

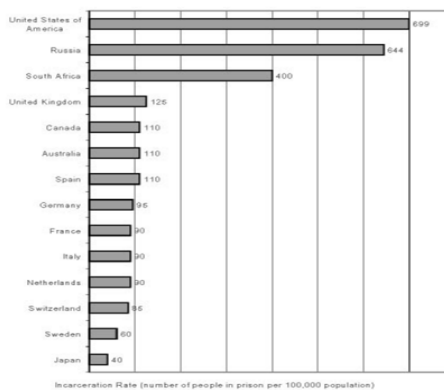
RACIAL DISPARITIES IN DANE COUNTY

Pamela Oliver

Outline

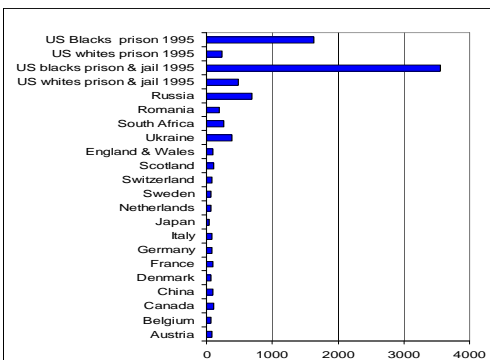
- ◆ National overview: Mass incarceration and the drug war.
- ◆ Wisconsin overview
 - The drug war
 - Revocations
- ◆ Dane county
 - Arrests
 - "in the system"
 - Prison vs. probation in first episode
 - Revocation of probation
 - Post-prison revocation: the revolving door

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 Walsley, *World Prison Population List* (C^oed.), United Kingdom Home Office Research, Development and Statistics Directorate, July 2000.

World Incarceration Rates in 1995: Adding US Race Patterns



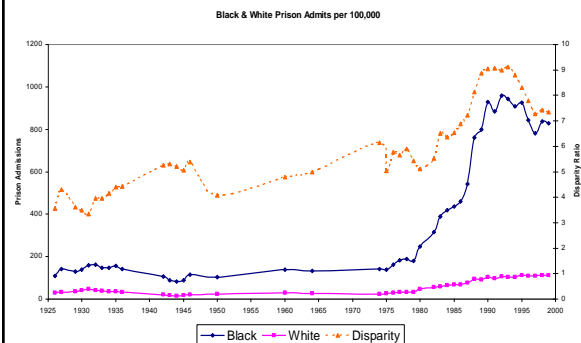
Nationally, The Black Population is Being Imprisoned at Alarming Rates

- ◆ About 12% of Black men in their 20s are incarcerated (prison + jail), about 20% of all Black men have been in prison (Bureau of Justice Statistics)
- ◆ Estimated "lifetime expectancy" of spending some time in prison is about 32% for young Black men. (Bureau of Justice Statistics). (Per Bruce Western, this is 59% of Black men with no HS diploma and 18% who have HS degree)
- ◆ Chris Wildeman estimates: 25% of Black children born in 1990 had a parent in prison by age 14, vs 4% of White children; 50% of Black children with HS dropout parents had experienced parental imprisonment

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

Black and White prison admissions, historical



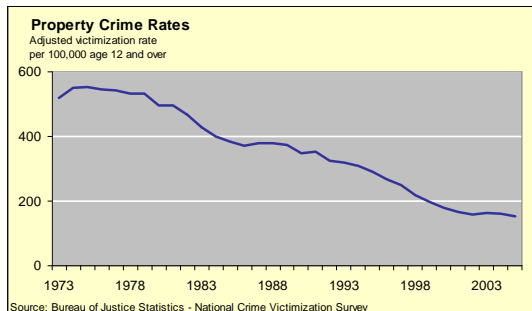
Imprisonment Has Increased While Crime Has Declined

- 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

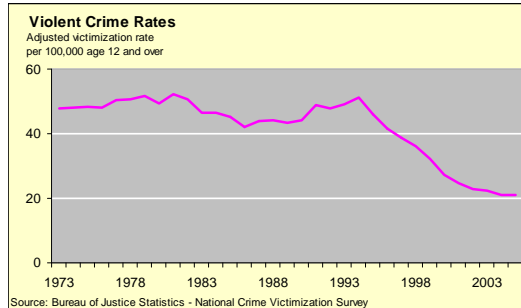
Crime Trends

Based on Bureau of Justice Statistics data from National Crime Victimization Survey.

Property Crime

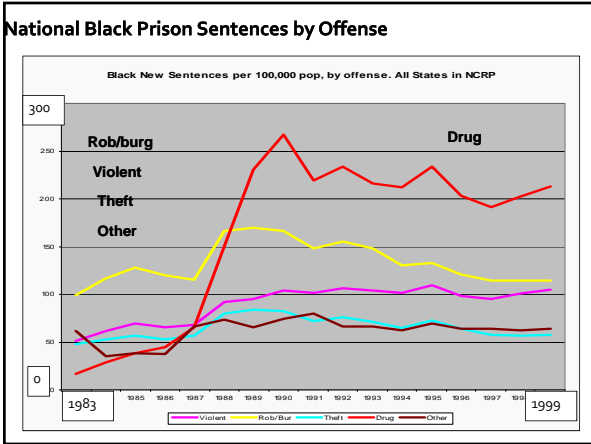
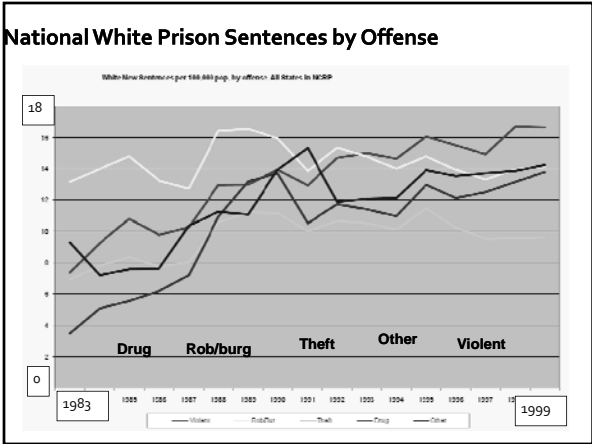
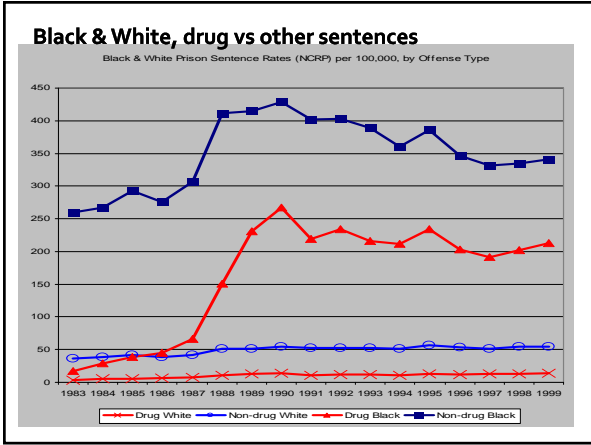
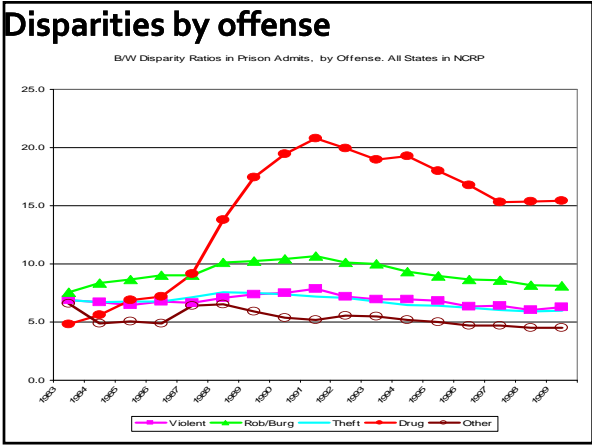


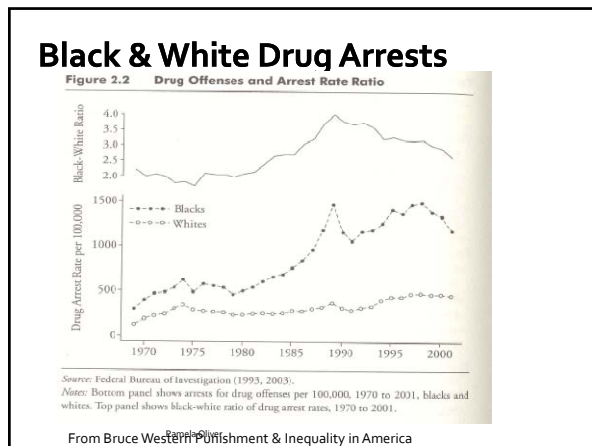
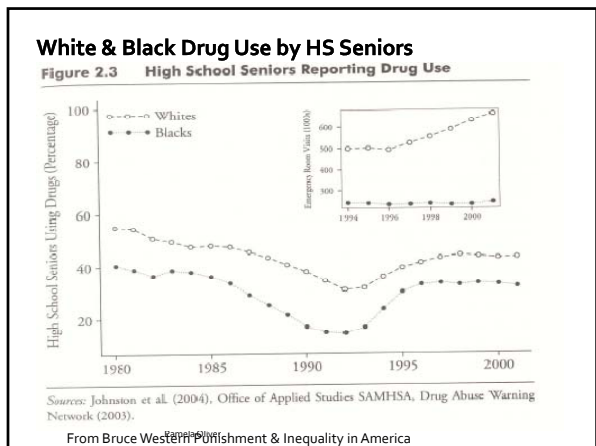
Violent Crime



