Racial Disparities in Criminal Justice:
Madison and Dane County in Context

A Presentation by
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INTRODUCTION

OUR PURPOSE
- Collaborate with public officials to obtain data to understand the situation
- Contribute to a constructive community dialog to address underlying causes in policies, systems and organizations

RACIAL DISPARITY
- "Racial disparity" is disproportionate representation of a racial/ethnic group in the criminal justice system compared to the general population.
- It is a statistical concept.
- Racial disparity does not prove discrimination.
- Disparities point to problems and issues, they are a symptom, not a diagnosis.
- "The patient has a fever of 107 degrees." Something is seriously wrong.
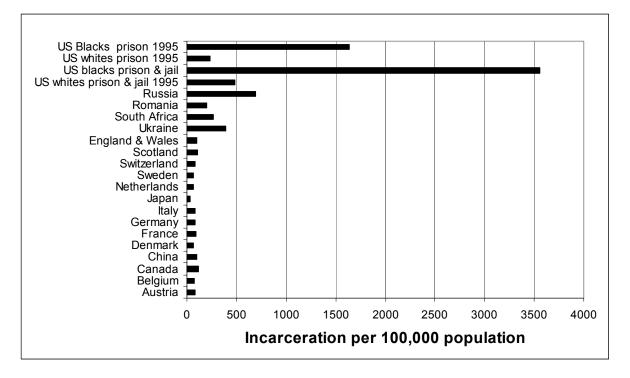
ASSUMPTIONS, PRIORS (Based on research elsewhere)
- Disparities have multiple causes.
- There are real differences by race in serious crime rates.
- Economic & social factors (family disruption, unemployment, poverty) are important.
- There are additional racial disparities that arise from the policies and practices of the criminal justice system over and above crime and economic/social factors.
- These additional disparities can arise without discriminatory intent or conscious prejudice.

MADISON & DANE COUNTY
- We need to put the local story in a national and state context
- What is happening here is closely tied to what is happening nationally & appears consistent with national patterns
- But we are an extreme example
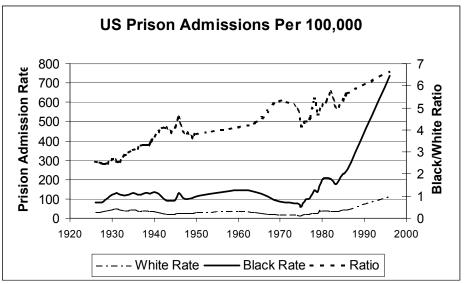
I. INTERNATIONAL CONTEXT
World Incarceration Rates 1995. (Source: Mark Mauer, The Sentencing Project; augmented by information from Bruce Western and my own computations from Bureau of Justice Statistics data.)

Incarceration per 100,000 population

Category	Incarceration per 100,000 population (approx.)
US Blacks prison 1995	~1650
US whites prison 1995	~220
US blacks prison & jail	~3550
US whites prison & jail 1995	~480
Russia	~690
Romania	~200
South Africa	~270
Ukraine	~390
England & Wales	~100
Scotland	~110
Switzerland	~80
Sweden	~60
Netherlands	~75
Japan	~40
Italy	~85
Germany	~85
France	~90
Denmark	~65
China	~115
Canada	~115
Belgium	~75
Austria	~85

In 2000 the US finally surpassed Russia and now has the highest rate of incarceration in the world: 690 of 100,000, a rate that is four to six times that of most of the world's nations (Mauer 1999). The US white incarceration rate is still 4-5 times higher than the democratic world, and is more comparable to the incarceration rates in the former authoritarian states of Eastern Europe and South Africa. But the black incarceration rate is astronomical by world standards. It is about 7 times the rate for whites. This is a disaster. It raises enormous social, political and moral questions for us all. What is going on?

These numbers include everyone, including women and children. If you focus on those most at risk of incarceration, you get an even more startling picture. The overall black male prison incarceration rate (not including jail) in 1999 was 3408 (that is 3.4%), compared with 417 for white men and 1335 for Hispanic men. The highest rate in 1999 was 9.4% for black men aged 25-29, an astounding percentage to be imprisoned in a given year – and this does not even include the much larger proportion who are on probation or parole. When those in jail are included, the total incarceration rate was 12.2% in 1996 for young men (Western and Petit 2000), and is presumably even higher now. Federal statisticians estimate that about a third of the young black male population is under the supervision of the correctional system, and that the "lifetime expectancy" of spending time in prison is 29% for a young black man today. It is over half in some areas. More and more people are coming to recognize that this is a major disaster. It is not only a disaster for the young men in prison, it is a disaster for the women and children in their families.

II. US HISTORICAL

US Prison Admissions Per 100,000

US imprisonment rates were relatively constant for 175 years, 1800-1975. A major policy shift since 1975 has led to exponential growth in the prison population. Bureau of Justice Statistics statisticians indicate the most of the recent growth in the prison population is due to longer sentences and reduced probation and parole, rather than new prison sentences. Nevertheless, as the figure indicates, new prison admissions have also been growing exponentially.

The ratio of black to white imprisonment rates (per 100,000 population) grew in the 20th century, from about 2 at the beginning of the century to about 7 at the end. Before 1975, black imprisonment rates were relatively constant but white imprisonment was declining (with the decline in European immigration). After 1975, prison admissions for both races have been growing exponentially, but the black growth rate is much higher than the white rate, leading to a huge widening of the gap between blacks and whites in their rates of imprisonment. The

The punch line: this is not a legacy of slavery or Jim Crow segregation, but something that we as a nation have been doing since 1975. Causes of the shift include a shift to determinate sentencing and higher penalties for crimes that had previously not merited prison sentences; the drug war; the LEAA and increased funding for police departments which raised levels of policing. Some scholars also point to post-civil rights & post-riots competitive race relations and race-coded political rhetoric. This is the first time crime becomes a political issue.

