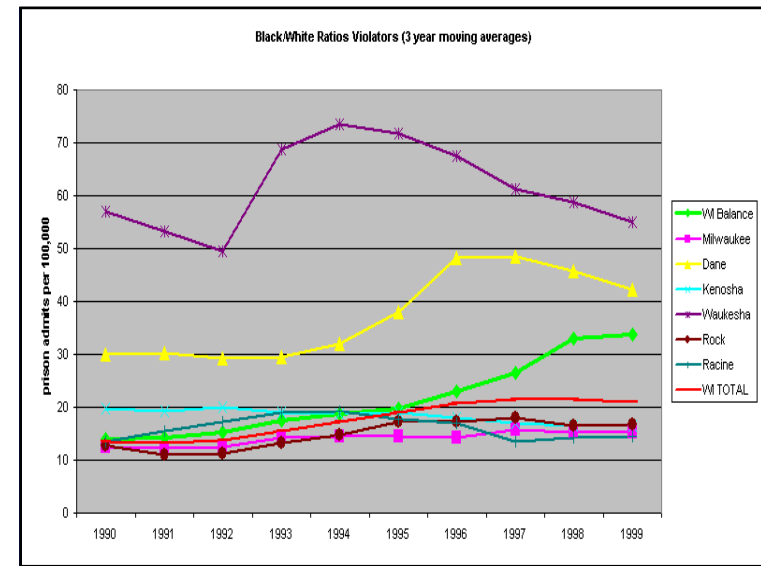
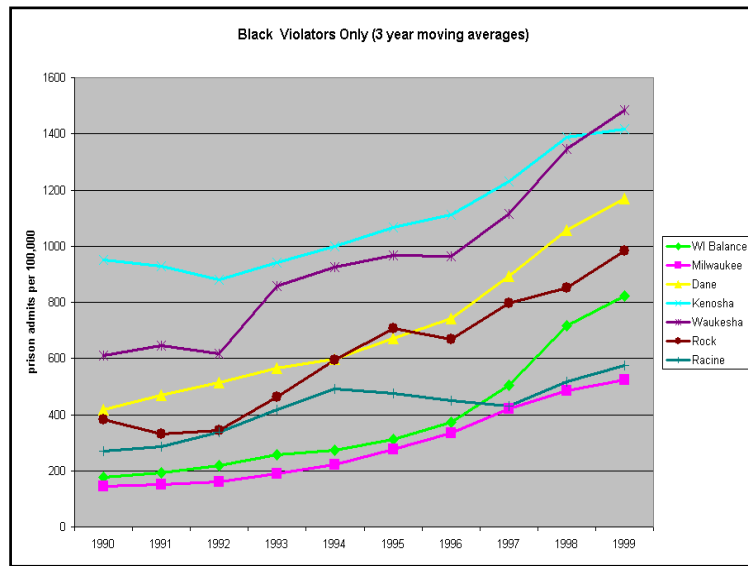
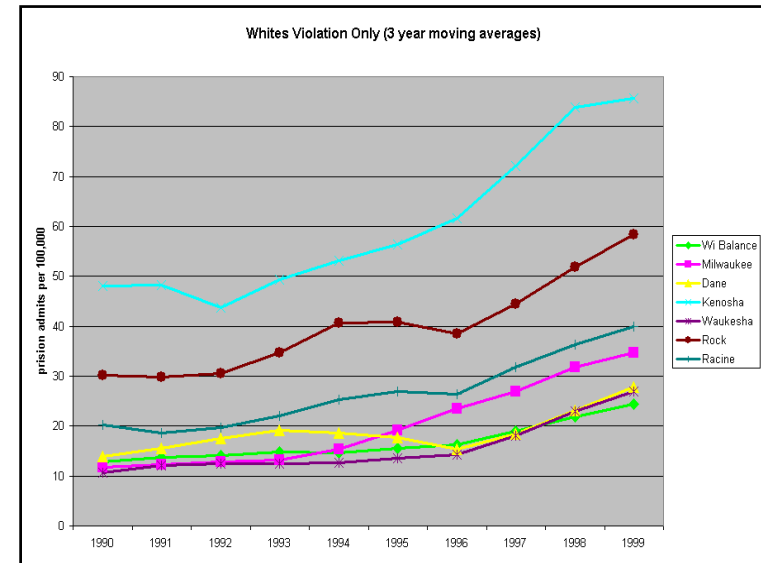
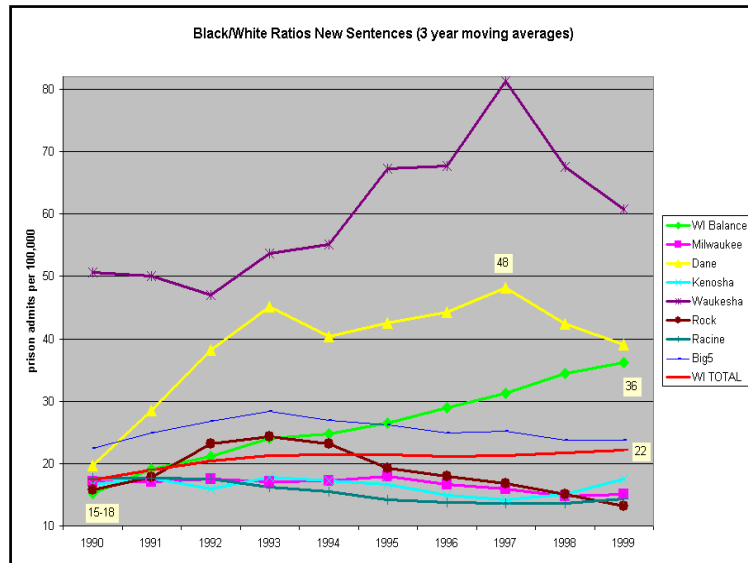
- **Statistical artifacts:** rates calculated on small populations are unstable and can be distorted by non-residents. → Keep track of residency status in data.
- **Underlying rates of actual offending:** especially for serious offenses, most of the disparity is due to rates of offending. → Examine larger 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

County Comparisons

County Comparisons (1990s)

- Examine the 6 counties which have significant Black population
- Are also the 6 counties which send the most people to prison
- Milwaukee, Dane, Kenosha, Racine, Rock, Waukesha
- “Balance” is the rest of Wisconsin, outside these six counties

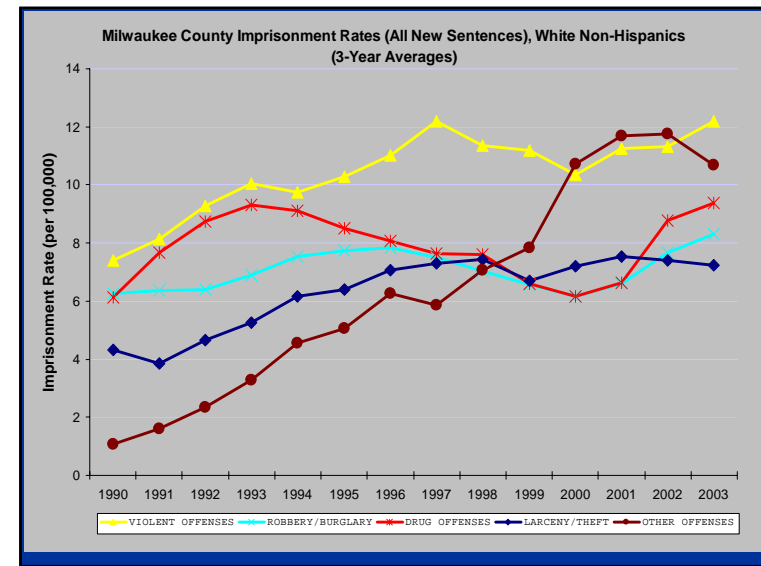
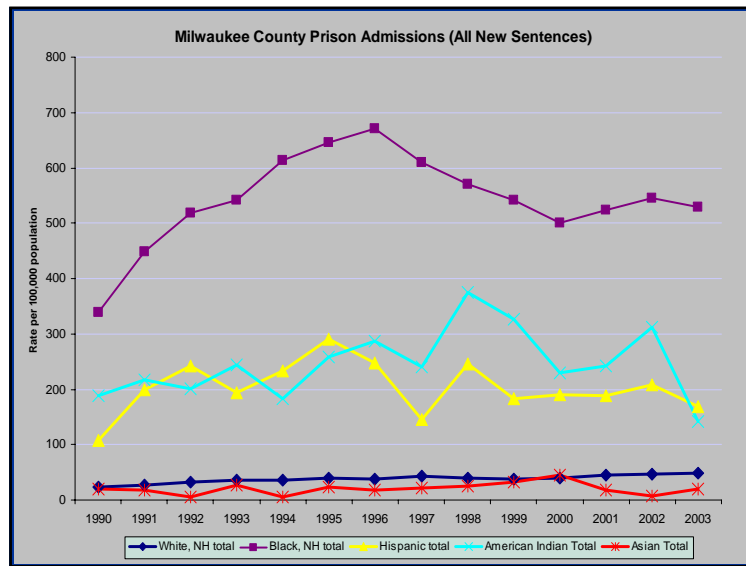


