

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

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## **Abstract**

This report draws on national, state, and local-level data on imprisonment rates of African Americans and whites in Wisconsin, particularly in Dane and Milwaukee Counties. We find that Wisconsin has very high rates of black imprisonment and slightly lower rates of white imprisonment than the national average, resulting in one of the highest black/white disparities in incarceration in the nation. The very high contribution of drug crimes to imprisonment rates is striking. Arrest and prosecution of these crimes has disproportionately affected blacks but is unlikely to accurately reflect differences in actual offending. A difference in imprisonment rates between racial groups does not prove discrimination. Factors such as family disruption, unemployment, and poverty are important influences on rates of offending as well as on rates of arrest and sentencing. In addition, policies and practices of the criminal justice system contribute to racial disparities, even without conscious prejudice or discriminatory intent.

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

### INTRODUCTION

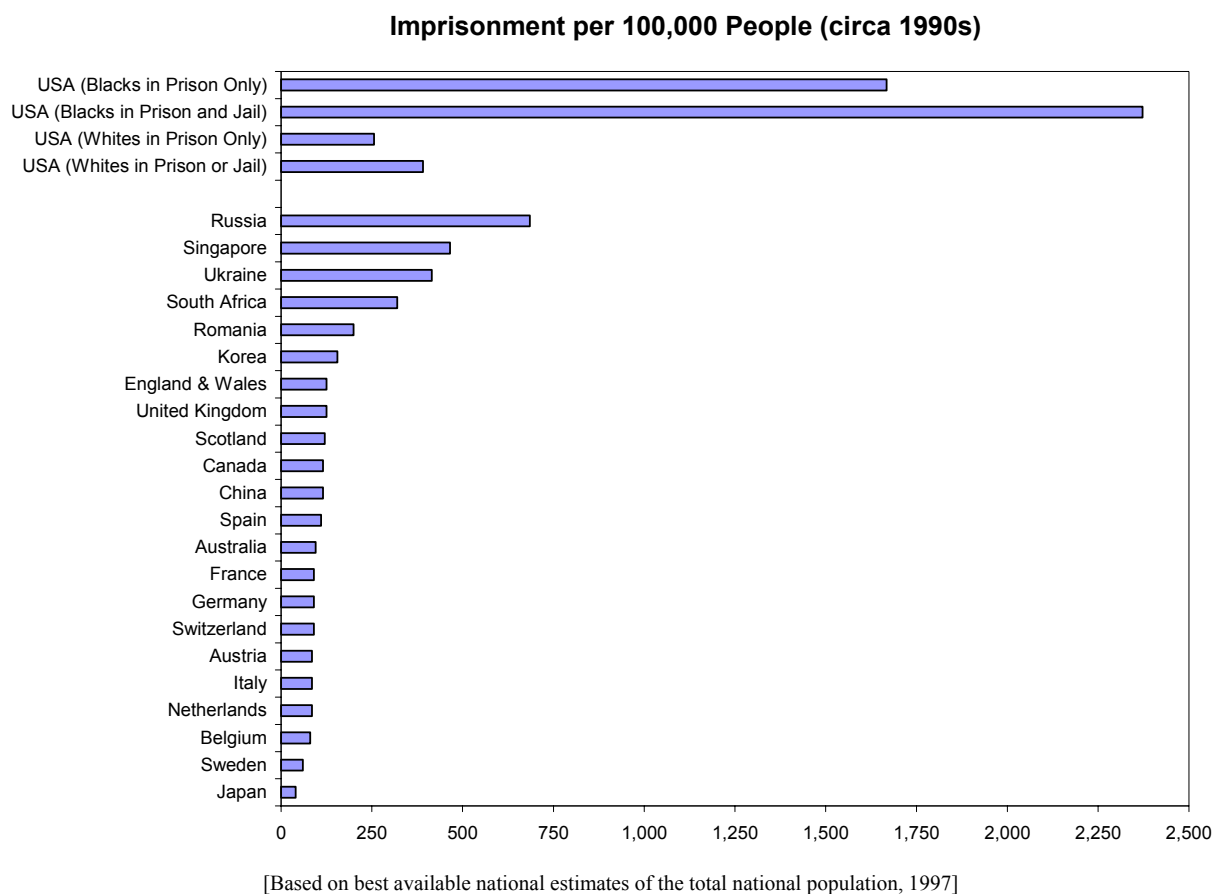
This report examines differences in the imprisonment rates of African Americans and whites in Wisconsin, particularly in Dane and Milwaukee Counties. Drawing on national, state, and county-level data on imprisonments and arrests, we hope to bring to light several important patterns in Wisconsin's criminal justice system. Though the nature of the data does not permit conclusions about the specific causes and processes generating these patterns, our hope is that identifying significant "symptoms" of Wisconsin's criminal justice system will lead to constructive political and community discussions, improved information-gathering, and further assessments that could, in the future, produce a clearer "diagnosis" of the problems.

A difference in the imprisonment rates between race groups, or a "racial disparity," does *not* prove discrimination. "Racial disparity" is a *statistical* concept reflecting a disproportionate representation of some racial or ethnic group in the criminal justice system relative to another group. Scholars agree that racial disparities usually have multiple, complex causes. *Social and economic factors* such as family disruption, unemployment, and poverty are clearly important influences on rates of offending as well as on rates of arrest and sentencing. In addition to these factors, the *policies and practices of the criminal justice system* contribute to racial disparities, even without conscious prejudice or discriminatory intent.

Though this report focuses on black/white differences in imprisonment in Wisconsin, and in Dane and Milwaukee Counties in particular, it is helpful to provide a national and historical context for the current patterns. This is important not only for appreciating the magnitude of the problem, but also for identifying ways in which local patterns do and do not reflect larger patterns.

## UNITED STATES IN CONTEXT

The United States has one of the highest incarceration rates in the world, with approximately 645 prisoners per 100,000 people in 1997. This rate is 4 to 5 times higher than similar industrialized democracies. While the U.S. white incarceration rate is high relative to other countries—almost comparable to incarceration rates in former authoritarian states of Eastern Europe and South Africa—the U.S. black incarceration rate is astronomical by world standards:



The following facts selected from federal reports on incarceration in the United States present a sobering picture of the impact of contemporary imprisonment on African Americans:

- In 1997 6,838 per 100,000 black adult men were in prison or jail, compared to 990 per 100,000 white adult men.<sup>1</sup>
- In 1997 approximately 9 percent of all black adults were under some form of correctional supervision, compared to 2 percent of white adults.<sup>2</sup>
- In 1997 almost 25 percent of black males aged 18–34 were under some form of correctional supervision, compared to 6 percent of white males in this age group.<sup>3</sup>
- In 2000 almost 10 percent of black males aged 24–29 were in prison.<sup>4</sup>
- Federal statisticians estimate that the probability that a black man will spend time in prison at some point during his entire life is 29 percent, compared to 4.4 percent for a white man.<sup>5</sup>

Scholars, policymakers, community activists, and others are coming to recognize that these statistics represent a national disaster, not only for the young men in prison, but also for their families.

### U.S. Imprisonment Trends

Contemporary black/white differences in imprisonment rates are a *new* development in the United States. For people in the United States, regardless of race, imprisonment rates were relatively constant between 1800 and 1975, until a major shift in the 1970s produced an exponential growth in the total prison population. Research has suggested that most of this recent growth is due to longer sentences and reduced probation and parole, rather than new prison sentences.<sup>6</sup>

Nevertheless, as the following figure indicates, *new* federal and state prison admissions have also been growing exponentially, with African Americans being imprisoned at an increasingly higher rate than whites:

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<sup>1</sup>Statistics include Hispanics. From Table 1.7 in BJS, CPUS (1997).

<sup>2</sup>Statistics include Hispanics. From Table 1.2 in BJS, CPUS (1997).

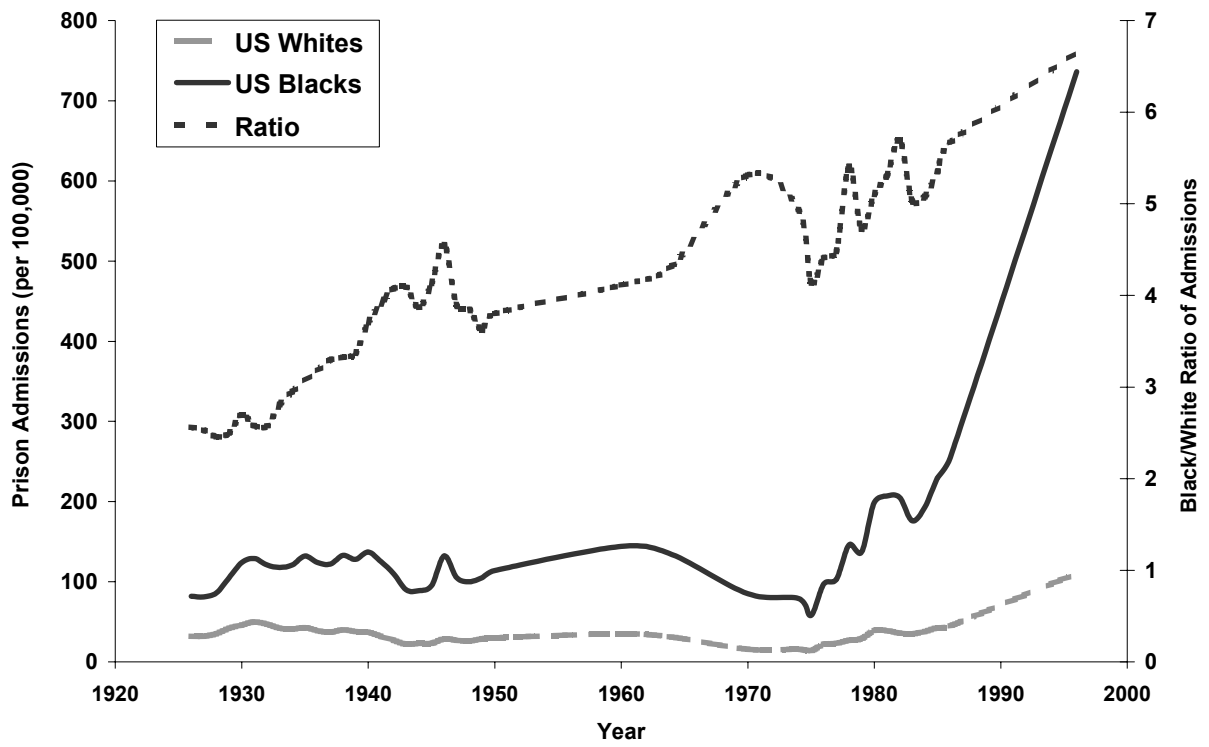
<sup>3</sup>Statistics are for non-Hispanic men only. Calculated from numbers available in Table 1.29 in BJS, CPUS (1997).

<sup>4</sup>Statistics are for non-Hispanic men only. From p. 11 in Beck and Harrison (2001).

<sup>5</sup>Bonczar and Beck, BJS March 1997: <http://www.ojp.usdoj.gov/bjs/pub/pdf/lgsfp.pdf>; based on 1991 incarceration rates. (BJS, CPUS 1997).

<sup>6</sup>Langan (1991).

### US Prison Admissions Rates in the 20th Century



[Based on U.S. Census total population estimates]

The twentieth century began with an African American imprisonment rate approximately twice as high as the white rate, but by the end of the century the African American rate was about seven times that of whites. Before 1975, the growth in this black/white disparity was largely due to a *decrease* in white imprisonment rates—black imprisonment rates were relatively constant. However, after 1975 prison admissions for both races grew exponentially. A much higher growth rate for African Americans has led to a widening racial gap in imprisonment rates.

The relatively recent change in incarceration patterns suggests that the increase in black/white disparity in imprisonment is not a consequence of the legacies of slavery or Jim Crow, but rather a new development in the last quarter of the 20th century.

### What Explains the Imprisonment Boom?

Many factors account for the recent large increase in imprisonment rates.

- A shift to determinate sentencing
- Increasing use of imprisonment as a penalty for lesser offenses (property crimes, assaults), especially if there are prior offenses (e.g. “three strikes” laws)
- The war on drugs
- Law Enforcement Assistance Administration (LEAA), established in the late 1960s, which increased funding for police departments and raised levels of policing

These factors have contributed to an overall rise in new imprisonment rates, but African Americans have been disproportionately affected by these developments.

