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# THE MILWAUKEE EXPERIMENT

*What can one prosecutor do about the mass incarceration of African-Americans?*

**By Jeffrey Toobin**

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*A study found that in Milwaukee County more than half of African-American men in their thirties had done prison time.*

Like many people in the criminal-justice system, John Chisholm, the District Attorney in Milwaukee County, has been concerned for a long time about the racial imbalance in American prisons. The issue is especially salient in Wisconsin, where African-Americans constitute only six per cent of the population but thirty-seven per cent of those in state prison. According to a study from the University of Wisconsin-Milwaukee, as of 2010 thirteen per cent of the state's African-American men of working age were behind bars—nearly double the national average, of 6.7 per cent. The figures were especially stark for Milwaukee County, where more than half of African-American men in their thirties had served time in state prison. How, Chisholm wondered, did the work of his own office contribute to these numbers? Could a D.A. do anything to change them?

The recent spate of deaths of unarmed African-Americans at the hands of police officers has brought renewed attention to racial

inequality in criminal justice, but in the U.S. legal system prosecutors may wield even more power than cops. Prosecutors decide whether to bring a case or drop charges against a defendant; charge a misdemeanor or a felony; demand a prison sentence or accept probation. Most cases are resolved through plea bargains, where prosecutors, not judges, negotiate whether and for how long a defendant goes to prison. And prosecutors make these judgments almost entirely outside public scrutiny.

Chisholm decided to let independent researchers examine how he used his prosecutorial discretion. In 2007, when he took office, the Vera Institute of Justice, a research and policy group based in New York City, had just begun studying the racial implications of the work of the Milwaukee County District Attorney's office. Over several years, Chisholm allowed the researchers to question his staff members and look at their files. The conclusions were disturbing. According to the Vera study, prosecutors in Milwaukee declined to prosecute forty-one per cent of whites arrested for possession of drug paraphernalia, compared with twenty-seven per cent of blacks; in cases involving prostitution, black female defendants were likelier to be charged than white defendants; in cases that involved resisting or obstructing an officer, most of the defendants charged were black (seventy-seven per cent), male (seventy-nine per cent), and already in custody (eighty per cent of blacks versus sixty-six per cent of whites).

Chisholm decided that his office would undertake initiatives to try to send fewer people to prison while maintaining public safety. "For a long time, prosecutors have defined themselves through conviction rates and winning the big cases with the big sentences," Nicholas Turner, the president of the Vera Institute, told me. "But the evidence is certainly tipping that the attainment of safety and justice requires more than just putting people in prison for a long time. Prosecutors have to redefine their proper role in a new era. Chisholm

stuck his neck out there and started saying that prosecutors should also be judged by their success in reducing mass incarceration and achieving racial equality.” Chisholm’s efforts have drawn attention around the country. “John is a national leader in law enforcement, because he is genuinely interested in trying to achieve the right results, not only in individual cases but in larger policy issues as well,” Cyrus R. Vance, Jr., the Manhattan District Attorney, told me.

Chisholm reflects a growing national sentiment that the criminal-justice system has failed African-Americans. The events in Baltimore last week drew, at least in part, on a sense there that black people have paid an undue price for the crackdown on crime. Since 1980, Maryland’s prison population has tripled, to about twenty-one thousand, and, as in Wisconsin, there is a distressing racial disparity among inmates. The population of Maryland is about thirty per cent black; the prisons and local jails are more than seventy per cent black.

In 2013, former Attorney General Eric Holder announced an initiative, known as Smart on Crime, that directed federal prosecutors to take steps toward reducing the number of people sentenced to federal prisons and the lengths of the sentences. “Prison is very costly—to individuals, to the government, and to communities,” Jonathan Wroblewski, a Justice Department official who was part of the Smart on Crime team, told me. “We want to explore alternatives.” By 2014, federal prosecutors were seeking mandatory minimum sentences in only half of their drug-trafficking cases, down from two-thirds the previous year. The number of these prosecutions inched downward as well.

