

Governor Jim Doyle's

Spencer Coggs ◊ Noble Wray
Co-Chairs

**COMMISSION ON
REDUCING RACIAL
DISPARITIES
IN THE WISCONSIN JUSTICE
SYSTEM**



Final Report
February 2008



This and other publications
are available at:
www.oja.wi.gov

Funding for this study and printing of this publication was provided by a grant through the Department of Justice, Byrne Memorial Justice Assistance Grant # 2006-DJ-BX-0034.

Commission on Reducing Racial Disparities in the Wisconsin Justice System

Co-Chairs

Spencer Coggs, State Senator

Noble Wray, Madison Police Chief

Members

Victor Arellano, Esq., Lawton and Cates, SC

Garey Bies, State Representative

Brian Blanchard, Dane County District Attorney

John Chisholm, Milwaukee County District Attorney

Debra Davidoski, Milwaukee Police Captain

Stan Davis, Esq., Axley Brynelson, LLP

Deidre Garton, Governor's Juvenile Justice Commission Chairperson

Lutecia Gonzalez, Esq., Milwaukee attorney

Tamara Grigsby, State Representative

Bishop Darrell Hines, Christian Faith Fellowship Church

Fred Jones, Business Owner

Jennifer Bias-Luter, Esq., Wisconsin State Public Defender's Officer

Derrick Martin, Business Owner

Judge James Martin, Dane County Circuit Court

Pastor C.H. McClelland, Holy Cathedral Church of God in Christ

Pam Oliver, PhD, UW-Madison College of Letters & Science

Terrance Ray, City of Milwaukee Housing Partnership Liaison and Milwaukee Mayor's Fatherhood Initiative Coordinator

Antonio Riley, Executive Director, Wisconsin Housing and Economic Development Authority

Judge Fred Rosa, Milwaukee County Circuit Court

Charles Tubbs, Administrator, Division of Juvenile Corrections

Judge Maxine White, Milwaukee County Circuit Court

Andre Wright, Esq., Whyte Hirschboeck Dudek, SC

Staff

Lindsey Draper, Staff Director

Taqwanya Smith, Associate Staff Director

Joyce Gilmer, Associate Staff Director

Ryan Sugden, Public Affairs

Jim Yocum, Research Analyst

Table of Contents

Prologue

1

Recommendations

5

Public Hearings

23

Commission Meeting Summary

27

Commission Presenters

30

Appendix

31

- A. Bureau of Justice Statistics Bulletin—31
- B. Racial Disparity in the Drug War and Other Crimes—44
- C. Memo to the Commission—56
- D. Testimony of former DOC Secretary Matt Frank—58
- E. Testimony of Rep. Don Pridemore—83
- F. Pre-Release Program Rollout Schedule—86

Bibliography

87

Prologue

In an Executive Order signed March 21, 2007, Governor Doyle noted that people of color receive disparate treatment in the criminal justice system throughout the nation and that African-Americans and Hispanics constitute a disproportionate percentage of incarcerated populations in Wisconsin. In response to those factors as well as information gleaned from the deliberations of the Wisconsin Sentencing Commission; the Governor's Juvenile Justice Commission; and the Legislature's Black and Hispanic Caucus, the Commission on Reducing Racial Disparities in the Wisconsin Justice System was created and directed to

"determine whether discrimination is built into the criminal justice system at each stage of the criminal justice system continuum of arrest through parole" and

"recommend strategies and solutions to reduce the racial disparity in the Wisconsin criminal justice system."

Whether discrimination is built into the criminal and juvenile justice continuum is a question the Commission needed to address at the beginning of its deliberations. The question is one that is profoundly complicated. The Commission heard numerous citizens report events they believed reflected obvious discrimination. The Commission also heard from practitioners within the justice system who reported they were called upon to enforce and administer the law, responding to the facts and circumstances that appeared before them, and that they were not engaged in discrimination.

The Commission is aware that disparity is not discrimination. Some disparity is due to differences in the rates of crimes committed, and also to social and economic factors not arising directly from the operation of the criminal or juvenile justice system, such as gaps in the levels of education, employability, income, available health care, and many other areas.

It is important to recognize, however, that while the criminal justice system is not directly responsible for these "gaps," there is a very powerful feedback within families, neighborhoods, and communities at large: Disparity in imprisonment contributes to disparity in education, employment, income, health care, and other areas. Therefore, it is imperative to address disparity in imprisonment in any and all ways that are feasible and just. It is not an exaggeration to call racial disparity across these different areas, including incarceration rates, a genuine crisis for the country and the state of Wisconsin. It is not merely a problem of appearance; it is a calamity that builds on itself. The criminal justice system has to own its part of the problem, even though it cannot solve all aspects of the problem.

The evidence is that in some areas, particularly enforcement of the drug laws, some disparity results from policies and practices that have disparate impacts on people of color – most heavily on African-Americans – and these policies and practices should be carefully reviewed and could be improved by police, prosecutors and defense attorneys, judges, corrections officials, social workers, and others who work in and influence the operation of the juvenile justice and criminal justice systems.

There is a significant legal distinction between a disparity (a statistical pattern) and discrimination (a possibly illegal act). The Sentencing Commission study suggests, for example, that African-Americans are more likely than whites to be sentenced to prison for the same drug offense, particularly in the less serious cases. Some Commission members believe, however, that this study may not have adequately controlled for the role of criminal history as a sentencing factor and that this study should be taken further to address that issue. In addition, this Commission analyzed and found a high disparity in revocation of probation and post-prison parole that also requires further study.

Prologue

Statistical analysis can also be used to determine whether non-racial factors “explain” these differences or to provide more specific information about where and for what offenses or groups these patterns arise. But statistics will never prove whether racial patterns arise from intentional discrimination on the basis of race.

The Commission finds that the racial disparities within the criminal justice system are a serious problem that should be addressed regardless of whether they arise by chance or from intentional discrimination. The number of citizens who spoke at public hearings or wrote to the Commission offering personal examples of discrimination have raised significant concerns that discrimination exists.

The Commission has taken, as a starting point, that racial disparities and high minority involvement in the criminal justice system are serious patterns and that we should focus on understanding how these problems arise and what can be done about them.

The United States Census Bureau statistics reviewed by the Commission revealed that Wisconsin has a population that is 86% Caucasian. By comparison, the statistics of the Wisconsin Department of Corrections (DOC) reveal that 43% of the inmates in DOC adult facilities are Caucasian.

African-Americans comprise 6% of the overall population of Wisconsin, but also represent 45% of the population in the adult DOC facilities. Hispanics represent 4% of the state’s overall population, but 8% of the correctional population.

Despite these disparities, the question of the existence of discrimination in the criminal justice system remained. In the public hearing and meeting process, the Commission heard from witnesses who reported identical conduct resulting in different results, depending on the race of the actor. In this regard, specific references were made to diversions of some defendants from any criminal court contact through the issuance of citations. Concerns were raised that suburban residents were more frequently provided the option of a

civil resolution of a referral for the same conduct for which an inner city resident would be arrested and referred to criminal court.

In contrast to the positions stated by these witnesses, the Commission was confronted with questions as to whether the apparent statistical disparities resulted from reasons that are not related to racial or ethnic discrimination. On more than one occasion, the Commission heard from witnesses whose basic premises were that “if minorities do not want to be in prison, they shouldn’t do crimes.”

Some approaches to reducing racial disparities in the criminal justice system involve strategies for crime reduction. Members of the Commission have first-hand professional experience with the related problems of crime, low education, disrupted families, and lack of opportunity in poor communities. At public hearings and Commission meetings, the Commission heard numerous speakers address these issues.

There was no denial in the African-American and Latino communities that crime exacerbates community problems and there is the desire to address these issues. However, at the same time, serious concerns were expressed that enforcement strategies that target particular neighborhoods or that target open air drug trafficking are not productive in that many whose primary need is treatment end up confined in jail or prison and, unless having received treatment, are more likely to commit new crimes upon release.

Many speakers unfavorably contrasted the relatively blunt tools of the criminal justice system – prison, jail, probation supervision – with the needs of many defendants to help them to avoid crime, such as better educational programs, job opportunities, treatment programs, and social networks outside of the criminal justice system. The Commission recognizes that the “leverage” of the criminal justice system can be a good tool to give some criminal defendants incentive to seek treatment over incarceration, as for example using the Drug Court Treatment model.

Prologue

In response to these concerns, the Commission sought to identify successful approaches to crime reduction that carry less risk of over-incarceration of any segment of the population, particularly minorities, that are overrepresented in jails and prisons.