Scholars have pointed to post-civil rights and post-riots competitive race relations and race-coded political rhetoric in the establishment and growth of policing infrastructure. Crime first became a *political* issue in the late 1960s as politicians began to lament what they perceived as a society of “lawlessness” associated with the race riots and the peace movement. Researchers have found that the substantial increase in municipal police expenditures, particularly investments in policing infrastructure, during this period of time can be partially attributed to the degree of civil rights mobilization. However the perception of a minority threat—measured as the proportion of African Americans in a city—had a substantial, direct effect on the increase in police expenditures.<sup>7</sup>

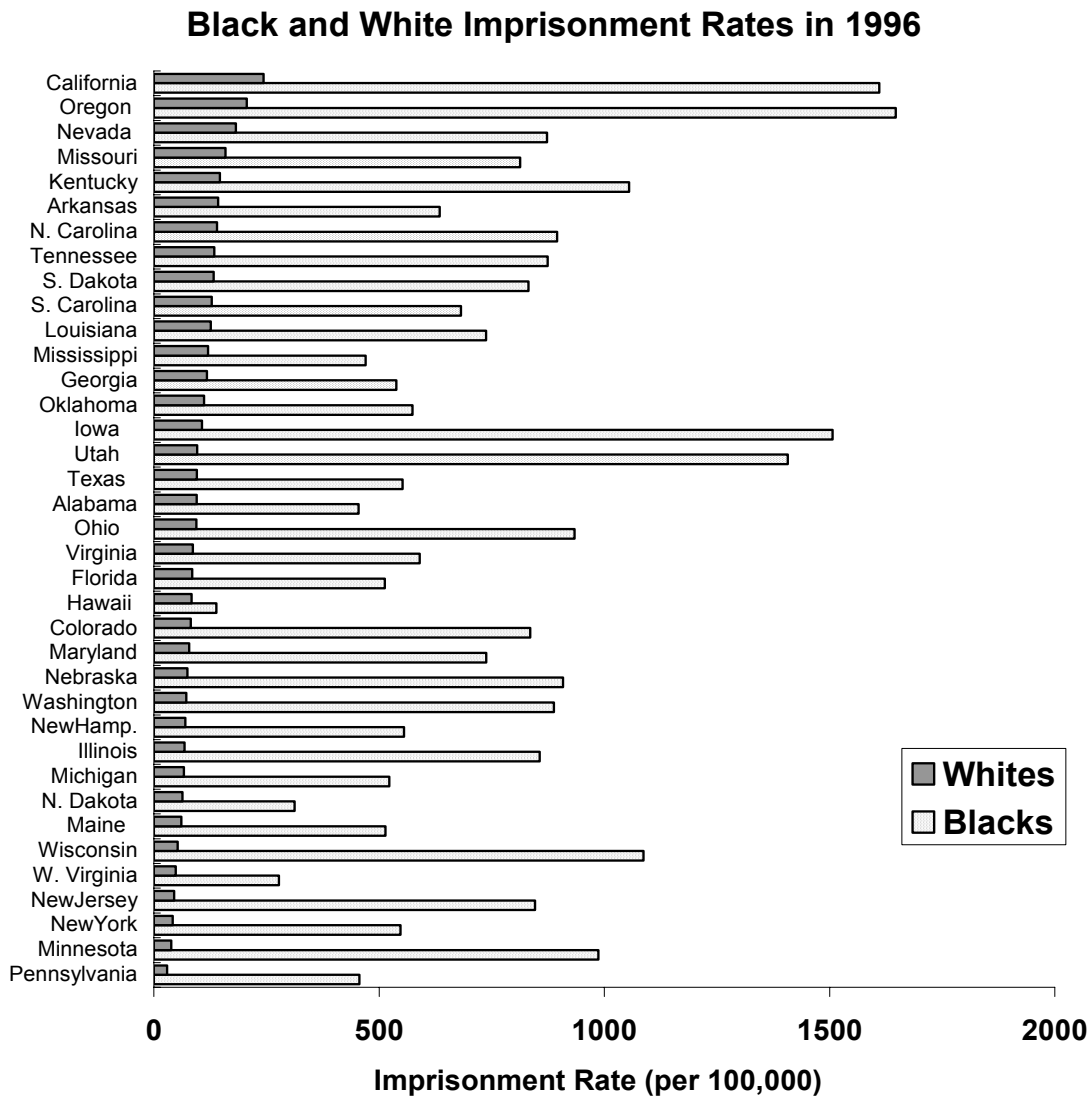
### WISCONSIN IN CONTEXT

Data available from the National Corrections Reporting Program (NCRP) allow us to calculate state-specific new imprisonment rates separately for blacks and whites. However, only 37 of the 50 states participate in this voluntary program.

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<sup>7</sup>Jackson and Carroll (1981); Jackson (1989).

The following figure of black and white imprisonment rates in 1996 sorts states by their white imprisonment rates, ranging from California with 244 per 100,000 whites to Pennsylvania with 30 per 100,000 whites:

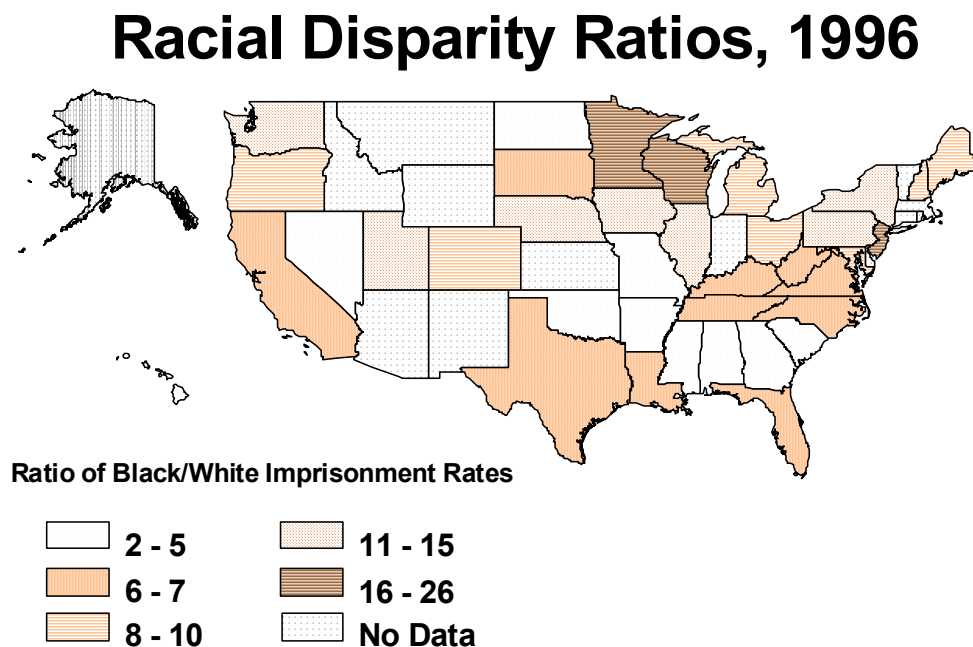


Some states have very high black imprisonment rates (e.g., California and Oregon), but this does not in and of itself mean that those same states have high *black/white disparities* in imprisonment. This is because some states have very high *white* incarceration rates as well, and it is the *combination* of a high black imprisonment rate and a small white imprisonment rate that creates a black/white disparity in imprisonment.



Although some of the states with the highest white imprisonment rates also have the highest black imprisonment rates, the figure shows that white imprisonment rates do not track black rates very closely—states with very small white imprisonment rates often have very high black imprisonment rates. The state in which whites and African Americans have the most similar imprisonment rates, Hawaii, is also the only state in which Asians, not whites, comprise the majority of the population.

The ratio of black-to-white imprisonment rates constitutes a measure of the “black/white disparity” in imprisonment rates. In 1996 Wisconsin had the sixth lowest white imprisonment rate and the fifth highest black imprisonment rate of the 37 states participating in the NCRP, placing it among the highest states in the nation with respect to black/white disparities in imprisonment. The following graph shows that Minnesota, Wisconsin, and New Jersey have the highest disparities.



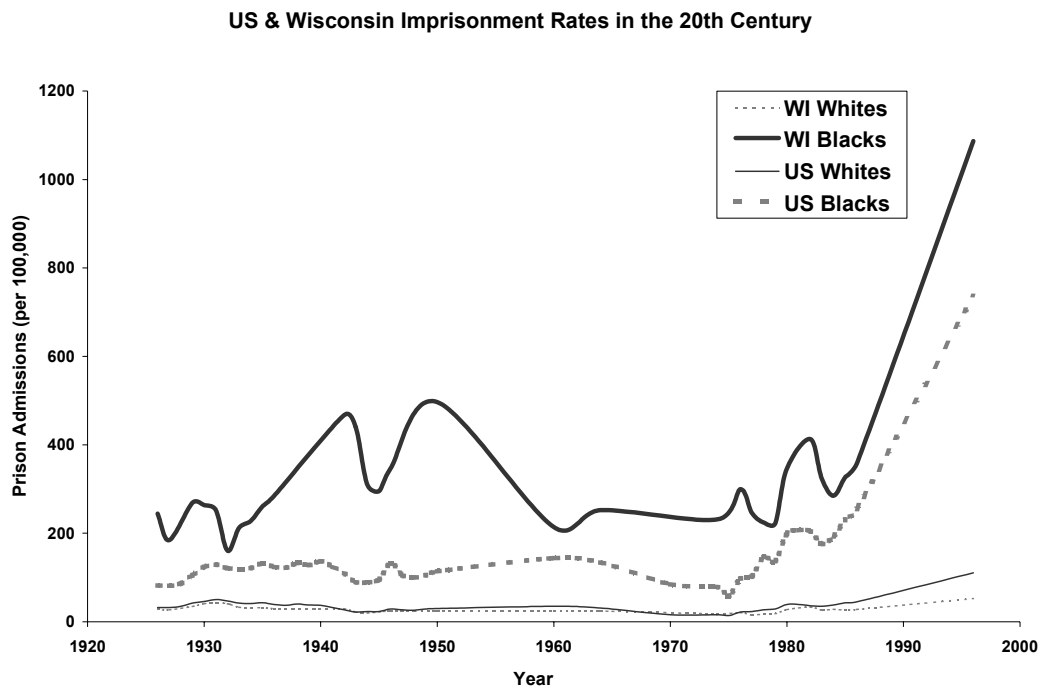
[Based on U.S. Census estimates of the total state population, 1996]

In Wisconsin in 1996, African Americans were imprisoned at 21 times the rate of whites. Minnesota, with a black/white ratio of 26, is highest among the states participating in the NCRP. Hawaii,

with a black/white ratio of 2, and Mississippi and Arkansas, with a ratio of 4, have the smallest black/white disparities in imprisonment.

Note again that a small black/white disparity *ratio* does not imply that imprisonment rates for either race are small in any absolute sense. Arkansas, for example, has a low disparity ratio because it imprisons large numbers of whites *as well as* blacks. Wisconsin's high black/white disparity ratio results from a very high black imprisonment rate *and* a very low white imprisonment rate.

To ascertain whether Wisconsin's black/white imprisonment difference is a relatively recent development or a continuation of a historical pattern, we can compare the state to the nation as a whole with respect to its prison admissions rates:

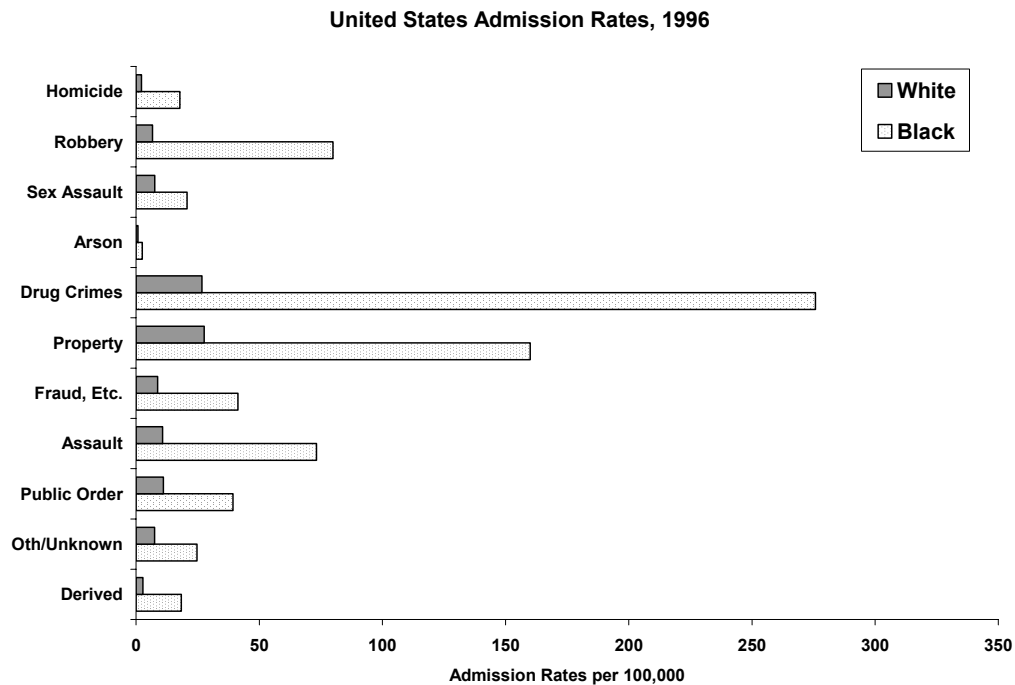


[Based on U.S. Census estimates for total population, 1996]

The figure shows that Wisconsin's black new imprisonment rate has historically been higher than the national average, though Wisconsin's black imprisonment after the mid- to late 1970s grew at a faster rate than the national rate. Moreover, Wisconsin's white imprisonment rate—though historically comparable to the national white imprisonment rate—has grown *less* rapidly than the national rate.