III. COMPARING US AND WISCONSIN IN HISTORICAL TRENDS

In the 20th century, black imprisonment rates became higher in the North than in the Old South. My analysis (and others') of 20th century trends indicates:
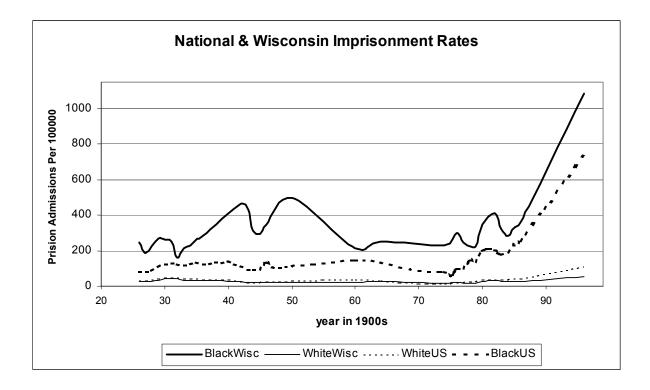
1) Throughout the 20th century, black per capita imprisonment has been higher where they are a smaller percentage of the population.

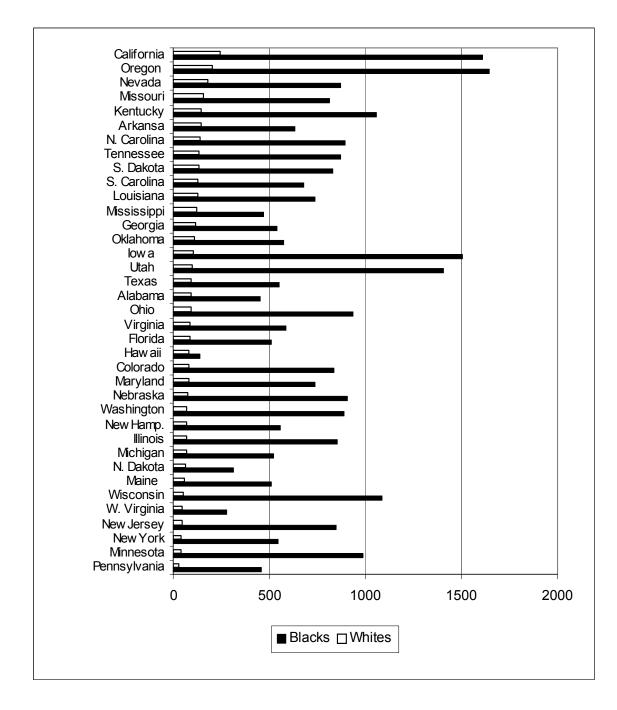2) Through 1960, high imprisonment was also associated with high rates of change in the black population.

3) Between the 1970s and 1980s, black imprisonment rose faster over its previous base where blacks were a smaller proportion of the population.

Tentative conclusion: black imprisonment higher where they are small, politically and economically marginal proportion of the population.

These patterns can be seen in Wisconsin, and in counties within Wisconsin. Wisconsin's black imprisonment rates have historically been higher than the national average. After 1975, Wisconsin's white imprisonment rate grew more slowly than the national white average, while Wisconsin's black imprisonment rate grew more rapidly than the national average.

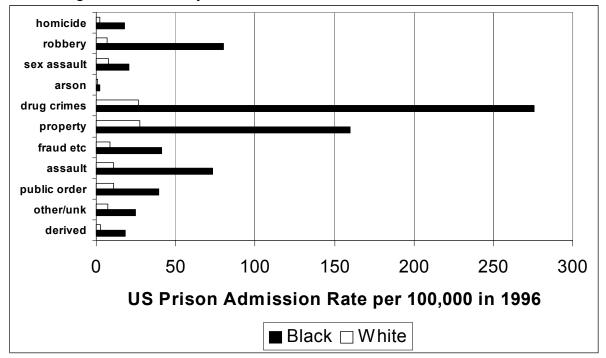**National & Wisconsin Imprisonment Rates**

Imprisonment rates per 100,000 for blacks and whites, for the 37 states participating in the National Corrections Reporting Program.
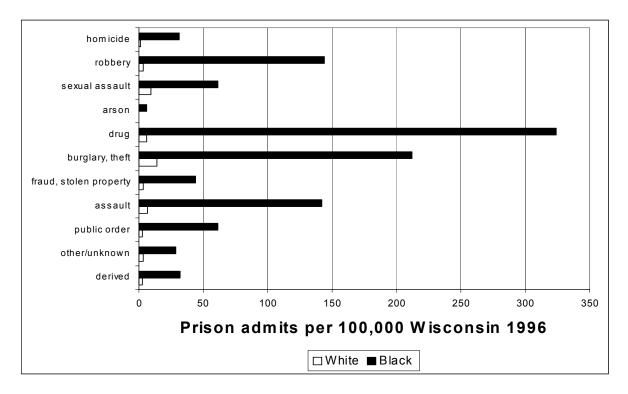