Perceived disparities in the availability of specialty treatment courts to minority-group members was another area examined in the effort to address the question of discrimination. Numerous comments were made regarding Drug Treatment Courts and the opportunities they provide defendants in non-violent offenses to avoid repercussions that attach to convictions being made available to Caucasians more frequently than to minority-group members despite the numbers of defendants eligible for the referrals. The lack of a Drug Treatment Court in Milwaukee County was an oft-cited concern.

Any examination of the issue of racial disparity and possible discrimination found within the criminal justice system must include consideration of drug arrests, prosecutions and sentences. It is in this area that the decisions made by all parties exercising discretion throughout the criminal justice system have had their greatest impact on the disparity rates in Wisconsin. It is in the area of drug arrests and sentences that the increase in the number of African-Americans in correctional facilities has shown the greatest increase.

In its examination of the impact of drugs on racial disparity in the criminal justice system, the Commission considered factors as divergent as:

- ◆ where law enforcement chooses to investigate and enforce adherence to drug laws, including the emphasis on “open air” markets and low-level drug dealers
- ◆ length of exposure to criminal penalties assigned to specific offenses by the legislature
- ◆ the loss of the driver’s license and other repercussions, tied to conviction for drug offenses

- ◆ the impact of adequate defense preparation, including presentation of sentencing alternatives at time of sentencing
- ◆ the availability of community-based treatment resources.

The Commission has held informational meetings; conducted public hearings in municipalities throughout the state; reviewed letters and other submissions from parties ranging from private citizens and politicians to law enforcement officers and prisoners; and studied the reports of similar commissions impaneled in other states. The Commission has further studied sentencing practices and utilization of alternative dispositions.

During these deliberations, the Commission has compared the incarceration rates and patterns of Wisconsin with states such as Minnesota, noting the differences in rates of incarceration and amounts spent on correctional budgets and community treatment options. The Commission has examined statistics that reflect the lengths of sentences given by courts throughout the state, analyzing them as to the original sentences ordered by race. Revocation rates were also examined as was the racial makeup of the staff at the facilities.

Just as it was important that questions of discrimination and disparity be addressed, it was also important that a part of the Commission’s deliberations and recommendations include considerations of community safety. The Commission recognized that overall respect for and faith in the fairness of the justice system requires that it not only treat all of its citizens fairly, but also that it provides protection for these citizens. One on-going form of discrimination in United States history has been the under-protection of minorities in the criminal justice system. The Commission notes that progress in avoiding over-incarceration of minorities should not be made at the expense of victims of crimes. Protection must also remain for those victims who live in challenged neighborhoods.

Prologue

The Commission also noted the impact of parental absence on the development of children of color, and the importance of fathers maintaining consistent, positive involvement in the lives of their children.

Education and treatment for jail and prison inmates should be made a significantly higher priority, from the beginning through successful reentry into the general population. The goals of confinement and supervision need to more clearly include rehabilitation and not merely punishment. Availability of needed programming both within the institution and upon release into the community are critical points of concern for both public safety and successful individual inmate rehabilitation.

The Commission examined the impact of the introduction of young people into the criminal justice system on the later stages of their lives. This includes both the children in our juvenile justice system (now those under 17) and also young adults (late teens), whose ability to control their emotions and impulses is less formed than for older citizens. Once young people get a criminal record, even for minor offenses, they are subject to greater scrutiny and attention from the criminal justice system, and opportunities for educational progress and gainful employment lessen.

High rates of incarceration remove young working-age people from the community during the college or career-beginning age and return them several years later with reduced prospects for education and employment. Further, the young people often return with greater ties to criminal networks. Since minority youth are disproportionately affected by the adult criminal system, the needed change in the age of adulthood in the criminal justice system from 17 to 18 would probably reduce disparity, so long as rules and practices involving waiver into adult court do not disproportionately disadvantage young people of color.

Meanwhile, the families left behind have fewer adults available to work or to assist in child care and supervision, resulting in higher rates of stress, family disruption, and residential mobility.

This report examines the progress of the Commission, tracing the meetings held and the nature of the presentations made at the Commission meetings. The report further highlights the public hearings held throughout the state and many of the recommendations made at the hearings.

The report concludes with recommendations to the Governor. The recommendations cover each of the points of contact at which racial disparity has been identified. There are recommendations for policymakers and other parties whose decisions and exercise of discretion impact racial disparity, and there are recommendations for monitoring the efforts to rectify the disparity found throughout the criminal justice system.



Recommendations

In making recommendations to address racial disparity in the criminal justice system, the Commission recognizes that there are serious offenses and behaviors that, for reasons of public safety, require that some offenders be removed from the community. The Commission also recognizes that most of the people who are incarcerated will one day be returned to the community. Addressing the issues that led to their incarceration and resulted from that incarceration is an essential step in ensuring the well-being of the entire community.

In its 2007 report *America's Cradle to Prison Pipeline*, the Children's Defense Fund identified a number of the institutions that determine the opportunities children have to lead successful lives and noted that:

Racial disparity runs through every major system impacting children's life chances: limited access to health care; lack of Head Start and quality preschool experiences; children waiting in foster care for permanent families; and failing schools with harsh discipline policies that suspend, expel and discourage children who drop out and don't graduate and push more children into juvenile detention and adult prisons.

The Commission has recognized that many of the issues that were addressed in the Pipeline report exist in Wisconsin and, as a result of their impact on youth, contribute to racial disparity in the criminal justice system. The Commission has formulated recommendations focused on youth that generally fall into the categories of data collection and analysis; mental health; education issues and system issues.

These recommendations, if implemented, will have broad effect; can be acted upon quickly; and will serve the dual purpose of reducing disparity in Wisconsin's justice system and enhancing public safety. Focusing attention on children and families using evidence based services can have a deep impact on the racial disparity

as evidenced by two programs in Rock and Milwaukee Counties that were developed with funding provided by the Governor's Juvenile Justice Commission¹.

In addition, the Commission recognizes that focusing attention on children and families is an investment that should bear fruit for a long period of time. Research shows that prevention and early intervention programs for youth and their families are the most cost effective means in the long run to impact troubled children and their families.

Discussions on racial disparity are best focused at the local level. Currently, there is a lack of data and/or lack of tracking data by race at all stages of the justice system, from initial law enforcement contact through probation, incarceration, and parole. Local jurisdictions need to have data so they have an understanding of what is happening in their communities and can begin the discussion locally.

Recommendations

- ◆ **Throughout the state, we must increase and improve the validity and reliability of data, e.g. collecting and making data available.**
- ◆ **Local jurisdictions must develop a tracking system to identify race and age at all stages of contact with the justice system.**
- ◆ **Information technology resources must be developed to pull together data from different databases to the extent possible. Consistent and reliable data must be developed across the systems and across jurisdictions.**
- ◆ **The barriers that prevent juvenile justice system and child welfare system workers from sharing information about youth in either system should be broken down.**

¹Rock County made a data-driven study of the points of contact of minority youth with the juvenile justice system and identified the placement in secure custody as the appropriate point to develop an Alternatives to Detention program. This program has been added to the Office of Juvenile Justice and Delinquency Prevention Model Programs site.

Recommendations

Many youth have mental health issues that directly lead to contact with the juvenile justice system. Too often children do not receive adequate screening for mental health needs nor do they receive mental health services until they reach the juvenile justice system. Using the juvenile justice system as the means to sort out which youth and families will receive services can have a long term deleterious effect on children as they accumulate delinquency labels that will follow them into adulthood. In addition, too often the type of service available to children and families is neither evidence-based nor cost effective.

Recommendations

- ◆ **Significantly more evidence-based resources should be devoted to addressing mental health issues of all youth involved in the juvenile justice system. Some local jurisdictions and service providers have implemented Best Practice models that have proved effective in addressing mental health issues.**
- ◆ **The State must increase its commitment to Wraparound and other coordinated service team models so that the mental health needs of all youth - and not just those in the juvenile justice system - can be addressed within the community.**

Truancy, “zero tolerance” policies, and school discipline responses often lead to a juvenile having unnecessary contact with the juvenile justice system and have been shown to disproportionately affect children of color. Providing support to school districts to develop alternate means of ensuring safety within the schools, engaging all youth in becoming part of a learning community, and developing creative alternatives to promote positive and responsible behavior will reduce the disproportionate impact of restrictive discipline codes and policies.