Last week, President Obama spoke to reporters about the criminal-justice system at the state and federal levels, saying, “If we are serious about solving this problem, then we’re going to not only have to help the police, we’re going to have to think about what can we do—the

rest of us—to make sure that we’re providing early education to these kids; to make sure that we’re reforming our criminal-justice system, so it’s not just a pipeline from schools to prisons; so that we’re not rendering men in these communities unemployable because of a felony record for a nonviolent drug offense; that we’re making investments so that they can get the training they need to find jobs. That’s hard.”

The next day, Hillary Clinton gave a speech at Columbia University, in which she called for a national rethinking of the criminal-justice system, and suggested, among other things, putting body cameras on police officers. “Today, smart policing in communities that builds relationships, partnerships, and trust makes more sense than ever,” she said. “And it shouldn’t be limited just to officers on the beat. It’s an ethic that should extend throughout our criminal-justice system. To prosecutors and parole officers. To judges and lawmakers. We all share a responsibility to help re-stitch the fabric of our neighborhoods and communities.” She added, “It’s time to end the era of mass incarceration.”

Chisholm’s experiment is important on its own terms, but it is especially notable now. Scott Walker, the governor of Wisconsin and a presumptive Republican Presidential candidate, is a fierce ideological adversary. Chisholm, a Democrat, who is fifty-two, and Walker, who is forty-seven, both grew up in the state and both attended Marquette University, in Milwaukee. Both have spent virtually their entire lives working for state and local government in Wisconsin. As a state legislator, Walker pursued a traditional law-and-order agenda, and he sponsored bills that sought to increase mandatory minimum sentences for a variety of crimes. He became a statewide figure by sponsoring Wisconsin’s “Truth in Sentencing” legislation, which increased prison time and abolished parole for certain offenders. As governor, Walker has continued to oppose

parole opportunities for prisoners. In 2010, the year before he took office, the state granted thirteen per cent of parole requests; in 2013, only six per cent were granted. As the Presidential campaign begins, the debate between these opposing visions of mass incarceration will play out across the nation.

Chisholm works in the Safety Building, an imposing structure built in 1930, in the days of municipal prosperity; it has terrazzo floors, and marble stalls in the bathrooms. At the time, the industrial might of Milwaukee rivaled that of Chicago, ninety miles away. But the declines of the nineteen-eighties hit Milwaukee hard, and the building looks as threadbare as the local economy. Wall clocks in the building haven't worked since a fire in 2013. Old records are stored in the cells of an abandoned jail. (The paperwork in the case of Milwaukee's most notorious criminal, Jeffrey Dahmer, is preserved there.)

After graduating from the University of Wisconsin law school, in Madison, Chisholm took a job as a junior prosecutor, worked through a variety of assignments in the trenches, and eventually held a senior position under E. Michael McCann, who served as Milwaukee's District Attorney for thirty-eight years. When McCann stepped down, in 2006, he endorsed Chisholm as his successor, and Chisholm has since won two races, virtually unopposed.

"I basically divide our world in two," Chisholm told me in his office. "There are people who scare us, and people who irritate the hell out of us. The first group includes the people charged with homicide and other gun crimes. It's about ten or fifteen per cent of our cases, a relatively small group, and there's not much change with them from the old days. The most important thing we can do with those people is incapacitate them, so they can't do any more harm."

Chisholm decided to make changes in the larger pool—the “irritating” defendants. “The racial disparity spoke for itself, starting with the disparities in the state prison system,” he told me. “But there were very significant disparities in specific categories. The one that stood out the most was low-level drug offenders—possession of marijuana or drug paraphernalia. There were clearly a disparate number of African-Americans being charged and processed for those offenses.”