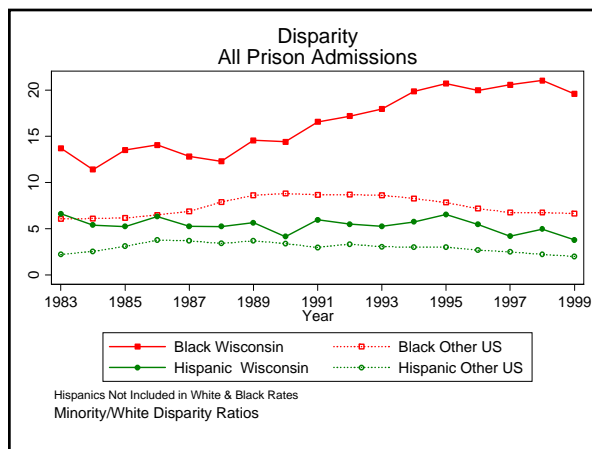
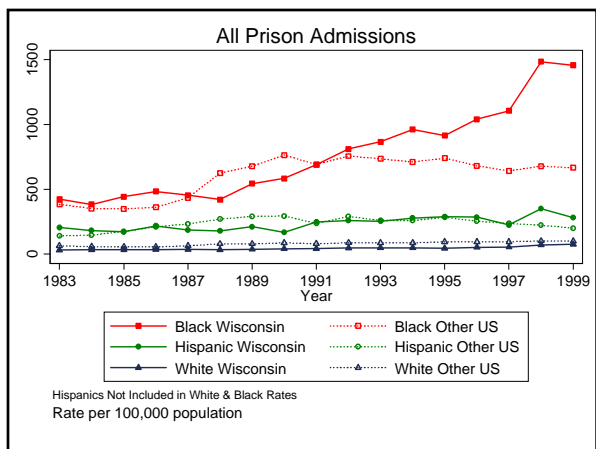
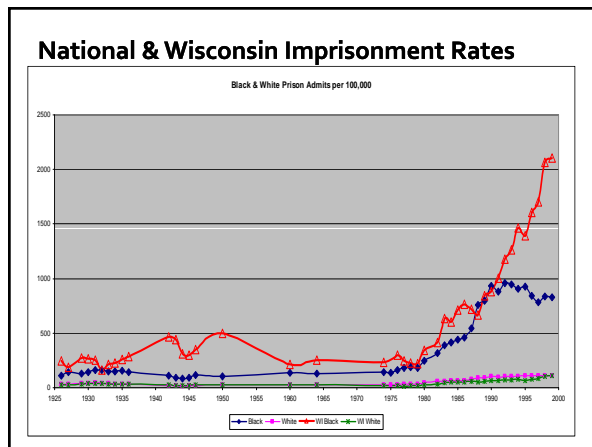
SO WHAT HAS BEEN GOING ON?

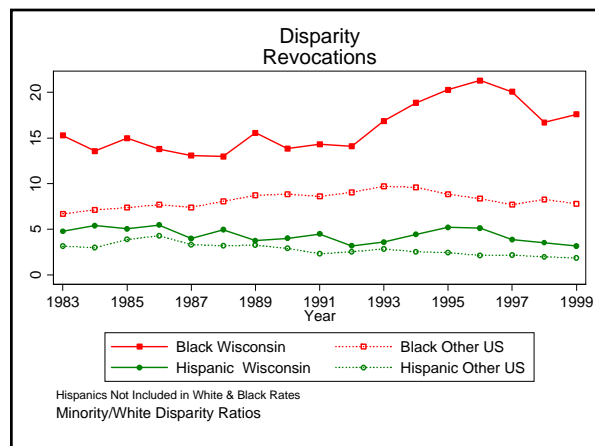
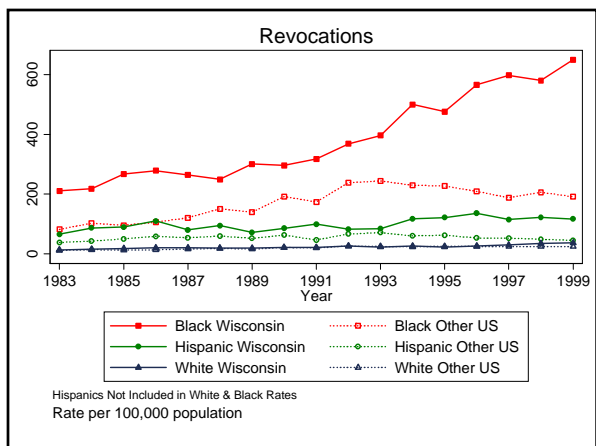
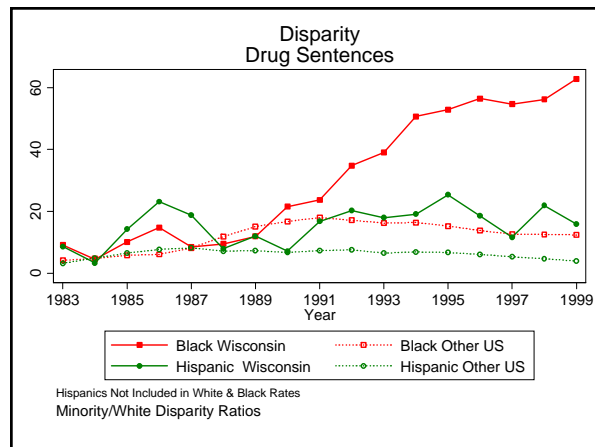
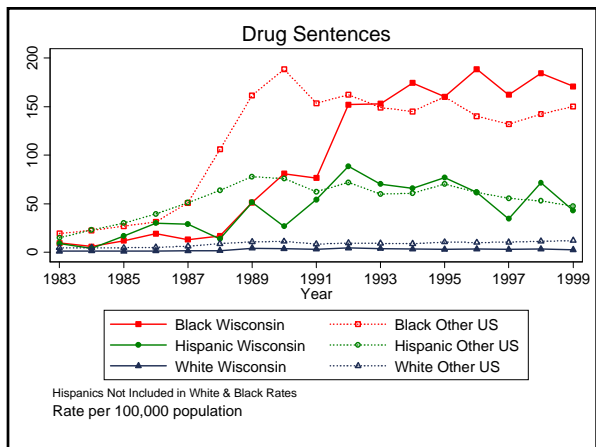
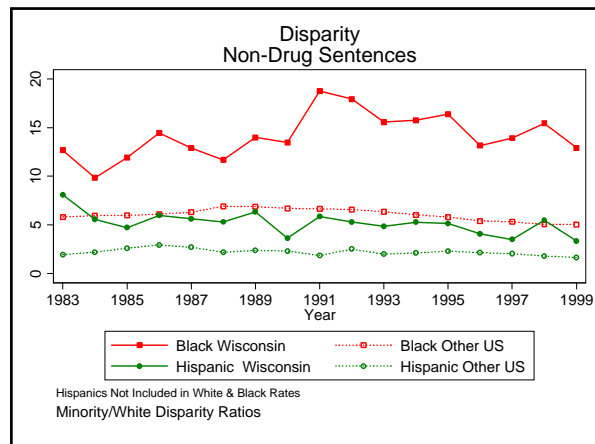
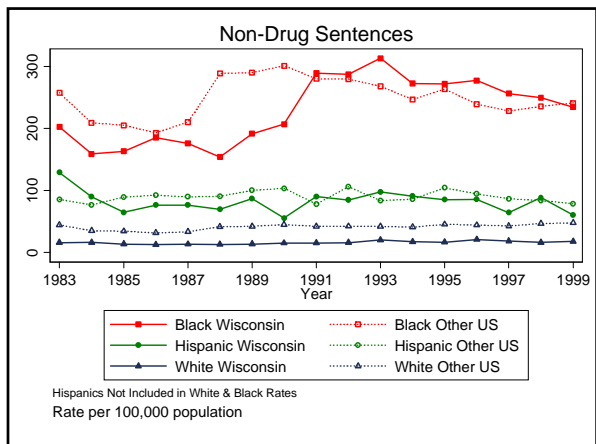
- ## The 1970's Policy Shift
- ◆ Shift to determinate sentencing, higher penalties
 - ◆ LEAA, increased funding for police departments
 - ◆ Crime becomes a political issue
 - ◆ Drug war funding gives incentives to police to generate drug arrests & convictions: this escalates in the 1980s
 - ◆ Post-civil rights post-riots competitive race relations, race-coded political rhetoric.?



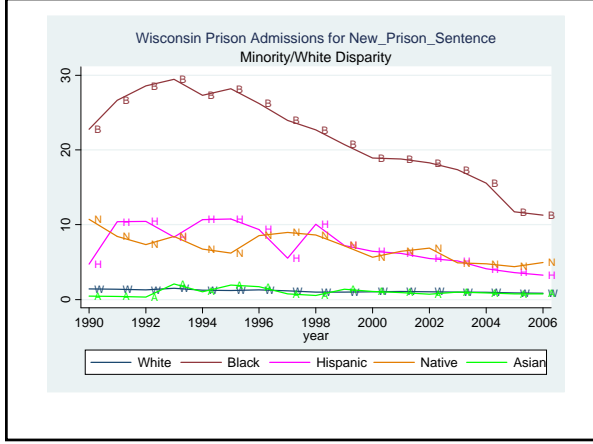
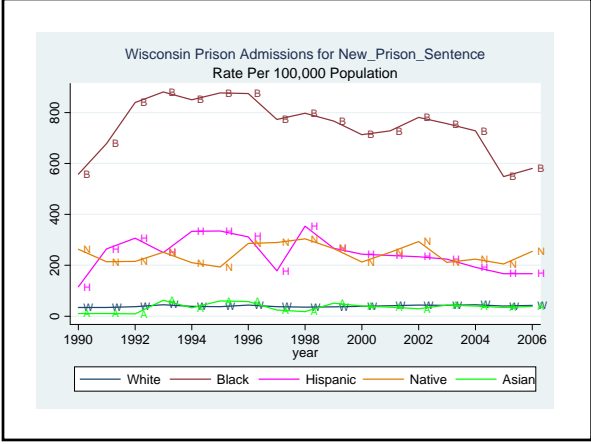
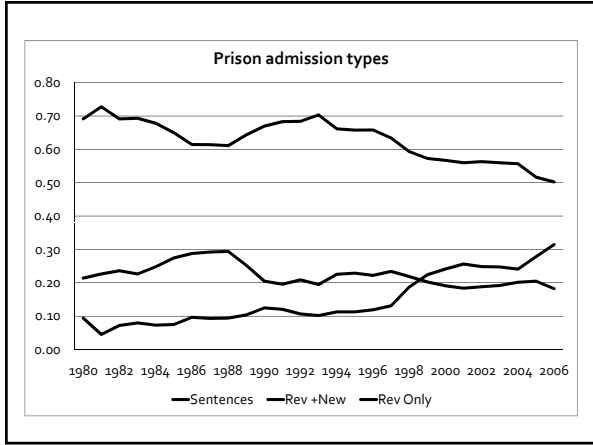
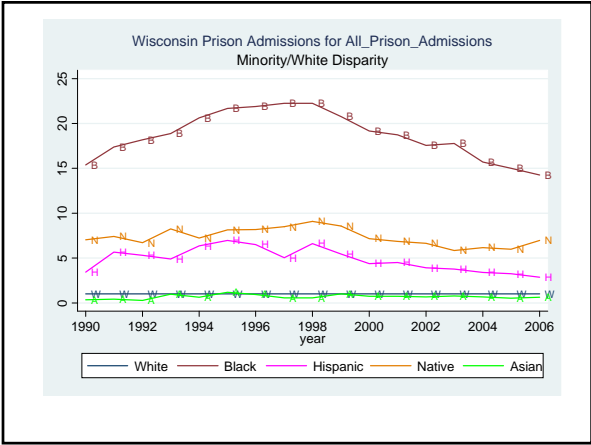
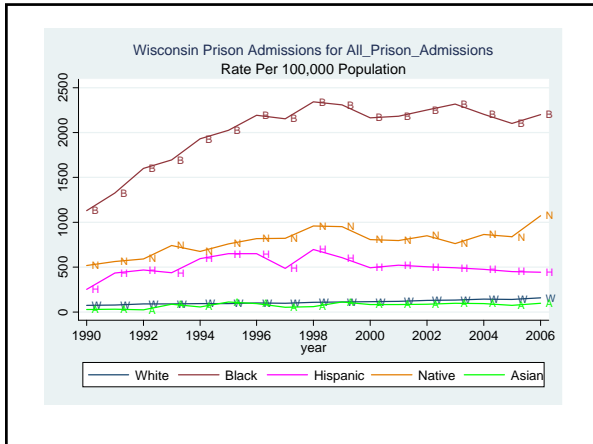