Recommendations

- ◆ **Education on cultural competency (not just cultural diversity) and support should be offered to law enforcement, school resource officers, human services personnel, mental health services providers, educators and the judiciary. This could include developing a mentoring program in which more experienced staff in this area mentor new personnel.**
- ◆ **School districts should be encouraged to examine their local data on the effects of “zero tolerance” and other discipline policies on youth of color. Schools should be encouraged to use school resource officers for prevention as well as intervention with students. Parents should be included in this examination so they will have a voice in this process and thereby better effectuate change.**

Progress in identifying solutions to problems relating to racial disparity is difficult and requires a consistent effort by many to resolve the conditions which create the disparity. A uniform method must exist whereby the results of these efforts can be evaluated and adherence to them enforced.

Recommendations

- ◆ **A statewide process or entity should be created to monitor and track progress in resolving issues relating to racial disparity.**
- ◆ **Training and resources should be provided to local organizations on racial disparity issues.**

Efforts that are designed to facilitate the return of inmates to their communities should include the recognition that juveniles released from state facilities are in need of many of the same re-entry aids as adults.

Recommendations

Recommendations

- ◆ **Public and private sector leaders should collaborate in community efforts that emphasize education, employment, and community mentoring.**
- ◆ **Programs such as the Milwaukee Boys and Girls Club collaboration with the Ethan Allen School should be supported and expanded.**

The deliberations of the Commission included review of each of the contact points a citizen would have with officials in the criminal justice system. Through the review of reports of previous commissions that have examined aspects of the justice system, the public hearings and Commission meetings, the submissions by citizens and each of the meetings the Commission conducted, the Commission has identified areas of the criminal justice system in which system changes or individual actions can help to reduce the racial disparity the Commission found to exist in the criminal justice system.

The initial point of contact identified involves law enforcement officers and the efforts of law enforcement agencies to ensure public safety and adherence to the law. It is the law enforcement officer who, in investigating the facts that have attracted law enforcement attention, initially determines if an actionable violation has occurred and whose exercise of discretion begins the track of the defendant either outside or through the criminal justice system.

The Commission recommendations relating to law enforcement include recommendations regarding prevention strategies that would reduce the number of the entire community, including minority-group members, entering the criminal justice system. The recommendations particularly note drug offenses and the impact drug laws and enforcement practices have had on racial disparity.

The Commission further noted that Governor Tommy Thompson, in November, 1999, created the Governor's Task Force on Racial Profiling and charged that task force with the responsibility of studying and making recommendations on the use of profiling when making traffic stops throughout the state. The Commission noted that many of the recommendations made by that task force addressed needs for data and data analysis that are similar to those this Commission has identified.

Recognizing that law enforcement agencies have to be concerned with the fiscal impact of and personnel commitment required in data collection, the Commission has sought to utilize existing data sources and tools to document whether disparities exist and whether efforts to address inappropriate disparities are successful.

Recommendations

- ◆ **An Executive Order should be issued accepting and enforcing the findings and recommendations of the Racial Profiling Task Force Report of 2000.**
- ◆ **Appropriate state agencies should be directed to conduct a county-by-county baseline study of racial disparity using existing traffic citation and arrest data to determine disparity levels in the state.**

The Commission specifically notes the availability of information that would allow the Department of Transportation Division of Motor Vehicles to conduct a study of traffic citation data by race and to compare that data to recent demographic information to determine if disparity exists in arrests.

Wisconsin's counties vary greatly in their ethnic/racial composition and their disparity patterns. Decisions about where to focus disparity-reduction efforts need to be based on data

Recommendations

identifying where disparities exist and involving significant numbers of people. Readily-available citation, arrest, and corrections data can be used to calculate gross statistics to show in which counties and for which groups there is evidence of significant patterns of racial disparity. The data can provide a basis for flagging situations that require further investigation and for evidence-based decisions about allocating resources for disparity-reduction efforts.

The Commission examined the impact of drug offense arrests and prosecutions on racial disparity rates throughout the state. It heard anecdotal references to a tradition of suburban or rural residents receiving citations for marijuana possession under circumstances that would have resulted in minority residents of an urban setting being arrested and entering the criminal justice system.

The Commission reviewed national studies (including the 2003 National Survey on Drug Use and Health, Department of Health and Human Services) that indicate young Caucasians self-report use of illegal drugs more frequently than their African-American counterparts, yet African-Americans are imprisoned multiple times more than Caucasians for non-violent drug offenses.

The Commission noted that drug convictions have impact on more than just the liberty of the defendant. It heard testimony from citizens who argued that there were differences in the response to chemical abuse problems. Cited were instances in which some violators are referred to treatment facilities and have their legal difficulties resolved in light of the intervening substance abuse treatment while others are immediately referred to criminal court processes.

Concerns were also raised regarding perceptions that sentencing differences for crack cocaine, a drug perceived as being more frequently used by African-Americans, and for powder cocaine, which is self-reported more

frequently as the drug of choice of Caucasians were not based on any substantive difference. There were concerns also expressed that users of methamphetamine - who are typically Caucasian - were treated as needing treatment where users of crack cocaine were treated as needing imprisonment.

Bases for these reports included the Federal Bureau of Investigation and Substance Abuse and Mental Health Services Administration Summary of Findings from the 1998 National Household Survey on Drug Abuse (U.S. Department of Health and Human Services, 1999).

The Commission concluded that reducing demand for illegal drugs and providing access to treatment is a more effective strategy than using "zero tolerance" policies that often serve to remove low-level drug offenders from the community without providing the needed treatment. Such actions were seen to exacerbate addiction problems without necessarily addressing the underlying treatment need. The "offender" is often returned to the community with the same addiction, and the difficulties associated with a criminal record.

In addition, the incarceration itself may have exacerbated problems surrounding the family structure, educational pursuits, and employment efforts.

The Commission believes state and local leaders should engage in an intensive multi-system effort to reduce substance abuse and the demand for illegal drugs using evidence-based services. The concerns expressed by judges and others throughout the justice system reflect the lack of sufficient treatment alternatives for those convicted of substance abuse-related offenses highlight the need to identify and develop treatment resources.

Whether it is the state's high rank in the nation in binge-drinking and alcohol consumption, often reflected in multiple drunk-driving arrests and the danger to the community

Recommendations

those acts involve, or the state's national rank in the top half for cocaine use for all ages, the failure of Wisconsin's continued reliance on law enforcement and corrections instead of investing in treatment alternatives has had significant negative effect.²

In a number of instances, the Commission's attention was called to a comparison of incarceration practices in Wisconsin with those in Minnesota. Minnesota was seen as emphasizing community supervision and treatment programs more frequently than Wisconsin, particularly for non-violent, drug and alcohol-addicted offenders. The comparison of rates of incarceration in the two state indicate Wisconsin is approaching three times the number of its citizens in prisons and jails per 100,000 residents compared to Minnesota.³

Recommendations

- ◆ **Increased state and federal funds should be committed to substance abuse treatment and effective evidence-based programming to reduce drug use.**
- ◆ **Active efforts should be made to change prohibitions against financial aid for education and housing for convicted drug offenders.**
- ◆ **Using the example of High Point, NC and examining statistics and examples showing the impact of community sweeps, local law enforcement should engage in comprehensive responses to open air drug markets as opposed to zero-tolerance policies.**

In making its recommendations for law enforcement leaders to follow in identifying, hiring, and keeping the best candidates for long-term law enforcement careers, the International Association of Chiefs of Police noted that desirable officers were those who "possess not only the aptitudes and attributes to engage in traditional, action-oriented policing, but also those who will perform in increasingly multi-faceted policing environments. Law enforcement leaders must establish and then sustain a cadre of officers who are dedicated to ethical service-oriented policing that is respectful of the civil rights of all community members while maintaining safety and public order."⁴

A concern of the Commission was the notion that law enforcement officers are often thought to provide "help" for mentally ill subjects or those with substance abuse problems by making an arrest and starting them in "the system." It is extremely important that the effect of using arrests and the criminal or juvenile justice systems to obtain "help" be explored.

The Commission developed recommendations to assist law enforcement leadership in equipping its officers with the skills and training that will help the officers working with changing populations throughout Wisconsin. The state is experiencing demographic changes throughout, and cultural as well as ethnic varieties are being introduced into Wisconsin communities.

Recommendations

- ◆ **State leadership should collaborate with appropriate justice system and administrative officials to develop training and standards consistent with the recommendations of the Racial Profiling Task Force.**

²*Treatment Instead of Prisons: A Roadmap for Sentencing and Correctional Policy Reform in Wisconsin*, Drug Policy Alliance, January 2006.

³Bureau of Justice Statistics-Midyear 2005. Cited in *Uneven Justice: State Rates of Incarceration By Race and Ethnicity*, Marc Mauer and Ryan S. King, The Sentencing Project, July 2007.