Even findings in the Vera report that seemed encouraging turned out to have a troubling subtext. In addition to the city, Milwaukee County includes more than a dozen suburbs, most of which are predominantly white. “When I first saw the data, I thought, Here is some good news,” Chisholm told me. “It said that we charge white offenders for property crimes at a higher rate than we do black offenders for those kinds of cases. So I thought, Good, here is a disparity the other way. That must balance things out. But a deputy of mine pointed out that what the data really meant was that we devalue property crimes in the center city. We don’t charge a car theft, because we think it’s just some junker car that’s broken down anyway. It meant that we were devaluing our African-American victims of property crimes—so that was another thing to address.”

Chisholm decided to move to what he calls an evidence-driven public-health model. “What’s the most effective way to keep a community healthy?” he asked. “You protect people in the first place. But then what do you do with the people who are arrested?” There are two basic models of prosecutorial philosophy. “In one, you are a case processor,” he said. “You take what is brought to you by law-enforcement agencies, and you move those cases fairly and efficiently through the system. But if you want to make a difference you have to do more than process cases.”

*“Dylan needs a classroom where I don’t have to talk to any of the other mothers.”*

So Chisholm began stationing prosecutors in neighborhoods around Milwaukee. “If people view prosecutors as just the guys in the courthouse, who are concerned only with getting convictions, then you are creating a barrier,” he said. He and his team started asking themselves in every instance why they were bringing that case. “In those that were seen as minor, it was the least experienced people who were deciding whether to bring them. And these people saw that we had generally brought those cases in the past, so they went ahead with them again. But we started to ask, ‘Why are we charging these people with crimes at all?’ ”

**I**n 2010, Michelle Alexander, a professor at the Ohio State University School of Law, published “The New Jim Crow,” a study of mass incarceration among African-Americans. Like many influential works, the book identified trends that had been apparent for some time. Alexander noted that the prison population in the United States had grown from roughly three hundred thousand, in the early nineteen-seventies, to two million, after 2000. “The United States now has the highest rate of incarceration in the world, dwarfing the rates of nearly every developed country, even surpassing those in highly repressive regimes like Russia, China and Iran,” she wrote. Moreover, “the racial dimension of mass incarceration is its most striking feature.”

This critique has grown in intensity in recent years. “Mass incarceration is ahistorical, criminogenic, inefficient, and racist,” Paul Butler, a professor at Georgetown University Law Center, told me. “Throughout much of American history, we incarcerated about one hundred people per one hundred thousand people in the population. After the eighties, it moved to six hundred or seven hundred per hundred thousand. Prisons are finishing schools for criminals, so

they breed more crime. They cost a fortune to maintain. And the racism of the process just starts with drug crimes. Black people don't use drugs more than anyone else, but, with thirteen per cent of the population, black people make up close to forty per cent of inmates serving time for drug offenses.”

Some prominent Republicans also have begun to criticize current policies. The Koch brothers have funded work by the National Association of Criminal Defense Lawyers which aims, among other things, at limiting mandatory minimum sentences in drug cases, and, in a broad effort to reduce prison sentences, they have joined forces with such unlikely allies as the American Civil Liberties Union and the Center for American Progress. Rand Paul, the Kentucky senator and Republican Presidential candidate, has sponsored a bill with Cory Booker, the New Jersey Democrat, that would allow youthful offenders more opportunities to expunge criminal records.

Scott Walker has shown little interest in joining this movement. For the most part, he has focussed his administration on tax cuts and budget cuts (especially for higher education) and on a successful battle against public-employee unions in his state. In terms of criminal justice, Walker's primary effort has been to expand gun rights. In 2011, he signed a law that allowed people to carry concealed firearms and one that endorsed the “castle doctrine,” a presumption that homeowners act lawfully if they shoot an intruder on their premises. Chisholm opposed these measures.