### Which Offenses Account for New Imprisonments?

To better understand the growing race gap in imprisonment, we examine the offenses for which people are admitted to prison.<sup>8</sup> In 1996, for the United States as a whole, drug and property offenses are the major offense categories for which both whites and blacks are admitted to prison:

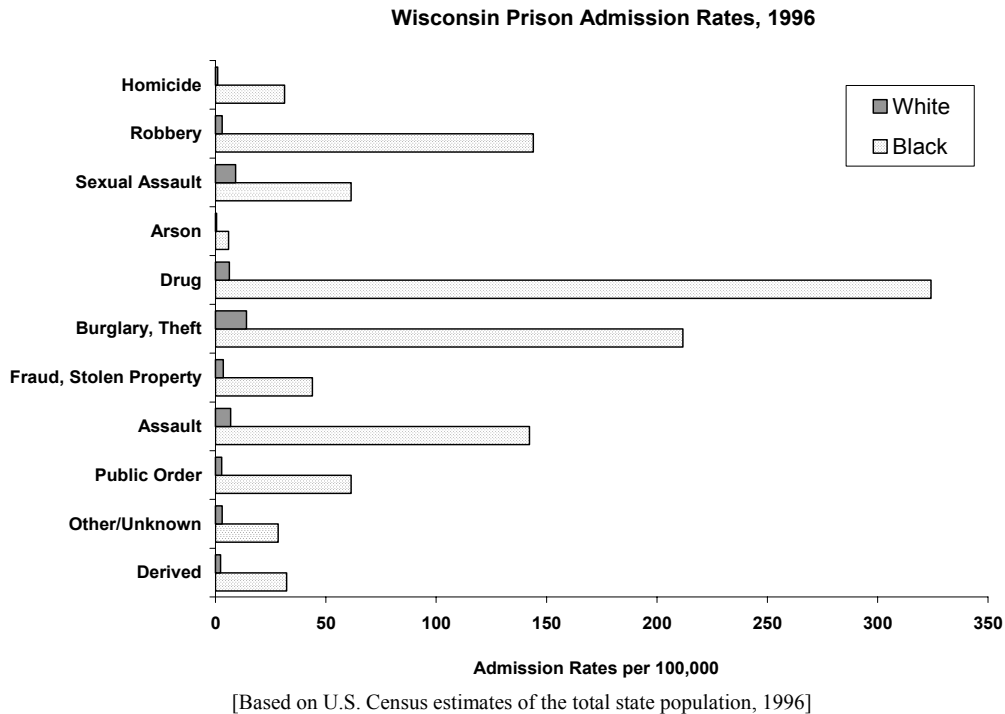


[Based on U.S. Census estimates of the total state population, 1996]

Wisconsin shows the basically the same pattern, although Wisconsin's higher rates of black imprisonment and lower rates of white imprisonment produce a black/white disparity ratio larger than the national ratios for each offense category.

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<sup>8</sup>When people have multiple offenses, the most serious offense is used in this analysis.



Wisconsin's African American population does not appear to differ from the national population in the *types* of offenses for which people are admitted to prison. Moreover, Wisconsin's high black/white disparity in imprisonment is not due to the disproportionate imprisonment of blacks in any single offense category, though for the state and the nation, a very large share of African American prison admissions is for drug and property crimes.<sup>9</sup>

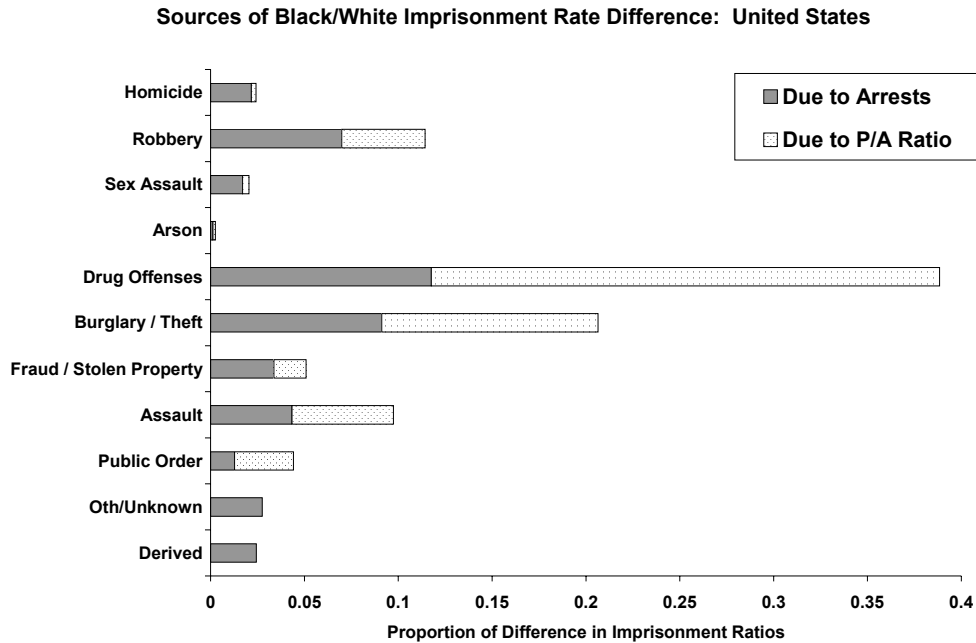
### Relative Importance of Arrests

It is helpful to ask how much of the black/white imprisonment disparity is attributable to race differences in the chance of being arrested versus other factors, such as sentencing, which take place after

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<sup>9</sup>Assaults also constitute a somewhat large share of the imprisonments, although due to the way data for assaults is recorded, it is not possible to separate violent and sexual assaults from simple assaults (very often mundane "fights"). Evidence shown later in the report suggests that simple assaults are a large share of the total number of "assaults."

arrest. The following figure roughly allocates the total black/white difference in U.S. imprisonment rates into a proportion due to *arrest rates* and a proportion due to the *ratio of imprisonment to arrests*.<sup>10</sup>



[Based on 1996 imprisonment and arrest rates; includes Hispanics]<sup>11</sup>

The figure shows that approximately 39 percent of the total black/white race disparity in imprisonment is for drug offenses. The dark-shaded portion of the drug offenses bar reveals that arrest differences account for about 30 percent of the disparity in drug offenses. The remaining imprisonment disparity for drug offenses, represented by the stippled portion of the drug offenses bar, is due to factors that occur *after* arrest, such as differences in sentencing.

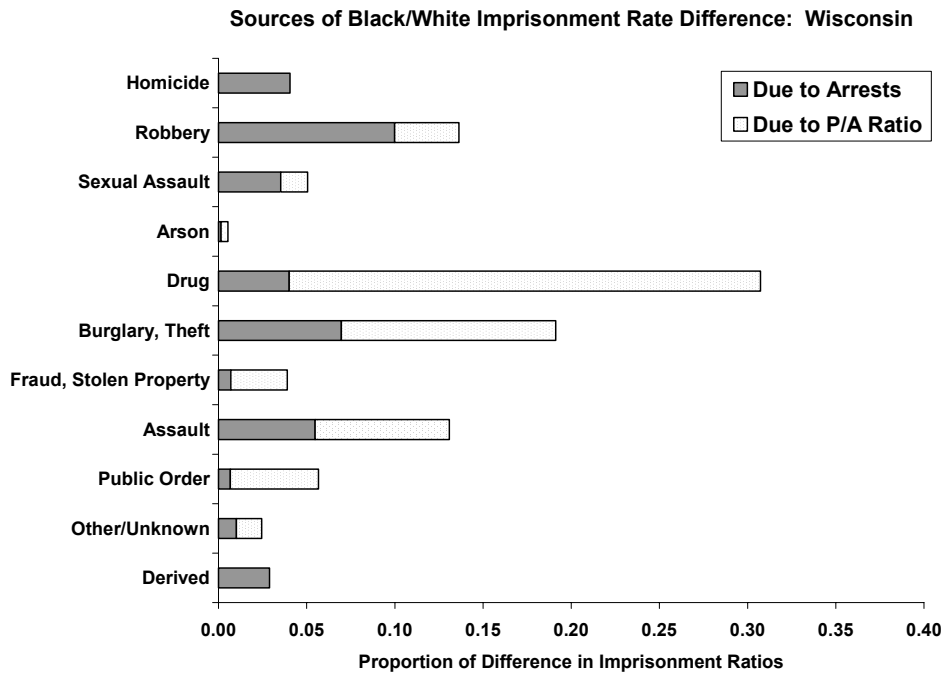
<sup>10</sup>Arrests and imprisonments are not directly comparable because people can be arrested multiple times in a year but are generally imprisoned only once, and the offense at conviction may not be the same offense as the charge at arrest. In addition, arrest data from other states are often incomplete, thus magnifying the apparent magnitude of the prison/arrest ratio. Nevertheless, this technique is the best available for making this kind of assessment. Wisconsin’s arrest data are generally more complete than other states’.

<sup>11</sup>We need to check whether adult versus total population estimates went into the denominators.

Imprisonment differences for very serious crimes, such as homicide, sex assault, and arson, account for only a small proportion of the total racial disparity in imprisonment (the bars for these offenses are very short). Imprisonment differences for these crimes seem to be for the large part due to the probability of being arrested. The race difference in the imprisonment rate for burglary and theft, which accounts for approximately 21 percent of the total black/white difference in imprisonment, is about equally due to arrest rate differences and the prison-to-arrest ratio.

Nationally, then, drug offenses and property offenses account for the bulk of the race gap in imprisonment rates. Imprisonments for very serious offenses, such as homicide, are not fueling the imprisonment boom. For drug and property offenses, both race differences in the arrest rate *and* race differences in the prison-to-arrest ratio account for the imprisonment disparities, though arrest rates appear to play less of a role for these offenses.

In examining whether Wisconsin's higher black imprisonment rate is due to a disproportionate number of imprisonments for serious offenses, we estimate the sources of imprisonment differences in Wisconsin:



[Based on U.S. Census estimates of the total state population, 1996; includes Hispanics]<sup>12</sup>

The graph indicates that Wisconsin's patterns are quite similar to national patterns—drug and property offenses account for most of the black/white differences in new imprisonment rates (just over 30 percent for drugs, approximately 20 percent for burglary and theft, and around 15 percent for robbery). Moreover, for drug and burglary/theft offenses, the majority of the black/white imprisonment difference is due to differences in the prison-to-arrest ratio. In other words, though blacks are arrested more often than whites for these crimes, the majority of the difference in imprisonment rates appears to result from differences in the likelihood of going to prison *after* being arrested. In contrast, black/white differences in imprisonment for homicide and robbery are largely attributable to difference in the probability of being arrested for these offenses.

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<sup>12</sup>We need to check whether adult versus total population estimates went into the denominators.

The offense-specific analysis underscores the fact that there is no single or simple dimension to what we call “crime”—property offenses, drug offenses, violent offenses, petty offenses, and others differ significantly in their causes, how they are policed, and how the criminal justice system reacts to them.

Diagnosing problems and contemplating solutions requires considering the differences among offenses.

In sum we recapitulate the following main points about Wisconsin:

- Wisconsin has one of the highest black/white imprisonment disparities in the nation due to a very high African American imprisonment rate and a low white imprisonment rate.
- Wisconsin’s whites and African Americans are admitted to prison for the same crimes as the nation as a whole, and the state’s high black/white imprisonment disparity does not appear to be due to a disproportionate amount of imprisonment for extremely serious offenses such as homicide.
- Black/white disparities in imprisonment for the nation and Wisconsin appear to be largely attributable to imprisonment for drug and property offenses. Disproportionate imprisonment of African Americans for drug crimes in particular appears to explain a large share of the black/white disparity in imprisonment.
- In the United States and in Wisconsin, African Americans’ greater chance of being imprisoned *after* arrest appears to account for a large share of the black/white imprisonment gap for drug offenses, and over half of the imprisonment gap for burglary/theft and assault offenses. Black/white differences for robbery appear to be due more to the probability of being arrested. For other offenses, the relative contributions of the prison-to-arrest ratio and the probability of arrest tend to vary from offense to offense, though collectively these offenses account for a small share of the overall imprisonment disparity.

Analyses conducted on a county level, by focusing on more homogeneous units than states, can provide greater insight into political, legal, and demographic contributions to changing imprisonment patterns.<sup>13</sup>

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<sup>13</sup>See Bridges, Crutchfield, and Simpson (1987).



## WISCONSIN'S COUNTIES IN CONTEXT

Of Wisconsin's 72 counties, all but six have fewer than 1,000 African American residents who are not prisoners. For the purpose of exploring black/white differences in imprisonment and arrest in Wisconsin, we focus on only the following counties that have a substantial African American population:

- Milwaukee County, which contains approximately 76 percent of Wisconsin's African American population.
- The "Next Five" are the five Wisconsin counties besides Milwaukee with more than 1,000 African Americans—Dane County, Kenosha County, Racine County, Rock County, and Waukesha County. These counties collectively account for 19 percent of Wisconsin's African American population. We also consider Dane County separately.
- The "Balance" is the remaining 66 Wisconsin counties, which together account for the remaining 4 percent of the African American population.<sup>14</sup>

The following graph shows new imprisonment rates for these geographical units:

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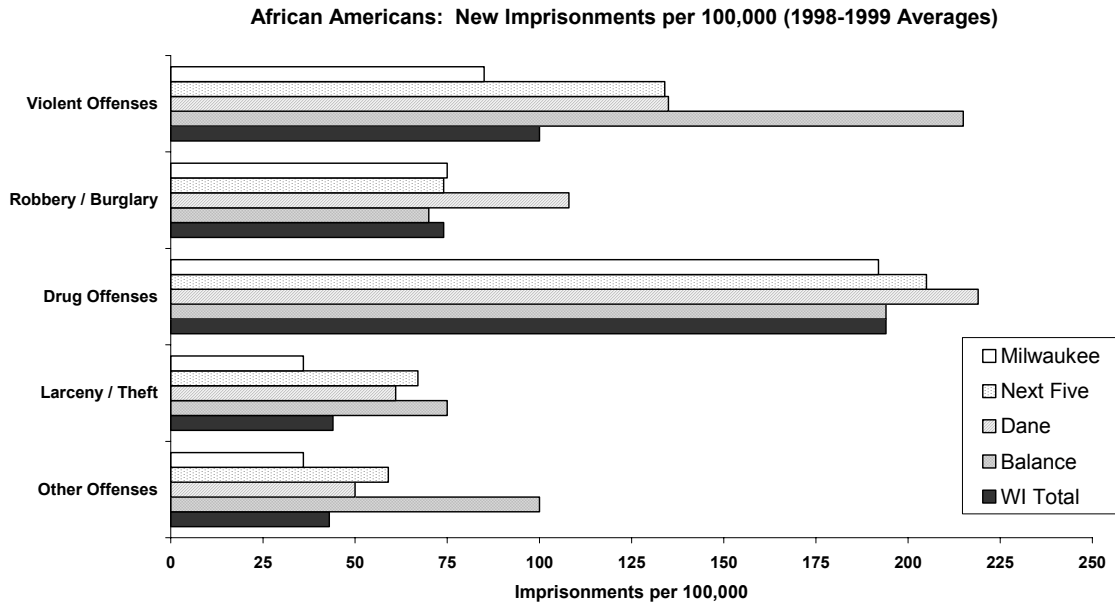
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<b>1999 African American Population, Census Estimates*</b>		
<b>County</b>	<b>Number</b>	<b>Percent</b>
Milwaukee	217,531	76
Next Five	55,600	19
<i>Dane</i> <sup>#</sup>	15,052	5
Balance	12,177	4
<b>Wisconsin Total</b>	<b>285,308</b>	<b>100</b>

\*African American non-Hispanics only.