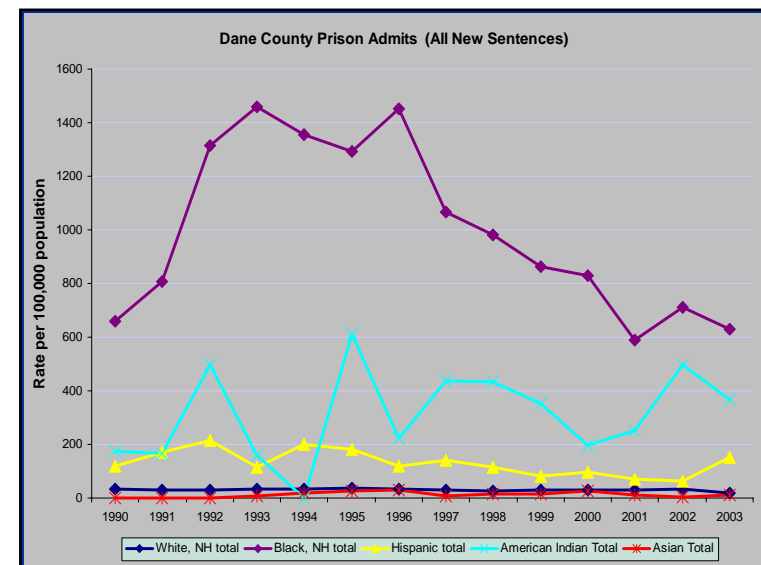
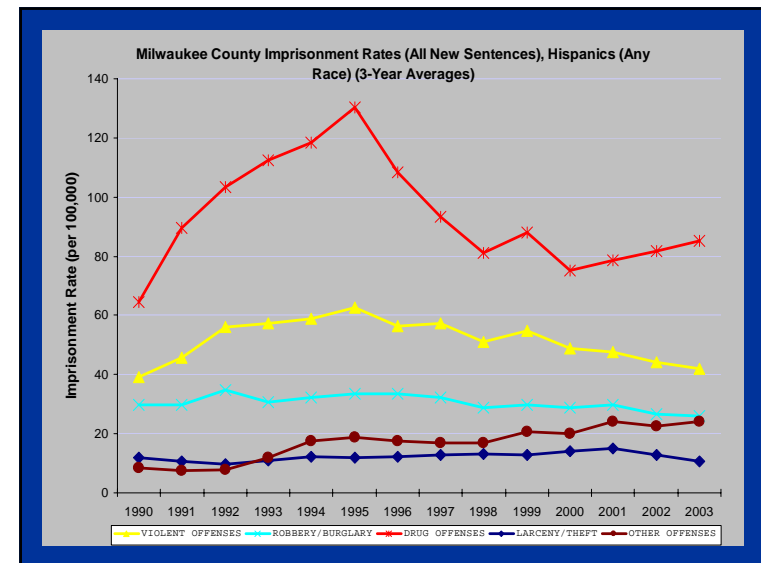
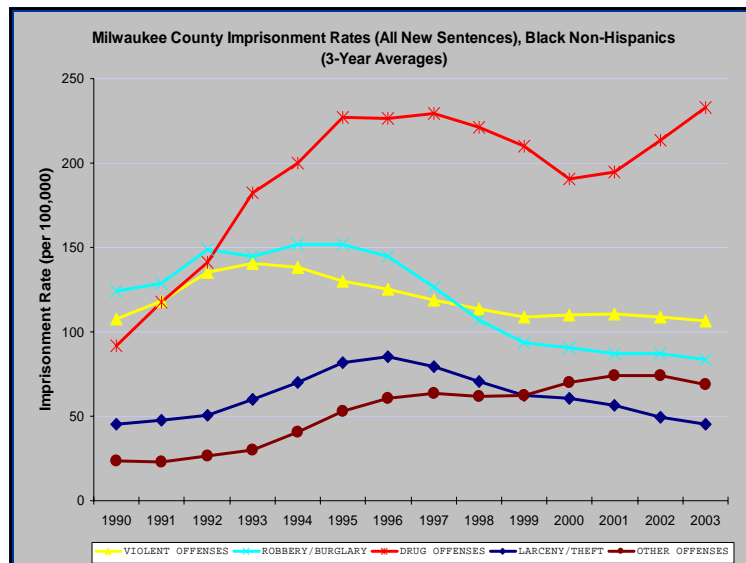


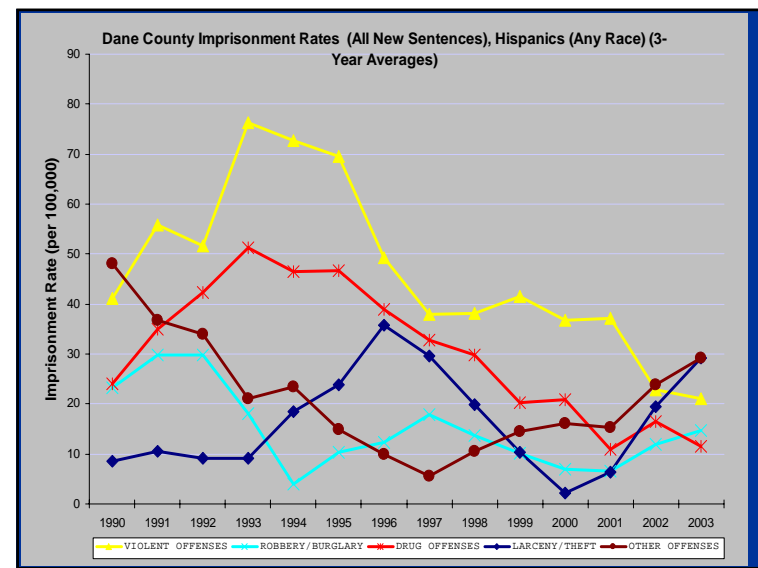
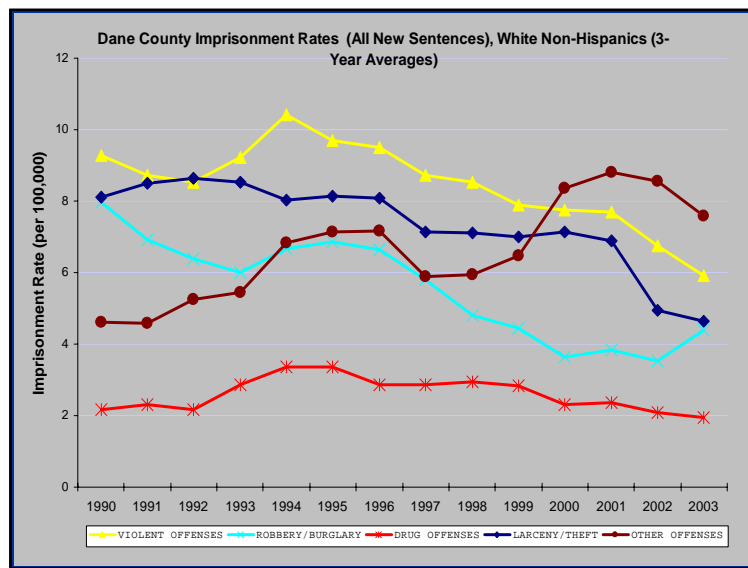
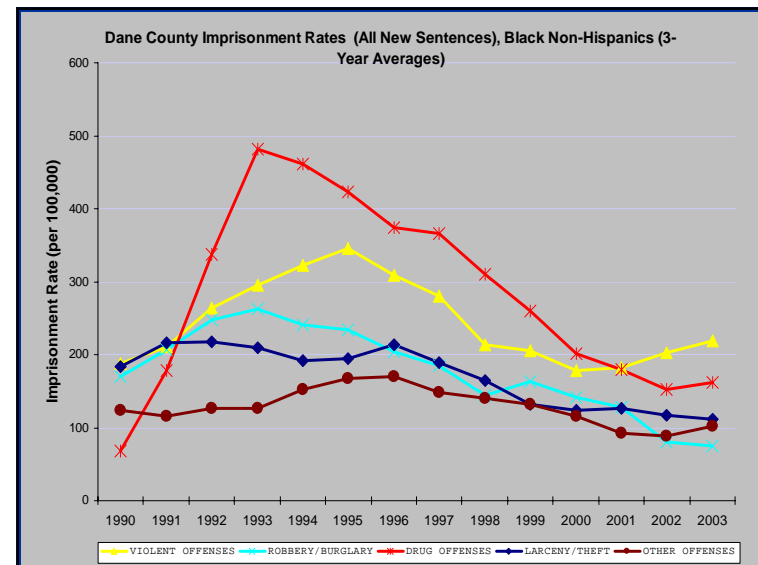
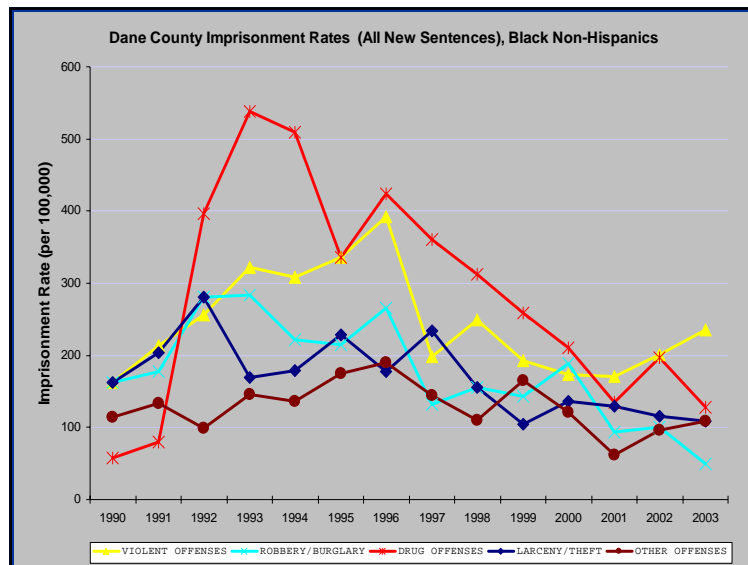
Counties: Offense & Race Trends