One of the difficulties of criminal-justice reform is that power is spread so diffusely through the system. “Criminal justice is a system, and no one person or group is in charge of it,” Alfred Blumstein, a professor at Carnegie-Mellon University, told me. “You have legislators who decide what's a crime and establish the range of penalties. You have judges who impose the sentences. You have



police who decide whom to arrest. And you have prosecutors who have wide discretion in what cases to bring, what charges to call for, and what sentences to agree to in plea bargains.” Each of those participants has contributed to the rise in incarceration. “Are more people in prison because there is more crime?” Blumstein asked. “More arrests per crime? Better policing? Longer sentences imposed by judges? More mandatory minimum sentences established by legislatures? Tougher decisions by parole boards?”

Blumstein and others place some of the responsibility for mass incarceration on lawmakers who, in the nineteen-eighties and nineties, dramatically increased sentences, especially for narcotics offenses. When Congress revised federal sentencing guidelines, in the nineteen-eighties, it not only increased the length of most prison terms but established a sentencing disparity of a hundred to one between crack cocaine, often used by blacks, and powdered cocaine, favored by whites. (A 2010 revision of the law lowered the disparity to eighteen to one.)

But a recent quantitative analysis by John Pfaff, a professor at Fordham Law School, who also has a Ph.D. in economics, argues that sentencing laws are not the main reason for the increase in the prison population. “For all the tougher sentencing laws, there is not much more time served in prison per prisoner,” he told me. “Prisoners are serving about the same amount of time now as they did in the eighties.” Rather, Pfaff points to prosecutors—more than cops, judges, or legislators—as the principal drivers of the increase in the prison population. “The real change is in the chances that a felony arrest by the police turns into a felony case brought by prosecutors,” he said.

How this change came about defies easy explanations. The United States Department of Justice, through its U.S. Attorneys, plays a

relatively small role in incarceration. Federal prisoners amount to just over ten per cent of the total prisoner count in the country. There are roughly twenty-three hundred different local prosecutorial offices in the United States; most prosecutors are elected independently; and the lead lawyer in each office has considerable discretion in setting policies. In New York City, each borough elects its own district attorney, and the D.A.s' policies differ, sometimes significantly. (Kenneth P. Thompson, the Brooklyn District Attorney, has effectively decriminalized possession of small amounts of marijuana, while the city's four other D.A.s have not.) Still, as Pfaff said, "if you are going to reduce the prison population, prosecutors are going to be the ones who have to lead the way."

**T**he most significant innovation in Chisholm's overhaul of the office involves an "early intervention" program, which begins after a defendant is arrested but before arraignment. Each defendant is given an eight-question assessment, which can be conducted in about fifteen minutes and is compared to the information on the rap sheet and in the police report. The questions include: "Two or more prior adult convictions?" "Arrested under age sixteen?" "Currently unemployed?" "Some criminal friends?" A low score can lead to an offer of "diversion"—a kind of unofficial probation that, if successfully completed, leaves the individual without a criminal record. A high score leads to a second, more detailed, fifty-four-question assessment. The questions include: "Ever walked away/escaped from a halfway house?" "Were you ever suspended or expelled from school?" "Does your financial situation contribute to your stress?" "Tell me the best thing about your supervisor/teacher." Results of the assessment may also lead to diversion or may lead to a more intensive kind of post-arrest supervision, known as deferred prosecution. People in this group will maintain a criminal record of an arrest but may have their charges reduced or dismissed. To participate in these incarceration alternatives, a defendant must

commit to completing drug-treatment or other educational programs that are approved by Chisholm's office.

"The whole program is designed to reduce the number of people we are putting in jail or prison, but to do it in a smart, accountable way," Jeffrey Altenburg, a deputy district attorney, who oversees the early-intervention program, told me. "It's to get people back on track, based on their risk and their need." Every week, Altenburg, an eighteen-year veteran of the D.A.'s office, conducts a series of informal meetings with people in the diversion and deferred-prosecution programs who are in danger of being thrown out and returned to the traditional criminal-justice system.