Wisconsin



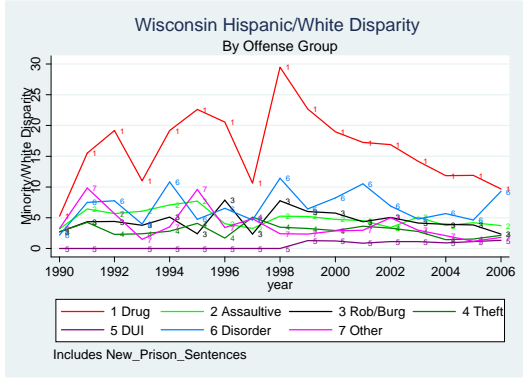
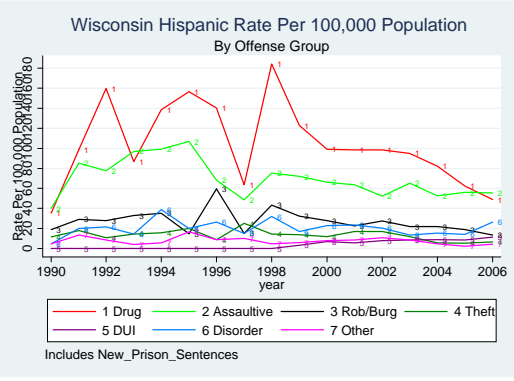
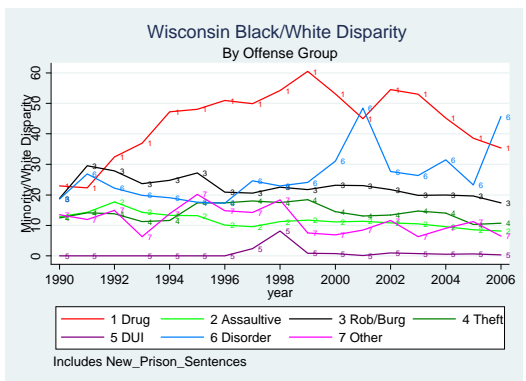
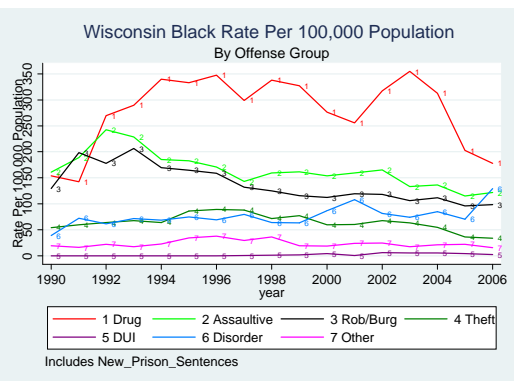
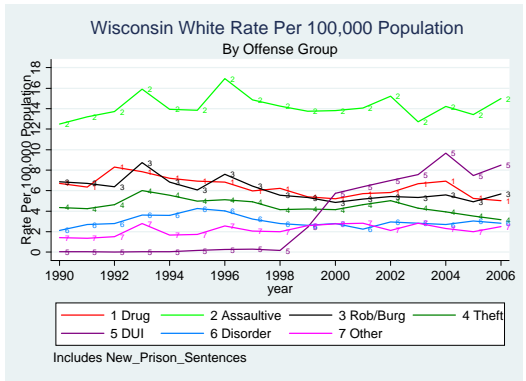


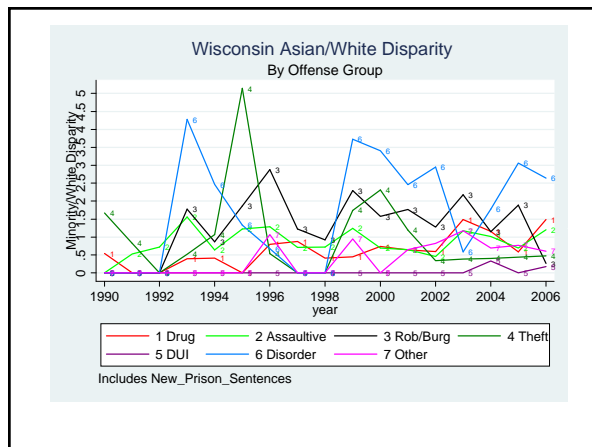
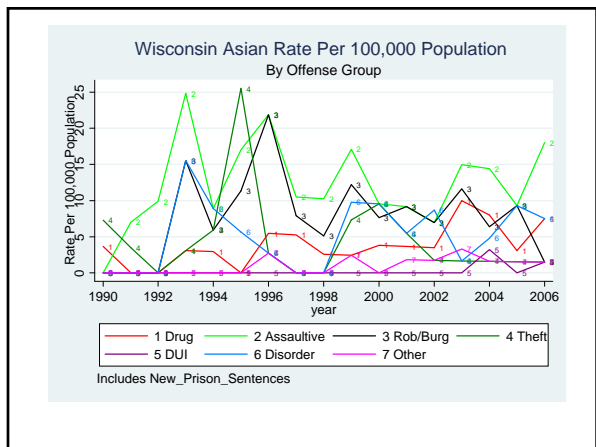
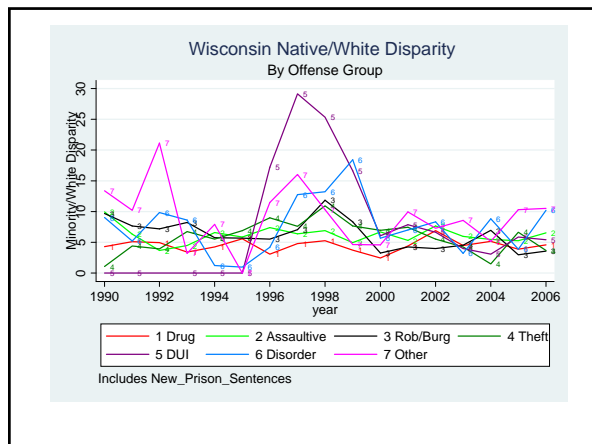
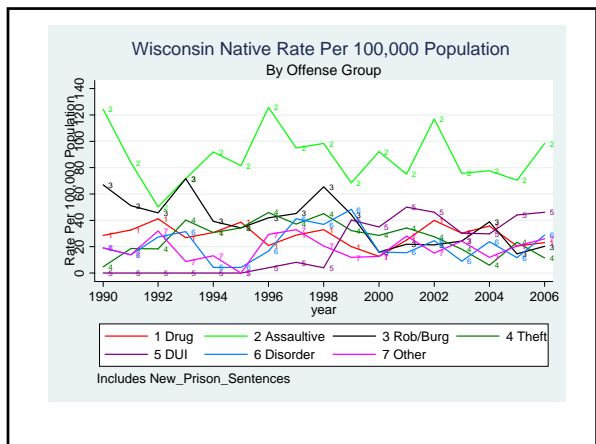
GRAPHS FROM MY ANALYSIS OF WISCONSIN DEPARTMENT OF CORRECTIONS DATA 1990-2006



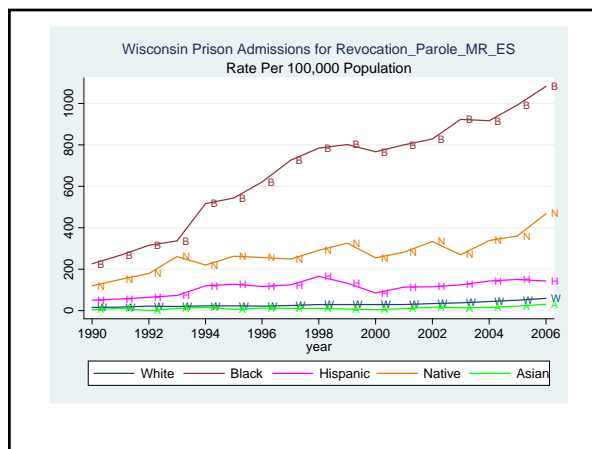
Wisconsin Offenses

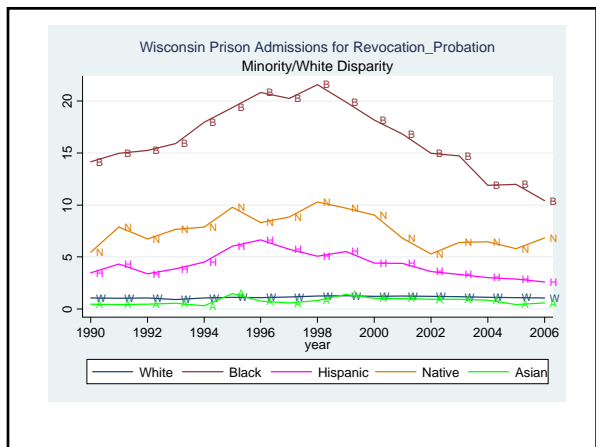
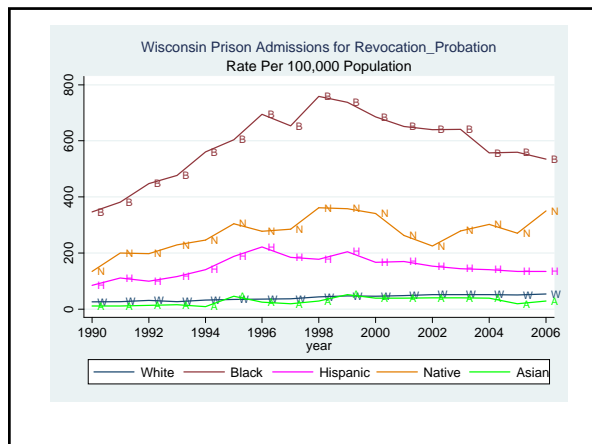
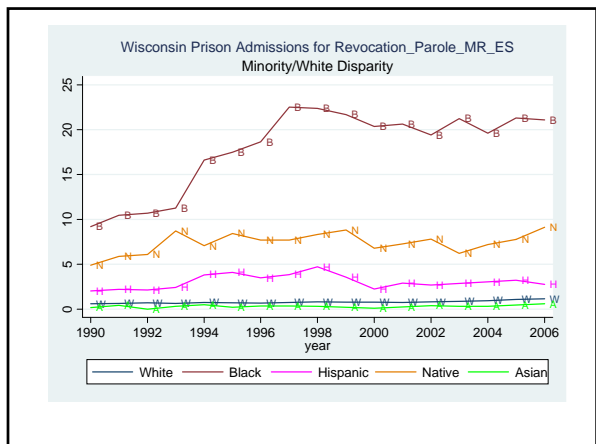
New Sentences Only