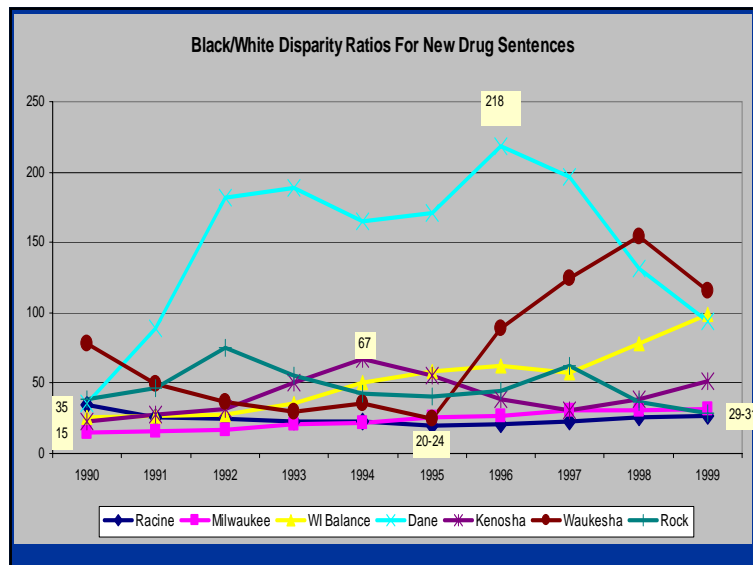
New Sentences (All, includes combined with violation)

Milwaukee

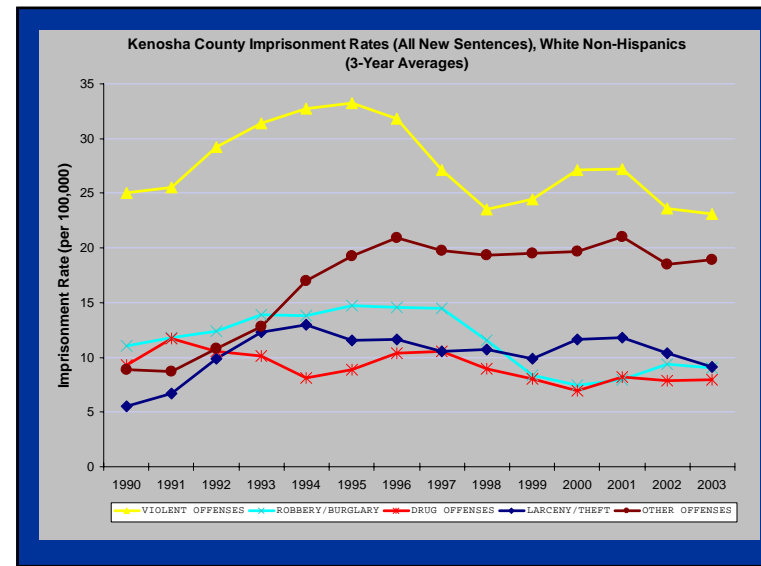
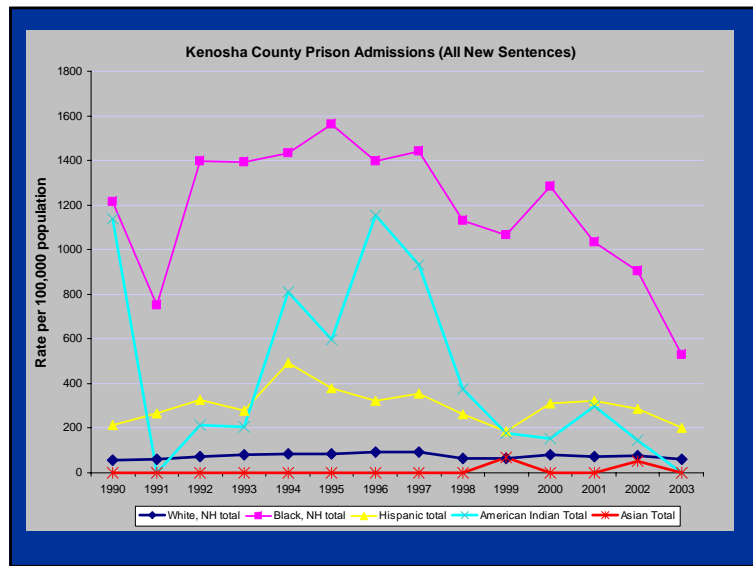


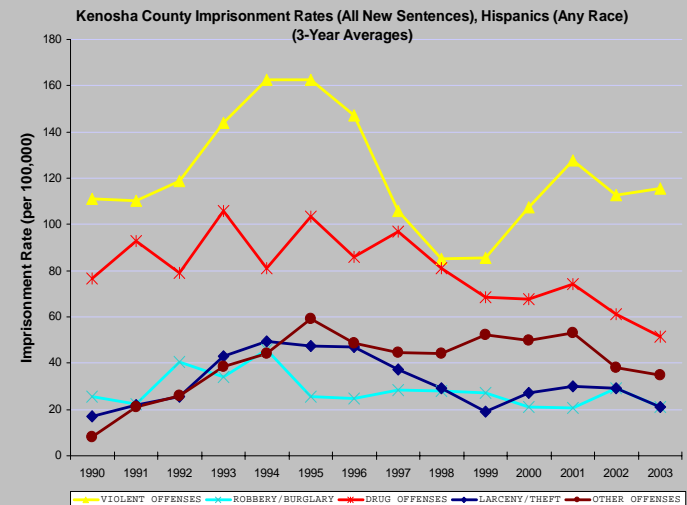
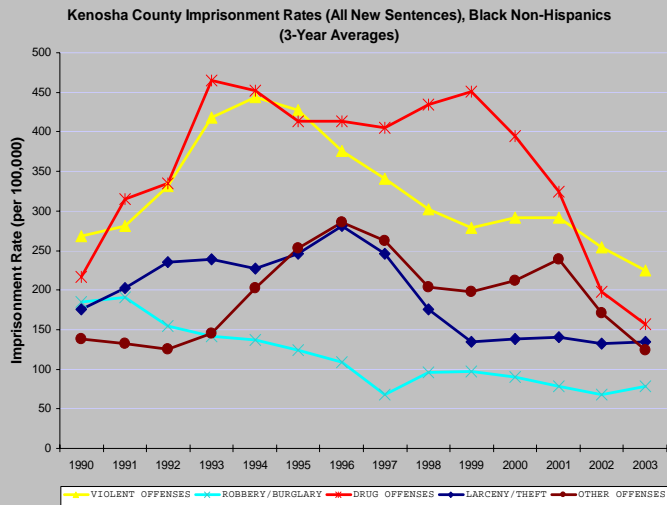