<sup>#</sup> Dane County is one of the "Next Five."

Total does not add to 100% due to rounding.



Milwaukee County, with the largest share of Wisconsin’s black population, has the smallest black imprisonment rate for all offense categories except robbery/burglary, for which Milwaukee’s rate is comparable to the state average. The counties in Wisconsin with fewer than 1,000 African Americans, when taken together, have relatively high black imprisonment rates for violent offenses—a rate over twice as high as Milwaukee. Dane County’s black imprisonment rate for robbery/burglary is higher than the average rate for other counties, as is its rate for drug offenses.

As with the state-level analysis above, we explore the possibility that counties with high black imprisonment rates also have high white imprisonment rates—that some counties send *everybody* to prison at a higher rate. Examining white imprisonment rates permits us to consider this possibility. In comparing the two figures, notice from the numerical scale that African Americans and whites have very different overall rates of imprisonment; if the races were graphed together, whites’ rates would hardly be visible.

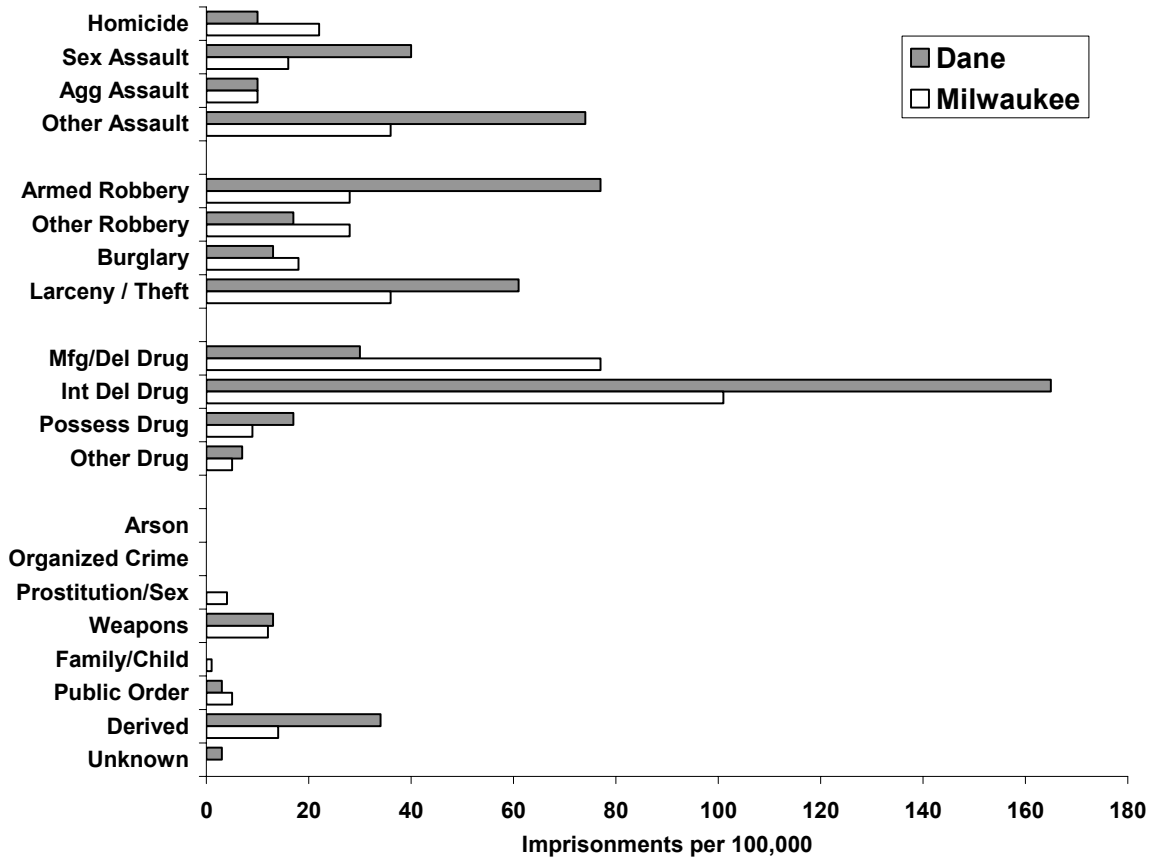


[Based on U.S. Census estimates of the total county populations, 1998–1999]

The figure shows that Dane County tends to have lower white imprisonment rates than other Wisconsin counties, while Milwaukee County tends to have higher white imprisonment rates. The difference is especially pronounced for drug offenses, for which Milwaukee County’s white imprisonment rate is three times higher than Dane County’s. The combination of high black imprisonment rates and low white imprisonment rates (and the opposite pattern for Milwaukee) means that Dane County has one of the highest black/white disparities in imprisonment across offense categories (and Milwaukee County one of the lowest).

The offense categories above, because they are aggregated over offenses, obscure differences in the rates of offending within categories. To produce a better comparison of the degree of seriousness of the offenses for which people receive new prison sentences, we examine detailed offense categories for Dane and Milwaukee Counties only. Notice again the difference in magnitude in the two races’ imprisonment rates.

**African Americans: New Imprisonments per 100,000 (1998-1999 Averages)**

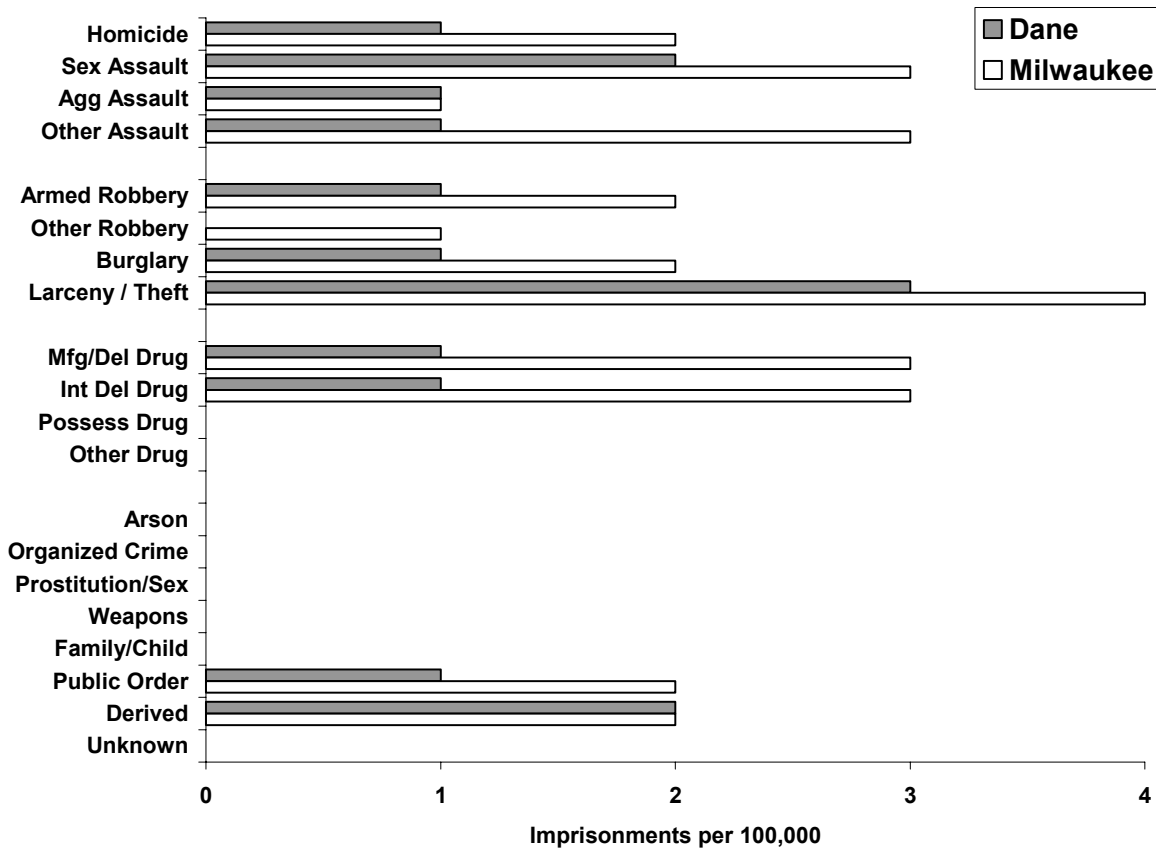


[Based on U.S. Census estimates of the total county populations, 1998–1999]

In 1998–1999 Dane County sent blacks to prison at a higher rate than Milwaukee County for all offense categories except homicide, manufacturing and delivering drugs, public order offenses, and prostitution. The differences are especially large for “intent to deliver” drugs, theft/fraud, simple assault, sexual assault, armed robbery, and derived offenses (e.g., escape, bail jumping).

In contrast, Milwaukee County sent *whites* to prison at higher rates than Dane County across most offense categories:

**Whites: New Imprisonments per 100,000 (1998-1999 Averages)**



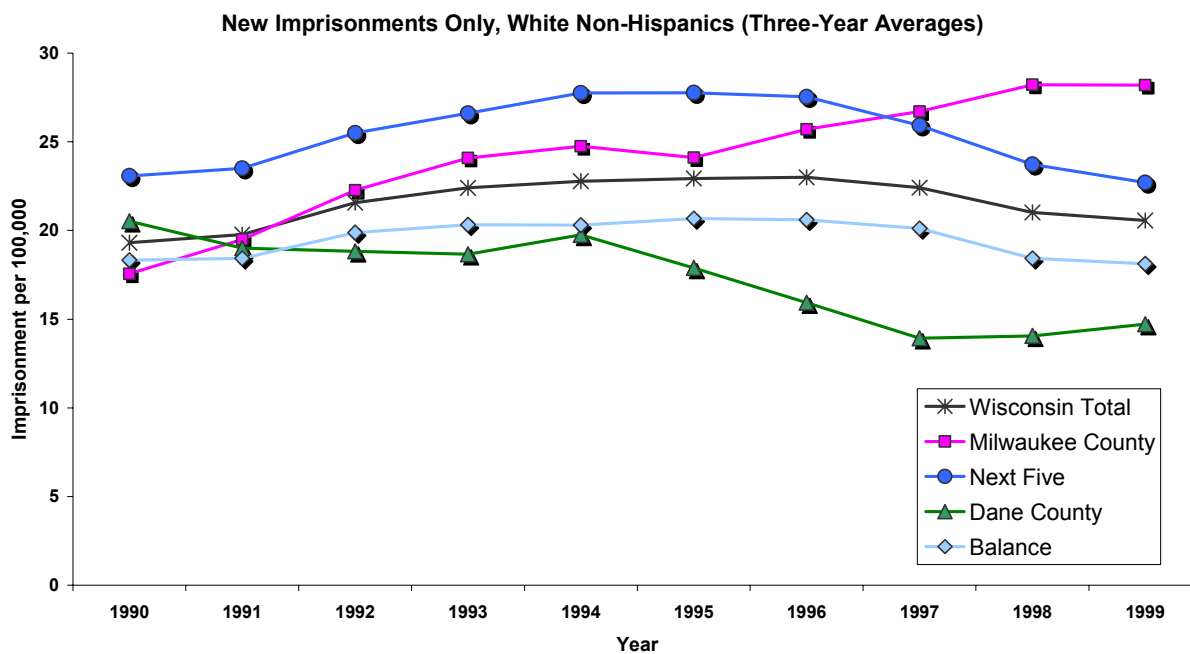
[Based on U.S. Census estimates of the total county populations, 1998–1999]

Though the frequency of imprisonment for either race is not high in Dane County in an absolute sense, there were more new imprisonments in 1999 for blacks (86) than whites (67), even though blacks are a very small share of the population in Dane County. In Milwaukee County, there were many more new imprisonments in 1999 for blacks (919) than for whites (176), but Milwaukee’s new imprisonment rates are lower for blacks because Milwaukee’s black population is relatively large.

The detailed offense breakdown suggests that much of the difference between Dane County and Milwaukee County’s black/white imprisonment rates is fueled by crimes such as intent-to-deliver drug offenses, robbery, simple assault and theft/fraud. Compared to Milwaukee County, Dane County sends blacks to prison at very high rates for these offenses.