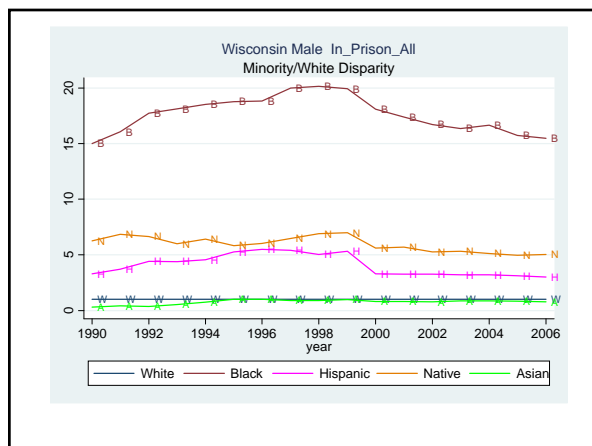
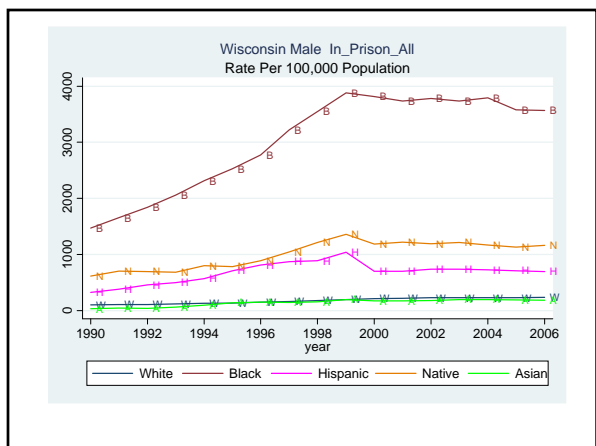


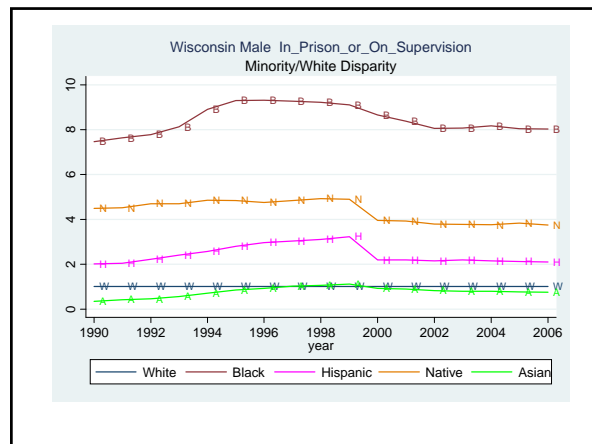
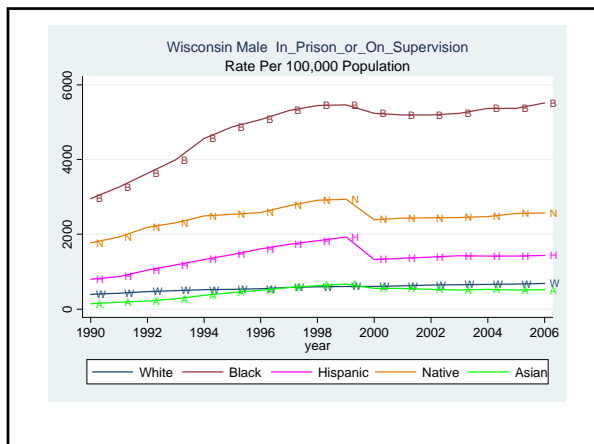
Revocations





“In the System”



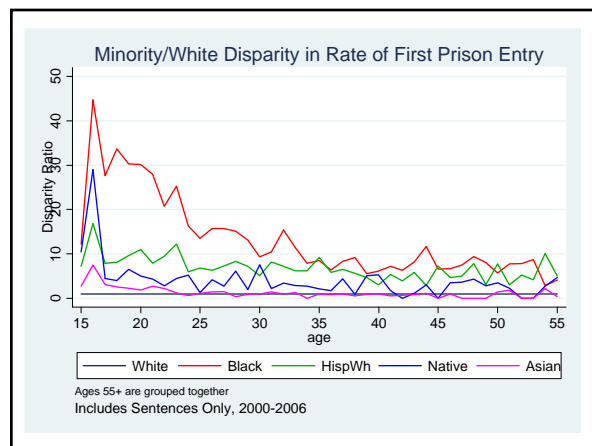
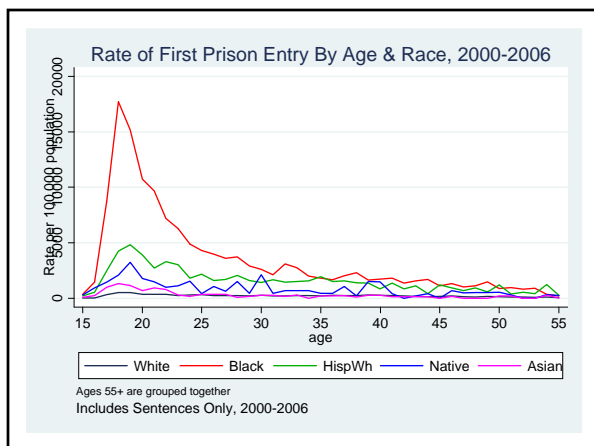


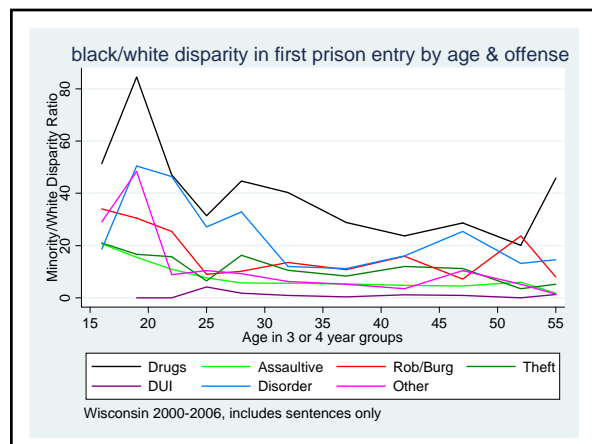
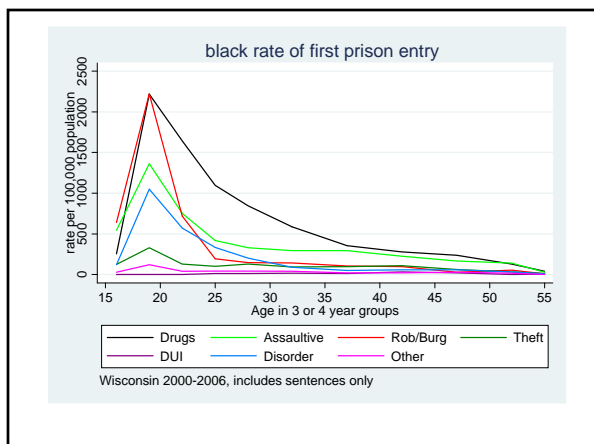
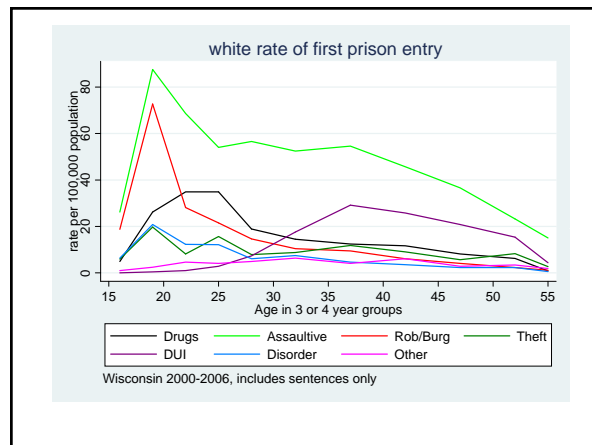
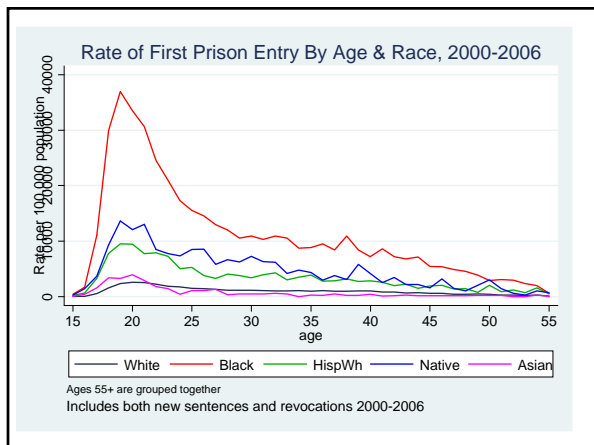
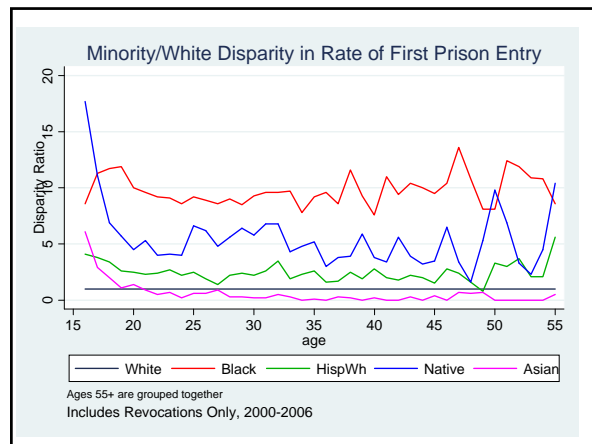
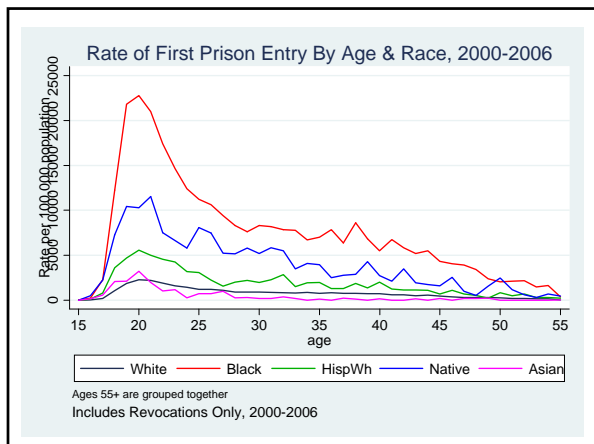
AGE PATTERNS FOR IMPRISONMENT