In 1996, Wisconsin had the sixth lowest white imprisonment rates and the fifth highest black imprisonment rate of the states participating in the NCRP (the data from which I calculated subsequent breakdowns by offense).
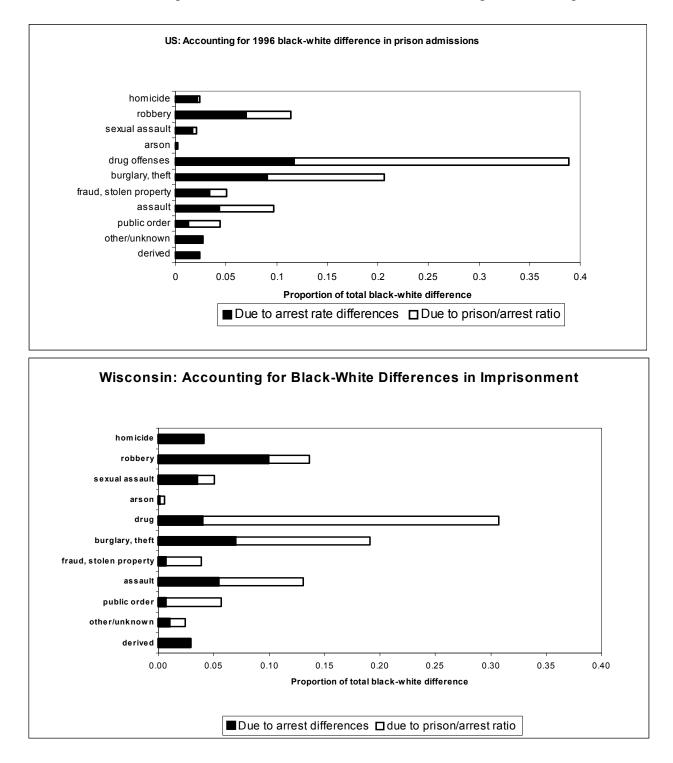
IV. OFFENSES & SOURCES OF IMPRISONMENT DIFFERENCES

Although a "snapshot" of who is in prison at any given time yields a higher proportion of people who have long sentences because they have committed very serious offenses, the large majority of people are sentenced to prison for relatively short periods of a few years. In the US as a whole, drug and property offenses are the major offense categories for which people are admitted to prison. This pattern is largely replicated in Wisconsin, except that racial disparities are even higher than nationally.

US Prison Admission Rate per 100,000 in 1996

■ Black □ White

Prison admits per 100,000 Wisconsin 1996

□ White ■ Black

I have developed a procedure for partitioning the total different between blacks and whites in the rate of prison admission by offense, and by the proportion (within offense) due to differences in arrest rates, and the proportion due to differences in the ratio of imprisonments to arrests. As the two charts indicate, the patterns in Wisconsin are quite similar to the US as a whole: drug and property offenses account for most of the difference, and for these offenses, the prison/arrest ratios are even more important than arrest rate differences in accounting for racial disparities.

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

Wisconsin: Accounting for Black-White Differences in Imprisonment

Conclusions:
• Imprisonment differences are fueled by drug and property crimes, not by violent crimes, even though there are large differences between blacks and whites in violent crime rates.
• Arrest rate differences account for most of the racial disparity in imprisonment for the most serious crimes, but there are large racial differences in the prison/arrest ratios for less serious crimes which account for most imprisonments.
• It is important to consider the interactions among property crimes, drug offenses, and violent crimes, and the policing of each, and not lump them together as "crime."

Methodological Caveats:
• 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.

The 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. These may be considered "economic biases."

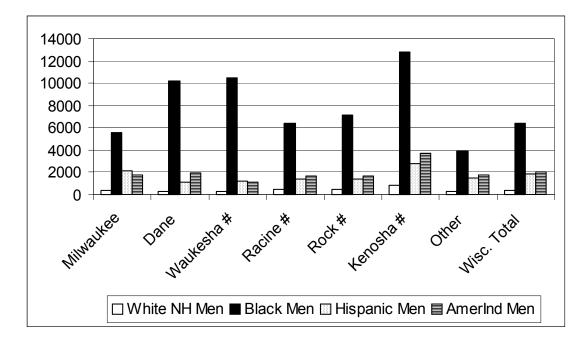But Arrests For Less Serious Offenses May Not Track Actual Crime Rates
• For homicide, robbery, stranger rape, arrests track crime fairly well. (Although there is a pattern in some cities of "rounding up" suspects – many more arrests for murder than murders in Milwaukee and elsewhere, for example.)
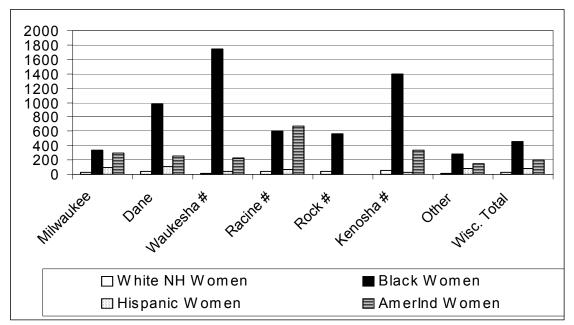• But for drugs, theft, assault, public order offenses, arrests are not a good proxy for actual crime.
• Arrests for less serious offenses are generally regarded by criminologists to be more a measure of police zealousness and emphasis on particular crimes or particular populations than a measure of crime.

V. LOCAL PATTERNS: Imprisonment from Wisconsin Counties

These tables who the numbers in Wisconsin State prisons as of April, 2000, by county of sentencing, for the six counties with significant black populations. Milwaukee County, with 75% of Wisconsin's black population, is below the state average for black imprisonment, as is the sum of the "other" counties in Wisconsin. The five counties with significant but small black populations, especially Dane, Waukesha, and Kenosha counties, are substantially above the state average. Graphic calculated using 1999 population estimates
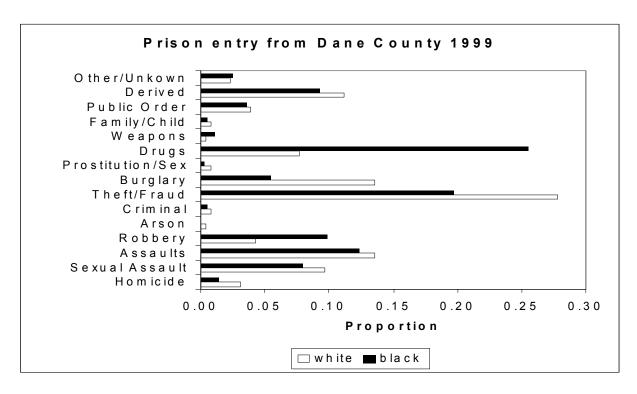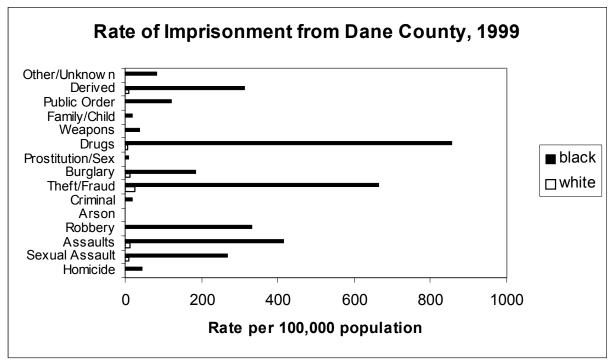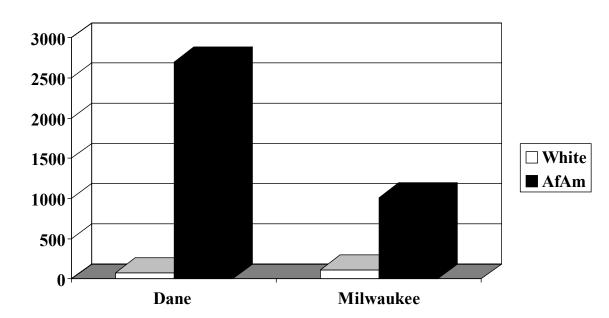

