

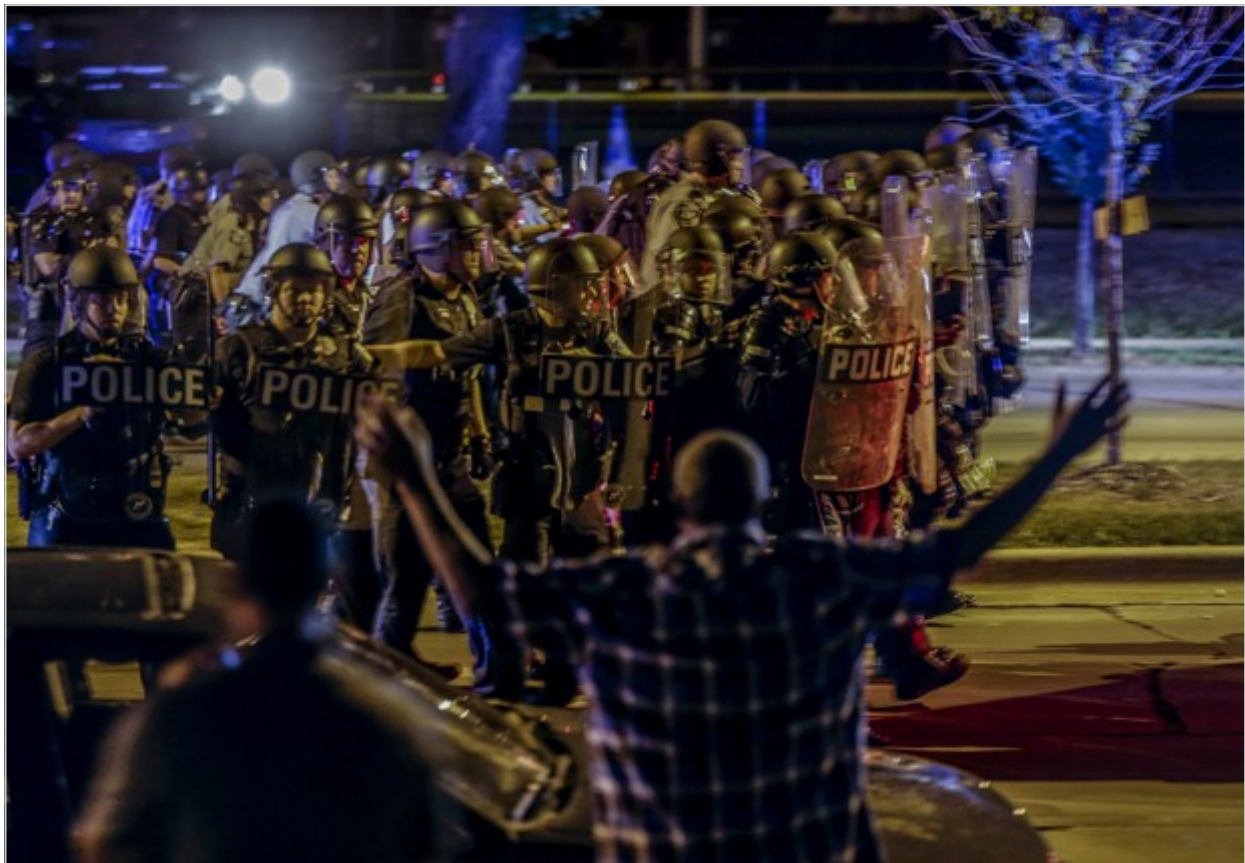
From The Atlantic

CITYLAB

How Wisconsin Became the Home of Black Incarceration

The unrest in Milwaukee cannot be separated from the historic mass incarceration of black residents there and across Wisconsin.

