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Summary of Findings So Far on Racial Disparities in Criminal Justice in Wisconsin

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Note: These are preliminary results from an ongoing analysis. Data source for imprisonment is our analysis of Department of Corrections data on persons incarcerated from January 1, 1990 - April 30, 2000. We analyze prison admissions. A "prison census" approach of those in prison would give a higher percentage of more serious offenders who receive longer sentences. Other research indicates that the experience of being in prison even once has detrimental effects on a person's long-term well-being. Offense group is categorized from "current governing offense," which is usually the most serious offense when a person has multiple convictions. Persons whose county of sentencing is missing or who were sentenced in multiple counties are dropped from the analysis. Data source for arrests is Uniform Crime Reports obtained through Wisconsin's Office of Justice Assistance; so far, arrests have been examined only for Milwaukee and Dane Counties. Rates are calculated by comparing sentences or arrests in the county where they occur to the residents of a given race in that county; there is no way to assess the impact of sentences or arrests of persons who are not residents of the county.

State-wide patterns

- 1) By the end of the 1990s, the national black/white disparity in imprisonment was about 7 to 1. In Wisconsin, it was about 20 to 1. Wisconsin was recently ranked as the 3rd highest state in racial disparity in imprisonment. This arises from a low white imprisonment rate (8th lowest in 1996) and a high black imprisonment rate (9th highest in 1996). Exact rankings depend on the year and on whether total imprisonment or prison admissions are used, but the general pattern is consistent across sources.
- 2) Wisconsin's black/white disparity ratio in prison admissions rose from 14 in 1990 to 22 in 1998 (declining slightly to 21 in 1999).
- 3) The minority/white disparity ratios for Hispanics (about 6) and American Indians (about 8) are high but have not increased markedly in the 1990s. (Asians have lower imprisonment rates than whites nationally and in Wisconsin. There is some evidence that Asian incarceration rates in Wisconsin are higher than nationally and have been increasing in the 1990s, but we have not examined this in detail.)
- 4) The share of prison admissions due to probation/parole revocations rather than new sentences has been rising. In the early 1990s, about 1/3 of all prison admissions were for probation/parole violations (with no new convictions), while by the late 1990s, about half were for probation/parole violations with no new convictions. These trends are consistent across racial groups. Among all offense groups, the black/white disparity trends are similar for new sentences and probation/parole violators.

Drug Convictions are Driving Racial Disparity Increases

- 1) Considering only those entering on new sentences (no probation/parole violations), the proportion of **whites** who were drug offenders declined slightly from 18% in 1990 to 15% in

1999, while the proportion of **blacks** who were drug offenders increased markedly from 24% in 1990 to 42% in 1999. For whites, the proportion entering prison for assaultive offenses (homicide, sexual assault, assault) remained relatively constant at 37-40%, while for blacks the proportion entering prison for assaultive offenses declined from 30% to 22%.

2) Racial disparities in imprisonment rates are highest for the drug offenses and increased markedly through the 1990s. **Specifically, the black/white ratio in the rate of new prison sentences for drug offenses rose consistently from 22 in 1990 to 67 in 1999.** The ratios for other offense groups are smaller, showed smaller variations, and generally peaked in the early 1990s, showing declines by the late 1990s. The ratio for assaultive offenses was 12 in 1998-9, having peaked at 16 in 1992-4; the ratio for robbery/burglary was 22 in 1998-9, having peaked at 28 in 1991-2. The ratio for larceny/theft was 17 1996-9 having peaked at 19 in 1995.

3) Only a tiny fraction of new imprisonment sentences are for possession, but the proportion is higher for blacks (6%) than for whites (4%). Nearly half of the new sentences are for the more ambiguous category “intent to deliver” than for manufacture/sale and this proportion is a little higher for blacks (49%) than whites (44%): A higher proportion of whites are sentenced for manufacture/sale (52%) than blacks (45%).

County Comparisons

1) About 75% of Wisconsin’s black residents live in Milwaukee County. Only five other Wisconsin Counties (Dane, Kenosha, Racine, Rock, Waukesha) have more than 1000 black residents who are not prisoners.

2) **White new prison sentence rates have been declining** generally across Wisconsin. Among the counties examined in detail, only Milwaukee County and Rock County show increases in the 1990s.

3) Overall, **black new prison sentences rose sharply in the early 1990s, peaked in the mid-1990s and have declined somewhat in the late 1990s**, with the year of the peak varying across counties. However, **in the “rest of Wisconsin,”** outside the six counties with significant black population, **the rate of black new prison sentences has increased markedly across the 1990s, showing a 135% increase between 1990 and 1999.**

2) Milwaukee County has a substantially lower black imprisonment rate than the rest of the state and a somewhat higher white imprisonment rate. In 1999, Milwaukee’s black/white ratio in imprisonment was “only” 15 to 1, compared with 24 to 1 for the other five counties with significant black population, and 36 to 1 for the rest of Wisconsin. (Keep in mind that the national disparity ratio is already a shocking 7 to 1.)

3) Among the “other five,” counties with significant black populations, the disparity ratio was highest in Waukesha and Dane Counties, which couple high black with low white imprisonment rates. The disparity ratios for the other three counties are more comparable to Milwaukee. Kenosha County tends to have the highest rates of imprisonment of both whites and blacks.

4) The black/white ratio has been growing most rapidly in the “rest of Wisconsin,” from 14 in 1990 to 36 in 1999.

5) All counties have shown substantial and generally comparable increases in prison admissions for probation/parole violations for both blacks and whites, although the rate of increase is generally higher for blacks than for whites.