⁴*Protecting Civil Rights: A Leadership Guide for State, Local, and Tribal Law Enforcement*, International Association of Chiefs of Police, September 2006.

Recommendations

- ◆ **The appropriate state agency should collect, promote and disseminate best law enforcement practices on traffic stop, treatment of mental health cases and use of force procedures to reduce the perception of unfairness and partiality of law enforcement towards minorities.**
- ◆ **A state-organized major conference shall be convened for law enforcement executives to highlight and discuss the issue of racial disparity in Wisconsin that includes elevation of risks associated with introduction into the criminal justice system.**

The success of efforts to address racial disparity and ensure community safety will be directly affected by the allocation of sufficient resources to support the agencies called upon to collect and analyze data; provide treatment alternatives; and provide appropriate law enforcement efforts. These efforts must be mindful of the role of community members as the greatest and most powerful resource that local law enforcement has to reduce crime.

Involvement of community members and agencies in justice councils will assist in the identification of “hot spots” in the community as well as create avenues of communication between neighborhood representatives and law enforcement.

Recommendations

- ◆ **County baseline study data should be used to determine the allocation of federal Justice funds over which the Governor has control towards community efforts addressing racial disparity within their criminal and juvenile justice systems. Programs should include, but not be limited to: youth diversion, drug court programs, community accountability boards, gang prevention efforts and community justice councils.**

- ◆ **Local law enforcement agencies should engage in community justice councils to develop community-based solutions to low-level offenses.**
- ◆ **Federal and state funds should be committed for reentry planning and programming focusing on housing, employment and education, specifically for young African-American men returning to the community from prisons.**

“The trial judge is the one actor in the system most experienced with exercising discretion in a transparent, open and reasoned way. When it costs so much more to incarcerate than to educate a child, we should take special care to ensure that we are not incarcerating too many persons for too long.”

U. S. Supreme Court Justice
Anthony Kennedy
American Bar Association
San Francisco, CA 8/9/03

In arriving at appropriate sentencing decisions, the court benefits from a balanced approach in which the court is provided not only the traditionally supplied information about the crime, the impact on any victims, and the background of the defendant, but also receives additional information that would allow it to fashion the most appropriate sentence. Currently, courts are left at the time of sentencing not knowing when treatment might be available, or what support for reentry from prison might look like two or three years later.

Courts consider numerous factors in deciding an appropriate sentence. Judges must rely on the information provided to them about the charges and the defendant. Public Defenders need resources to appropriately prepare cases and present necessary information, including sentencing alternatives, to the decision-maker.

Recommendations

The Commission was informed that standards for eligibility for Public Defender services have remained the same for twenty years. In addition, the rate of compensation for attorneys accepting appointment for Public Defender cases has remained low. As a result, resources available to private attorneys to accept the appointments to represent indigent defendants discourage most except the newest, least experienced attorneys from accepting appointments.

Recommendations

- ◆ **Judges should recommend and encourage the use of new adjudicative methods, including community-based sentencing alternatives.**
- ◆ **Pre-sentence reports provided for sentencing should inform the judge and the parties about the full range of sentencing alternatives available at the time of the sentencing, identifying both community-based and institutional resources, and providing a realistic plan for offender rehabilitation that addresses the actual availability of services in both the institutional and community settings.**
- ◆ **An online statewide database should be developed to collect and disseminate information on alternative justice programs.**
- ◆ **Eligibility standards for qualification for Public Defender services should be revised. Resources available to the defense for investigation and social work should reflect the need to make adequate sentencing information available to the court.**

The Commission believes there should be a comprehensive assessment of Wisconsin justice system programming to determine best practices and build state level support for al-

ternative programs. Judges are in a position to work with other criminal justice officials in designing and implementing useful and effective alternatives to incarceration, such as those implicated in the Treatment Alternatives and Diversion Program (TAD), deferred prosecution agreements and drug treatment courts.

Having alternative program information available online would allow judges and others in the criminal justice system to quickly identify programs that are suitable, available and proven to work. Posted information would include program format, availability, procedures, participants, and overall effectiveness.

Internal to the judiciary, judges should work with appropriate staff and/or community resources to find creative ways to unify adjudications of cases to better serve court users. Judges are in a unique position and should provide leadership in unification initiatives across division lines making courts more accessible and less duplicative in improving the processing of a single family's case.

Recommendation

- ◆ **Judges should take a leadership role in the development of a community criminal justice council for each of the ten judicial districts.**

Judges should provide leadership. The mission of the Council should be to efficiently and collaboratively coordinate services and to effectively allocate financial resources to ensure crime reduction, victim support, offender accountability and restorative community-based programs. Through strategic planning and research, the Council should identify, evaluate and develop strategies to improve the justice system to enhance public safety and the quality of life.

The Council should consist of an Executive Committee composed of various stakeholders, including, as it relates to the jurisdic-

Recommendations

tion, the Mayor(s), County Executive(s), Sheriff(s), Chief Judge, Chair of the County Board, District Attorney(s), Police Chief(s), area head of the Public Defender's Office, the Department of Corrections, and a representative of community service providers.

The Council should be comprised of voting members from a variety of city, county, state justice agencies along with business, advocacy and other community groups. The Council should have standing subcommittees in community justice areas such as mental health, incarceration alternative programs, juvenile justice, public education and information gathering.

The Council will collect and review local racial disparity data within each county where applicable and develop targeted and collaborative efforts with other criminal justice system and community stakeholders to reduce racial disparity in their communities. In addition, they will develop programs to address the disparity and monitor progress over time. In order to qualify for full funding of this grant program, the District Attorney must be an active participant.

The Office of Justice Assistance should develop a grant program or provide seed money using Justice Assistance Grant money to implement the Community Justice Councils modeled after the Disproportionate Minority Contact (DMC) committees funded by the Governor's Juvenile Justice Commission.

"Racial stereotypes sometimes operate unconsciously and can influence perceptions of dangerousness even on the part of decision-makers who harbor no conscious prejudices...Minority offenders' personal circumstances may make them appear to some judges as unlikely prospects for rehabilitation. Those who can pay for private drug or mental health treatment, provide restitution in large amounts to victims and communities, or attend educational and vocational programs often unavailable to the poor are likely to receive milder punishments than others who have committed exactly the same crimes."⁵

Recommendation

- ◆ **Judges should report the appearance of any pattern and practice of disparate treatment by any actor involved in policing, charging decisions, sentencing recommendations, or any court proceeding, to the appropriate chief executive officer and/or agency head.**

Judges should send a clear message that our justice system will not tolerate discrimination in any form. Inappropriate conduct from staff, litigants, counsels or others including but not limited to off-color jokes, comments or other discriminatory behavior should be swiftly and forcefully rebuked and may be subject to appropriate sanctions.

Throughout its deliberations, the Commission has heard testimony and has noted the need for data and information on which to base recommendations for changes that will reduce disparity in the justice system. Whether it is as a result of the exercise of discretion by law enforcement officers, prosecutors, or judges, the need for accurate information on which to base systemic policies and changes has been a source of frequent testimony.

Recommendations

- ◆ **A statewide schema should be developed and utilized to collect data on race and ethnicity at all points in the criminal justice system process in the CCAP and PROTECT systems.**
- ◆ **Advanced technologies should be utilized to electronically codify contents of court transcripts.**
- ◆ **The judiciary should take the lead in ensuring that adequate and qualified interpreters are made available at every stage of the justice system process.**

⁵Unlocking America: Why and How to Reduce America's Prison Population, November 2007, The JFA Institute, Washington, DC 20002.

Recommendations

The need for the collection of data is particularly important regarding white and non-white Hispanics. Better data for Asian, Hmong, Native-American, and other ethnic groups with significant populations in Wisconsin should be obtained. Though numbers for these groups have historically remained low, a catch-all “other” category is of little use without more specific information about these groups.

Transcripts contain detailed information not collected nor documented anywhere else in the justice system. This information, if codified and entered into a database, could be used to ascertain the true breadth of factors considered by judges in their decision-making process. There are existing data bases in jurisdictions such as LaCrosse, Portage and Dane Counties.

Changing demographics and the increasingly diverse population appearing in the juvenile and criminal justice systems make the availability of qualified interpreters at all stages of the justice system process a critical issue. The court must be able to communicate effectively using court interpreters to explain all options and alternatives available in a particular case. Where decisions involving diversion from the formal court process are made prior to court contact – such as the intake decision in the juvenile justice system to enter into a deferred prosecution agreement – interpreters must be available to ensure all who are subject of the process have equal access to dispositional or diversion options.