counties with < 1000 American Indians.

VI. Offense & race breakdown of persons sentenced from Dane County in 1999

   The first graphic shows numbers of persons. Note that Dane County sent more black people than white people to prison in 1999, even though black people are only about 4% of the county's population. For both races, drug and property crimes predominate. Note that many more blacks than whites were sentenced for drug offenses. The second graphic shows rates (imprisonments per 100,000 population of that group's members). Dane County's black imprisonment rates are so high relative to white that the white rates do not even show on the same graph.

Prison entry from Dane County 1999

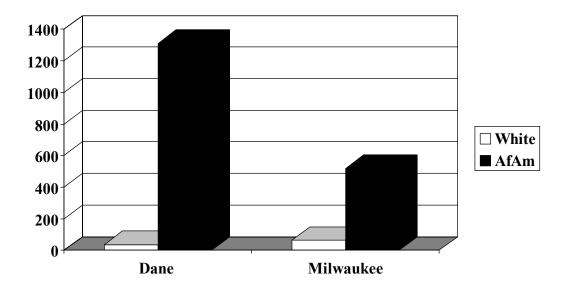Rate of Imprisonment from Dane County, 1999

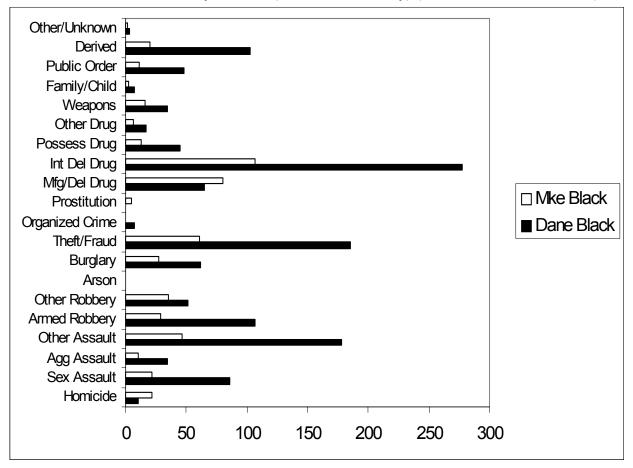## VII. Comparing Dane and Milwaukee Counties in Imprisonment

Average annual prison admissions 1/1/98 - 4/30/00 (all sentences)

In evaluating Dane County's rates of imprisonment by race for various offenses, it is helpful to have a point of comparison, so in these tables I compare Dane County to Milwaukee County. I also sum the prison admissions for 1998, 1999, and the first four months of 2000 and then divide by 7/3; this procedure gives the average annual prison admissions for these 2 1/3 years, thus damping out possible unusual circumstances in any particular year. As the graph shows, both counties have huge racial disparities, but the disparity is lower in Milwaukee County than Dane County: Milwaukee County sends proportionately more whites and fewer blacks to prison than Dane County. The pattern is the same if only sentences involving new violations are considered:
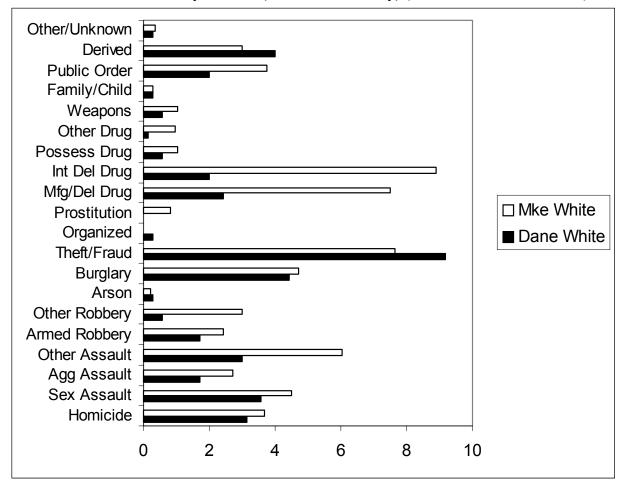
I also use a more detailed breakdown of offenses, so that we may have a better comparison of the degree of seriousness of the offenses for which people are sentenced. Because the black and white imprisonment rates are so different, they cannot be meaningfully examined on the same axes, so Milwaukee and Dane Counties are compared separately for blacks and whites.