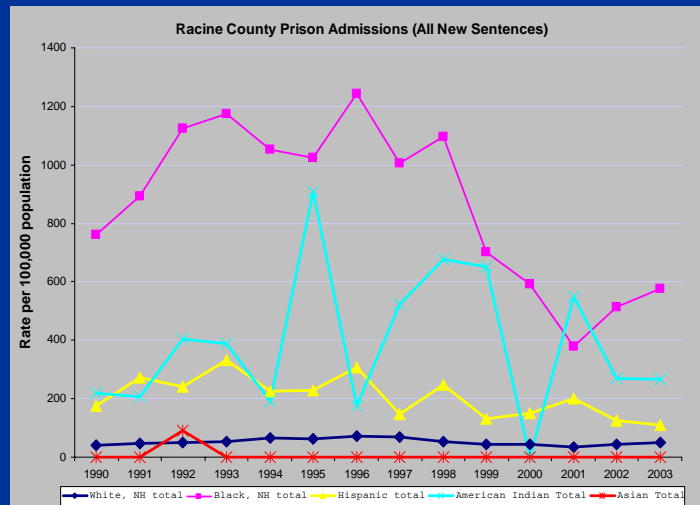


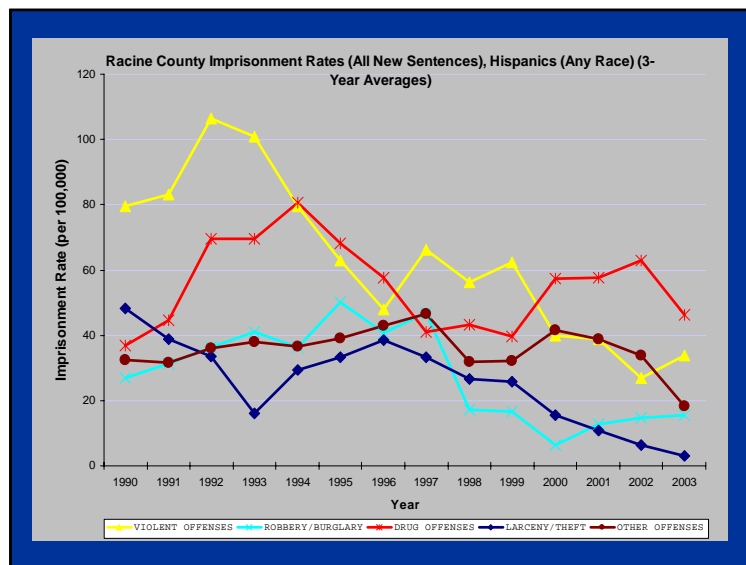
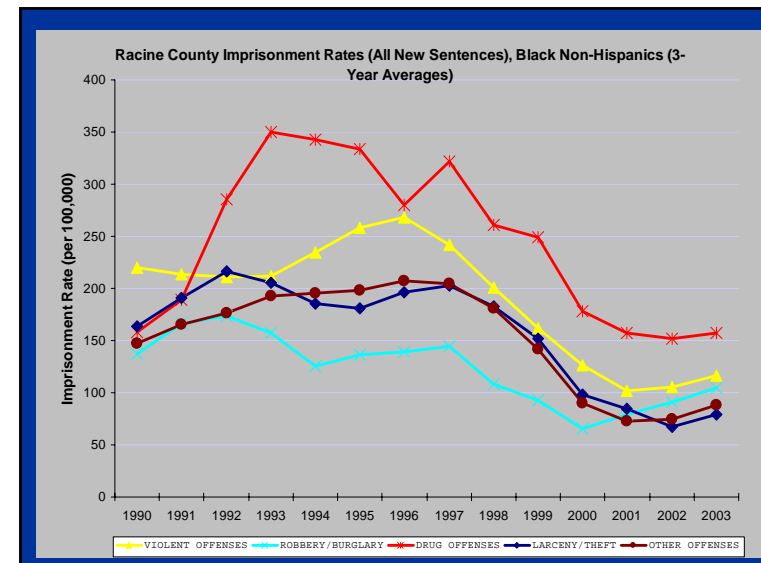
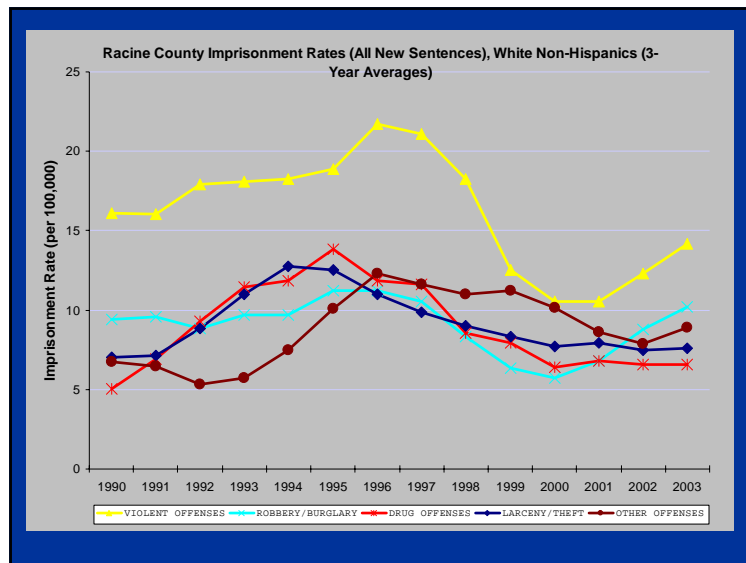
Kenosha



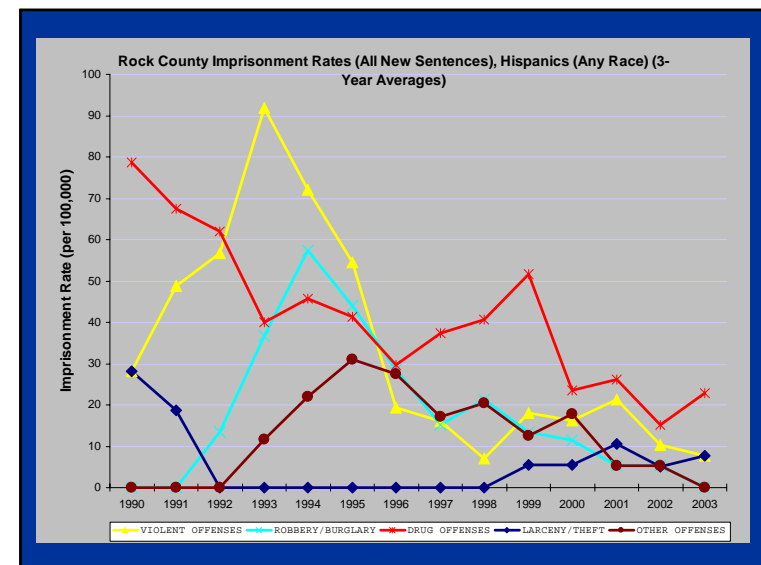
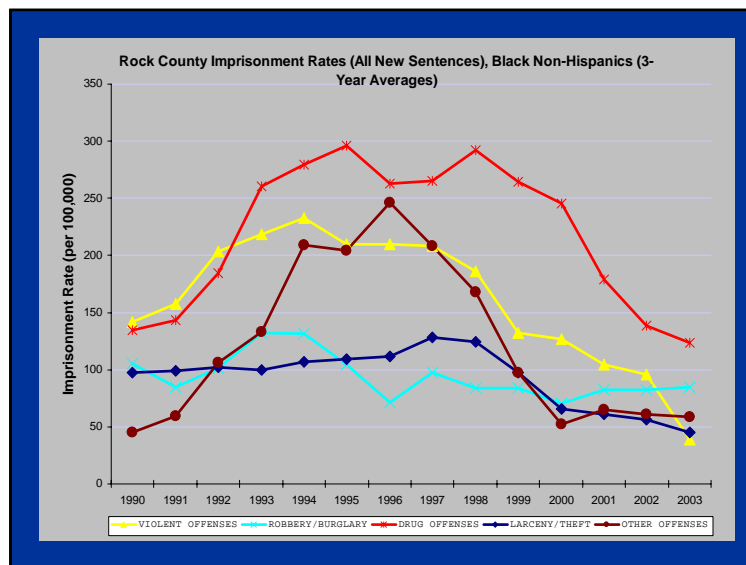
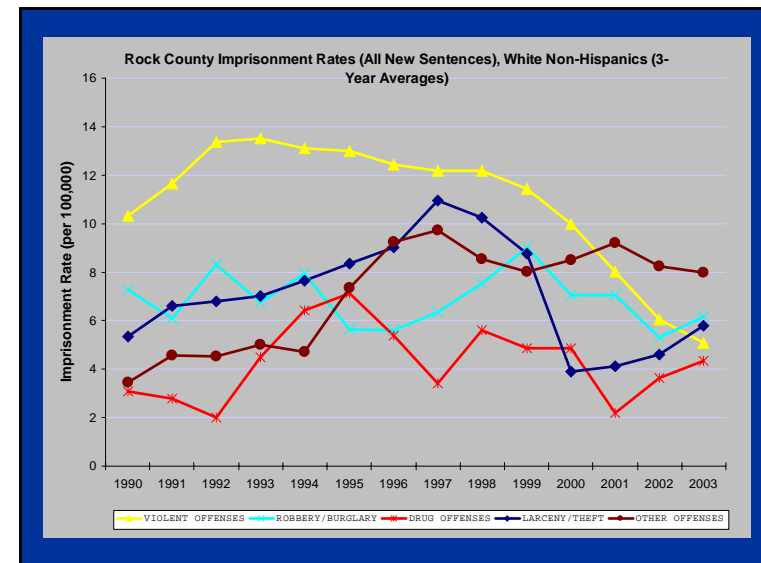
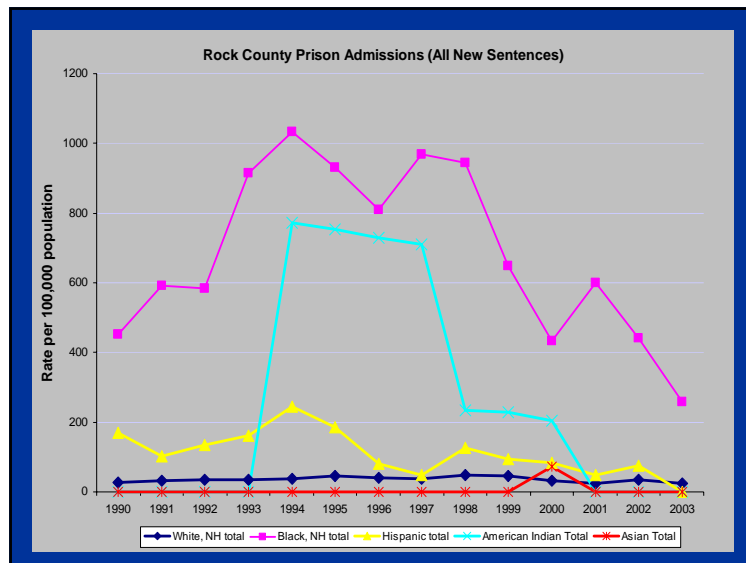