Recommendations

- ◆ **The judiciary should continue to provide access and encourage the public to view how the court system works, and should educate the public and legislature about the role of courts and effective justice strategies, particularly as it relates to the lack of alternatives to prison for offenders suf-**

fering from mental health and drug treatment issues.

- ◆ **The judiciary should conduct broad research nationally and draw from the best programs and develop a statewide judicial education program addressing racial disparity in the criminal justice system and how to combat it**
- ◆ **Judges should educate the other branches of government on the fiscal impact of unfunded mandates on the judiciary’s capacity to meet its constitutional obligations.**

Judges have the opportunity to educate the community about the workings of the justice system by encouraging members of the public to observe judicial proceedings. Judges also have the ability to participate in educational programs at schools and community forums.

The provision of education to judges on the issues surrounding racial disparity should be an essential part of judicial education. It should be made a core component of judicial training at a plenary session of the Judicial College and incorporated into specialized training efforts such as the courses routinely offered to new judges and specialized sessions on criminal law and sentencing.

It is further important that the courts be fully funded and that the executive and legislative branches provide adequate resources to the courts and community stakeholders for alternatives to incarceration as a critical component of efforts to reduce prison and jail populations.

“The legislative branch has the obligation to determine whether a policy is wise. It is a grave mistake to retain a policy just because a court finds it constitutional...Few misconceptions about government are more mischievous than

⁶Kennedy, Speech at the American Bar Association Annual Meeting, August 9, 2003

Recommendations

the idea that a policy is sound simply because a court finds it permissible. A court decision does not excuse the political branches or the public from the responsibility for unjust laws.”⁶

Throughout the public hearing process, the Commission heard testimony reflecting a common theme relating to inmate reentry and reintegration into the community. Many witnesses testified that a critical element in successful reentry is access to employment that pays wages on which the inmate can adequately provide for family members. Frequently cited as obstacles in obtaining these jobs were the access to transportation to jobs that were located in areas to which public transportation was not available.

One program that has been successful but has only been limited on a limited basis is a partnership between the Department of Corrections and the Department of Transportation to ensure that eligible inmates have a valid state-issued driver’s license when they are paroled. Inmates who are not eligible for a driver’s license should have a valid state identification card.

The City of Milwaukee Municipal Court, through the work of Justice 2000’s Center for Driver’s License Recovery and Employability Program has completed work on a “comprehensive collaborative effort to reduce the numbers of unlicensed drivers in Milwaukee County” through the establishment and operation of a community-wide driver’s license recovery and employability resource center in Milwaukee.

Treatment Instead of Prisons (TIP) was included in the 2003 State Budget as a program that would be funded by grants to counties. The original grant was funded at \$750,000, an amount that would allow limited opportunity to begin pilot projects that would further prove the efficacy of this program.

Full implementation of this program would

reduce incarceration by treating substance abuse. The projected results would lower incarceration rates; lower recidivism rates by treating the underlying problem without jail; and supplement the already overburdened Department of Corrections substance abuse treatment programs.

Recommendations

- ◆ **Consistent with the results of the January, 2008 Legislative Audit report, legislation should be introduced to return jurisdiction of 17 year olds alleged to have violated state or federal criminal laws to juvenile courts. Current waiver provisions should be maintained.**
- ◆ **The State Department of Transportation and Department of Corrections program should be expanded to serve inmates at all Department of Corrections facilities and aid inmate reintegration by ensuring that inmates who request them have a valid identification card before they are released.**

Additional funds should be made available to allow for a pilot project that will provide treatment services instead of prison.

“Between the time a suspect is arrested and the time he or she is arraigned, a number of important activities take place where decisions are made that can have a dramatic effect on the racial composition of the criminal justice population. This critical stage in the processing of a criminal case is rendered more complicated because multiple players are involved, including: the police, the complainant, witnesses, the prosecutor, the suspect, the suspect’s family and friends, the pretrial officer, the defense, diversion and alternative sanctions programs, and the court.”⁷

⁷Reducing Racial Disparity in the Criminal Justice System: A Manual for Practitioners and Policymakers, The Sentencing Project, October 2000

Recommendations

In the report of the Sentencing Commission, Race and Sentencing, the authors were able to determine by the objective data that, by in large, the sentencing schemes in Wisconsin are fairly meted out, particularly for egregious offenses. It also pinpointed, however, some areas of concern around drug sentences and sentences for less serious offenses. Given data suggesting that the greatest racial disparity exists at the lower end of the severity scale in drug cases, one area that appears to deserve especially careful review involves the range of charges issued for possession of small amounts of marijuana, since responses can vary from a mere civil ordinance violation all the way up to felonies, if the possession is for a second or subsequent offense.

The first step in addressing these issues is to collect data so that we know where we are and whether or not there are problems in the juvenile and criminal justice systems that can be addressed.

Recommendation

- ◆ **The Office of Justice Assistance should create a work group consisting of a representative of the Wisconsin District Attorney's Association, the Wisconsin State Prosecutor's Office, the Department of Justice, State Prosecutor Education and Training (SPET) Division, and three District Attorneys, one of whom shall be from either Milwaukee, Dane, Rock, Racine or Kenosha County.**⁸

The work group would initially determine which data from PROTECT and other data bases must be collected on an ongoing basis so that data, and in particular racial data, can be reported periodically to prosecutors regarding critical stages in the continuum such as charging and settlement offers. The group would work to determine which new data

should be included in the PROTECT system in order to increase the prosecutor's ability to understand what their respective numbers mean.⁹ The work group would also work with law enforcement, the courts and the Criminal Investigation Bureau to resolve data definitions of race in all systems.

The work group should develop a series of management reports from the PROTECT system that will report the racial data, along with other information that the work group may prescribe, to enhance the management function of individual District Attorney Offices.

The Office of Justice Assistance is strongly urged to consider consulting with the Vera Institute's Initiative on Prosecution and Racial Disparity to help with the question of data.

District Attorneys tend to agree that, along with the seriousness of the offense, the most important information they use in exercising discretion is the criminal history of an offender. Criminal history and the gravity of the offense drive each discretionary decision the prosecutor makes. While the Sentencing Commission's report, Race and Sentencing, was a useful analysis of the role of race in sentencing, the role of criminal history in the context of sentencing was not fully addressed.

Recommendation

- ◆ **The Office of Justice Assistance should commission a study similar to *Race and Sentencing* but in the context of prosecutorial discretion, giving particular attention to the role of criminal history in that exercise.**

Awareness is the driver of change. The first step in addressing perceptions that racial disparities reflect discrimination is understanding the disparities. The second step is determining which of those disparities are not con-

⁸ The work group could be something akin to the role the CCAP Oversight Committee plays for the courts.

⁹ The Commission recognizes that some of the data may not currently be electronically accessible. The work group could, however, address the data needs so that when the time comes that DA's are fully automated, the gathering of racial data for other decision points such as plea offers and sentencing requests can be tracked.

Recommendations

cretely tied to relevant factors for the prosecution of crimes and addressing community safety.

District Attorneys need to be aware of the numbers as regards racial disparity in the state and in each county. They also need to be aware that while they may be exercising discretion in a race neutral manner, they can take the opportunity to examine those decisions particularly in light of the cultural differences represented by people of color in Wisconsin and the longstanding dangers of unconscious bias.

Recommendation

- ◆ **The Office of Justice Assistance, the State Prosecutor's Office and the Department of Justice's SPET office should collaborate to develop and offer training on conscious or unconscious racism and the danger of institutional bias in the juvenile and criminal justice systems at all SPET conferences.**

The Commission recommends that all prosecutors attend at least one session of this training before the end of the second year of employment and that there also be developed and offered training on cultural differences to particular counties. An example would be the development of a training program on Hmong culture to be offered in Dane, Marathon, Eau Claire and other counties having a significant Hmong population.

One of the most effective ways to address the issue of racial disparity in a community is to bring the stakeholders together to address the problem. On the juvenile side, the Governor's Juvenile Justice Commission has been working with six pilot counties for almost six years to help them collect and analyze their data, and to develop and monitor programs and strategies to address identified problems in their respective systems.

Rock County used a number of different strategies, including creative prevention work and detention reform (that included risk assessments and electronic monitoring) to develop a program that recently led to Rock County being recognized by the MacArthur Foundation as one of its Models for Change sites. The MacArthur Foundation awarded Rock County a grant of \$300,000 over three years to continue the work it is doing.

The District Attorneys around the state do not have the resources to address the management issues that may become clear upon data collection. Having a resource to which they could turn for help in implementing new strategies to deal with racial disparity along with other management issues would help offices to increase efficiencies and use best practices.