A man I'll call John was the first offender at a recent hearing, which took place in a subdivided conference room in the Safety Building. Altenburg was joined by a lawyer from the public defender's office and a case manager from an outside agency. At nineteen, John had already spent a year in juvenile detention, for robbery, and his recent arrest was for possession of marijuana. He had reported to the program supervisor that he had used Percocet without a prescription. "I don't have an addiction problem," he said. "It's more choices and decision-making." He was praised for reporting his violation, and told to attend a class on decision-making and return to the committee in two weeks. The case officer noted that John's girlfriend was pregnant. "Of course," the public defender muttered.

Jane, a fifty-two-year-old who was in diversion for shoplifting, had failed her fifth breathalyzer test for alcohol and tested positive for cocaine, but she had maintained her community-service obligation at the Salvation Army. "You've been in this program a long time," Altenburg said to her. "You have shown the ability to improve. You can get through this program. You need to work on your addiction." She promised to continue counselling.

Joe, who was in his mid-twenties, had received a deferred prosecution for a burglary, which involved stripping the contents of an unoccupied house. The police had recently charged him with disorderly conduct and had also found him passed out in a parking lot. His attorney said that he was sleeping off a drunk so he wouldn't drive while intoxicated. "He is not a bad guy, but he has trouble making smart decisions long-term," she said. Altenburg noted that Joe had committed other violations, and revoked his participation in the program. He would be convicted of felony burglary.

Bob had been arrested after he yanked the steering wheel from the passenger seat in a car, causing a crash. As part of his deferred-prosecution program, he was supposed to take a cognitive-behavioral-therapy class, but his attendance was poor, because he was caring for his girlfriend's two-year-old son, who has special needs. (Bob's girlfriend was pregnant again.) Altenburg pressed him for better attendance.

As a group, those in the early-intervention program seemed more like lost souls than like desperadoes, but they were all lawbreakers and, in many cases, repeat offenders.

Efforts by Chisholm and others to keep low-level offenders out of prison represent the core of the criminal-justice-reform movement—and these initiatives are passionately opposed by traditional law-and-order advocates. "The new mantra from the reformers is for 'evidence-based' solutions and assessments to determine who is low risk, and then we find that some of them go out and slaughter people," Michael Rushford, the president of the right-leaning Criminal Justice Legal Foundation, which publishes a widely read blog called *Crime and Consequences*, told me. "What the reformers never want to talk about is that, in the eighties and

nineties, once we incarcerated a lot of people, the crime rate went down dramatically around the country.” He went on, “Over the past ten years, we’ve been winning the war of attrition on crime, because the deterrent effect works. People don’t commit crimes, because they don’t want to go to prison. The reformers are teaching the opposite lesson. If a guy is stealing cars, and finds that he’s never going to go to prison for stealing cars, what do you think he’s going to do? He’s going to steal a lot of cars and then move on to stealing something else.” It is true that the over-all level of crime has fallen in the United States over the past two decades, but the debate over whether mass incarceration is the reason for this decline has been inconclusive.

At the local level, Chisholm’s aversion to incarceration has drawn the ire of probably the best-known law-enforcement figure in Milwaukee (and the only African-American in a senior position), David A. Clarke, Jr., who has been the sheriff of Milwaukee County since 2002. Clarke, whose responsibilities include supervising local jails, has a dashing public profile, thanks in part to a penchant for topping his black uniform with a cowboy hat. On Clarke’s campaign Web site, he states, “My soft-on-crime opponents emerge from Candy Land to propose second chances, third chances, and fourth chances, in the process endangering our homes, neighborhoods, and schools.” When I talked with him in his office, which is also in the Safety Building, he drank coffee from a cup bearing a portrait of John Wayne.

Clarke told me, “Their whole movement comes up with these cutesy phrases—‘those who scare us, those who irritate us’—but those who violate society’s rules over time need to pay the price. They need to be punished for their misbehavior. That’s how you change behavior.” In particular, Clarke opposes Chisholm’s predisposition for drug-treatment programs rather than jail or prison. “I’m not for government-funded drug-rehab programs,” he said. “These

individuals are making this choice. Those programs de-motivate people to address their own problems. So don't expect me to pay for your drug rehab. Find your own through the private sector.”