Racine

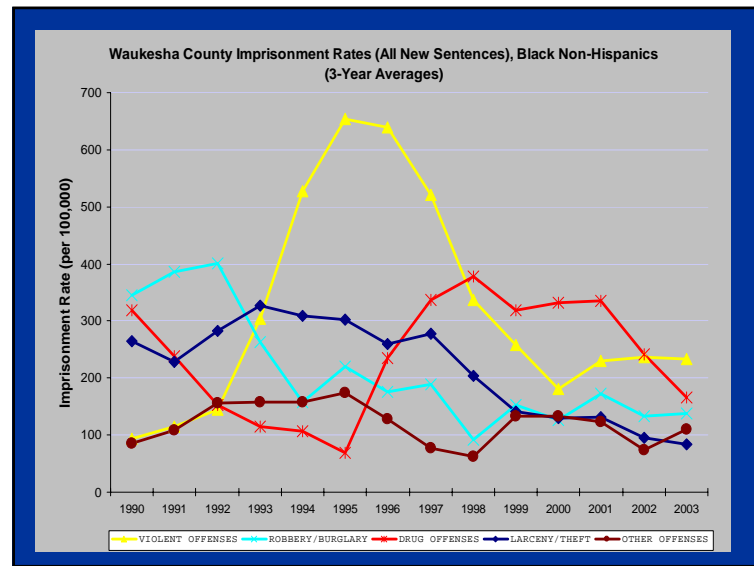
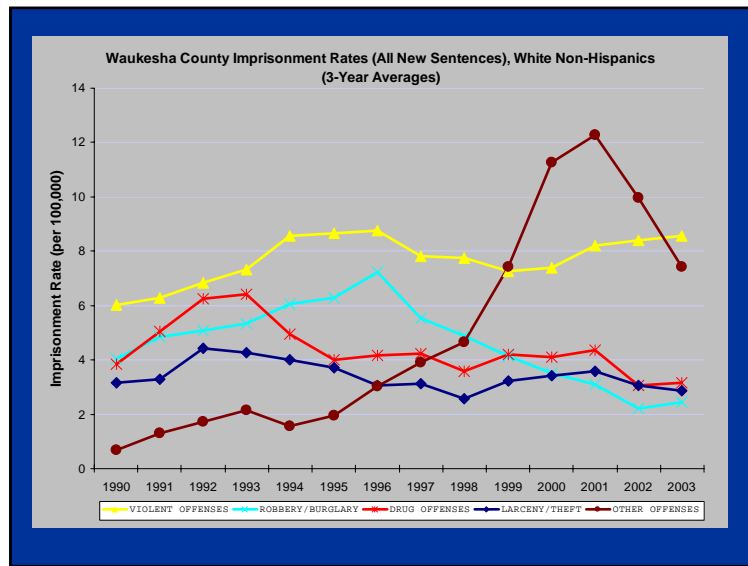
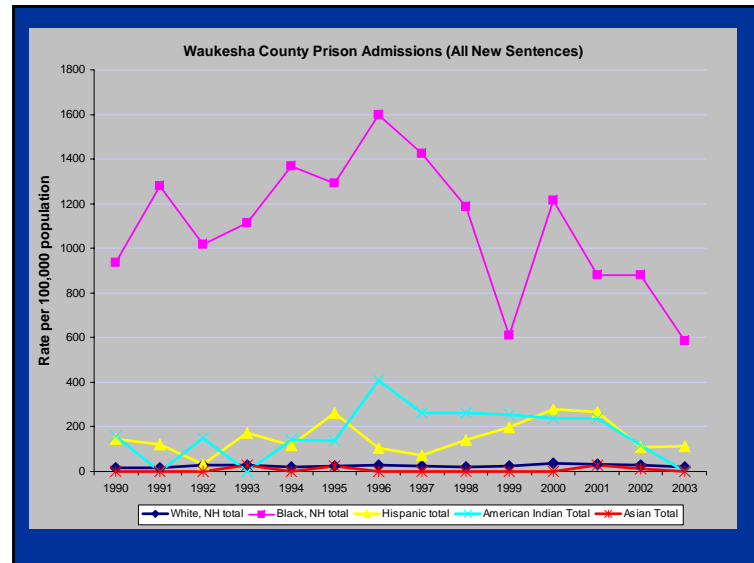