GEORGE JOSEPH | [@georgejoseph94](#) | Aug 17, 2016 | [5 Comments](#)



Police meet a group of protesters in Milwaukee on Sunday, Aug. 14, 2016. (Jeffrey Phelps/AP)

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Milwaukee remains in a state of civil unrest following the officer-involved killing last weekend of Sylville K. Smith, a [23-year-old black male](#) who police claim was [fleeing from a traffic stop](#). The reasons for the unrest are as complex and historical as they are urgent. In Milwaukee, as in much of America, [black](#)



(University of Wisconsin-Milwaukee Employment & Training
Institute)

Milwaukee accounts for 70 percent of Wisconsin's total black population. Over 1990 to 2012, [26,222 black men](#) from Milwaukee County alone had been incarcerated—which means that [more than half of all African-American men in their thirties and early forties](#) in Milwaukee County have at some point been incarcerated in state correctional facilities, according to a 2013 University of Wisconsin Milwaukee [study](#).

It's almost become an expected part of life for black residents of Milwaukee. "It feels like they've been forgotten," says Walker.

Milwaukee's numbers are in line with the state's overall incarceration rate for black males. [As of the 2010 census](#), Wisconsin had [the highest incarceration rate of black males nationwide](#), locking up 12.8 percent of black male residents [compared to the country's 6.7 percent average](#) at that time. By contrast, [only 1.2 percent of white men in the state were incarcerated](#) that same year. Diving in deeper, [4,042 of every 100,000](#) black Wisconsin residents in 2010 were incarcerated, according to the [Prison Policy Initiative](#). That rate is more than [one and a half times](#) higher than even liberal estimates of [the incarceration rate of Soviet gulags in the final year of Stalin's reign](#).

In fact, as my CityLab colleague Brentin Mock recently reported, out of [56 majority-black communities](#) in Wisconsin, [31 are either jails or prisons](#), according to a [geographic analysis by the writer Lew Blank](#) for the [YGB Coalition](#) blog.

Green Bay, WI



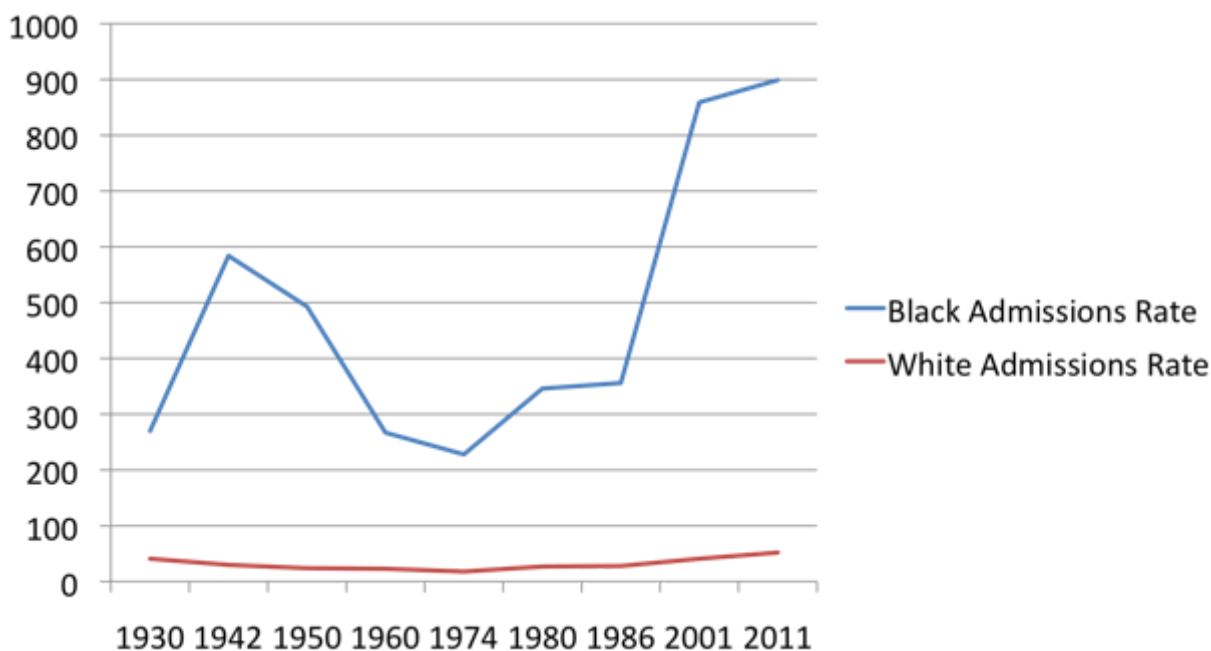


Green Bay Correctional Institution. Jail Counter: 5

Many majority-black “communities” in Wisconsin identified by Census data are actually jails, such as the Green Bay Correctional Institution (Lew Blank).