## TRENDS

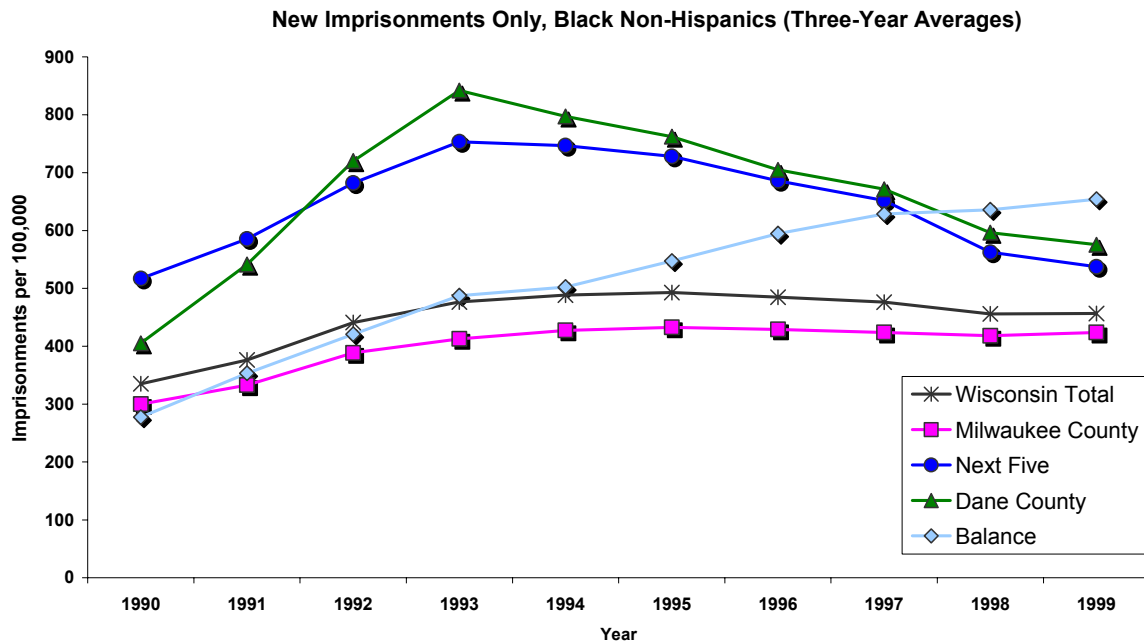
Examining trends over time gives additional perspective on black/white differences in incarceration in Wisconsin's counties. The following figure shows new prison sentences (excluding probation and parole revocations) of whites during the 1990s for Milwaukee County, the Next Five, Dane County, the balance of Wisconsin counties, and Wisconsin's total.



[Based on U.S. Census estimates of the total county populations, 1990–1999]

The trends show that at the beginning of the 1990s Dane County had imprisonment rates very similar to the state as a whole. By the end of the decade, however, Dane County's white imprisonment rate had dropped by 29 percent. Milwaukee County, in contrast, showed the opposite pattern, with new imprisonments of whites climbing almost 61 percent. The state as a whole experienced an increase in its white imprisonment rate during the decade, but by the end of the 1990s its rate had declined to approximately to the rate at the beginning of the decade.

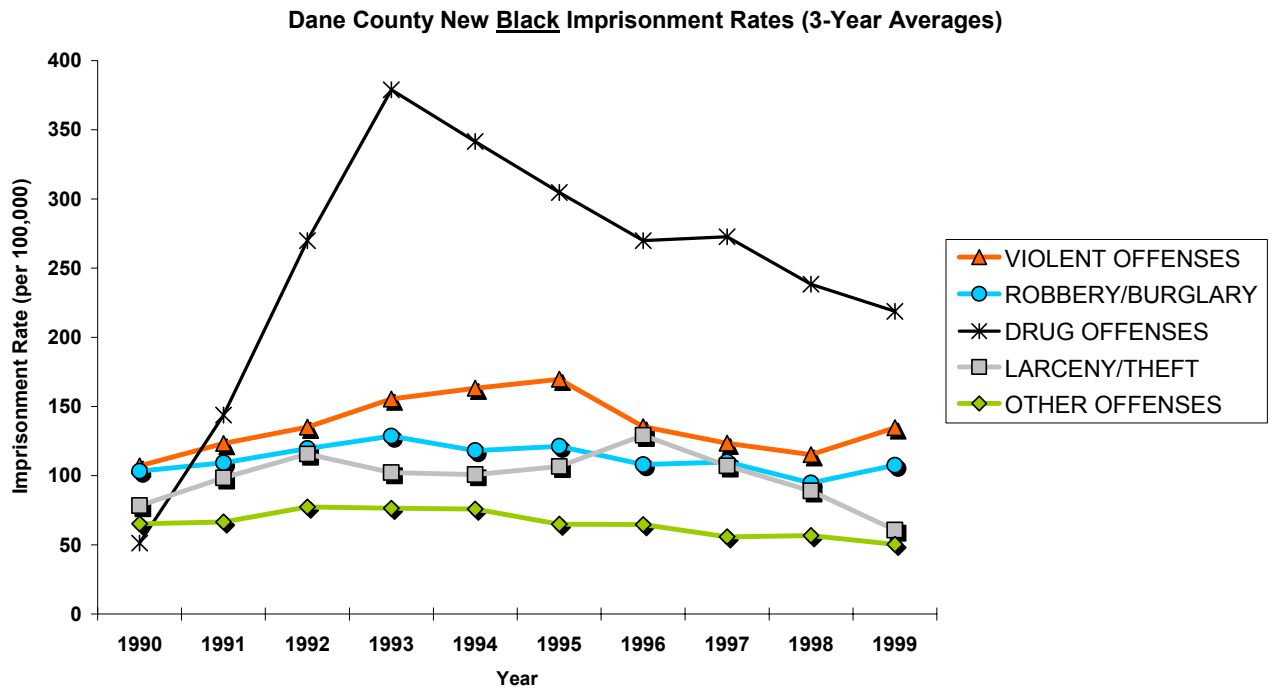
African American imprisonment rates followed a different pattern:



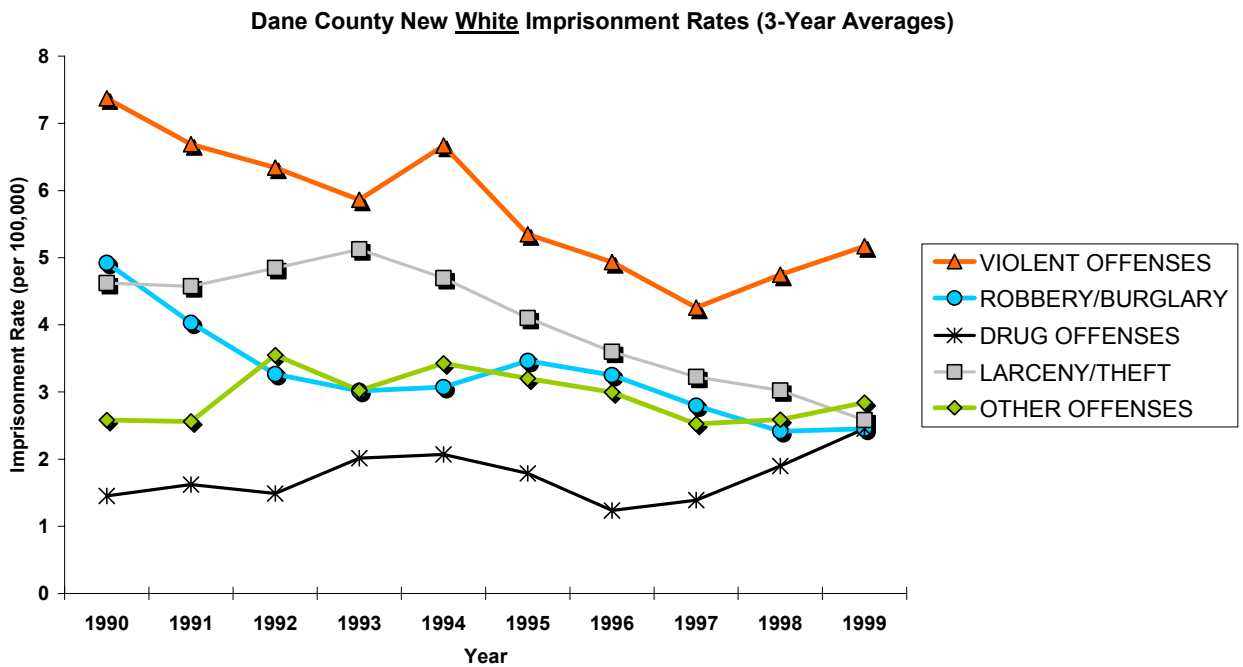
[Based on U.S. Census estimates of the total county population, 1990–1999]

Each area shown here experienced a net increase in black imprisonment rates by the end of the 1990s. For most of the state’s black population, a rise in the early 1990s was followed by a flattening or decline in the rest of the decade. Only in the “Balance” counties, the rest of the state where the black population is very low, was there a substantial rise in the rate at which blacks received new prison sentences. Dane County experienced a sharp increase during the early 1990s, peaking in 1993 at 844 imprisonments per 100,000 African Americans. Dane County’s black imprisonment trend raises the question as to what changes in the criminal justice system might have caused Dane County’s black imprisonment rate to change so drastically over the 1990s.

The following graphs of Dane and Milwaukee Counties, showing trends in black imprisonment *by offense*, provide additional perspective on the black imprisonment trends in the 1990s:



[Based on U.S. Census estimates of the total county population, 1990–1999]



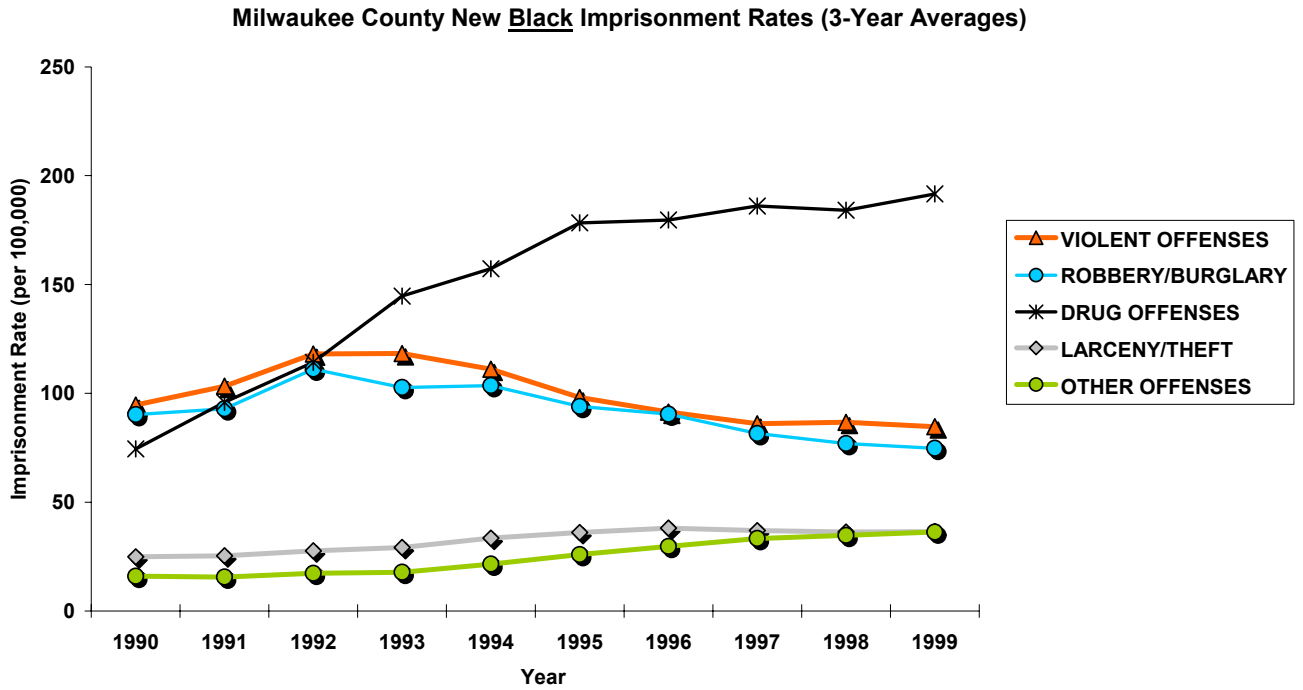
[Based on U.S. Census estimates of the total county population, 1990–1999]

The figures show that black imprisonment rates were stable for most offenses, with the notable exception of imprisonment for drug offenses, which skyrocketed in the early 1990s and declined

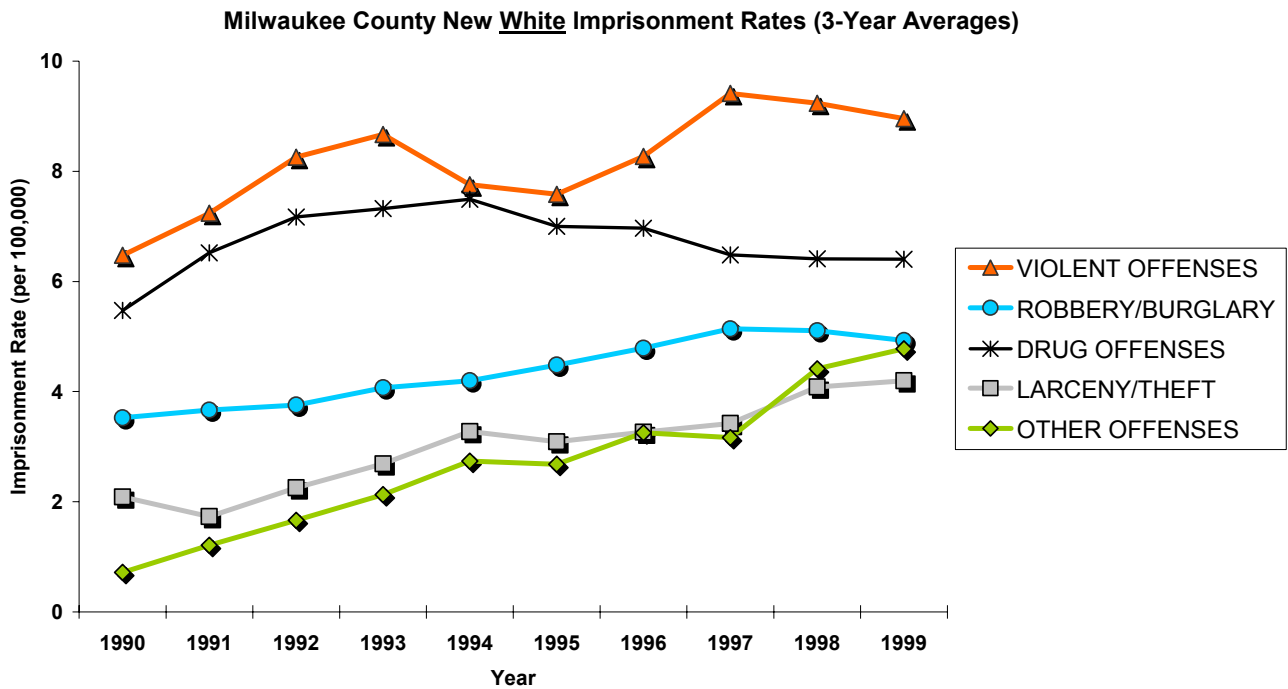


thereafter. Whites in Dane County did not experience a comparable increase in drug offenses. Instead, Dane County’s white imprisonment rates were stable or decreasing over the decade.