Recommendation

- ◆ **The Office of Justice Assistance shall broker or develop a technical assistance arm to help the Justice Councils and District Attorney Offices implement new strategies such as pilot programs to revise charging or plea policies; community prosecution; Community Accountability Boards; alternatives to drug prosecution; and/or Drug Treatment Courts as alternatives to traditional case processing.**

This effort should include, as part of any diversion or deferral programs, evaluation of whether any group (defined by race, gender or other protected class) is being disfavored in referrals or offers made. One unintended consequence of a treatment court, for example, can be an inadvertent tendency toward diversion and treatment for more privileged defendants, and jail for the less privileged. Policies and practices should be reviewed to try to avoid this tendency, for example, by seeking "sliding scale" treatment payment plans, creating easy-to-use program brochures, and

Recommendations

ensuring referrals are based on an objective, validated assessment process.

The Office of Justice Assistance's supervision of the work groups should include either employing a full-time staff person with analytical abilities or contract with an outside consultant through either DA/IT or the Office of Justice Assistance to create the management reports and to act as a management consultant to District Attorney Offices around the state to improve their efficiencies.

The Racial Disparity Commission has focused primarily on making recommendations to the Governor that he can implement or influence in addressing racial disparity, District Attorneys around the state can become partners in this effort by adopting model guidelines to address these issues.

Recommendation

- ◆ **A resolution should be offered to the Wisconsin District Attorney's Association using the following guidelines:¹⁰**

Guidelines for District Attorneys on Racial Disparity in the Wisconsin Juvenile Justice and Criminal Justice System

I. Prosecutorial Decision Making

- a. The District Attorney should be conscious of potential racially disparate impact when setting prosecution priorities and policies.
- b. The District Attorney should consider statistical evidence of community crime indicators and qualitative evidence of community concerns in setting prosecution priorities and initiatives.
- c. The District Attorney should be proactive in his/her leadership and partnership with law enforcement agencies to prevent racial and ethnic bias and ensure that similarly situated defendants receive

similar charges and sentences.

- d. The District Attorney should consider the racial effects of his/her charging and disposition policies and work with others in the community to address unfair disparate impacts.

II. Training

- a. Training of prosecutors about the role of racism in our history and criminal justice system should be offered to all prosecutors.
- b. The District Attorney should encourage all supervisors, attorneys, and other staff to attend the training related to race and suspicion and assessment of risks to be developed by SPET. (See Recommendation #3 Supra.)
- c. The District Attorney should advocate for racial disparity/profiling training for law enforcement agencies.

III. Management and Accountability

- a. The District Attorney should support office policies that ensure diversity among his/her professional and support staff, including the active recruitment, hiring, retention, and promotion of African-Americans, Native Americans, Hmong, Hispanics and other racial and ethnic minorities.
- b. Every prosecutor should review his/her own personal beliefs and biases, including use of racial and ethnic stereotypes or use of proxies for race and ethnicity (such as class/socio-economic status or geography).
- c. The District Attorney should charge all assistants and deputies district attorneys with the obligation to consciously review their rationales for prosecution in order to eliminate unfair racially disparate treatment and effects.
- d. The District Attorney should take affirmative steps to eliminate racial/ethnic bias

¹⁰ These guidelines are borrowed from "Prosecutorial Decision-Making and Racial/Ethnic Disparities in the Federal Criminal Justice System: Principles and Guidelines", A Project of the Brennan Center for Justice at NYU School of Law and the National Institute for Law and Equity, *Federal Sentencing Reporter*, Vol, 19, No. 3, February 2007.

Recommendations

or stereotyping that may be within his/her control and supervision.

- e. As an internal management tool, the District Attorney should collect and analyze quantitative and qualitative data on the race and ethnicity of the defendant and victim at each stage of prosecution, including but not limited to: case intake, bail requests, declinations, selection of charges, diversion from prosecution or incarceration, plea offers, sentencing recommendations, fast-track sentencing and the use of alternative sanctions.

IV. Community

- a. The District Attorney should meet with community members, including members of the bar and criminal justice professionals, to obtain their input on crime problems and effective solutions.
- b. The District Attorney should seek out from lay community members their concerns about real or perceived disparate treatment in prosecutorial policies and disparities in their final results.
- c. The District Attorney should collaborate with members of the community and the local criminal and juvenile justice systems to develop problem solving solutions to disparate impacts of prosecutorial decision making.

V. Influencing Legislation and Policy

- a. Each District Attorney has the affirmative obligation to raise the racially disparate effects of legislation and policy with local and state legislative bodies.
- b. The District Attorney should advocate sentencing alternatives and reforms that lessen the impact on those adversely affected by racial disparities in the Wisconsin criminal justice system.

“The cost of housing, feeding, and caring for the inmate population in the United States is over 40 billion dollars per year... And despite the high expenditures in prison, there remain urgent, unmet needs in the prison system.”¹¹

Recommendations

- ◆ **When an inmate is received for custodial placement, available information including the presentence report and other social history including personal interviews with the inmate, shall be used to determine whether any children had been living with the inmate prior to incarceration. Contact should be initiated with and maintained with the appropriate County social services department.**
- ◆ **The Department of Corrections (DOC) should conduct a complete review of the availability of programs that are required for release from the custodial placement.**
- ◆ **The Legislature and DOC should determine the level of funding needed for the necessary programs and every effort should be made to provide such funding.**
- ◆ **DOC should develop a process to review the decisions of the Program Review Committees as they determine the program needs of inmates and whether a particular inmate will be admitted to a particular program.**
- ◆ **DOC should assess at what point programming is offered to achieve maximum effectiveness and take steps necessary to ensure that essential programming such as AODA treatment is made available to inmates in need at the earliest possible date.**

¹¹ Kennedy

Recommendations

- ◆ **DOC should conduct a complete review of the options available to improve and increase the vocational, educational, mental health and rehabilitation programs that can be offered to inmates during their period of incarceration to prepare them for life after reentry.**
- ◆ **DOC should establish a system of incentives for inmates who voluntarily enroll in and complete programs that assist in their rehabilitation.**
- ◆ **DOC should review and expand the use of options such as electronic monitoring, community group homes and others that do not include incarceration when such use is consistent with public safety concerns.**

In reports of the Council of Crime and Justice and the California Research Bureau, children of incarcerated parents were noted to often suffer from negative self-image; exhibit symptoms of emotional distress such as fear, anxiety, anger, sadness, and resentment; withdraw from family and friends; and show signs of mental illness such as depression, eating and sleeping disorders, anxiety and hyperarousal; and attention disorders. They often suffer from diminished academic performance. Classroom behavioral difficulties and truancy are frequently noted. They are more likely to exhibit physical aggression and disruptive behaviors in all the environments in which they interact.¹²

Causes of these reactions were identified as including the impact of the lack of financial support; social alienation; and the stigma attached to having an incarcerated parent. Children were noted to be keenly attuned to the status of their parents, and were often extremely troubled by concerns for the welfare of the incarcerated parent.

Once an inmate has been received by DOC and noted to have been the person with whom the child resided at the time of the incarceration, the appropriate DOC worker should identify the appropriate county social services department to which notice of the parent's status should be provided. In addition to remaining aware of county social services responses to the needs of the child, the DOC should be mindful of recommendations for visitation between the parent and child; note referrals for mentoring or other counseling services; and remain available to social services for recommendations regarding the appropriateness of the parent for visitation/ placement upon release.

DOC should develop a system for managing the admission to programs in a manner that would expedite the process of making the maximum number of inmates eligible for reentry at the earliest possible date that is consistent with the safety of the public.

This would likely have a positive impact on disparity and the level of minority incarceration and would provide inmates with an incentive to continue improving themselves. DOC should review the programs that it requires for release for reasonableness and to determine if there are alternatives such as independent study or completion of programming under community-supervision that can be used when space in programs is not available.

In cases where an inmate has otherwise satisfied requirements for reentry and the remaining needed programming is not available because of space limitations or the programming not being offered at the particular institution at which the inmate is placed, DOC should review whether the remaining, uncompleted program is essential; can be waived; or satisfied in some other manner consistent with community safety. If not, every effort should be made to enroll the oth-

¹² *Children of Incarcerated Parents*, California Research Bureau, Charlene Wear Simmons, March, 2000 and *Children of Incarcerated Parents*, Council of Crime and Justice, January, 2006.

Recommendations

erwise-prepared inmate into required placements in the place of inmates, if any, who either do not need that particular program for release, or are not presently eligible for release.

DOC should determine whether required programs can be more easily obtained after release while under supervision. If so, inmates should be released *when appropriate* and allowed to satisfy a required program that is not available to him or her in the institution.