During the tough-on-crime era [of the 1990s, Wisconsin was one of about 40 states](#) that passed versions of so-called “truth-in-sentencing” bills, which sought to end or weaken parole processes so inmates would serve their full sentences. [As in states nationwide,](#) Wisconsin pushed through [mandatory minimum sentences and three-strikes policies](#), which drove more people into prison for longer amounts of time.

Wisconsin’s [truth-in-sentencing legislation](#), however, was [uniquely harsh](#), in that it required both violent and nonviolent property-crime and drug offenders to serve 100 percent of their prison time, eliminated the use of parole boards for people incarcerated after the year 2000, and provided no mechanism to keep judges’ sentences within any standardized ranges.



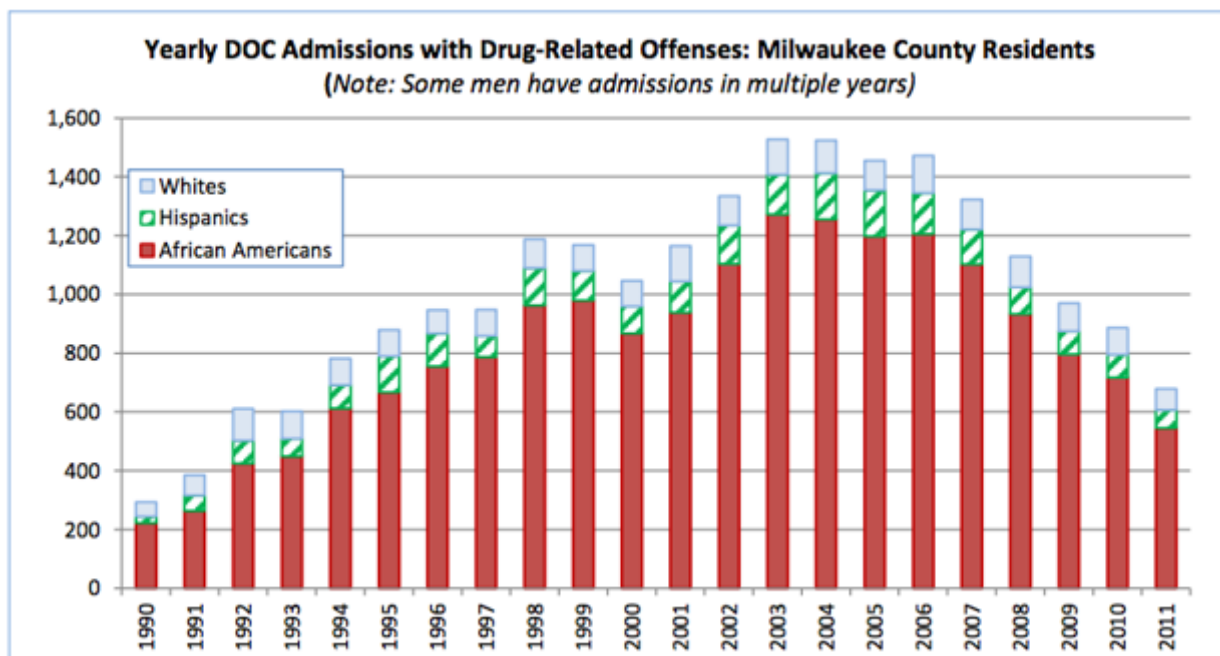
(Michael O'Hear, Marquette Law School)

State leaders from Milwaukee’s [majority-white Republican suburbs](#) led these legislative pushes, many of whom [were following recommendations](#) from [private prison companies](#), affiliated with the [American Legislative Exchange Council](#).