Clarke believes that Chisholm's effort to reduce incarceration hurts those it's intended to help. “In the communities where most crime takes place, we do not have the support structures in place for social alternatives to incarceration. So you are putting them back into the community to claim more black victims. If you want to let people back on the street, you have to think about the people who are going to be dealing with them—my people, black people. What I've heard recently with criminal-justice reform is simply normalizing criminal behavior in a community that can least afford it—the ghettos.”

Wisconsin has some of the most polarized politics in the country, and Clarke is a close ally of Scott Walker's. The split between Chisholm and Walker has been exacerbated by a long-running investigation by Chisholm of Walker's staff when Walker was the Milwaukee County Executive. The initial part of the investigation, which is known as the John Doe case, led to the conviction of six Walker aides, on charges ranging from theft to campaigning on government time. Since 2012, Walker's staff has been investigated for possible violations of campaign-finance laws by working too closely with outside groups, like the Club for Growth, which were advocating on his behalf. The investigation has been stalled since last year, and the Club for Growth sued Chisholm and his subordinates in both their professional and their individual capacities, on the ground that they had violated the free-speech rights of Walker's supporters. (The case is now on appeal.) Chisholm says that he can't comment on the investigation.

Advocacy for Walker in the Doe case has become a cause célèbre in conservative circles. “Some truly outrageous things have gone on in

the state of Wisconsin that have happened as part of the effort to destroy Scott Walker,” Rush Limbaugh said on his radio broadcast last month. “It was the kind of thing that Vladimir Putin does and we all laugh about because that’s what we expect in a tyrannical dictatorship like the Soviet Union or Russia. We find out that it can happen here and has happened here, and there was no mechanism to stop it. The prosecutor’s name is Chisholm, John Chisholm, and I hope his name is never forgotten.”

**T**he vast majority of the murders in Milwaukee take place on the north side, which is overwhelmingly African-American, with an unemployment rate above forty per cent. In 2014, there were eighty-seven homicides in Milwaukee, which has a population of just under six hundred thousand. If New York City had Milwaukee’s murder rate, there would have been more than twelve hundred homicides in 2014; the actual number was three hundred and twenty-eight. In Milwaukee, this year has got off to a dismal start. By the end of April, there were forty-eight homicides. As the *Milwaukee Journal Sentinel* noted in a recent headline, “HOW COULD THIS HAPPEN? NO EASY ANSWERS TO MILWAUKEE’S SPIRALING VIOLENCE.” Chisholm told me, “This last patch has been a tough one.”

Since 2008, the police chief in Milwaukee has been Edward Flynn, who is sixty-six years old and a longtime ally of New York’s police commissioner, William Bratton. Like Bratton, he relies on crime data to direct officers to the most dangerous neighborhoods. “The reality for urban police practitioners is that we respond to the overwhelming victimization of black people,” Flynn told me. “Every community meeting I go to in an African-American neighborhood is fuelled by demands for more effective police services. The sad fact is that most violent offenders look like their victims. So that means everything we do is going to have a disparate impact on communities of color.”

When I took a drive around north Milwaukee with Jacob Corr and Christopher Ladwig, community-based prosecutors in Chisholm's office, and Patrick Fuhrman, a sixteen-year veteran of the police force, in an unmarked car, they insisted that I wear a bulletproof vest. Corr was an early enlistee among Chisholm's lawyers in the field and, for a decade, has been assigned to the police station in north Milwaukee. "I'm a six-foot-four-inch bald white guy," he told me. "It was going to take me a while to generate trust here." In Ladwig's office were maps of the neighborhood marked with red dots for major crimes and blue dots for non-fatal shootings. He relies on data from "shot spotter" technology, which alerts the police every time a gun is fired in certain areas of the city; it goes off about eighteen times a day. Even in poor neighborhoods, Milwaukee still has a lot of sturdy housing, built in the early twentieth century, but the streets around Washington Park, a couple of blocks from Ladwig's office, bear signs of trouble. Most commerce takes place in "corner stores," as convenience stores are called here. They do a steady business in Jackpot cigars, which are emptied and filled with marijuana, and Chore Boy scrubbers, which can be used to make crack-pipe filters.