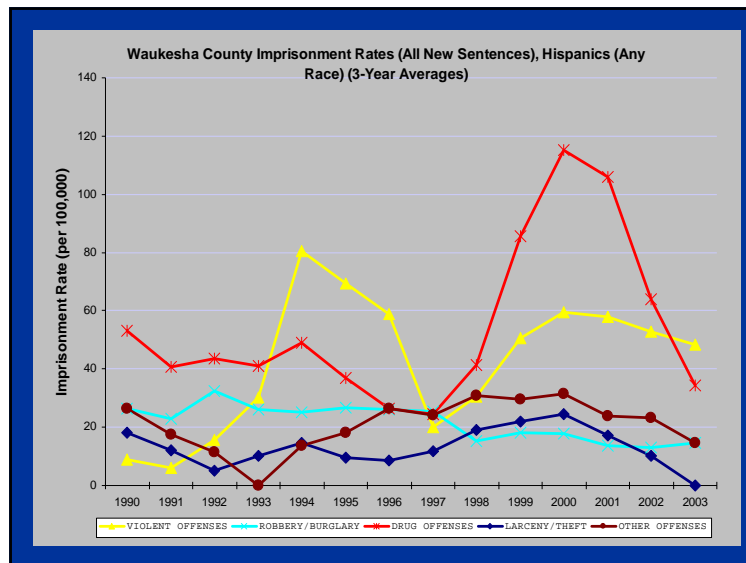


Rock

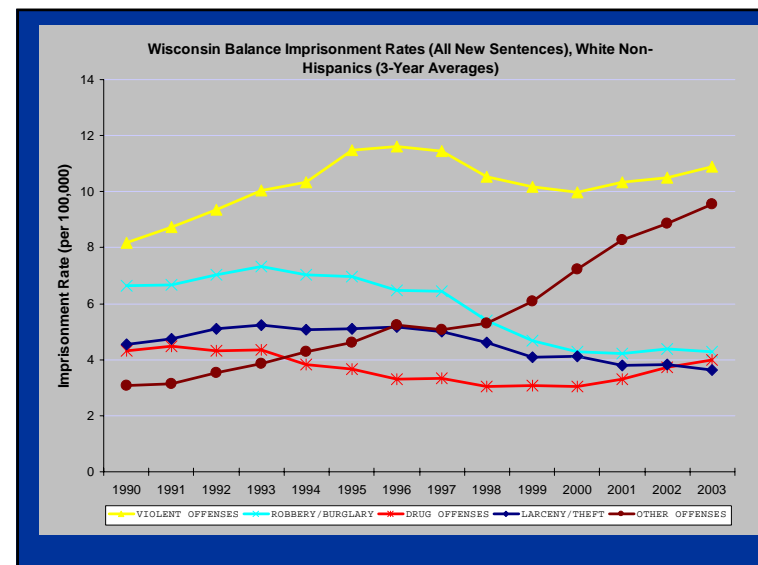
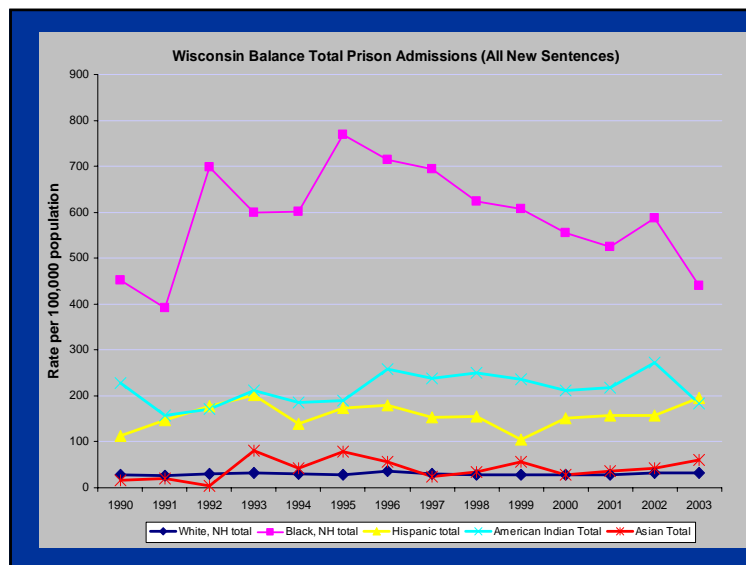


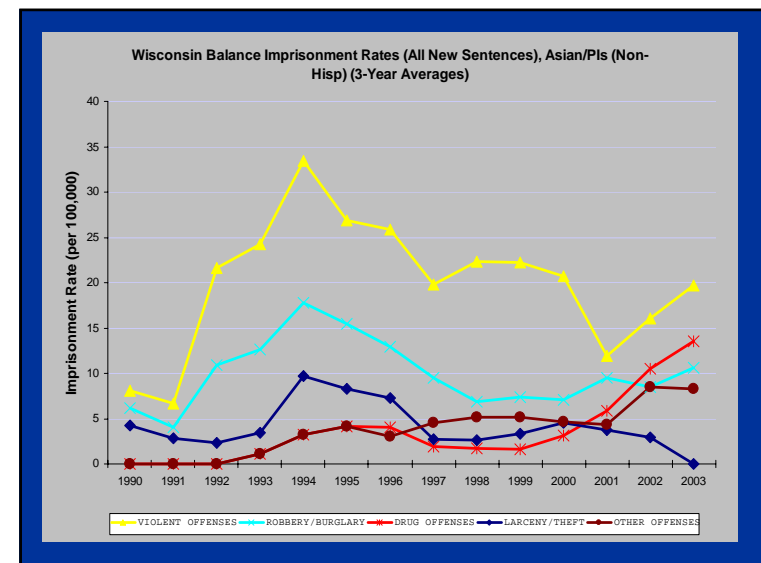
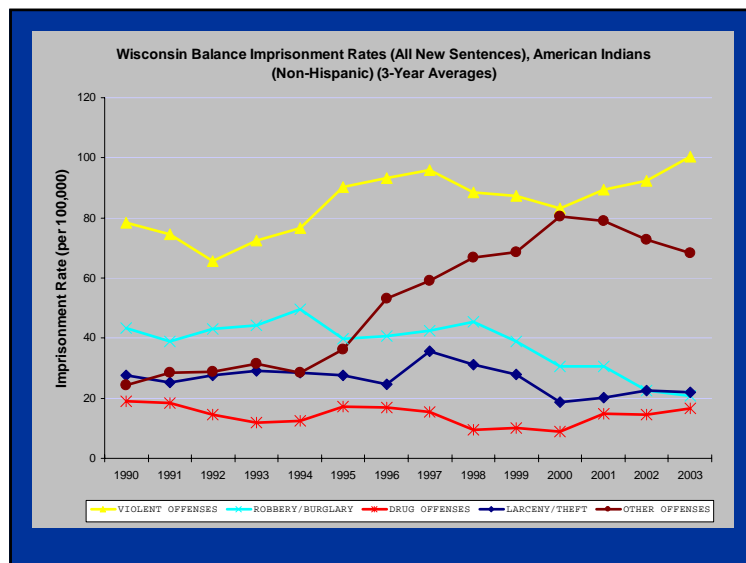
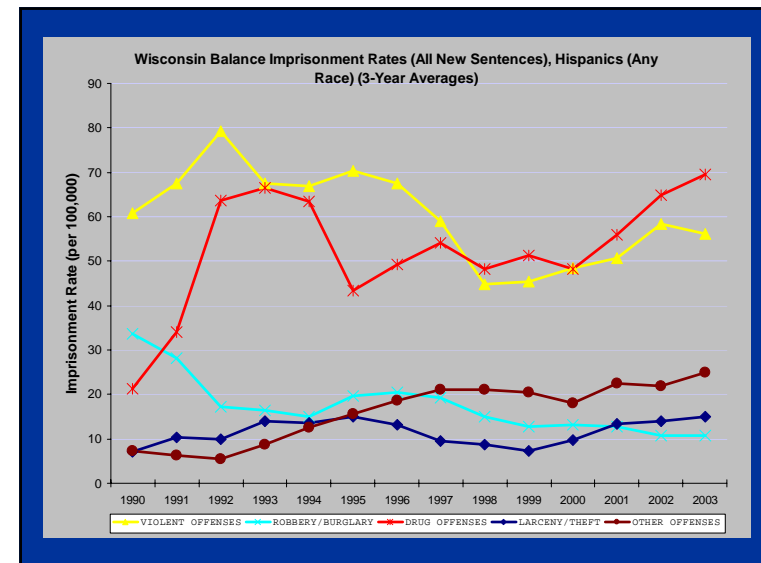
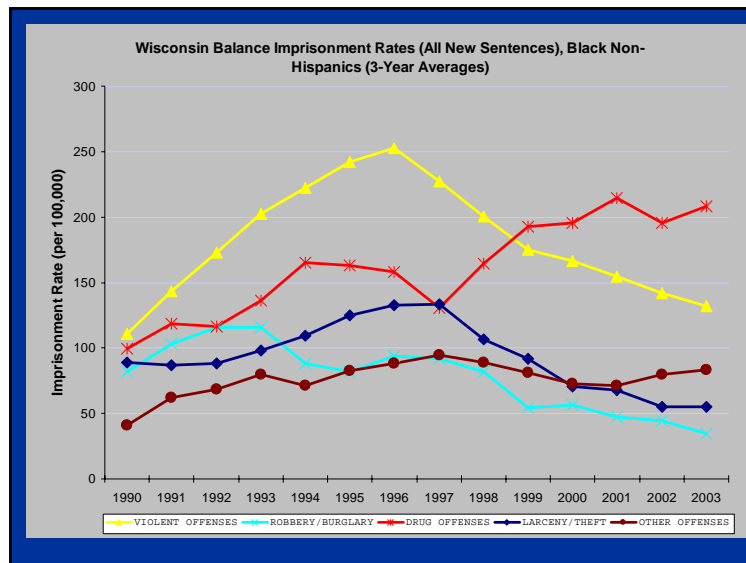
Waukesha