“[Truth-in-sentencing](#), that’s what caused the logjam [in Wisconsin prisons],” says William Harrell, a former prisoner and a resident of Milwaukee 53206. “All the industrial jobs in Wisconsin have been stripped and moved overseas, so the police are doing their job, feeding the prison system with bodies and helping keep jobs all over the northern part of the state... . We were not considered people, we were considered units, and units were dollars.”

These new laws had damaging effects on black communities, especially in the early 2000s when Milwaukee police accelerated its War on Drugs. Over 2001 to 2003, drug sale arrests jumped 66 percent in Milwaukee County, far exceeding the rate of overall arrests in the area and outpacing the rest of the state, where drug sale arrests actually dropped slightly, [according to a 2006 Justice Strategies brief](#).

As drug-offense convictions soared in Milwaukee County, African-American men suffered [11 to 12 times](#) as many drug-related prison admissions as white men over 2002 to 2005. From 1990 to 2011, [40 percent](#) of black males incarcerated from Milwaukee County were drug offenders.



(University of Wisconsin-Milwaukee Employment & Training Institute)

“Milwaukee has been stripped,” says Harrell. “Kids can’t afford to pay for anything. They’re left out and have nothing to do. They need to have new horizons to discover new things, but people are frustrated.”

The drug war’s imprisonment disparities were consistent across the state: According to the Justice Policy Institute, as of 2002, in Dane County, where the capital city of Madison is located, black residents were admitted to prison for drug offenses [at 97 times](#) the rate of white residents—the [second-highest](#) such disparity rate in the country. In Waukesha County, a Milwaukee suburb, black residents were admitted to prison for drug offenses [at 24 times](#) the rate of white residents. And this increasing frequency of drug arrests did not come with a simultaneous adjustment to sentencing and probation patterns in Milwaukee, in part, because of the [truth-in-sentencing law](#), which went into effect in 2000.

This tough-on-crime approach has had drastic effects even on those incarcerated before the truth-in-sentencing law, many of whom have been [denied release under parole](#).

“There is no reason my husband should have been incarcerated for the past eight years,” says Beverly Walker. “He’s been eligible for parole for eight years, and every year he’s told, ‘not enough time served.’ He’s done everything he was supposed to do. This year, it broke my heart to tell my children, ‘your daddy is not coming home.’ I walked door to door and got 170 [petition signatures] from people saying he is not a threat to my community. What else will it take?”

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And even for prisoners eventually released on probation, many, especially black individuals, are bound to return to a cell. Wisconsin's "[crimeless revocations](#)" system gives probation and parole agents wide discretion to recommend the re-incarceration of inmates who have violated probation rules—such as using a cellphone or computer without authorization.

In 2013, [more than half of the 7,727 people sent to prison overall](#) were there for crimeless revocations. Administrative-law judges [rarely buck their agents' crimeless-revocation recommendations](#). [According to the prisoners' advocacy group ROC Wisconsin](#), though black males make up just 5 percent of adult men in Wisconsin, they accounted for 39 percent of all crimeless revocations in 2014—making the crimeless-revocation rate of black individuals 12 times that of white individuals.

The continuing racial disparities at every level of the criminal justice system—from arrests to prison time to probation—leave many who have pushed for reforms by traditional means tired and unsurprised by the recent youth-led clashes with police.

"Although I don't agree with the violence they take part in," says Beverly Walker, "they have this frustration, and they know we won't see justice, regardless of how quietly or nice we protest. No matter what we do, or how we speak up, nothing seems to make a difference."

At the political level, few possibilities for reform seem likely at the moment. Republican Governor Scott Walker, who wrote the original truth-in-sentencing bill nearly two decades ago, remains in power. And [the political influence of Milwaukee's majority-white, Republican suburbs](#), which propelled the rise of Walker's "[tough on crime](#)" message, has only grown.

"I don't know what's gonna happen," says Harrell. "We need our legislators to do something, but we're in a no-win situation. I talked to the young people the other day in Sherman Park. They said, 'We're tired of this and we gotta do what we gotta do to change. This is the only way we're going to get attention.'"

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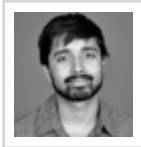
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About the Author



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