The prosecutors' duties go well beyond those of traditional prosecutors. In 2011, Ladwig helped persuade Habitat for Humanity to renovate some houses on a block in a particularly crime-ridden neighborhood, and the crime rate dropped precipitously. Ladwig has also worked closely with the Benedict Center, a nonprofit agency in the same neighborhood that is dedicated to helping both female victims of crime, usually domestic violence, and female offenders, usually prostitutes. Ladwig and his colleagues found that prostitutes who were treated at the Benedict Center had a better chance of staying off the street than those who were arrested. In a rare example of collaboration between Chisholm and Walker, in 2013 the Governor provided more than ten million dollars in funding for the



Sojourner Family Peace Center, a nonprofit in Milwaukee that helps victims of domestic violence.

**B**ack at the district police station, the magnitude of Milwaukee's problems comes into focus. One afternoon, Mallory O'Brien, an epidemiologist affiliated with the Medical College of Wisconsin, convened a meeting of the Milwaukee Homicide Review Commission, which she directs. Once a month, O'Brien brings together cops, prosecutors, parole agents, and judges to conduct brainstorming sessions about recent homicides in the area. Together, they suggest ideas about how the violence might be prevented. "For years, the federal government has had a review commission to look at every death on the highway and see what can be learned from it," O'Brien told me. "We're using the same idea for shootings in Milwaukee." After a series of crimes committed by people who had returned from prison, the review group helped create a team of officers and parole agents who visit parolees' families before and after they are released, to ease the transition.

Six homicides were reviewed at the meeting I attended, and they all seemed like variations on the same dismal theme. A drug transaction was planned or consummated. A dispute arose, usually near a bar. Suspect and/or victim were drunk or high. Shots were fired. All parties, including the witnesses, were African-American. More than eighty per cent of both the perpetrators and the victims of Milwaukee homicides have criminal records.

This inventory from the homicide-review panel illustrates the limits of Chisholm's efforts. To some extent, he has succeeded in his goals. There are many fewer prosecutions of both blacks and whites for low-level drug offenses. Chisholm has stopped bringing cases for possession of drug paraphernalia, which were at the heart of the original Vera study. On his watch, the over-all number of

misdemeanor prosecutions in the county has dropped from nine thousand to fifty-two hundred. Likewise, once Chisholm instituted a policy that all burglary-case filings must be approved by a senior prosecutor, the disparity that led to more cases against white alleged thieves than black ones faded. The number of African-American residents of Milwaukee County sent to state prison on drug charges has been cut in half since 2006.

Still, Chisholm acknowledged that cases involving gun violence or homicide inevitably skew attempts to redress racial imbalances in incarceration. “Almost all of our shootings and almost all of our homicides are black-on-black crime, and that’s an enormous problem,” he told me. The prison population in Wisconsin has dropped from roughly twenty-four thousand five hundred, in 2007, to twenty-two thousand today, and most of the reduction has come from Milwaukee County. Still, the change in the racial makeup of the prison population has been modest. Chisholm said, “We’re no longer sending low-level drug offenders to state prison, but we are still sending violent criminals, and that’s keeping the African-American numbers up. If we do this right, the people who are going to prison should be going to prison. The people who are going to prison are dangerous.”

To explain this year’s crime rise, as well as the persistent racial disparities, Chisholm cites forces beyond his control—poverty, hopelessness, lack of education, drug addiction, and the easy availability of guns. In this way, Chisholm’s greatest lesson may have been in humility. “We redesigned our system, but we learned that no individual actor can change the dynamics of what goes on in a complex larger system like a city,” he said. ♦

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