Milwaukee County

1) **Blacks.** Milwaukee County has had relatively constant total black prison admissions for new sentences since the mid-1990s. However, when more detailed offense breakdowns are examined, there has been a substantial decline in black new prison sentences for the assaultive

offenses and for robbery & burglary, but a substantial 165% increase in black new prison sentences for drug offenses. There has also been a significant increase in new prison sentences for larceny/theft and a substantial increase for the broad collection of “other offenses” after the assaultive offenses, drug offenses, and robbery/burglary are removed, but these are a much smaller proportion of the total.

2) **Whites.** Milwaukee County has had a 65% growth in total white prison admissions for new sentences through 1990s. Most of this growth is due to an increase in prison sentences for the lesser offenses of “larceny/theft” and the broad collection of “other offenses” after the assaultive offenses, drug offenses, and robbery/burglary are removed; violent offenses and robbery/burglary account for most white prison admissions, but these have not exhibited consistent trends in the 1990s.

3) Milwaukee’s total racial disparity in total new prison sentences peaked at 19 in 1991 and has declined to 15 in the late 1990s. However, **the racial disparity in new drug sentences rose from 17 in the early 1990s to 36 in 1999.**

4) Admissions for probation/parole violations rose for both races and the disparity ratio remained fairly constant in the 14-16 range throughout the decade.

5) Arrests. Most arrests are for the least serious offenses. In 1998-9, the overall black/white ratio in arrest rates by the City of Milwaukee police department was about 4 to 1, as was the arrest rate for drug possession offenses, while the black/white ratio for drug sale/manufacture offenses was 9 to 1. For the County of Milwaukee (including the City of Milwaukee plus other cities), the total black/white ratio in arrests was 5 to 1, 4 to 1 for drug possession offenses and 13 to 1 for drug sale/manufacture offenses.

Waukesha County

1) Waukesha has the highest black/white racial disparity in new prison sentences. It rose from 50 to 1 in 1990 to 81 to 1 in 1997, and declined to 60 to 1 in 1999. The rise in black prison sentences was driven by assaultive offenses in the early to mid 1990s, and a steep rise in drug offenses in 1997 and 1998. Because it has a small black population but is adjacent to Milwaukee County, some of this is probably due to non-resident crime; nothing in the available data permits us to address this issue.

2) Admissions for probation/parole violations rose for both races. Its racial disparity ratio is the highest among all counties, peaking at 73 in 1994, and falling in the 50s in the early and late 1990s.

Dane County

1) Dane has the second highest black/white racial disparity in new prison sentences. The black/white ratio rose from 20 in 1990 to 45 in 1994 and peaked at 48 in 1997, declining to 39 in 1999. Its white imprisonment rate generally declined in the 1990s, while its black imprisonment rate rose steeply 1990-3 and declined 1994-9. Drug offenses account for the largest share of Dane’s new prison sentences for blacks. Its black/white disparity in drug sentences peaked at 218 to 1 in 1996, declining to “only” 94 to 1 by 1999.

2) Prison admissions for probation/parole violations rose for both races. Dane’s black/white disparity ratio is second only to Waukesha’s. It rose steeply from 30 in 1990 to 49 in 1997, and declining modestly to 39 in the late 1990s.

3) Arrests. The black/white ratio in arrests in Dane County in 1998-9 was 9 to 1, 11 to 1 for drug possession arrests (21 to 1 for cocaine possession arrests), and 34 to 1 for drug sale/manufacture arrests (84 to 1 for cocaine sale/manufacture arrests). City of Madison police black/white arrest ratio overall was 9 to 1, drug possession 14 to 1, drug sale/manufacture 37 to 1

(cocaine sale/manufacture 88 to 1).

Kenosha County

1) Kenosha has, by far, the highest white new prison sentence rates of the counties examined; it also led all other counties in black imprisonment through the mid-1990s, and is exceeded only by Waukesha county in the late 1990s. Its black/white ratio is relatively low and fairly constant through the 1990s, staying in the 15-17 range. Assaultive offenses predominate for whites, while drug and assaultive offenses predominate for blacks. Admissions for probation/parole violations are up for both races, with the black/white disparity ratio has been declining modestly.

2) Kenosha has the highest prison admission rates for probation/parole violators for both blacks and whites. Its black/white ratio declined modestly in the 1990s from 20 to 17.

Racine County

1) Racine is second only to Kenosha in its white new prison sentence rate while its black imprisonment rate is substantially lower than that of Waukesha and Dane Counties. Its black/white disparity has generally been the lowest of the counties examined and has declined from 18 in 1990 to 14 in 1999. Whites are principally sentenced for assaultive offenses, with drug offenses second and other offense groups close behind. Blacks are principally sentenced for drug offenses with assaultive offenses second.

2) Racine is third highest (behind Kenosha and Rock) in white admissions for probation/parole violations and the is second lowest (behind Milwaukee) in black admissions for probation/parole, so its disparity ratio has been generally below average and declining in the 1990s.

Rock County

1) Unlike the rest of Wisconsin except Milwaukee, white new prison sentences in Rock county climbed steadily through the 1990s, beginning with a relatively low rate (below Dane's) but exceeding Racine county by the end of the decade. High proportions of whites in Rock county are sentenced for larceny/theft and "other" offenses, which seem to be accounting for most of the growth. Black new sentences peaked in 1993-4 and have declined since. Drug offenses are the largest group for black new sentences, but larceny/theft and "other" offenses also are an important and rising group. Overall, the black/white ratio in new sentences declined from 24 in 1993-4 to 13 in 1999.

2) Rock County has relatively higher rates of prison admission for probation/parole violations than for new sentences, compared to other counties. Its white imprisonment rate for probation/parole violations is second to Kenosha's, while its black rate is almost as high as Dane County's (which, in turn, is lower than Kenosha and Waukesha). The disparity ratio was 11 in 1991-2, and rose to 17 by 1995, where it has remained fairly steady since then.