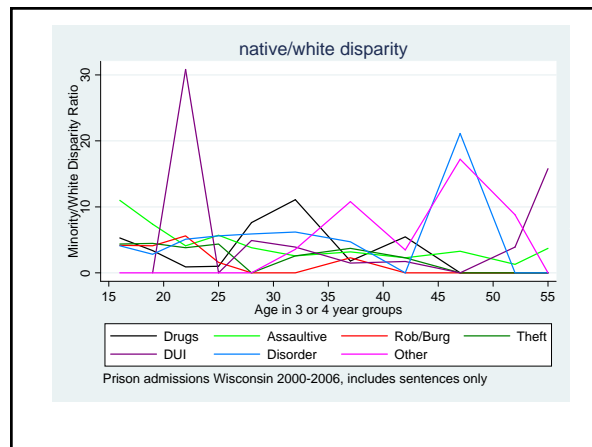
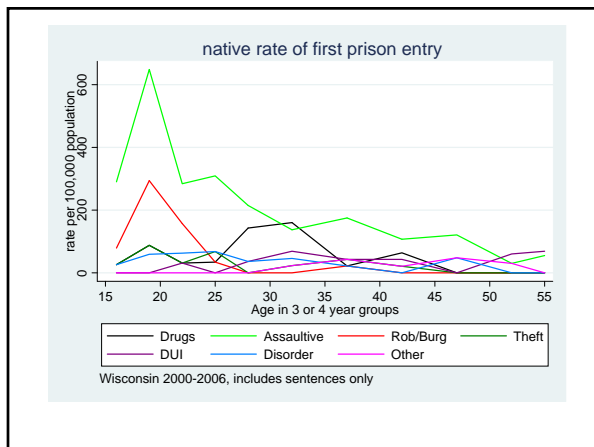
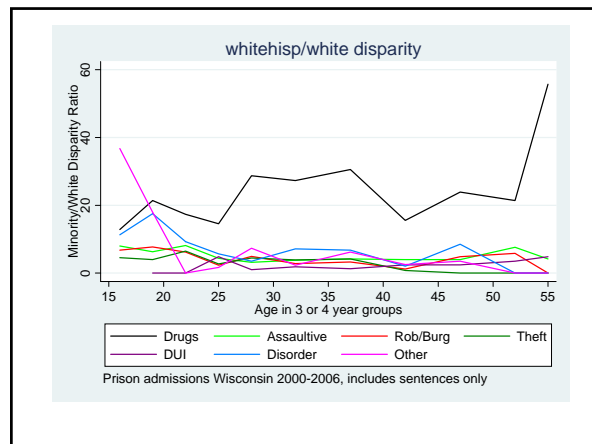
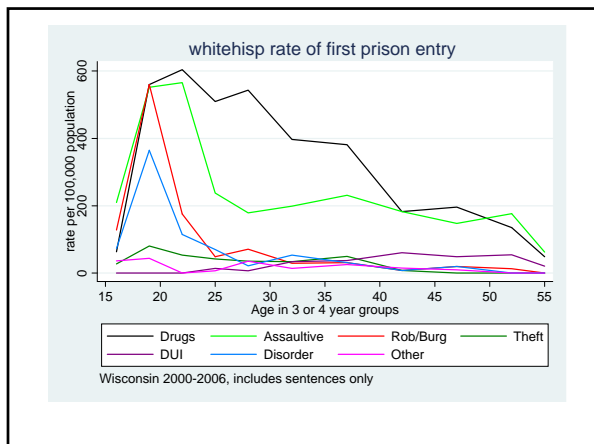
Pamela Oliver

Wisconsin Young Black Men

- In mid-2006, 15% of Black men in Wisconsin aged 25 were in prison (~14% were in prison between age 24 and 33) compared to 1% of White & Asian men, 3% of Hispanic men and 5% of Native American men. This does not include jail.
- Considering all state correctional supervision (prison, parole, probation) 35-36% of Black men ages 25-27 were under control, versus 5% of White men, and 18% of Native men. The peak was in the early 20s at 10% for Hispanic men and 7-8% for Asian men.

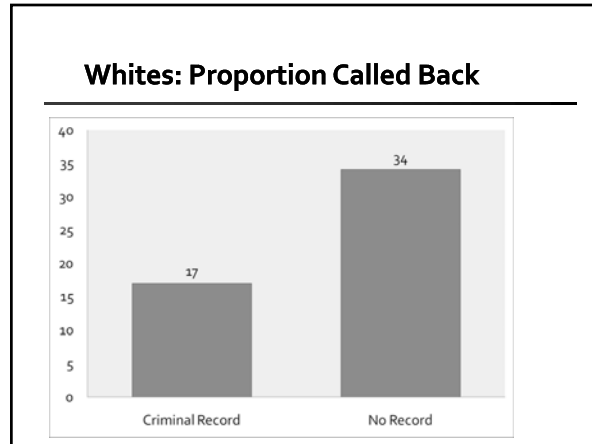




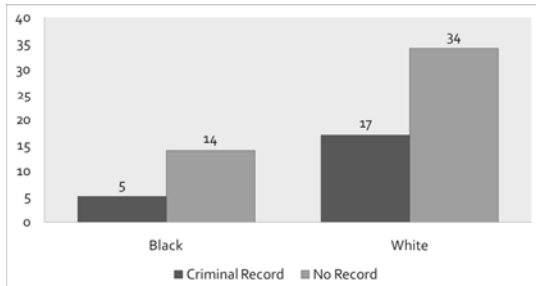


Incarceration Exacerbates the Effects of Racial Discrimination

- 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



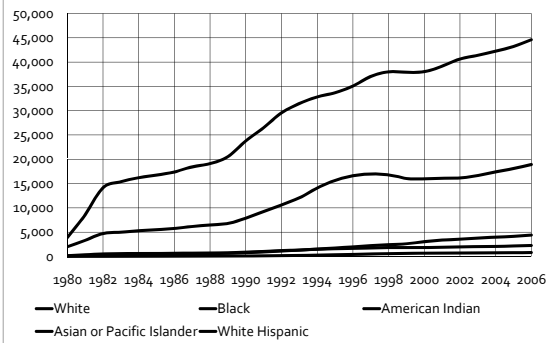
Call Backs by Race & Criminal Record



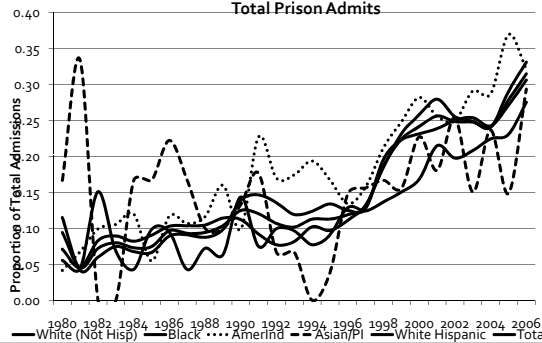
Revocations

Have been rising

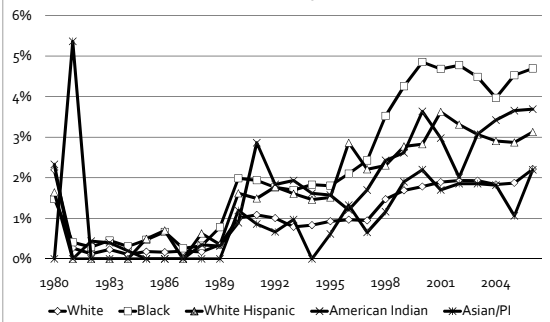
Number in Community Supervision



Revocations Without New Sentences as Proportion of Total Prison Admits



Proportion of those on probation admitted to prison on a revocation with no new prison sentence



Revocations

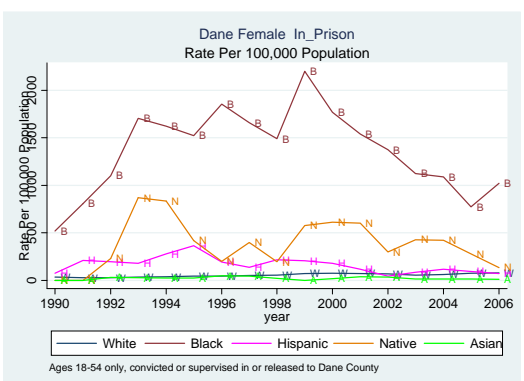
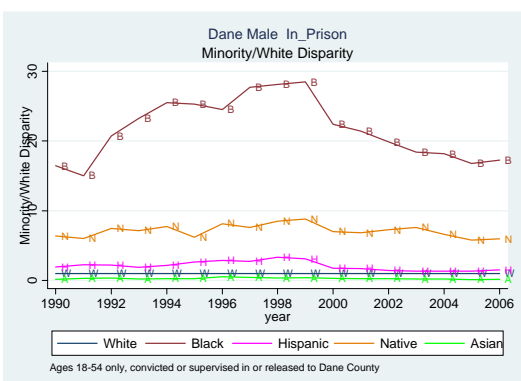
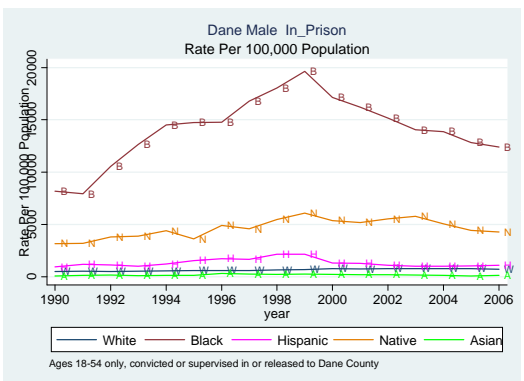
- ♦ 90% of revocations are with no new prison sentence "technical violation" (but perhaps some committed a crime that is not prosecuted)
- ♦ Statewide, Blacks on probation nearly 3x more likely to be revoked than Whites
- ♦ Statewide, Blacks on post-prison supervision about 50% more likely to be revoked than Whites
- ♦ Controversies about whether revocations are due to over-zealous P&P or due to offenders' failures to rehabilitate