A review should be conducted and data should be compiled going forward to allow DOC to determine whether decisions for requiring or allowing admission to programs necessary for release are being made upon inappropriate considerations such as the race of the person being considered.

The consideration of inmates for parole should be used as an incentive. Inmates who complete voluntary programs such as obtaining a GED or other education programs, should be granted a special review of their record. A chance to demonstrate progress and gain an earlier opportunity for release would provide significant incentive for inmates to complete programs that will prepare them for reentry into society, reduce their chances of recidivism, and therefore reduce both the disparity in incarceration and the high level of incarceration in Wisconsin.

Recommendations

- ◆ **DOC should review the prison discipline system to determine whether the data reflect any racial disparity in the consideration of and punishments imposed for violation of prison rules.**
- ◆ **DOC should review the use of the extension of inmates' mandatory release date as a sanction, whether it is an effective means of improving behavior, and to what degree it adds to the length of inmates' incarceration.**

- ◆ **A computerized system should be created to better maintain the records of the issuance and adjudication of major conduct reports.**

DOC should create a mechanism for the DOC Central Office to review the impact and fairness of the prison disciplinary system to determine whether it is unnecessarily contributing to the problem of racial disparity, and whether Conduct Reports or penalties are being issued based on inappropriate considerations.

In the study of racial disparity, a necessary component was revocation from community supervision. It is impossible to determine from available data why people were revoked. Revocation with a new sentence is obviously the result of a new or newly discovered offense. However, people who are revoked with no new sentence may have committed no new crime and may have been revoked solely for violating the technical conditions of probation, or may have been accused of a new crime that was not prosecuted because the person had been returned to prison.

Using DOC statistics, the Commission examined all people on community supervision from 2001-2006. Because some people are revoked multiple times and might inflate the statistics, we considered only each person's first period under community supervision. We have included the charts that reflect the results of the evaluation in the appendix.

Recommendations

- ◆ **A complete review of the parole process should be conducted.**
- ◆ **DOC should review the level of discretion that probation/parole officers have in initiating revocation proceedings, and establish a process for reviewing discretionary decisions related to revocations.**

Recommendations

The review of the parole process should include an assessment of the standards used to determine suitability for parole, whether the data demonstrate a racial disparity in the granting of parole or length of deferrals, and whether the current system is the most efficient for use in Wisconsin when compared to models used in other states of like size and demographics.

In the review of discretionary decisions, DOC should insist that discretion be exercised in a manner that is consistent across the state, reflects and advances legitimate policy objectives, and is not based upon any inappropriate considerations such as the race of the offender being considered for revocation.

DOC should prepare a report on at least an annual basis to monitor whether there is an ongoing racial disparity in revocations and whether there is any indication that such decisions are being made based upon any inappropriate considerations such as race or whether current practices are exacerbating racial disparity.

DOC should provide policy direction to probation/parole agents regarding appropriate exercise of discretion in conduct that justifies initiation of revocation proceedings. Providing clear policy goals related to public safety and offender rehabilitation would simplify the decision-making process for agents and would minimize the likelihood of decisions based on inappropriate considerations.

When safety considerations allow and when appropriate, DOC, working as frequently as feasible, with local officials, should develop policies that favor and promote rehabilitation over incarceration. The vast majority of inmates will eventually return to their communities. It is in the best interest of the overall population that the focus of correctional efforts be on the behavioral modification and skills development that will allow the successful reentry of the inmate into family and community life.

DOC should consider alternatives to long-term and or temporary incarceration in cases where some form of discipline or supervision is necessary for offenders. While there are certainly circumstances where public safety concerns will require incarceration, there are also times where house arrest or a period of being required to participate in electronic monitoring is adequate to satisfy safety and rehabilitation concerns.

The impact on a probationer's/parolee's employment status should be considered when appropriate. The primary concern expressed in the testimony was by inmates who, on being released after being "cleared", found that they had lost employment due to the unnoticed work absences. The Commission heard frequent examples in which probationers or parolees were held in custody over periods of time in which agents, having had the subject report to his or her office and from there ordering the subject held in custody, conducted "investigations" of reported violations.

Recommendation

- ◆ **The Parole Commission should conduct a systematic review of all inmates currently eligible for parole to determine appropriateness for parole.**

The Commission particularly recommends that inmates who are eligible for parole, but who have not received a review hearing within the last 48 months, be reviewed to assess their progress since the last review. Deferrals should be reviewed to determine whether they were of appropriate length, consistent between panels, and panels should include more than one person and allow inmate support and participation in hearings.

Recommendations

The DOC Central Office should review a random sampling of inmate complaints and prepare reports on an annual basis. A summary report of those complaints as a random sampling and a statistical analysis should be forwarded to the appropriate legislative committee for review.

DOC should continue monitoring and identifying effective systems for tracking officers with a pattern of disciplinary problems or who have otherwise demonstrated difficulty in interacting with inmates in a manner that is professional and consistent with DOC rules. Appropriate action should be taken.

Recommendation

- ◆ **DOC should work collaboratively with the faith communities to provide services that would assist in the rehabilitation of inmates and prepare them for release from prison. The networks built through this interaction will assist in the maintenance of strong ties and supervision once the inmate returns to his or her community.**



Public Hearings

As part of its information-gathering efforts, the Commission conducted a series of public hearings throughout the state. At these hearings, Commission members had the opportunity to hear the opinions and recommendations of citizens from around the state, ranging from local elected officials to family members of those who are incarcerated. Representatives of community organizations were often present at the hearings as were attorneys representing both prosecutorial and defense points of view.

Racine

The first of the public hearings took place in Racine on July 9, 2007. Members of both the public and private sector spoke at the meeting. The hearing opened with presentations by Racine County Executive William McReynolds; District Attorney Michael Nieskes; and Sheriff Robert Carlson. A member of the County Board of Supervisors addressed the Commission and a member of the judiciary attended as well. Citizens in the hearing commented that politicians often speak at public hearings but then leave without hearing from the public. Noteworthy was that two of the initial speakers remained throughout the entire hearing.

Community members urged public officials to examine racial disparity within the juvenile and criminal justice systems in Racine County and to cooperate with efforts to identify solutions. The Commission learned that the Racine County District Attorney's Office does not keep statistics on the racial identity of those it charges.

Citizens also highlighted the January 2006 publication *Treatment Instead of Prisons: A Roadmap for Sentencing and Correctional Policy Reform in Wisconsin* and the Racine County Citizen's Criminal Justice Advisory Task Force Report (6/27/03). In addition, citizens urged the Commission to compare Wisconsin's criminal justice practices with those

of Minnesota. Citizens expressed interest in Minnesota's emphasis on treatment instead of incarceration through community supervision and treatment programs for non-violent, drug and alcohol-addicted offenders.

Details regarding the Racine Police Department Community Re-Entry Program and its efforts to reduce recidivism among high-risk offenders who have been released from state prison were also presented to the Commission as were project goals of and criminal justice system recommendations from the local chapter of the National Association for the Advancement of Colored People (NAACP).

A number of individual citizens provided disturbing personal examples of troublesome interactions between minority-group members and law enforcement agencies or the judicial system in Racine County. On the other hand, one speaker opined that the reason that minorities are overrepresented in the criminal justice system is that they commit more crimes.

Beloit

On July 11, 2007, the Commission conducted its second public hearing at the Merrill Community Center in Beloit. Again, the Commission heard from a mixture of public officials and private citizens and recommendations for both systemic as well as community changes.

The Chief of Police Sam Lathrop emphasized his department's efforts to have a racially diverse department that closely reflects the racial make-up of the city of Beloit. He stressed the importance of training and recruitment of minority-group members in the police department.

Efforts of the Rock County District Attorney's Office to hire and retain minority-group members were outlined. The Commission was informed of difficulties the office has in attracting minority attorneys.

Public Hearings

Citizen speakers asked the Commission to note the impact of abuse on youth and the likely involvement of abused and neglected children in the juvenile and criminal justice system due to untreated problems arising from the abuse. The Commission was again referred to Treatment Instead of Prisons, as well as to The State of Black America 2007 prepared by the National Urban League.

One citizen suggested that the lack of effective leadership in the African-American community contributed to disparate incarceration rates, and questioned whether there were sufficient demands for adherence to community norms. Another speaker discussed “white-privilege” and recounted that she had observed behaviors by those in the criminal justice system that were resolved because she and other actors were Caucasian.

