Racial Disparities in Criminal Justice in Wisconsin

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Plan for the Talk
- Bringing it home: Wisconsin overview of imprisonment trends 1926-1999 (overall) and 1990-2003 (by offense)
- Age Patterns
- Impacts on families and youth
- County Comparisons & Patterns
- Implications for policy

Nationally, The Black Population is Being Imprisoned at Alarming Rates
- Nearly 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 about 32% for young Black men.
- About 12% of Black men in their 20s are incarcerated, about 20% of all Black men have been in prison
- 7% of Black children, 2.6% of Hispanic children, .6% 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.
  - Multiply 0.00217 by 100,000 = 22, the imprisonment rate per 100,000 population.
  - 1,266 Blacks imprisoned, Black population of Wisconsin was 285,308.
  - Multiply 0.004437 by 100,000 = 444.
- Calculate Disparity Ratios by dividing rates:
  - 444/22 = 20.4 the Black/White ratio in new prison sentence rates.

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.

Black and White prison admissions, historical

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.
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: this escalates in the 1980s
- Post-civil rights post-riots competitive race relations, race-coded political rhetoric.

Disparities by offense

Black & White, drug vs other sentences

Jenkins & Eckert

So what has been going on?
Marijuana, % of Persons 26+ who have used, 2002-3

Marijuana, % of Persons 18-25 who have used, 2002-3

Marijuana, % of Persons 12-17 who have used, 2002-3

Cocaine, % of Persons 26+ who have used, 2002-3

Crack Cocaine, % of Persons 26+ who have used, 2002-3

Cocaine, % of Persons 18-25 who have used, 2002-3

Crack Cocaine, % of Persons 18-25 who have used, 2002-3

Cocaine, % of Persons 12-17 who have used, 2002-3

Crack Cocaine, % of Persons 12-17 who have used, 2002-3

White kids are more likely to use and sell illegal drugs than Black kids

Wisconsin Prison Admissions

Including Detailed Time Trends
1990-1999/2003

National & Wisconsin Imprisonment Rates
Offense trends in new prison sentences by race.
White kids are more likely to use and sell illegal drugs than Black kids, but Black kids are MUCH more likely to be arrested and prosecuted for drug offenses.

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 Princeton
- This was a controlled experiment in which matched pairs of applicants applied for entry-level jobs advertised in Milwaukee newspapers

Why Black Men’s Incarceration Increases Black Child Poverty

![Diagram showing feedback from imprisonment to social conditions]

- Male imprisonment rates
- Father not in household
- Child Poverty
- Father has lower earning capacity

![Graph showing the effect of a criminal record on employment opportunities for whites and black and white job applicants]
An Individual Life Course Model of Crime With Policing Added

Juvenile Crime

Peer & Normative Context

Father Absence/Family Disruption

Parental Involvement in Crime

School Failure

Adult Crime

Unemployment, Economic & Educational Disadvantage

Adult Unemployment Under-Employment

Parental Unemployment

Juvenile Unemployment

Intergenerational Effects

Imprisonment

Steps to Incarceration

Discriminatory Processes, Inequalities

Decisions to Offend

Criminal Acts

Arrests - Citations - PP holds

Pre-Trial (Hearing) Detention Charges

Prosecution etc Decisions

Court Decisions

Social Conditions

Discriminatory Processes, Inequalities

Incarceration

Steps to Incarceration

Interpreting Disparity Data

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


Sources of Black/White Imprisonment Rate Difference: Milwaukee County

- Homicide
- Sex Assault
- App. Assault
- Other Assault
- All Robbery
- Arson
- Burglary
- Thefts/Shoplift
- Prostitution
- Mfr/Sale Drug
- Possess Drug
- Weapons
- Family/Child
- Public Order
- Derived
- Off/Unknown

- Due to Arrests
- Due to P/A Ratio

~72% of difference is due to arrest differentials

Sources of Black/White Imprisonment Rate Difference: Dane County

- Homicide
- Sex Assault
- Agg Assault
- Other Assault
- All Robbery
- Armed
- Burglary
- Theft/Fraud
- Prostitution
- Mfg/Sale Drug
- Possess Drug
- Weapons
- Family/Child
- Public Order
- Derived
- Obs/Unknown

~ 37% of difference is due to arrest differentials

Dane County 1990s

Proportion Back in Prison by months after release (6-month intervals)

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

County Comparisons

Go to County Comparisons File

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](http://www.ssc.wisc.edu/~oliver)
- Follow the links to “racial disparities” section