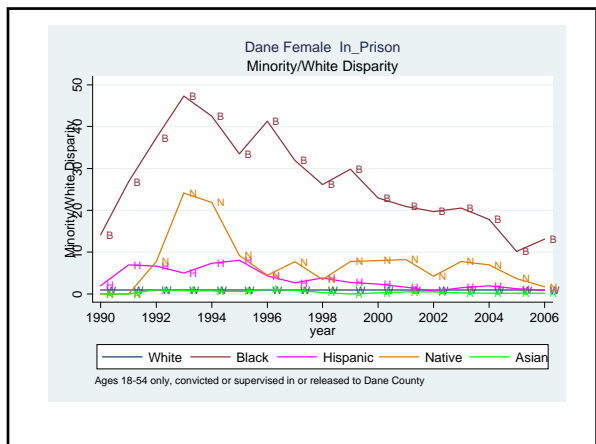
Dane County

Prison Trends in Dane County

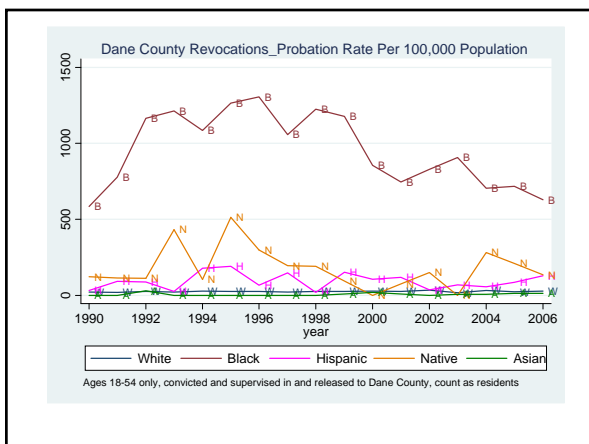
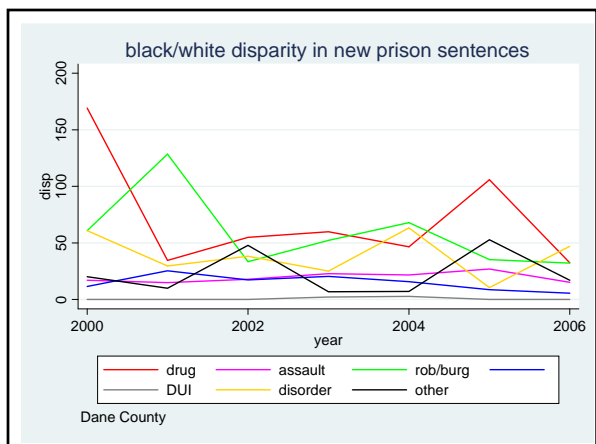
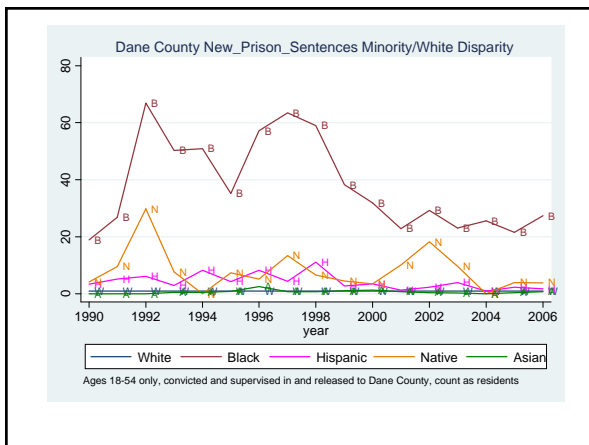
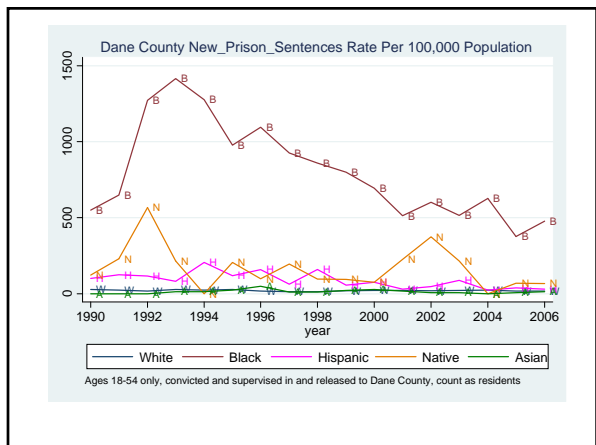
Bad but showing some progress

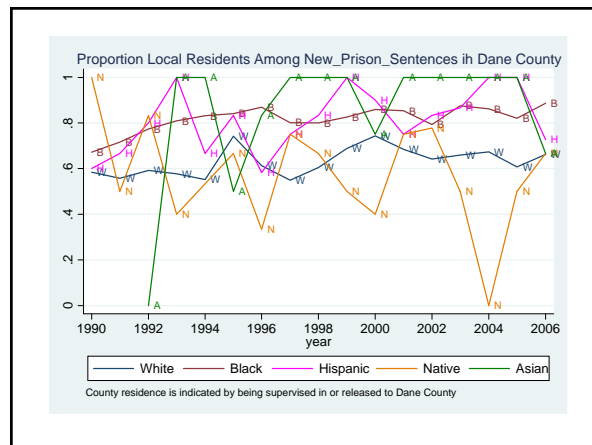
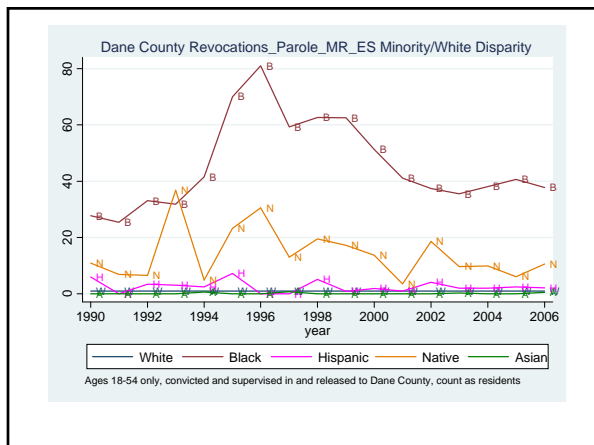
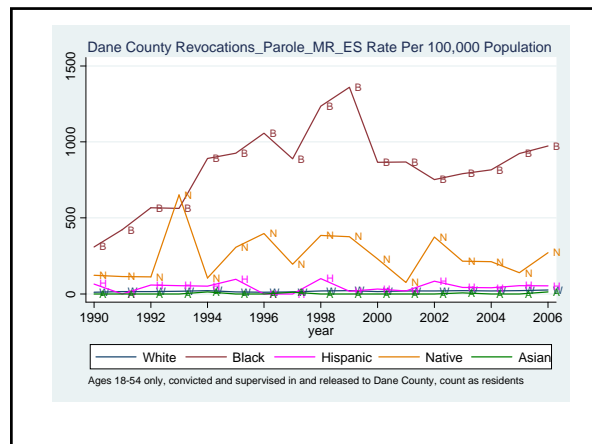
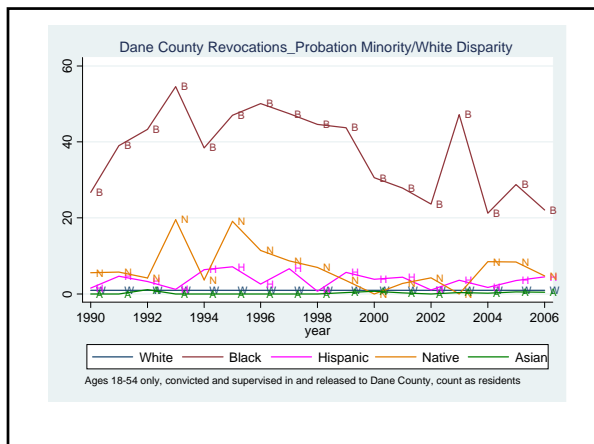
In prison





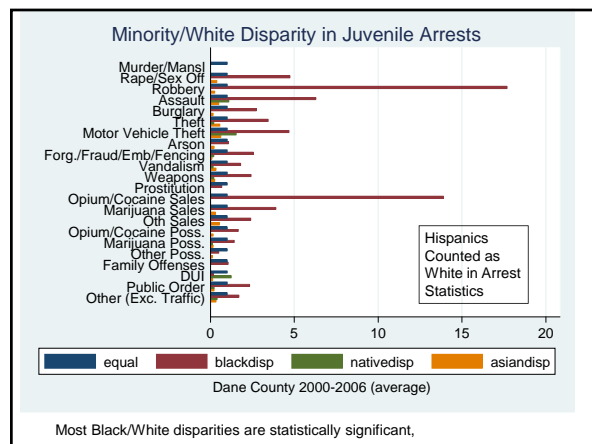
Admissions

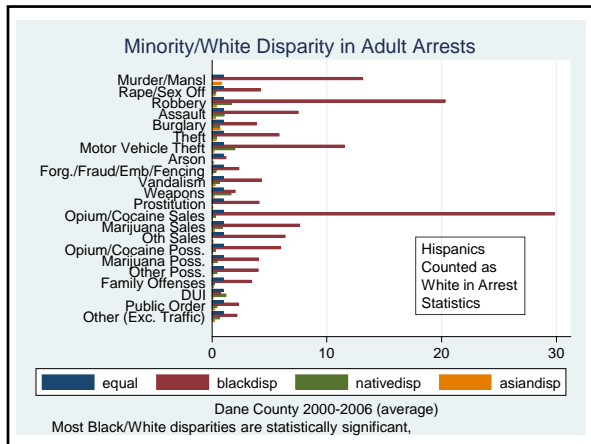




Arrest Disparities

Underlying Crime + Enforcement



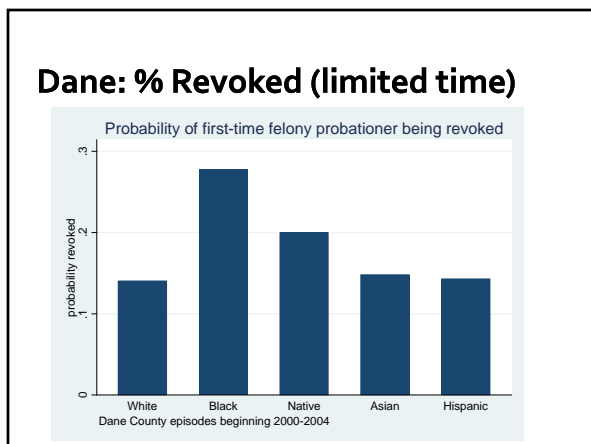
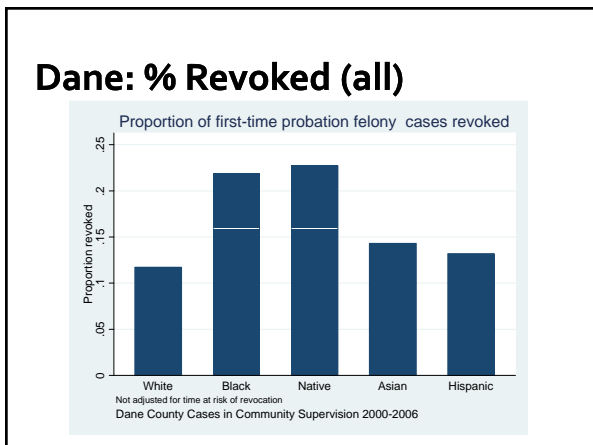