Milwaukee County experienced a different pattern:



[Based on U.S. Census estimates of the total county population, 1990–1999]



[Based on U.S. Census estimates of the total county population, 1990–1999]

Note the difference in the scale of imprisonment rates—overall the black arrest rate was higher in Dane County than Milwaukee County. Milwaukee County, but not Dane County, experienced growth in white imprisonment for each offense category, while Milwaukee County’s black imprisonment rate grew only for drug offenses, while it actually declined for violent offenses and robbery and burglary.

Differences in *actual* black/white offending in Dane and Milwaukee Counties might account for some of the difference observed here between the two counties, but it is very likely that much of the difference reflects different responses of the criminal justice system to black and white communities. Madison received a \$1.5 million drug enforcement grant in 1992 which was linked directly to a steep rise in black but not white prison sentences for drug offenses.

To summarize this discussion of the county-level imprisonment analysis:

- Milwaukee has higher than average white imprisonment rates and lower than average black imprisonment rates for most offenses. Dane County shows the opposite pattern.
- There are noticeable differences among counties in Wisconsin with respect to the sorts of crimes for which blacks and whites are imprisoned. African Americans are much more likely than whites to be imprisoned for drug offenses across counties, though African Americans also have high

imprisonment rates for violent offenses in counties in which they make up a very small proportion of the population.

- Compared to Milwaukee County, Dane County's black imprisonment rate is very high across offense categories, but Dane County's black/white difference for intent to deliver drugs is extremely high. Black imprisonment rates in Dane County are also high for simple assault and property crimes.
- Time trends over the 1990s show that Milwaukee County's white imprisonment rates increased across offense categories, but Milwaukee County's black imprisonment rate increased sharply for drug offenses while declining for the most serious offenses.
- In contrast, Dane County experienced a large drop in white imprisonment for violent and property offenses and a small increase in white imprisonment for drug offenses. Dane County's rate of black imprisonment for most offenses was relatively stable over the 1990s, with the exception of imprisonment for drug offenses, which experienced an enormous increase in the early 1990s and subsequent decline after 1993. Black imprisonment rates for drug crimes are still notably higher than imprisonments for other crimes.
- Differences in imprisonment rates between Milwaukee and Dane Counties likely reflect different responses of the criminal justice system to white and black communities.

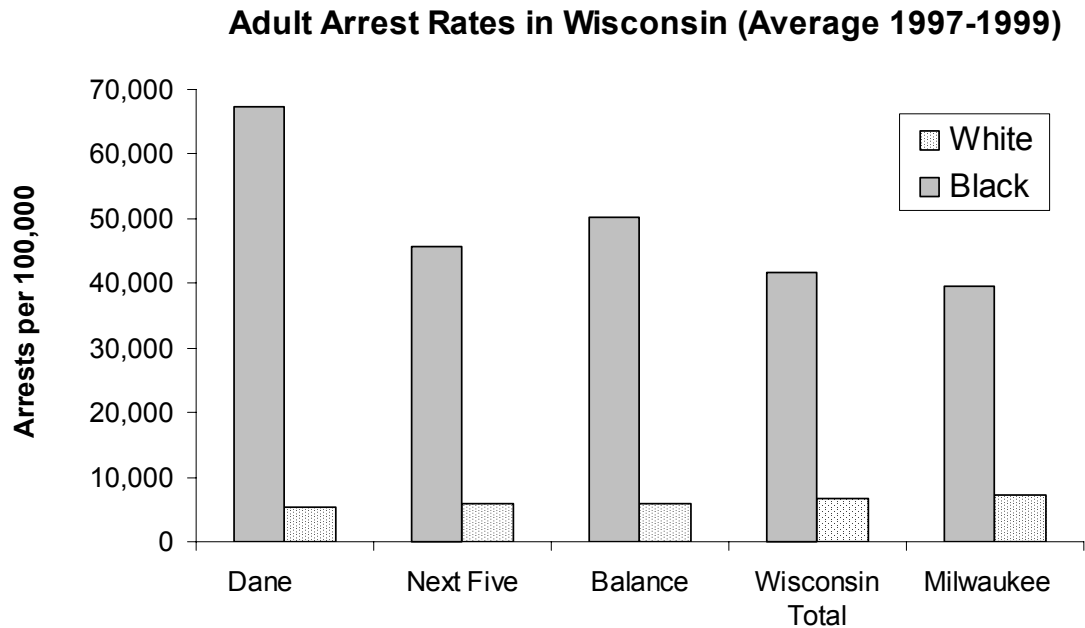
To explore how the policing system reacts to black and white communities, we examine arrest rates in Wisconsin.

## ARRESTS

As discussed in the state-level context, black/white differences in imprisonment can arise due to both differences in arrest rates and differences in the chances of being imprisoned given that one has been arrested. As a first step in examining the relative contributions of these factors, we examine arrest rates calculated from the Uniform Crime Reports for African Americans and white adults.<sup>15</sup>

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<sup>15</sup>We focus on adult arrest rates because arrest statistics make a distinction between adults and juveniles.



[Based on figures calculated from estimates of U.S. adults, 2000; includes Hispanics]

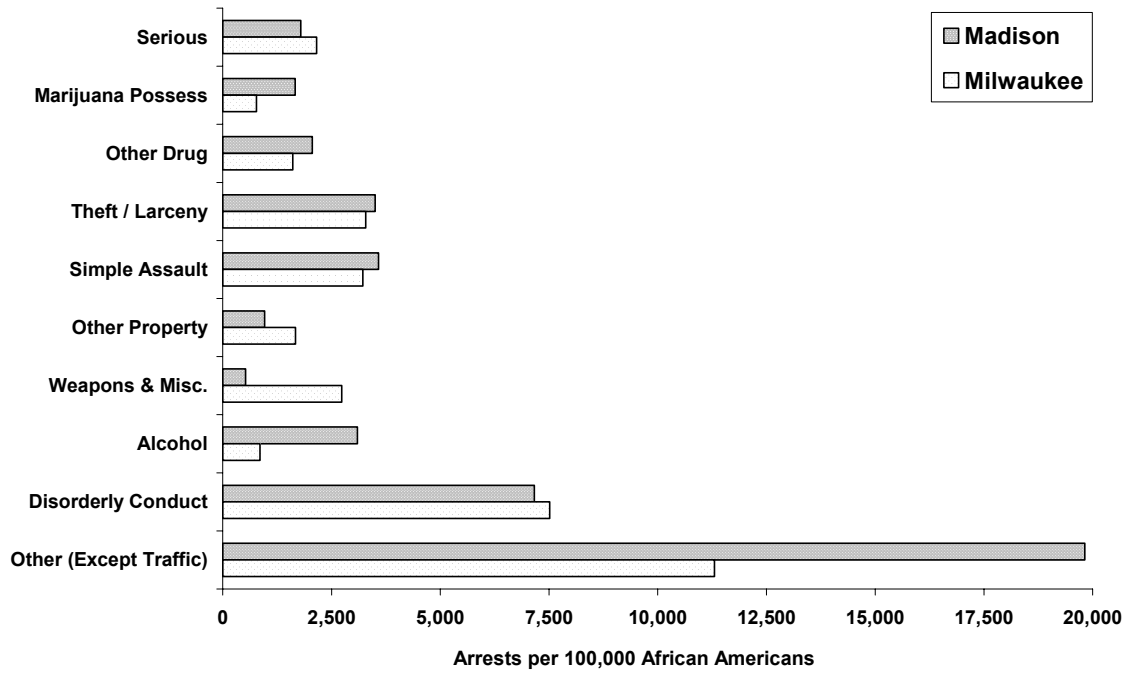
Counties are arranged in this figure from the smallest white arrest rate to the highest. Dane County, with the smallest white arrest rate (estimated at 5,322 arrests per 100,000 white people), has the highest black arrest rate (estimated at 67,335 arrests per 100,000 African American people). Milwaukee County, which has the highest white arrest rate (estimated at 7,292 arrests per 100,000 white people), has the lowest black arrest rate (estimated at 39,552 arrests per 100,000 African American people)—numbers comparable to the state as a whole

As with the imprisonment statistics, we examine the offenses for which people are arrested. Because arrest statistics are available on a more localized level than imprisonment statistics, the following figures focus on the *cities* of Milwaukee and Madison. Note again the difference in the scale of arrest rates:<sup>16</sup>

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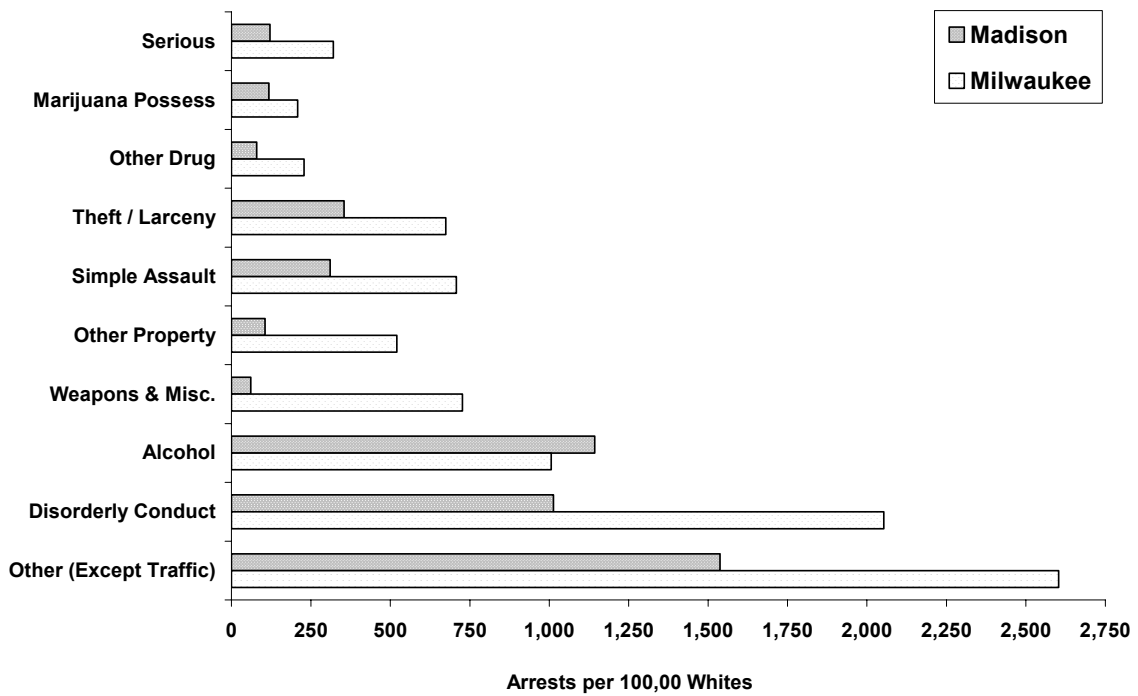
<sup>16</sup>2000 census numbers used.

**African American Adult Arrest Rate (1998-1999 Averages)**



[Based on figures calculated from estimates of U.S. adults, 2000; includes Hispanics]

**White Adult Arrest Rate (1998-1999 Averages)**



[Based on figures calculated from estimates of U.S. adults, 2000; includes Hispanics]

Because serious crimes—homicide, sexual assault, and aggravated assault—are relatively rare, arrests for these crimes constitute only a small proportion of all arrests. Madison and Milwaukee are very similar in their arrest rates for serious crimes. The majority of arrests are for less-serious crimes such as larceny, simple assault, and marijuana possession. Madison has comparatively high African American arrest rates for alcohol offenses (where Madison’s arrest rate is over three times as high as Milwaukee’s) and drug offenses, particularly marijuana possession (where Madison’s rate is over twice as high as Milwaukee’s). Milwaukee, on the other hand, has comparatively high *white* arrest rates for most offense categories.