Rate of Prison Admission by Offense (new sentences only) (Annualized 1/1/98-4/30/00)

Dane County sends blacks to prison at a higher rate than Milwaukee County for every offense category except homicide and prostitution. The differences are especially large for "intent to deliver" drugs, theft/fraud, simple assault, sexual assault, armed robbery, public order offenses, and derived offenses (e.g. escape, bail jumping).
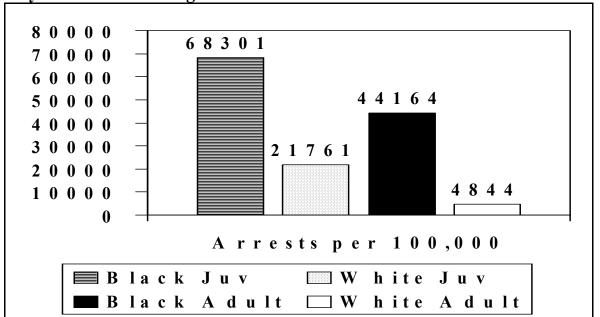
By contrast, Milwaukee County sentences **whites** to prison at higher rates than Dane County, across most offense categories. This difference is especially pronounced for the drug offenses. Only for theft/fraud, organized crime (criminal enterprise), and derived offenses (bail jumping, escape, etc.) does Dane County exceed Milwaukee County in white imprisonment.

Rate of Prison Admission by Offense (new sentences only) (Annualized 1/1/98-4/30/00)
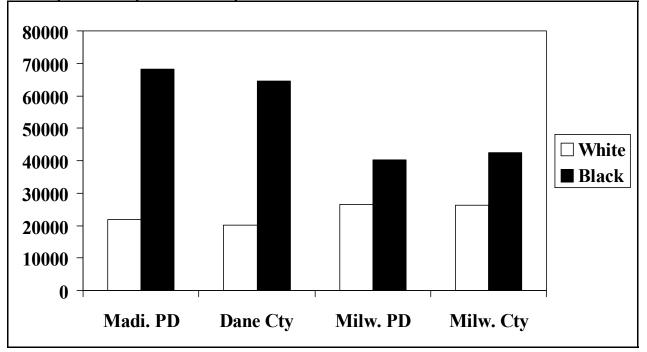
VIII. COMPARING DANE AND MILWAUKEE COUNTIES AND MADISON AND CITY OF MILWAUKEE IN ARRESTS

Again to damp out possible oddities in a particular year, I have averaged Uniform Crime Reports arrest data over two years, 1998-1999. (The Dane County Sheriff Department arrests are not available for Dane County for 2000.)
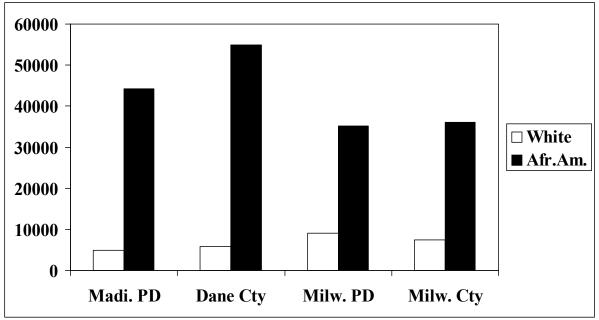
City of Madison Average Annual Arrest Rate 1998-1999

Adult Arrest Rates Per 100,000 (Average 1998-1999) for Madison, Dane County, and City and County of Milwaukee

Juvenile Arrest Rates Per 100,000 (Average 1998-1999) for Madison, Dane County, and City and County of Milwaukee
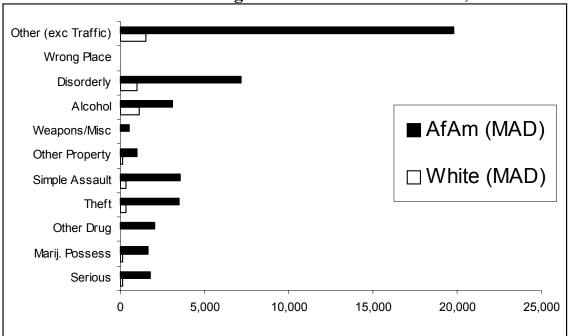

For whites, arrest rates are somewhat higher in Milwaukee (city or county) than in Madison and Dane Count, while for blacks, arrest rates are substantially higher in Madison and Dane County than in Milwaukee City and County. The racial differences are larger for adults than for juveniles.
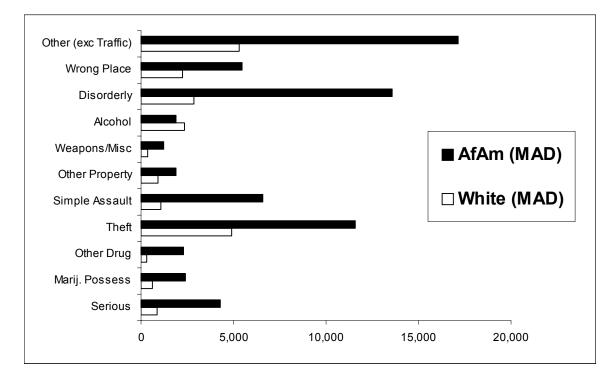
IX. OFFENSE BREAKDOWNS OF ARRESTS