Factors in arrest disparities

- Differences in crime
 - These cannot be ignored. Underlying factors include inequality, school failure, family troubles.
- Differences in surveillance
 - Policing is not random: crimes in some places are much more likely to get caught
- Differences in police responses
 - Jurisdictional differences (e.g. ticket vs. arrest)
 - Warn & release vs. arrest
 - Discretionary charging decisions. E.g. assault vs. disorderly conduct.
 - Escalating interactions → resisting arrest, assaulting an officer, etc.

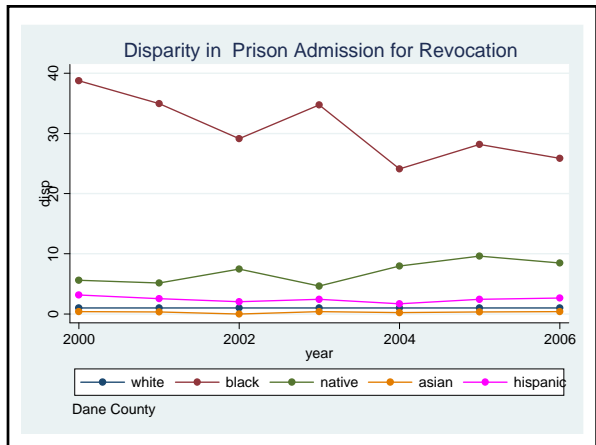
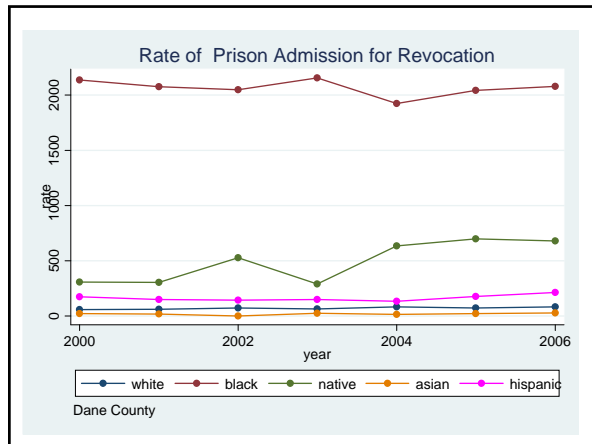
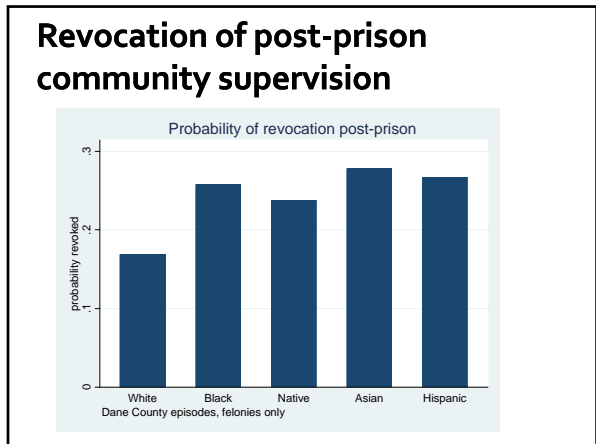
Probation revocation

- Given that you are on probation, what are your chances of revocation?
- Over 90% of revocations involve no new sentence, but this is difficult to count anyway
- Looking only at felonies, there is a disparity in probation revocation



Revocation: the revolving door

- Once you are sentenced to prison or revoked into prison, you get in the revolving door of post-prison revocations
- Parole, mandatory release, extended supervision apply to different people but are roughly comparable in their revocation rates, are grouped together here



The problem with prior record

- Consider two youths committing same kinds of low-level delinquency: petty theft, vandalism, smoking marijuana, getting into fights. Assume the individuals have exactly the same "true" rate of committing petty crimes.
- Christopher lives in a low-crime area that is not heavily policed. His crimes do not come to police attention.
- Jamal lives in a high-crime area that has high police presence. His crimes get noticed and lead to an accumulating record.
- Is it fair to punish Jamal more for a given crime (say retail theft) because he has more prior arrests? Is there a way to account for this?

Getting into the system

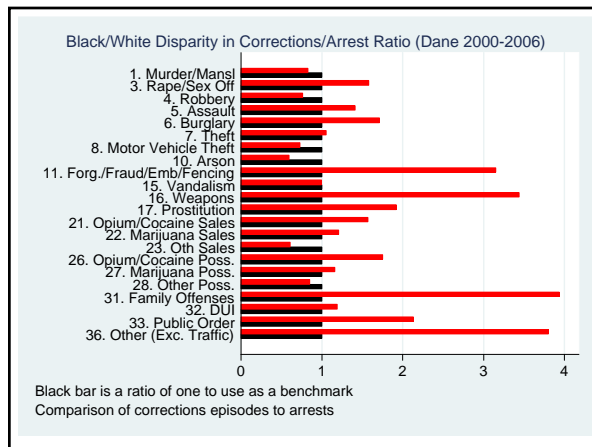
The next few slides calculate the ratio of "episodes" in the corrections database to arrests in the UCR. An episode is counted if it is the next to occur after the "date of offense" in the DOC records; offenses in the UCR are matched up as best as we can (i.e. imperfectly). Arrests and episodes from 2000-2006 are used.

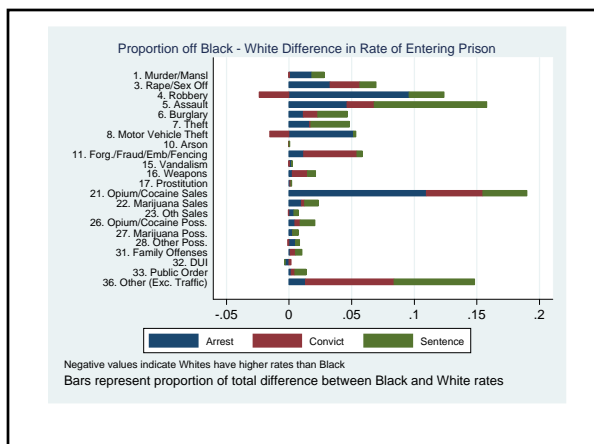
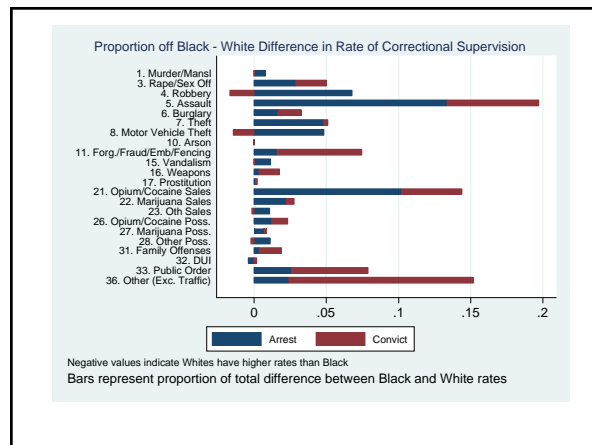
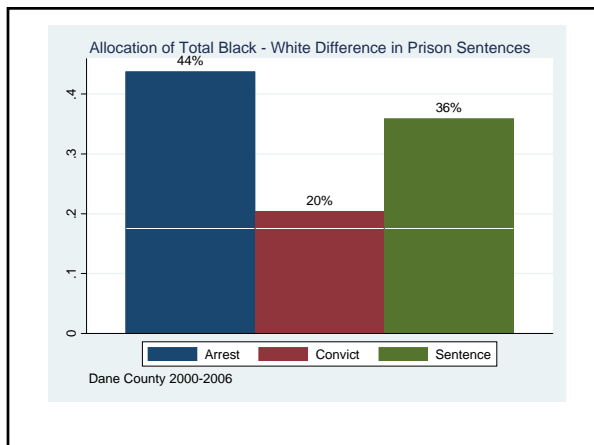
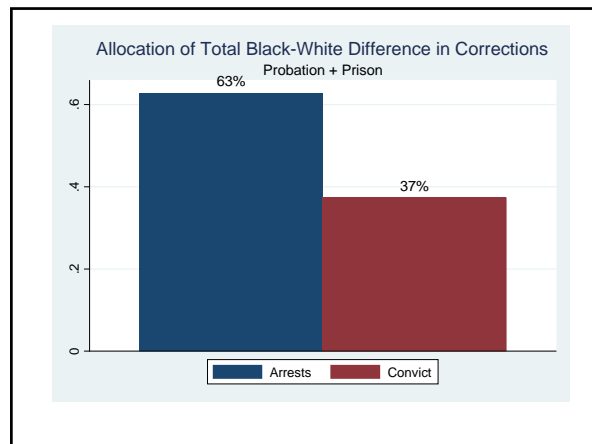
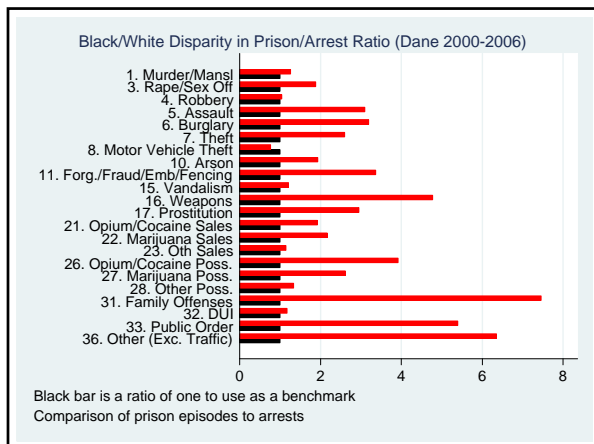
The ratio of the number of corrections episodes to the number of arrests is calculated within each race-offense group.