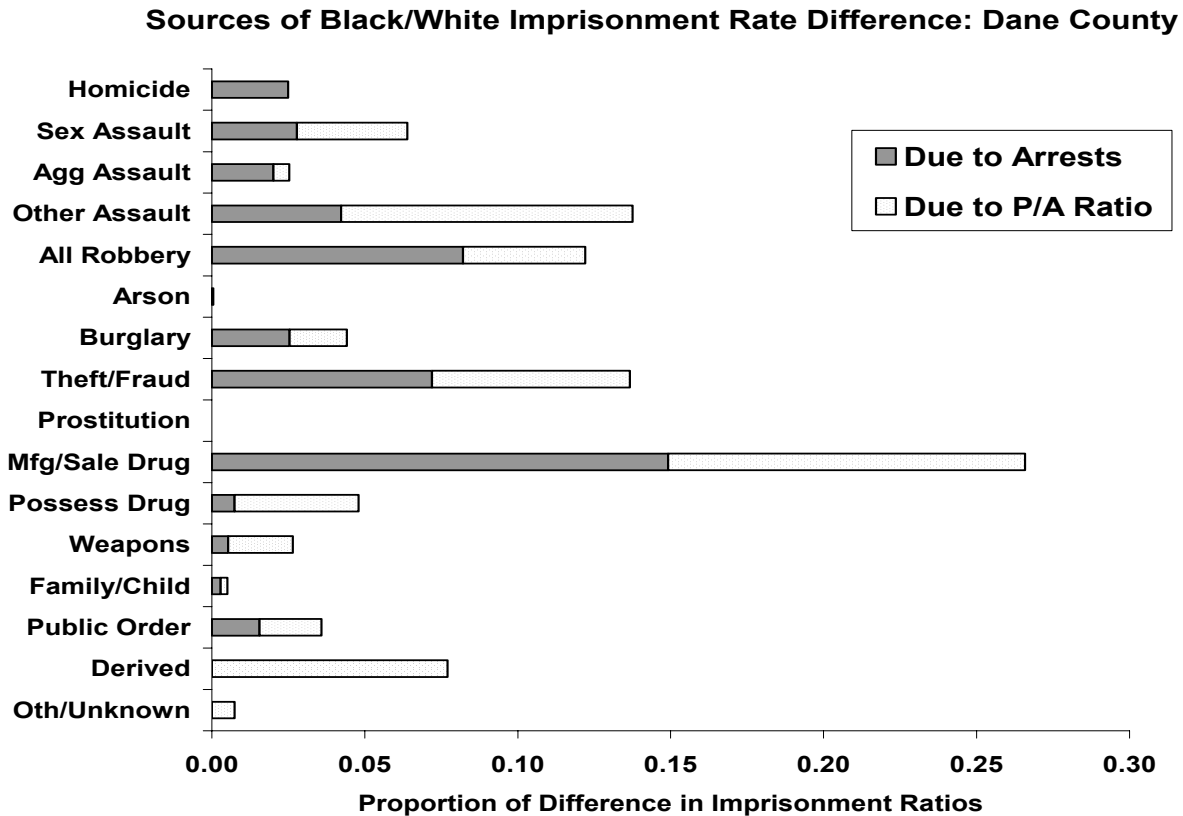
A large difference between the two cities in adult arrests is in “other except traffic” arrests.<sup>17</sup> In 1998–1999 there were an average of 2,281 white *arrests* in Madison in this offense category and 1,768 African American arrests. Madison’s arrest *rates*, which adjust for the different sizes of the race groups, are 1,538 per 100,000 whites and 19,187 per 100,000 African Americans for this offense category; these numbers produce a huge disparity ratio (12.9)! Milwaukee also has a disparity ratio for this offense category (4.3), but it is much smaller.

It is possible that some of the “other except traffic” arrests might be for probation and parole holds, but this is unlikely to account for all of the race difference. In any event, the figures highlight the fact that the most serious offenses do not account for the majority of arrests. Arrests for less-serious offenses are playing an important role in generating the high imprisonment rates in Wisconsin. High arrest rates for “other except traffic” point to high levels of policing and surveillance of the African American population.

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<sup>17</sup>Offense-specific arrest statistics group together serious offenses including homicide, sexual and aggravated assault, burglary, robbery, arson, and auto theft. Also, arrests for marijuana possession are separated from other drug arrests. “Other except traffic” is a Uniform Crime Reports category, and breakdowns within this category are only available from local police departments and not from aggregate statistics. Some very rare offenses, like prostitution, have been grouped with weapons offenses, though weapons offenses account for the majority of arrests in this “weapons/miscellaneous” category.

Focusing again on Dane and Milwaukee Counties, we decompose black/white differences in total new imprisonments into black/white differences in arrest rates and differences in the prison-to-arrest ratio:



[Based on 1998–1999 average arrest rates, 1998–2000 annualized imprisonment rates (2000 estimated adult population using procedure described in the Appendix); includes Hispanics ]

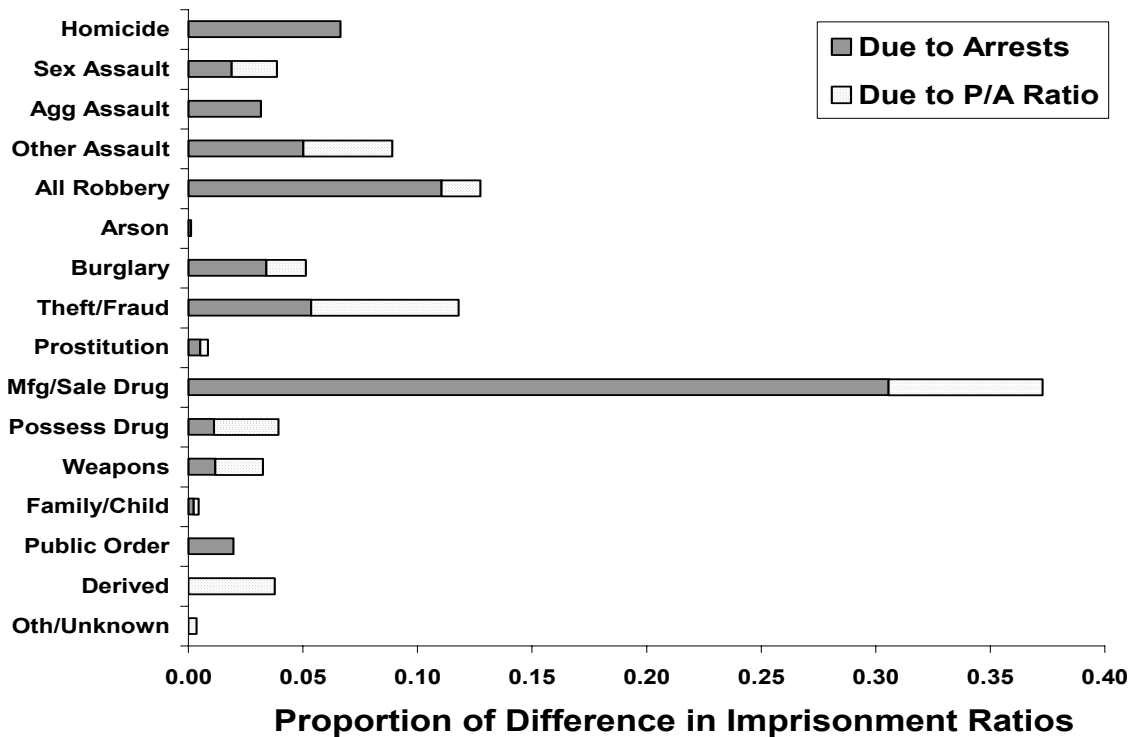
Analysis of this figure suggests the following about Dane County:

- Most of the total black/white difference in Dane County’s new imprisonments can be attributed to imprisonment for drug sales and manufacturing (26 percent, most of which are “intent to deliver” offenses), theft/fraud (14 percent), other assault (14 percent), and robbery (12 percent).
- For simple assaults, drug possession, and public order offenses, and derived offenses, most of the black/white imprisonment difference is due to different prison-to-arrest ratios.
- While black/white differences in imprisonment for homicide are due entirely to arrest rates (where the prison-to-arrest ratio is actually higher for whites than blacks), in Dane County arrest rate differences *and* differences in the prison-to-arrest ratio *both* contribute to the black/white difference in imprisonment for most offenses.

- In Dane County overall, 37 percent of the black/white difference in imprisonment rates is due to arrest rate differences, while 63 percent is due to differences in the prison-to-arrest ratio. As discussed further below, differences in the prison-to-arrest ratios are partially attributable to considerations of “prior records,” for which arrests for less serious offenses play an important role.

The pattern is quite different in Milwaukee:

**Sources of Black/White Imprisonment Rate Difference: Milwaukee County**



[Based on 1998–1999 average arrest rates, 1998–2000 annualized imprisonment rates (2000 estimated adult population using procedure described in the Appendix); includes Hispanics ]

- In Milwaukee, the black/white difference in the probability of being arrested for drug sales accounts for over 40 percent of the total black/white imprisonment disparity, followed by arrests for robbery (over 15 percent).
- Black/white differences in prison-to-arrest ratios contribute largely to imprisonment differences for weapons offenses, drug possession, theft/fraud, and derived offences in Milwaukee, though differences in the arrest rate play a relatively stronger role for these offenses than arrest rate differences in Dane County.
- In Milwaukee overall, nearly 92 percent of the black/white difference in imprisonment rates is due to differences in the probability of being arrested.



## DISCUSSION

To summarize the findings reported so far,

- Wisconsin has very high rates of black imprisonment and slightly lower rates of white imprisonment than the national average, resulting in one of the highest black/white disparities in incarceration in the nation.
- High black/white imprisonment disparities are a recent development in Wisconsin, largely stemming from policy changes initiated in the 1970s. In Wisconsin, imprisonment of African Americans increased sharply after 1975 at a rate higher than the national average, with a concomitant decrease in the white imprisonment rate.
- The vast majority of the state's black/white difference in imprisonment is due to drug and property offenses—imprisonments that appear to result from a higher black prison-to-arrest ratio in the state as a whole.
- County-level comparisons reveal that black/white imprisonment differences in Milwaukee County are largely attributable to black/white arrest rate differences, while Dane County's black/white imprisonment differences are more a function of the probability of going to prison after being arrested.
- The very high contribution of drug crimes—particularly “intent-to-deliver” crimes—to imprisonment rates is striking. Arrest and prosecution of these crimes has disproportionately affected blacks, and analysis of county-level trends during the 1990s strongly suggests that the criminal justice system has reacted differently to blacks and whites. It is unlikely that this reaction accurately reflects differences in actual offending.

In the next section, we expound on some implications of the statistics reported in this report, underscoring both the complexity of the problem and the need for better data to examine the black/white imprisonment patterns further.

## CRIMINAL JUSTICE SYSTEM: PROCESSING/SENTENCING

The analyses suggests that much of the state's total black/white difference in imprisonment is due to “back-end” criminal justice processing, such as sentencing decisions, that results in a higher prison-to-

arrest ratio for blacks than whites.<sup>18</sup> This appears to be especially true in Dane County. The fact that blacks and whites are differentially imprisoned does not necessarily represent racial “bias” or prejudice as typically conceived; sentencing involves a complex array of individuals, decisions, and rules.

One consideration is the extent to which there are significant sentencing differences *within* the offense categories. There are clearly different degrees of theft, assault, drug crimes, and so forth, and black/white differences in the crimes committed within the offense categories might account for much of the black/white difference in sentencing, though almost certainly not all of it.

“Prior records” have a large, direct effect on sentencing decisions.<sup>19</sup> This is particularly true in an era of determinate sentencing. In addition, many people are imprisoned for parole and probation violations and are thus imprisoned for offenses that would not, in and of themselves, merit prison. So, for example, if an individual on parole commits larceny/theft, the chance that he or she goes to prison is vastly greater than for someone who has never been involved in the criminal justice system. These complications cannot be examined in aggregate statistics, such as those provided by the UCR or the NCRP.

In addition, factors correlated with social standing, such as having a “good family,” employment, and education level also play a role in sentencing. These may be considered “economic biases.” African Americans, as is well known, tend to have lower social standing than whites in the United States. Thus the effects of economic biases on back-end criminal justice processing are difficult to disentangle from effects of racial biases.

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<sup>18</sup>It is important to note that the discussion focuses on *adult* imprisonment and arrests. The criminal justice system responds in a different manner to juvenile offenses.

<sup>19</sup>See, e.g., Chiricos (1991), Kramer and Steffensmeier (1993), Chiricos and Crawford (1995), Jackson (1997), Steffensmeier and Demuth (2000), Austin et al. (2000).

## CRIMINAL JUSTICE SYSTEM: POLICING PATTERNS

With respect to the policing practices, there is evidence that arrests for less-serious crimes are more a measure of decisions about where and how to patrol than they are reflections of actual crime rates. For fairly serious crimes such as homicide, robbery, and stranger rape, arrests track crime pretty closely, though evidence suggests that some cities do “round up” suspects.<sup>20</sup> However, studies show that for offenses involving drugs, theft, assault, and public disorder, arrests are not a good proxy for actual crimes. Arrests for less-serious offenses have been regarded by criminologists to be more a measure of police zealotry and an emphasis on particular crimes or populations rather than a veridical measure of crime.<sup>21</sup>

The statistics presented in this report, when considered in light of other facts known about African Americans and whites in the United States, provide evidence of differential policing patterns:

- First, medical health data show that African Americans drink less alcohol than whites,<sup>22</sup> and nationally are arrested for alcohol-related offenses less than whites. However, Madison’s black/white arrest ratio is 2.5, compared to Milwaukee’s 0.9. This difference probably reflects policing patterns.
- Second, data from the Centers for Disease Control and Prevention show that African Americans and whites use marijuana at comparable rates,<sup>23</sup> yet Madison’s black-to-white arrest ratio (1998–1999 average) was 14.2 compared to Milwaukee’s 3.7. While blacks may in fact use greater amounts of marijuana in Dane county, it is doubtful that Dane County’s rate is almost 4 times as high as Milwaukee County’s rate.
- Third, the troubling “other except traffic” arrest category is a collection of miscellaneous minor offenses that account for a large proportion of the black/white difference in arrest rates. It is impossible, given the current system for recording offenses, to know what these offenses are—some of them might be parole holds, but parole cannot account for all of the difference.

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<sup>20</sup>For example in Milwaukee and other places one finds that there are many more *arrests* for murder than there are actual *murders*.

<sup>21</sup>For example, Sampson (1985).