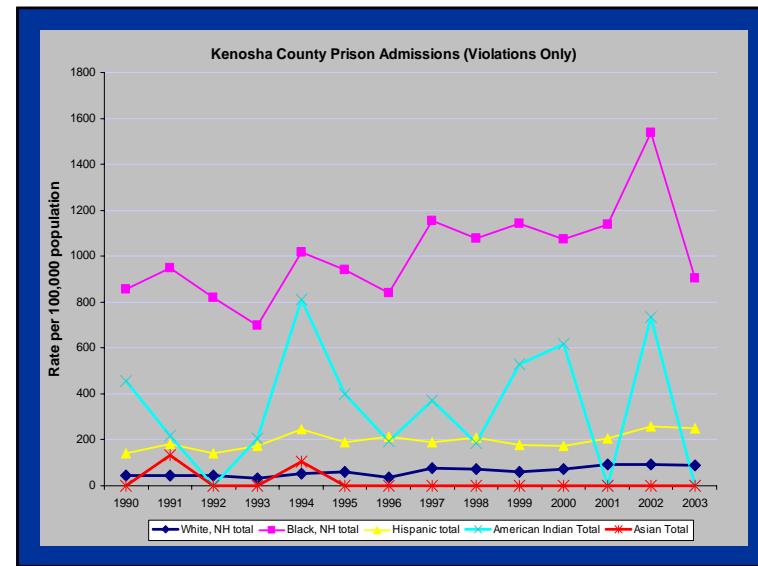
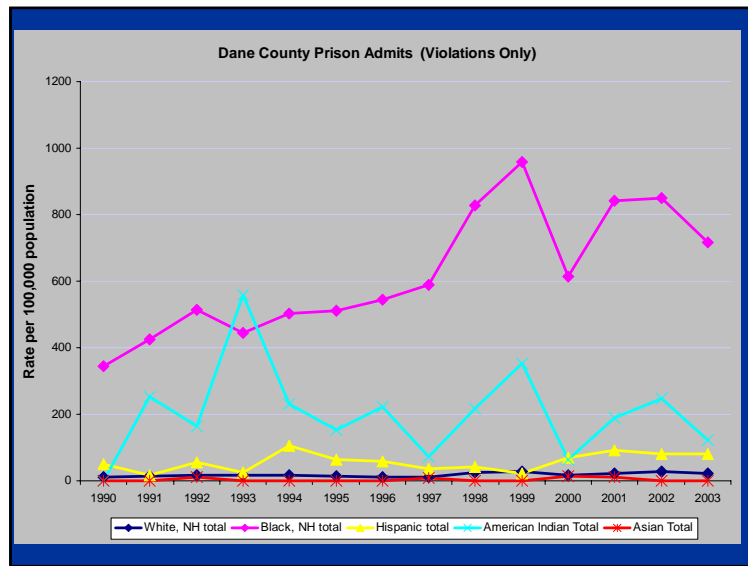
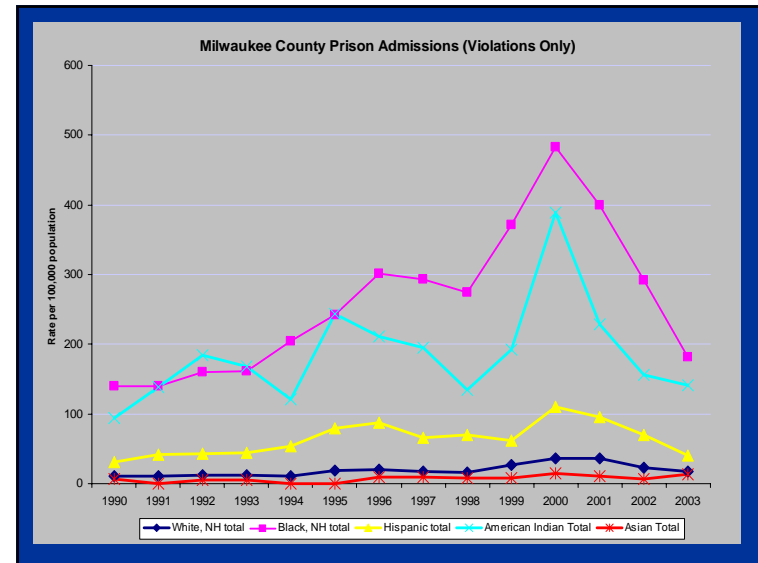
Wisconsin Balance (The Rest of the State)

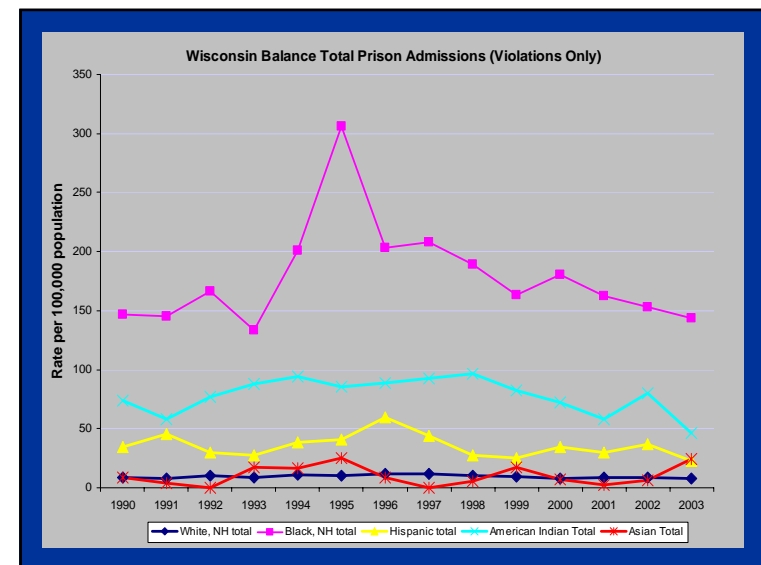
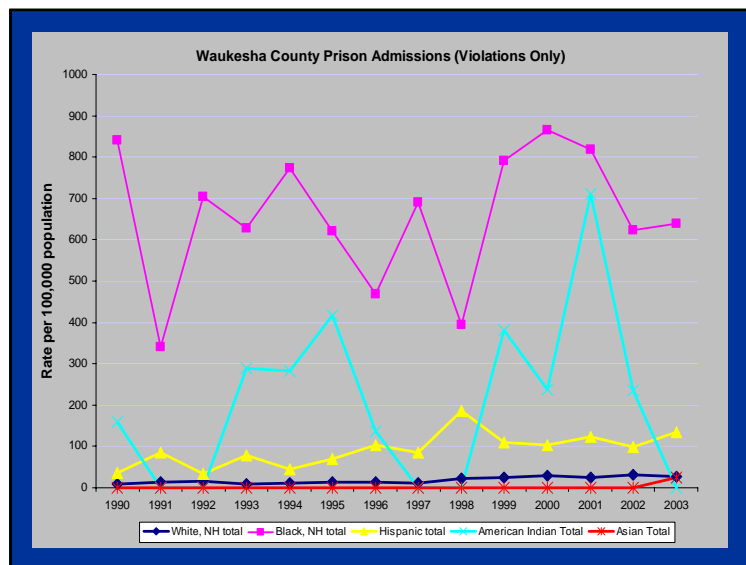
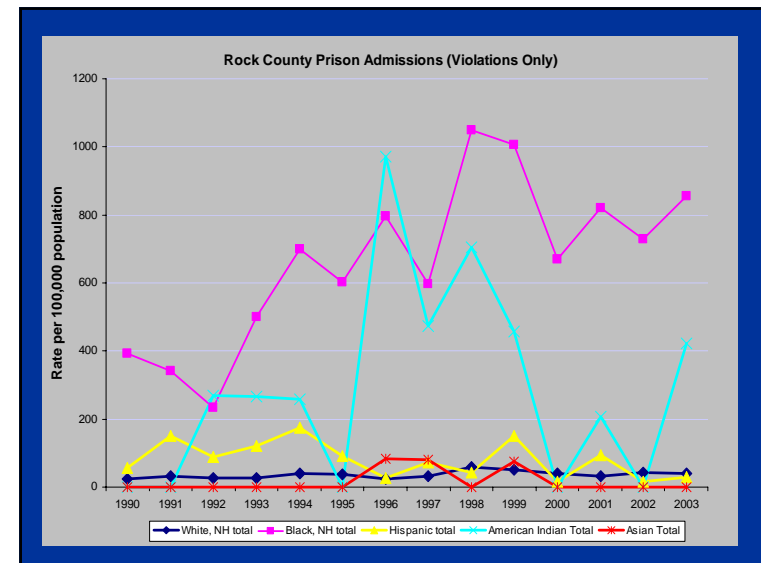
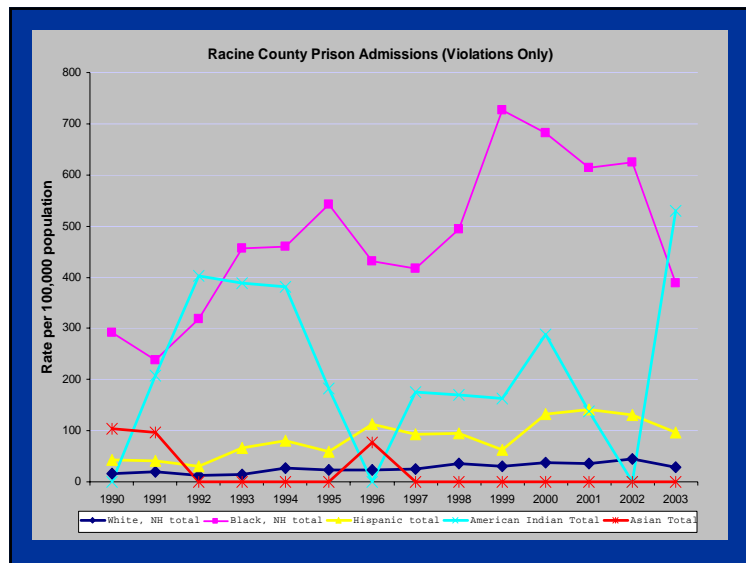