Then the disparity ratio or relative rate index is calculated: the extent to which minorities are more likely to end up in the system after arrest.

People can be arrested multiple times or not at all for a given episode, so this is an approximation.

Only Blacks have enough cases to make this meaningful.





Sources of disparity

- Statistical: arrests & episodes don't match up. (But why would this be different by race?)
- Charging decisions, plea bargains, defense counsel, prosecution
- Judicial sentences

Influences on discretion

- ♦ Within offense Whites may commit less serious offenses in that group. Hard to test, but little evidence for this.
 - Sentencing Commission compared people with exactly the same charge
 - Overcharging for minorities is found more often than undercharging
- ♦ Prior records. Definitely a factor. Partly a consequence of policing.
- ♦ Discriminatory treatment, conscious or unconscious, direct or indirect (e.g. through economic considerations)

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Focuses on sentence after adjudicated guilty of a particular offense

SENTENCING COMMISSION REPORT 2007

Sentencing Commission Study

- ♦ Staff: Kristi Waits, Executive Director; Andrew Wiseman, Deputy Director; Brenda R. Mayrack, Analyst
- ♦ CCAP + DOC data
- ♦ Offenses committed after January 31, 2003 and sentenced before October 1, 2006
- ♦ 5 common offenses: sexual assault of child, sexual assault, robbery + armed robbery, burglary, drug trafficking
- ♦ Sentencing for worst offense, in cases of multiple offenses

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Sample sizes

FIGURE 3: SAMPLE SIZES BY OFFENSE AND RACE

Offense	White*	Black*	Hispanic	Other*	TOTAL
<i>Sexual Assault of Child</i>	798	226	103	33	1,070
<i>Sexual Assault</i>	283	112	64	21	480
<i>Robbery/Armed Robbery</i>	432	905	123	44	1,504
<i>Burglary</i>	2213	676	167	154	3,210
<i>Drug Trafficking</i>	2742	4353	719	172	8,286

* Non-Hispanic

Notes: "Other" includes Asians + American Indians + any others; White, Black & Other exclude Hispanics.

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Main Findings

1. "Legal" factors of offense severity and prior convictions have the largest effect on sentences. (As we would hope!)
2. Men are more likely than women to be sentenced to prison, controlling for all other factors.
3. Blacks & Hispanics are more likely to be sentenced to prison rather than put on probation after controls for offense type, felony class, prior convictions, number of other charges, sex, and county of sentencing.
 - a) Race difference is larger for less serious offenses
 - b) Race difference even comparing people with no prior convictions.
4. There is no consistent racial difference in the LENGTH of the sentence if a prison sentence is given

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Regression summaries

- ♦ These use multi-variable statistics to assess the impact of each factor while controlling for all other factors in the model
- ♦ They show clear evidence of an overall effect of race on likelihood of being sentenced to prison, given that there is a guilty finding
- ♦ Note there is a sex effect, too!

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Number of Observations = 6259 Pseudo R-Squared = 0.2498

Baseline Category	Comparison Category	Odds Ratio	Z	P > z		
Criminal Record	No Prior Felony	Prior Felony (1)	2.85	12.98	0.000	
		Prior Felonies (2)	5.24	14.63	0.000	
		Prior Felonies (>3)	9.05	18.44	0.000	
Criminal Record	No Prior Misdemeanor	Prior Misdemeanor (1)	1.19	2.24	0.025	
		Prior Misdemeanor (2)	1.25	2.10	0.035	
		Prior Misdemeanor (>3)	1.94	6.31	0.000	
Case	1 Case Conviction	Case Convictions (2-3)	2.48	12.32	0.000	
		Case Convictions (4-5)	3.27	7.73	0.000	
		Case Convictions (>6)	4.53	7.63	0.000	
Offense Type and Severity	Burglary (F)	Sexual Assault-Child (E)	7.70	14.50	0.000	
		Sexual Assault-Child (C)	2.92	10.94	0.000	
		Sexual Assault (B)	67.10	4.10	0.000	
		Sexual Assault (C)	5.93	7.09	0.000	
		Sexual Assault (G)	1.47	2.81	0.005	
		Armed Robbery (C)	12.88	22.38	0.000	
		Robbery (E)	3.14	10.21	0.000	
		Burglary Plus (E)	3.21	6.32	0.000	
		Female	Male	2.72	6.91	0.000
		Age	18-22 yrs.	<18 yrs.	0.69	-3.28
23-29 yrs.	1.42			4.22	0.000	
30-39 yrs.	1.52			4.48	0.000	
>39 yrs.	1.88			6.06	0.000	
Race	White	Black	1.47	4.44	0.000	
		Hispanic	1.65	4.05	0.000	
		Other Minority	1.27	1.57	0.115	
		Dane/Rock	0.74	-2.22	0.026	
Region	Fox Valley	Milwaukee	1.49	3.14	0.002	
		Racine/Kenosha	2.63	6.16	0.000	
		Rest of State	1.32	2.57	0.010	

Odds Ratios in Bold Italic typefaces are statistically significant at a 95% confidence level.

Non-drug offenses.

Number of Observations = 6266 Pseudo R-Squared = 0.2592

Baseline Category	Comparison Category	Odds Ratio	Z	P > z		
Criminal Record	No Prior Felony	Prior Felony (1)	3.77	20.09	0.000	
		Prior Felonies (2)	6.17	19.34	0.000	
		Prior Felonies (>3)	6.84	17.95	0.000	
Criminal Record	No Prior Misdemeanor	Prior Misdemeanor (1)	1.18	2.41	0.016	
		Prior Misdemeanor (2)	1.44	3.73	0.000	
		Prior Misdemeanor (>3)	1.34	2.86	0.004	
Case	1 Case Conviction	Case Convictions (2-3)	2.01	10.51	0.000	
		Case Convictions (4-5)	2.81	5.51	0.000	
		Case Convictions (>6)	5.32	4.63	0.000	
Offense Type and Severity	Drug Trafficking (I)	Drug Trafficking (C)	12.93	17.63	0.000	
		Drug Trafficking (D)	8.93	16.46	0.000	
		Drug Trafficking (E)	4.27	13.61	0.000	
		Drug Trafficking (F)	4.25	16.03	0.000	
		Drug Trafficking (G)	3.04	12.39	0.000	
		Drug Trafficking (H)	1.52	2.80	0.005	
		Female	Male	2.51	10.17	0.000
		Age	18-22 yrs.	<18 yrs.	0.718	-1.73
23-29 yrs.	1.23			2.96	0.003	
30-39 yrs.	1.19			2.17	0.030	
>39 yrs.	0.861			-1.70	0.088	
Race	White	Black	1.96	8.68	0.000	
		Hispanic	2.43	8.97	0.000	
		Other Minority	1.52	2.16	0.031	
		Dane/Rock	1.02	0.16	0.859	
Region	Fox Valley	Milwaukee	2.74	8.91	0.000	
		Racine/Kenosha	3.39	8.77	0.000	
		Rest of State	1.29	2.23	0.026	

Odds Ratios in Bold Italic typefaces are statistically significant at a 95% confidence level.

Drug Trafficking Offenses

Verbal summary of statistical results

Statistically controlling for other factors

- Blacks 47% & Hispanics 65% more likely to get a prison sentence for non-drug crimes
- Blacks nearly twice as likely (196%) and Hispanics nearly 2 and a half times as likely (243%) to get a prison sentence for a drug crime
- Men were 272% more likely than women to get a prison sentence for a non-drug offense and 250% more likely to get a prison sentence for a drug offense.

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<http://wsc.wi.gov/>

SEE REPORT APPENDIX FOR BAR GRAPHS FOR PERCENTAGES FOR SPECIFIC OFFENSES

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Policy implications of Sentencing Study

- Focus on WHETHER to give a prison sentence, not just how long a sentence should be given
- Examine plea bargaining processes which often pre-determines the sentence type as well as the severity of the charged offense
- Consider impact of social factors (i.e. job, marriage, home) on sentencing
- Remember that a record of prior arrests & misdemeanors may be due to patterns of policing

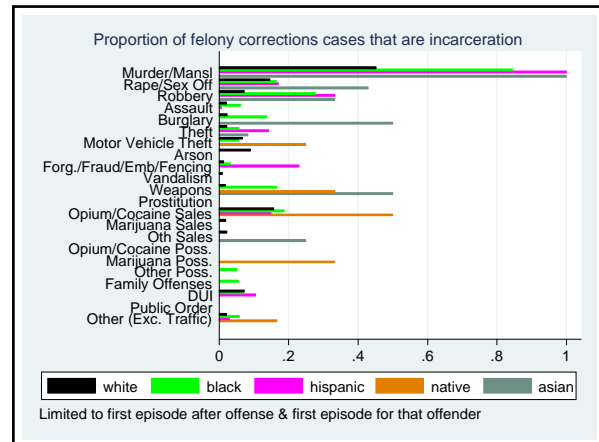
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First episodes

- Using DOC data which includes community supervision as well as prison
- Felonies only
- An offenders FIRST DOC record.
- Is the first record incarceration or community supervision? I.e. roughly a measure (with a little error) of was the sentence prison or probation.

First case: Prison or probation?

- Logistic regression predicting prison vs probation for first offense felonies controlling for offense group & age & sex finds significant race & sex effects
- There is prima facie evidence that the in/out prison vs. probation decision (not sentence length) varies by race & sex
 - This is the finding of the Sentencing Commission
 - This is the finding of many other studies elsewhere
 - Prior juvenile record probably plays a role – but remember the problem with prior record



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

System Questions

- How can we fairly treat the differences in prior records that arise from the realities of policing practices (non-uniform surveillance)?
- How can we address the racial disparities in prison vs. probation sentences? Some research says the racial discrepancy is worse with plea bargaining than trials. What is the role of the judge?
- How can we address BOTH Wisconsin’s overall unusually high revocation rate AND the racial disparity in revocations?

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
- ♦ Web site: www.ssc.wisc.edu/~oliver OR google “Pamela Oliver sociology”
- ♦ Follow the links to “racial disparities” section