<sup>22</sup>See <<http://www.cdc.gov/nchs/products/pubs/pubd/hsr/tables/2001/01hus063.pdf>>.

<sup>23</sup>See <<http://www.cdc.gov/nchs/products/pubs/pubd/hsr/tables/2001/01hus064.pdf>>.

- Fourth, drug sale and possession statistics present a puzzle with respect to the structure of buyers and sellers in the drug market. Marijuana exhibits what would be expected in a market—there are about 10 times more arrests for *possession* than for sale in Madison and Dane County (about 4.6 to 5 times as many in Milwaukee County and the City of Milwaukee). However, in Madison there are over twice as many heroin/cocaine arrests for *sale* than for possession (compared to 0.9 in Milwaukee City and County and 1.2 in Dane County). It is unlikely that there are twice as many sellers as buyers of heroin/cocaine in Madison—the difference in Madison most likely reflects policing patterns, perhaps charging everyone who possesses a significant amount of cocaine with “intent to deliver.” It is important to explore the implications of this possibility, given that such a high proportion of Dane County’s prison admissions are for drug offenses, *especially* “intent to deliver.”
- Fifth, as discussed above, the analysis of Dane County’s offense-specific imprisonment rates suggests that policing patterns in part reflect policy initiatives to do “sweeps,” in which an area is cleared of undesirables by arresting everyone possible on any charge possible. The current policing strategy may use arrests for less serious offenses as a way of combating more serious offenses. It is worth asking both whether the likelihood that a minor offender becomes a major offender is really reduced by arresting him repeatedly, and whether high arrests for minor offenses do not become a self-fulfilling prophecy, in which an offender receives a high penalty for a relatively minor offense precisely because of his “long record.”
- This last point underscores the important contribution to the black/white disparity in arrests of *where* police concentrate their efforts. **Place is not neutral with respect to race, poverty, or other social factors!** Research shows that poor areas are victimized more, and are more likely to call on police. Strategies for policing high-crime areas are debated in communities, police departments, and social and political forums. But the importance of place cannot be examined with current data collection and dissemination practices. Racially detailed data on arrests *within detailed geographic areas* would vastly improve our understanding of the importance of place in criminal activity and criminal justice reactions to it.

Recent discussions of and enthusiasm for community-based policing raises new opportunities to discuss policing strategies in high-crime places. However, as research is now beginning to show, the benefits of community policing, especially for young African American males, are not clear-cut.<sup>24</sup> We need clear, consistent, and detailed data-collection methods that can evaluate the success of policing strategies, help isolate the complexities of criminal activity, and inform and contribute to community debates.

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<sup>24</sup>E.g., Jones-Brown (2000); Walsh et al. (2000).

## CONCLUSION

We conclude the report by re-emphasizing a point made in the beginning: Racial disparities in imprisonment are not proof of discrimination. But the magnitude of the disparities clearly suggests that Wisconsin has been experiencing some extremely troubling trends. Though economic and social factors influence both the likelihood of offending and how the criminal justice system reacts to offenders, the report underscores the need to consider the decisions and policies of governing bodies in Wisconsin as well. The patterns described here are just that—patterns. We hope that this report joins recent community debates and discussions in efforts to motivate critical reflection and serious examination of the processes contributing to them.



## APPENDIX: STATISTICAL CALCULATIONS: SOURCES AND METHODS

This section describes the methods and decisions used to create the statistics above, highlighting caveats that should be kept in mind when interpreting them.

### International Imprisonment

#### *Source*

Statistics on international imprisonment are from Walmsley (2001). These numbers are the latest reported as of November 1998, though the reported numbers span the 1990s. Most statistics are based on United Nations reports or the Council of Europe. Interpreting international imprisonment statistics should be done with caution because there are considerable measurement issues concerning *what sorts* of prisoners figure into the calculations (military, civilian, political, etc.). It is also unclear in some instances whether people in jail are included in the figures. In addition some countries with large numbers of political prisoners (e.g., Russia) have shown large year-to-year fluctuations.

#### *Population Base*

International imprisonment rates are based on estimates of the *total* populations of the countries, not the number of *adults* in the countries. The statistics thus obscure somewhat demographic differences among the countries, which have different age distributions. The U.S. numbers reported here are based on figures reported in the 1997 Correctional Populations of the United States, where population rates were calculated from 1997 total population estimates.

Bulleted statements about U.S. imprisonment of blacks and whites are based on the 1997 *Correctional Populations of the United States* and *Prisoners 2000*. Population reference groups for these statistics are mentioned in the endnotes, and can be examined in the original publications.

## U.S. and Wisconsin Historical Trends

### *Source*

The U.S. and Wisconsin imprisonment trends from 1926 to 1996 are calculated from two sources. The 1926–1986 numbers are from “Race of Prisoners Admitted to State and Federal Institutions in the United States, 1926–1986,” assembled by the United States Department of Justice. See ICPSR #9165.

The 1996 data are calculated from NCRP data.

### *Groups Included*

Hispanics and non-Hispanics

Men and women

### *Population Base*

The population figures were calculated by the Department of Justice, the Bureau of Justice Statistics, and the ICPSR. Figures are based on U.S. Census data, 1926–1986, using techniques described in ICPSR #9165.

1996 population figures come from U.S. Census estimates of the total population.

## 1996 State-Level Analyses

### *Source*

The state-level imprisonment numbers for 1996, including the offense-specific analysis, come from calculations based on the 37 states that participate in the National Corrections Reporting Program.

### *Groups Included*

Hispanics and non-Hispanics

Men and women

### *Population Base*

1996 population figures come from U.S. Census estimates for the total population.



## County-Level Imprisonment Rates

### *Source*

There are two sources of information on sentencing to state prisons from Wisconsin counties. For 1996, we processed and analyzed individual-level records available in the National Corrections Reporting Program data, classifying prison admissions by race, most serious offense, and county of sentencing.

Data for the 1990s were also tabulated from the Department of Corrections database that forms the basis for the NCRP reports. This database includes everyone admitted to prison in Wisconsin in the 1990s. This data file was processed to generate counts of persons sentenced to prison by offense group, race, and county of sentencing.

### *Groups Included*

Unless otherwise indicated, imprisonment in Wisconsin refers to imprisonment in *state* prisons only. Approximately 90 percent of the national imprisoned population is held in state prisons.

People are often imprisoned for parole violations, or parole violations in conjunction with a new offense. The imprisonment rates featured in the aggregate offense categories, the detailed offense categories, and the trends are imprisonments for *new sentences only*.

The imprisonment statistics include men and women.

The statistics exclude Hispanics, but include cases in which race is known but ethnicity is unknown. The overall proportion of these unknown cases is small (about 1,250 cases over the entire 1990–1999 period). Cases in which race is recorded as “other” or “unknown” (about 458) are counted as white, unless they were known to be Hispanic, in which case they were excluded. Only white non-Hispanics and black non-Hispanics are included. Including Hispanics into the black/white race categories alters the results slightly, but not substantially, and does not change the conclusions discussed in the text.

### *Population Base*

Population bases for the imprisonment statistics are based on U.S. 1990 Census estimates of the *total population* for Wisconsin’s counties (see discussion below) and exclude Hispanics.

## County-Level and City-Level Arrest Rates

### *Source*

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 or distinguish Hispanics and non-Hispanics.

"Race" in an arrest report is the officer's judgment; officers will rarely ask an arrestee what race they are. Consistent with U.S. race culture, it is assumed 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.

We note the important caveat that arrest rates do not have an unequivocal meaning. An arrest rate of 33,000 could mean that 33 percent of African Americans in Dane County are arrested each year, or could be that 3.3 percent are arrested 10 times a year. Current record-keeping practices do not permit the analysis of this possibility.

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.

Counts of persons arrested are "hard" data; our numbers may be compared with an agency's own records.

### *Groups Included*

UCR arrests separate adults and juveniles. Arrest rates calculated here are for adults only. We hope to analyze juvenile arrest rates, and compare them to adult arrest rates, in the future.

UCR statistics combine Hispanics and non-Hispanics for each race.

UCR statistics combine men and women.

### *Population Base*

The county-level arrest rates are calculated using 1999 census estimates. We use a procedure, described in a separate section below, to calculate adult (1990+) population estimates. Hispanics and non-Hispanics are combined.

Arrest rates for the city of Milwaukee and the city of Madison are calculated from unadjusted counts of the adult population from the 2000 census. The procedure for calculating these denominators, including the specific groups included, are described in a separate section below.

### Allocation Procedure

Prison admissions and arrests are not directly comparable because an individual might be arrested multiple times, or for multiple offenses, and in addition he or she may not be convicted of the crime for which he or she was arrested. Moreover, imprisonment may not occur in the year of arrest, so that isolating the causes of race imprisonment differences is not a straightforward process. The allocation calculations should be taken as rough approximations.

The national and state-level allocations are based on 1996 NCRP data and 1996 arrest statistics collected from the Uniform Crime Reports. Plans are under way to verify the population bases of these figures.

The county-level allocation figures use 1998–1999 averaged county-level arrest rates and 1997–4/2000 (annualized) imprisonment rates.

### *Groups Included*

Statistics computed for the allocations combine Hispanics and non-Hispanics.

Only adults are included in the calculations, and men and women are combined.

### *Population Base*

1996 national and state-level allocations are based on 1996 census estimates.

The county-level allocations use 2000 census estimates of the adult population, combining Hispanics and non-Hispanics (see description of calculations below).

### *Calculating Allocations*

Begin with the following definitions.

$P_{iw}$  = white imprisonment rate

$P_{ib}$  = black imprisonment rate

Imprisonment rate difference =  $D_i = P_{ib} - P_{iw}$

$P_{aw}$  = white arrest rate

$P_{ab}$  = black arrest rate

Prison/arrest ratio for whites =  $P_{iw}/P_{aw}$  can be interpreted as  $P(i|a)_w$ , the conditional probability of imprisonment given arrest for whites. If blacks had the same probability of imprisonment given arrest as whites,  $P(i|a)_b = P(i|a)_w$ , the black imprisonment rate would be given by  $P_{ab} \cdot P(i|a)_w = E_{ib}$ , which is the “expected” black imprisonment rate given black arrest rates and white prison/arrest ratios. This is the imprisonment rate that is “accounted for” by the arrest rate. The remaining difference in imprisonment rates (call it  $U_{id}$ ) is due to differences in the prison/arrest ratio:  $U_{id} = D_i - E_{ib} = (P_{ab} - P_{aw}) - E_{ib}$ .

Considering only the total imprisonment and arrest rates,  $E_{ib}/(P_{ib} - P_{iw}) = E_{ib}/D_i$  is the proportion of the total imprisonment rate difference that is accounted for by arrest rate differences.  $U_{id}/D_i$  is the proportion of total imprisonment rate difference accounted for by prison/arrest ratio differences.

$E_{ib}$  and  $U_{id}$  were calculated for each offense separately. Then the proportions due to arrest and prison/arrest ratios can be calculated separately for each offense, and  $D_i$  can be apportioned across the  $E$ 's and  $U$ 's for each offense ( i.e., divide each of them by  $D_i$  so that the sum of the proportions adds up to 1).

## METHODS FOR CALCULATING POPULATION BASES

### Calculating Adult Populations from 1990s Census Estimates

The Census Bureau provides a file of annual county-level estimates of the population by race, sex, and age (in 5-year ranges) for the 1990s. These estimate are based on the 1990 census. Unfortunately, the 5-year age ranges available in the data 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. 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 5-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 and white populations of Dane County aged 10–17 using these census estimates would thus appear to be estimated from the populations 0–14, using the formula:  $8 * (\text{population aged } 0-14) / 15$ . A reasonable estimate of the total juvenile population of a given race would appear to be  $18 * (\text{population aged } 0-14) / 15$ , and a reasonable estimate of the total adult population of a given race would appear to be  $(\text{total population} - \text{estimated juvenile population})$ . Population estimates for the 1990s are not readily available for many cities, including the city of Madison.

For county-level population estimates that include the *total* population (such as imprisonment statistics), census estimates separate race and ethnicity, so that estimates of white non-Hispanic and black non-Hispanic populations can be used as denominators. For county-level population estimates that include the *adult* population (such as UCR statistics), it is not possible to separate race and ethnicity for nonwhites. However, because UCR procedures do not record ethnicity, both the numerators and denominators of arrest rates combine Hispanics and non-Hispanics.

### Census 2000

The Census 2000 unadjusted counts for many cities and counties have recently been released. These counts break the population into 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 percent of the juveniles and 1 percent of the adults are listed as “mixed race,” compared with 6.4 percent of juveniles and 3.3 percent 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 city of Madison about 43 percent of those who listed themselves as of mixed race included black or African American as one of the races. In Milwaukee, about 47 percent of the mixed race persons included black or African American as one of the races. The estimation procedure we employed for the black and 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 percent of the “mixed” population in Dane County, or 47 percent of the “mixed” population in Milwaukee County, and (3) include Hispanics in these calculations. 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. Recently available census data will permit more precise estimates, though we are still in the process of exploring them.

#### Population Numbers: Comparing the 1990s Estimates and the 2000 Census

To examine the comparability of the 1990s estimates and the 2000 unadjusted counts, we calculated county-level population estimates for 1995 and 1999 as well as the unadjusted Census 2000 figures. The overall Dane County population counted in the 2000 census is about 97 percent 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 procedures for apportioning mixed-race persons, we found 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.

We are not prepared to certify the best possible procedure for estimating the correct racial mix of Dane County. Nevertheless, these procedures for estimating the relative size of the black and white populations by using the 2000 census figures, if anything, overestimate of the size of the black population and, thus cannot be inflating the calculations of racial disparities in criminal justice statistics. The focus here has been on generating a figure that does not underestimate the black population (and overestimate black-white disparities).





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