Relatively few arrests are for the most serious crimes, most arrests are for minor crimes. I have grouped all the "Serious" offenses together, including homicide, sexual & aggravated assault, burglary, robbery, arson, and auto theft. I have also separated marijuana possession arrests from all other drug arrests, as there is a common community belief that marijuana possession is not a "serious" offense. I grouped some rare offenses (e.g. prostitution) in with weapons offenses, which are the overwhelming majority of offenses in that category. "Other except traffic" is a Uniform Crime Reports category: only the local police department could give us the break down of what is within this category. In the juvenile table, the "wrong place"label refers to arrests for loitering, curfew, vagrancy, and runaways; there are very few such arrests of adults As the graphs indicate, the much higher arrest rate for blacks than whites is consistent across offense groups. The disparities are also much larger for adults than for juveniles.
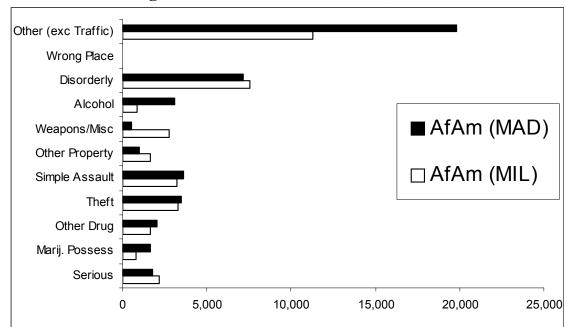
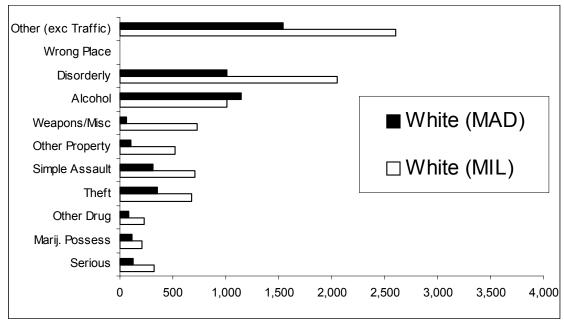## Madison PD Average Annual Adult Arrest Rate, 1998-1999

Madison PD Average Annual Juvenile Arrest Rate, 1998-1999

We may compare City of Madison arrest patterns to City of Milwaukee patterns.

Average Annual Adult Arrest Rates, 1998-1999

Madison and Milwaukee are quite similar in their adult arrest rates for serious crimes. The big difference between Madison and Milwaukee in adult arrests occurs in "other except traffic." (Discussion at our meeting suggested that some of this could be parole holds, although this cannot explain all of the difference.) Madison also has comparatively high black arrest rates for alcohol offenses and drug offenses, especially marijuana possession. The large difference in black imprisonment rates between Dane and Milwaukee Counties does not appear to be coming directly from differences in arrests for offenses which could result in prison sentences.

Average Annual Juvenile Arrest Rates, 1998-1999

Madison's juvenile arrest rate for theft and alcohol offenses is higher than Milwaukee's for both blacks and whites. Milwaukee arrests white juveniles for serious crimes, disorderly conduct, and "wrong place" offenses (loitering, etc.) at a higher rate than Madison. Madison's black juvenile arrest rate is substantially higher than Milwaukee's for marijuana possession, simple assault, alcohol, "wrong place" offenses and, especially, "other except traffic." Parole holds should not be a significant factor in juvenile arrests.

X. ALLOCATING SOURCES OF DANE COUNTY IMPRISONMENT DISPARITY

Following a similar procedure to that used above for national and state imprisonment rates and arrest rates, we may allocate the racial difference in Dane County & Milwaukee imprisonment rates as follows:

Sources of Black/White Imprisonment Rate Difference: Dane County

This allocation show that most of the imprisonment difference arises from drug sale offenses (26%, of which our other charts show us the majority are "intent to deliver" offenses), theft/fraud (14%), other assault (14%), and robbery (12%). While racial differences in imprisonment for homicide are all due to arrest rates (where the prison/arrest ratio is actually higher for whites than for blacks), in Dane County, both arrest rate differences and differences in the prison/arrest ratio are significant for most other offenses. For the least serious offenses, including "other" assaults, drug possession, weapons & miscellaneous, and public order offenses, most of the difference is due to prison/arrest ratios. Overall, estimates in Dane County are that 37% of the black-white difference in imprisonment rates is due to arrest rate differences and 63% to differences in the prison/arrest ratio. Differences in the prison/arrest ratios are generally attributable to considerations of "prior records," for which arrests for less serious offenses may play an important role.

Sources of Black/White Imprisonment Rate Difference: Milwaukee County

The pattern is quite different in Milwaukee. This same computational procedure for Milwaukee shows that nearly (92%) of the black-white difference in imprisonment rates is due to arrests. and that arrests for drug sales account for over 40% of the difference, followed by arrests for robbery. In fact, the prison/arrest ratio is higher for whites than for blacks not only for homicide, but for drug sales, aggravated assault, robbery, and public order offenses.

XI. JUVENILE CITATIONS

   (Note: I did not present most of this material in the slide show, but provide it to you here in case it is useful.) In response to a request from Madison Urban Ministry, with the assistance of a group of undergraduates, I analyzed records of juvenile misdemeanor citations from Madison PD and other local agencies. To get some benchmark, I related some of these citation and arrest ratios to self-reports of delinquent acts in the Dane County Youth Assessment (DCYA), a survey of middle- and high-school youth which would under-represent school dropouts, who would be the most crime-prone among older youth. Findings relevant to local policing:
   1) Black/white ratio is 2.2 for larceny/theft arrests, but .6 for retail theft citations. The black/white ratio in self-reported "ever shoplifted" in the DCYA is 1.2. On the other hand, ratios for more serious property crimes are much larger: 9.2 for robbery, 4.8 for auto theft, 4.1 for burglary. Arrest data do not tell us the details of the specific "theft" arrests.
   2) Self-report cocaine use is low for all youth, but higher for whites (ratio is .6 for Dane

County; no Madison black youth reported using cocaine). Only black youth were arrested for possession, and arrests of black youth for cocaine sale were double the self-reported "ever used" rates for black youths in the DCYA. The black/white ratio in self-reported marijuana use is 1.5, the arrest ratio for marijuana possession is 2.8, but the ratio for marijuana possession citations (a lesser response) is 1.9. The black/white ratio for marijuana sales arrests is 7.2.

   3) Showing racial equality in arrests are the citation, self-report, and arrest statistics for juvenile alcohol-related offenses, disorderly conduct, tobacco: for these offense groups, the ratio of black to white is roughly the same across different measures, indicating that arrests and citations are roughly proportional to underlying offenses.