Probation & Parole Revocations Only

Racial trends within counties



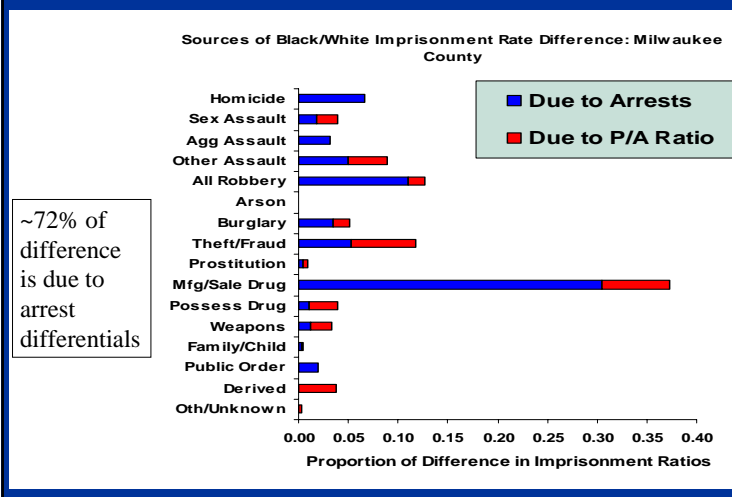


Dane & Milwaukee: Allocating New Sentence Disparities to Arrests & Post-Arrest Processing 1998-9

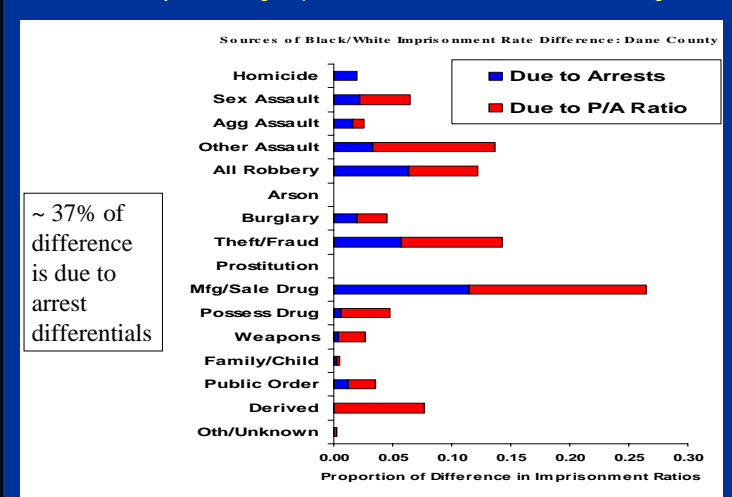
Explaining the next two charts

- Classify new prison sentences into the same offense groups as UCR arrest data
- Within offense groups, calculate ratio of prison sentences to arrests for Whites
- For Blacks, within offense groups, multiply number of arrests by the WHITE prison/arrest ratio. This is the expected number of prison sentences for Blacks given arrests if post-arrest processing is the same
- Generate the chart by taking the total difference between Black & White prison sentence rates and allocate it to offense and, within offense, to arrest differentials and post-arrest processing differentials

Milwaukee County: Allocating Disparities to Arrest vs. Post-Arrest Processing

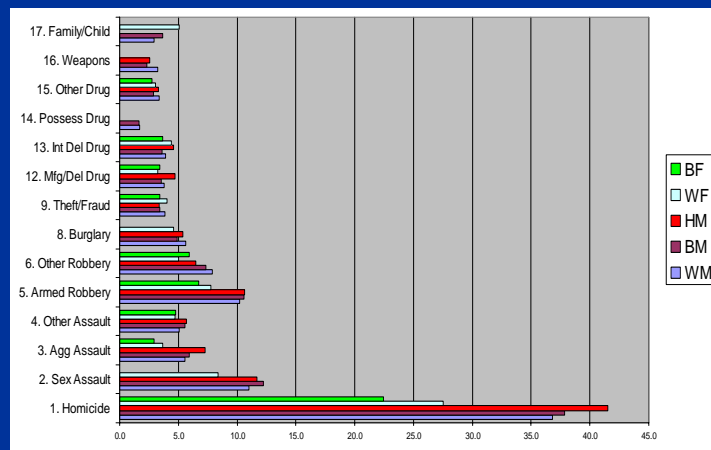


Dane County : Allocating Disparities to Arrest vs. Post-Arrest Processing

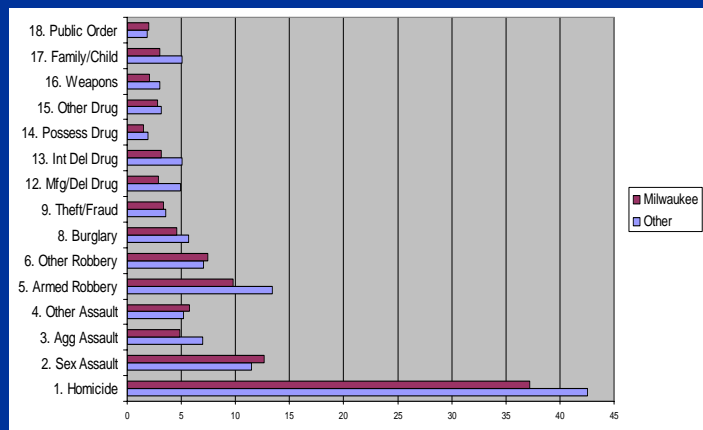


Sentence Length

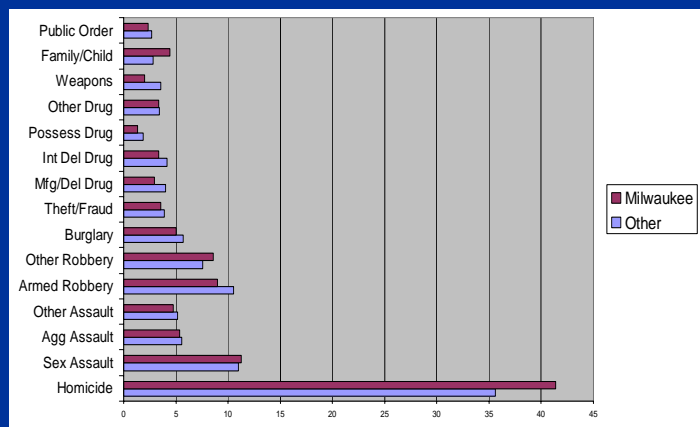
Mean sentence Length by offense, race, sex. Wisconsin 1990-1999.



Black men, Milwaukee vs. rest of state 1990-1999



White men, Milwaukee vs rest of state 1990-1999



Mean Sentence Length for Males by Race & Milwaukee vs Other 1990-9

	Other Counties		Milwaukee		Sig Test		
	WM	BM	WM	BM	race	Mke	Int
Homicide	34.2	40.5	40.7	35.8			*
Sex Assault	9.4	8.9	10.0	10.2		*	
Agg Assault	5.1	5.2	4.0	4.0		*	
Other Assault	4.5	4.4	4.6	4.9			
Armed Robbery	10.6	12.4	10.1	9.9		*	*
Other Robbery	7.2	6.6	7.5	6.9	*		
Arson	7.0	6.8	6.3	6.4			
Burglary	5.2	5.7	5.0	4.7		*	*
Theft/Fraud	3.7	3.3	3.3	3.0	*	*	
Mfg/Del Drug	3.9	4.9	3.0	3.1	*	*	*
Int Del Drug	4.1	4.9	3.3	3.3	*	*	*
Possess Drug	1.9	2.1	1.5	1.7		*	
Other Drug	3.5	3.0	2.9	3.3			
Weapons	3.0	3.0	2.1	2.1		*	
Family/Child	3.2	4.2	2.6	2.4		*	
Public Order	2.4	2.0	2.4	1.7	*		

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