   4) Traffic stops. Initial analysis indicates a huge disparity for "license and registration only" stops (i.e. no other offense): 40% of all traffic stops of black youth (compared to 8% for whites) resulted only in a citation for license or registration troubles, raising the question of why the youths were stopped at all. The disparity ratio for such stops was 5.5 to 1. However, the ratio for having license and registration troubles for youths stopped for traffic offenses or equipment problems (which could have been seen before the stop) was 6.8 to 1. Proportional to population, black youths are only .58 times as likely as white youths to be stopped for a traffic offense. But, of course, black youths probably have lower access to cars and actually drive less than white youths. There is obviously community debate about whether people are equally likely to be stopped when they have committed some observable (but possibly minor) offense. If we assume that the chances of committing an offense and being stopped for it are the same for black and white youths if they are driving around (i.e. assume that the black juvenile rate of driving around is .58 that of whites), then the estimated racial disparity in being stopped for "no reason" (or some reason not evident from the citations) is 1.33.

XI. DISCUSSION

MULTIPLE ARRESTS
• An arrest rate of 55,000 could mean that 55% of African Americans in Dane County are arrested each year, or could be that 5.5% are arrested 10 times a year.
• These imply very different images of what "the problem" is.

EVIDENCE FOR "DIFFERENTIAL ENFORCEMENT" IN ADULT ARRESTS IN MADISON
• 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. Nationally, black and white usage of marijuana is comparable. There may be greater differences in Dane County, but this large a difference is not credible.
• "Other except traffic," a black box of miscellaneous minor offenses, accounts for a very large proportion of the differential arrest rate. Some of this may be parole holds, but parole cannot account for all of the difference.

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
• Information on proportion of total arrests (by race) within areas would help us to understand

how much of a role this plays
• Place is not neutral with respect to race or other social factors
• There are real community debates about how to police high-crime places

DRUG SALE/POSSESSION ARRESTS: A PUZZLE
• Marijuana exhibits what you would expect in a market: ten times as many arrests for possession as for sale in Madison & Dane County. (4.6 - 5 times as many in Milwaukee City & County)
• Heroin/cocaine arrests in Madison have over twice (2.2) times as many arrests for sale as for possession (compared to .9 in Milwaukee City & County and 1.2 in Dane County). It cannot be true that there are more than twice as many sellers as buyers of heroin/cocaine, or even the same number. This has to reflect policing patterns
• Is there a pattern of charging everyone in possession of a significant amount of cocaine with "intent to deliver"? Are all these people really dealers? Where are their customers?
• It is significant to ask these questions because such a high proportion of Dane County's prison admissions are for drug offenses, especially "intent to deliver."

CONCLUSIONS
• Imprisonment of African Americans is a major and growing social problem in the US & Wisconsin
• Madison & Dane County are contributing at least their share to this problem
• A careful examination of data and a serious community dialogue may help us to move in a more positive direction.

APPENDICES

1. Summary of methodology. (Included)

2. Spreadsheet tables on imprisonment numbers and rates from Dane and Milwaukee Counties 1/1/98 - 4/30/00. (8 pages printed)

3. Spreadsheet tables on Uniform Crime Report from City of Madison, City of Milwaukee, Dane County, Milwaukee County for 1998 and 1999 and 2-year averages, for adults, juveniles, and adults and juveniles combined, plus comparisons and special tables on drug offenses. (52 pages printed)

4. Table showing comparison of juvenile misdemeanor citations for 1999 to Uniform Crime Reports juvenile arrests for 1999 and to selected responses from Dane County Youth Assessment. (2 pages)

Appendices 2-4 are not included with this document in general distribution, but can be sent to you by request. Send email to oliver@ssc.wisc.edu or call (608) 262-6829 (office) or (608) 829-3692 (home). They will also be posted and downloadable from my web page as printable Adobe Acrobat PDF files and in their original Excel spreadsheet form www.ssc.wisc.edu/~oliver

Thanks to James Yocom and Thomas Macleod for research assistance. Jim Yocom, in particular, put in many hours producing and formatting the spreadsheet tables on the arrest statistics so they would print out in a readable fashion.

July, 2001
Pamela Oliver
Professor of Sociology

Calculating arrest and incarceration rates

Arrests
Counts of persons arrested by offense and race are reported on standard Uniform Crime Report forms by police agencies. These reports are forwarded to Wisconsin's Office of Justice Assistance and the FBI, which compiles standard reports. These standard reports give arrest rates for the whole population, but do not break those rates down by race.

1) My original data source for the raw arrest counts for the City of Madison for what I was told was 1999 was a photocopy of a document handed to me by Office of Justice Assistance personnel in response to my request for the 1999 UCR form for Madison. The year 1999 is printed on this document, but when I cross-checked it against other data, I realized that this is the 1998 report (the date on the form is 3/1999). I was told that OJA made a similar mistake in its published report: the reported 1998 numbers are actually 1997 numbers.
2) I now have a computer file of the entire OJA data base of UCR reports for 1997-2000. It was cross-checking the paper report against this data base that permitted me to find the error.
3) Counts of persons arrested are "hard" data; our numbers may be compared with an agency's own records.
4) An arrest "rate" is calculated by dividing the number of arrests from a given population by the number of persons in that population. Arrest and imprisonment rates are typically multiplied by 100,000 and so give the rate of arrest per 100,000 members of a population. An arrest rate of 1,000 for example is the equivalent to the proportion .01 or 1%.
5) Standard FBI, OJA, etc. "crime reports" give arrest rates by offense for whole populations, and arrest rates by race summing across offenses, but do not provide detailed breakouts by race for sub-national populations.
6) What I am doing that is unusual is looking at the rates of arrest for specific offenses by race within states, counties, and places (i.e. cities).

Imprisonment

I have two sources of information on sentencing to state prisons from Wisconsin counties. For 1996, I and my research assistants have processed and analyzed the individual-level records available in the National Corrections Reporting Program data; this was the most recent year publically available at the time we started the work. NCRP data are now available 1983-1998. We have classified prison admissions by race, most serious offense, and county of sentencing.

In addition, I have obtained a copy of the Department of Corrections data base that is the basis for NCRP reports; this data base includes everyone admitted to prison in Wisconsin

in the 1990s. Again, we have processed this data file to generate counts of persons sentenced to prison by offense group, race, and county of sentencing.

It is important to distinguish prison admissions from "in prison." Prison admissions give a better picture of the reasons people are being sent to prison, as there are more people going to prison on shorter sentences, but those with very long sentences comprise a larger share of any snapshot of those "in prison." The DOC usually reports only four very broad categories: violent, sex, drug, other, but we find it helpful to group offenses more specifically.

One detail we have not yet been able to track down: other sources indicate that 60-70% of the people entering prison in a given year are being returned from probation or parole, but we have not been able to track this in either data set. We are working with "current governing offense," which is usually the most serious offense for which the inmate is serving time.

Population Estimates
Race-specific population estimates for small geographic units are obviously approximate, not easy to obtain, and not well formatted for our purposes. Our initial work used the Census Bureau's official estimates for a given year; these estimates are based on the 1990 census plus subsequent sampling. (Preliminary results from the 2000 census just became available this past spring.) The Census Bureau provides a file of county-level estimates of the population by race, sex, and age (in 5-year ranges). Unfortunately, these 5-year ranges cross the boundary between juvenile and adult in arrest statistics. UCR juveniles are those under 18, and the standard denominator for calculating a juvenile arrest rate is persons aged 10-17. Imprisonment rates are sometimes calculated on the total population, and sometimes on the adult population of those 18 and over. Census Bureau age ranges in county-level estimates are 10-14 and 15-19.

The 18 and 19 year olds are particularly problematic in Dane County, a University town. Detailed examination of the counts for each race in the five-year ranges reveals a significant jump in the number of whites and Asians in this age range relative to younger ages, while the numbers of blacks, Hispanics, and American Indians remain nearly constant. This is consistent with the large influx of college students into the community and the known racial composition of the university students. The raw numbers of persons in the 0-4, 5-9, and 10-14 groups are roughly comparable across the three age groups for all racial groups. A reasonable estimate of the black & white population of Dane County ages 10-17 using these census estimates would thus appear to be estimated from the population 0-14, using the formula: 8*(population aged 0-14)/15. A reasonable estimate of the total juvenile population of a given race would appear to be 17*(population aged 0-14)/15, and a reasonable estimate of the total adult population of a given race would appear to be (total population – estimated juvenile population).

Population estimates by race based on the 1990 Census are not readily available for the City of Madison population.

The Census 2000 unadjusted counts for both Dane County and the City of Madison have recently been released. These counts break the population in to juveniles under 18 and adults 18 and over, which coincides with the age break for arrest data. Unfortunately for our purposes, Census 2000 includes a "mixed race" category that is large relative to the black population, especially for juveniles. In Dane County, about 4% of the juveniles and 1% of the adults are listed as "mixed race," compared with 6.4% of juveniles and 3.3% of adults who are listed as "black or African American." We have been working to obtain and analyze the detailed breakouts of this mixed race group. In the total Dane County population, about 43% of those who listed themselves as of mixed race included black or African American as one of the races. (In Milwaukee County, about 47% of the mixed race persons included black or African American as one of the races.) In Madison, about 32% of non-Hispanic "mixed" persons have Asian but not black ancestry.

The overall Dane County population counted in the 2000 census is about 97% of the 1999 census estimate. The age mix (juvenile versus adult) of the total population in the 2000 census is quite close to the figure we obtained with our estimation procedure. However, using our allocation procedures for the mixed race persons, we show that the mix of African Americans in the (unadjusted) actually counted population of Dane County is much larger than the projections, suggesting that the black population has been growing very rapidly.

I am not a demographer, and am not prepared to certify the best possible procedure for estimating the correct racial mix of Dane County. Nevertheless, our procedures for estimating the relative size of the black and white populations by using the 2000 census figures is, if anything, an over-estimate of the size of the black population and, thus, cannot be inflating the calculations of racial disparities in criminal justice statistics. My focus has been on generating a figure that does not underestimate the black population (and overestimate black-white disparities). We have not engaged the problem of generating "best" estimates of the Asian, American Indian, or Hispanic populations.

The calculations based on the 2000 census have the highest proportion of African Americans compared to those based on earlier census estimates, and the total population counted in the unadjusted 2000 figures is about equal to the 1995 census estimate for Dane County. For this reason, it appears to be a conservative procedure (relative to not over-estimating racial disparities) to use our estimates based on the 2000 census as a basis for calculating arrest and imprisonment rates in Madison and Dane County 1995-2000. The total population has been growing and the African American population appears to have been growing faster than the rest of the population, so this procedure will tend to diminish the rates for earlier years relative to their "true" levels but should not give some approximate figures permitting some assessment of year-to-year variation.

Thus the estimation procedure for the black & white populations of a city or county is to 1) count as "white" only those who list themselves as "only white" in the census, 2) count as "black" those who list themselves as black plus 43% of the "mixed" population in Dane County, or 47% of the "mixed" population in Milwaukee County. This procedure

will not produce exactly correct rates, but will guard against deflating the white arrest/imprisonment rates or inflating the black arrest/imprisonment rates.

"Race" in an arrest report is the officer's judgment; officers will rarely ask an arrestee what race they are. Consistent with US race culture, I am assuming that officers will tend to report white unless the person looks obviously black or Asian or American Indian, and that people who appear to be mixed black and another race will tend to be coded by an officer as black. Wisconsin arrest records do not include Hispanic as a category. "Race" in the imprisonment records is likely to be self-reported and does include Hispanic ethnicity. These differences in how race is reported in criminal justice records imply methodological differences in the best way to estimate the population at risk in each case, but this level of methodological subtlety is beyond the scope of our present work.

Despite the inherent imprecision in estimating these rates at a local level, the sizes of the racial differences are large enough to outweigh this imprecision.