Speakers recommended a number of strategies particularly in responding to minority youth:

- ◆ renewing emphasis on education and “second-chance programs” for dropouts and offenders
- ◆ recognizing that communities lose a great deal by “giving up” on people because of early-life mistakes
- ◆ identifying treatment needs and acting on them while children are in school rather than waiting for the children to become subjects of court activity
- ◆ using mentors from local institutions of higher learning for children in their communities.

Other speakers recommended changes to the adult system:

- ◆ improving efforts to include minority-group members on juries
- ◆ instituting drug treatment courts
- ◆ tracking incarceration rates by agent and county to determine if there are any patterns requiring attention.

Wausau

The public hearing in Wausau was held on July 23, 2007 at the North Central Technical College. The Commission heard from representatives of the defense bar who noted the increased presence of citizens of color in the Wausau community and the cultural differences that some of them brought to the community. The Commission was also asked to consider the impact of language barriers as well as cultural differences on law enforcement and criminal justice system responses.

Madison

On July 24, 2007, the Commission held a hearing at the Mitby Theater on the campus of Madison Area Technical College. The Commissioners again heard from a mixture of public officials and private citizens, including the University of Wisconsin Chief of Police Sue Riseling who drew the Commission’s attention to reports prepared by the International Association of Chiefs of Police including *Protecting Civil Rights: A Leadership Guide for State, Local, and Tribal Law Enforcement and the Police Chiefs Guide to Immigration*.

Citizens again highlighted the Minnesota correctional system and its investment in local treatment options through a unique financing scheme in their adult system that is similar to the Youth Aids paradigm in Wisconsin. In that system, the state charges counties for the people the county sends to prison. In order to avoid the high cost of incarceration, Minnesota counties have developed a myriad of less-expensive, community-based programs.

Citizens questioned the manner in which inmates become eligible for parole and the long-term fiscal impact of truth-in-sentencing on the prison population.

The Commission was again provided a copy of the Urban League’s State of Black America report. Citizens noted that acceptance and

Public Hearings

development of personal responsibility within the minority community must be as important in Commission consideration as system reform. In addition, citizens testified that data collection was important to understanding and examining carefully the rates at which minority-group members are taken into custody.

One speaker noted different charging practices for similar conduct in the District Attorney's Office. He stated that the District Attorney will issue a felony identity theft charge against a minority group member who has presented the driver's license of a relative to a law enforcement officer. On the other hand, the prosecutor will issue a misdemeanor charge of obstructing or a citation against students when fake identification to purchase alcohol is presented at bars and liquor stores.

Some speakers noted the impact of the Circuit Court Automated Program's (CCAP) public accessibility on a minority's ability to find employment and other services. They recommended that CCAP records be removed from the system when there is a dismissal of a criminal charge or a "not guilty" finding. In addition, the speaker noted that court records often contain mistakes. He recommended frequent and liberal expungement of court records.

One speaker also noted that the eligibility threshold for representation by the Public Defender's Office was very low and needed significant revision.

Milwaukee

The Commission met in the auditorium at Milwaukee Area Technical College on August 13, 2007. Again, public officials, including members of the judiciary as well as private citizens, provided testimony.

Speakers focused on the role of law enforcement in the community. Comments included the testimony of a retired law enforcement

officer who reminded the Commissioners that most of the victims of African-American crime are African-American and that someone had to speak for the victims of the criminal acts. Speakers noted that many of the patrols and arrests in minority neighborhoods occur because the residents of the neighborhoods have called the police and asked for their assistance.

On the other hand, some speakers raised concerns about law enforcement practices in Milwaukee minority communities. There were specific references to the prosecution of members of the Milwaukee Police Department for beating African-American males with a question "Who can black folks call when crimes are being committed by the Milwaukee PD?"

Speakers highlighted the impact of the educational system on African-American males. They noted the disproportionate placement of African-American males in special education classes at an early age. Speakers also noted the need for improved access to public transportation for better paying employment in outlying areas.

One speaker challenged the Commission to consider whether the rates of commission of crimes is what is reflected by the rates of incarceration, citing armed robbery rates by race in Milwaukee County.

Other speakers were skeptical of the influence of the Commission's findings and recommendations. Young witnesses suggested that a Commission made up of youth would have been more appropriate in seeking to identify appropriate responses to the needs of the community, and other witnesses stated that community members were in a better position to make recommendations than Commission members.

Witnesses made positive comments about existing Restorative Justice Programs and recommended similar programs that sought al-

Public Hearings

ternatives to incarceration.

Green Bay

The final public hearing took place in Green Bay on August 29, 2007 at the University of Wisconsin - Green Bay. The Commission heard from several members of law enforcement, attorneys, and private citizens.

The initial speaker expressed a concern that the African-American community bore a great deal of the responsibility for crimes being committed by its youth. He said that the community had failed to take responsibility for the behaviors of young people over whom influence could be exerted.

Representatives of a local community-based agency challenged the African-American community to accelerate community responsibility, by asking "What other community would let you do a drive-by shooting or sell cocaine without calling the police?"

In contrast to this testimony, a former member of the Public Defender's Office staff for twenty years wanted to know why the Commission had chosen this time to address the issue instead of years ago. He characterized the "war on drugs" as a war on people of color and recommended that there be a "re-visitation" on the entire drug policy issue.

One of the members of the police department who testified expressed concern that there was no minority-community spokesperson to whom law enforcement and other community leaders could turn in their efforts to resolve issues. He indicated the Green Bay Police Department has specific policies against racial profiling and discussed the relationship between the University of Wisconsin -Green Bay Police Department and the Green Bay Police Department (GBPD).

The Commission also heard testimony from an Asian liaison to the GBPD as well as an African-American father who questioned the ability of Family Services, after having obtained funds for their work, to "tell us what to do without walking

in our shoes."

At the Green Bay hearing, Commissioner Bies shared e-mail messages he had received from constituents who questioned why there was a Commission studying why so many African-Americans were in prison, stating the reason is because they commit so many crimes.

A member of the State Public Defender's staff raised questions about the GBPD Impact program and the impact of drug arrests on incarceration rates. An officer of the police department explained that there is a team of officers sent into pre-determined areas based on citizen complaints, indicating that there was "zero-tolerance" for any violations. The Commission was informed the neighborhoods were all populated primarily by minority group members and indicated these were the areas in which crimes were committed. It was at this hearing that the Commissioners questioned whether efforts to enforce drunk-driving laws were made at local sporting events or other tailgating occasions.

The Commission heard testimony both pro and con for returning jurisdiction over 17 year olds accused of violating criminal laws to juvenile court. A member of the District Attorney's staff suggested the cost of this return would have negative impact on the availability of funds for younger children and their families who have come to the attention of the courts, either through a Child in Need of Protection and Services (CHIPS), Juvenile in Need of Protection (JIPS) or delinquency proceeding.

Witnesses also asked Commissioners to examine re-entry programs for inmates upon the inmates' release from prison.



Meeting Summaries

Following the creation of this Commission by the Governor, a series of meetings took place in which Commissioners heard from representatives of groups whose work have direct impact on the criminal justice system and from individuals who are a part of that system. The following is a summary of the meetings in which presentations were made by non-members of the Commission. There were additional meetings in which the Commissioners discussed and determined the recommendations to be made to the Governor.

April 9, 2007 Milwaukee, WI

The initial meeting of the Commission was held in Milwaukee. The Commission members were addressed by Governor Jim Doyle who gave the charge to the Commission, reviewing the Executive Order that had created the Commission and indicating his desire that the Commission identify strategies the State of Wisconsin could take to address the racial disparities that exist in the criminal justice system.

Commission members introduced themselves; described their backgrounds and interests in the working of the Commission; and shared their perceptions of areas of the criminal justice system the Commission might explore.

William Feyerherm of Portland State University explained the Relative Rate Index that is used by the Office of Juvenile Justice and Delinquency Prevention in its projects throughout the nation addressing Disproportionate Minority Contact (DMC) pursuant to the Juvenile Justice and Delinquency Prevention Act. Commissioner Deirdre Garton, Chairperson of the Governor's Juvenile Justice Commission, and Lindsey Draper, Commission Staff Director and state DMC coordinator, discussed the current projects of the Juvenile Justice Commission to address juvenile DMC in Wisconsin.

May 22-23, 2007 Waukesha, WI

Bishop Eugene Johnson of the Madison Pentecostal Assembly challenged the Commission to recognize that, while the need for community order and protection will dictate that some who violate its rules will be removed from the community, the community must not lose sight of the value many of these citizens will have for their communities with appropriate rehabilitation and treatment. Using the example of "bent nails" that, if straightened and struck the right way, fit within the building project as well as those that had been perfect throughout the process.

Dr. Pamela Oliver offered a statistical presentation that showed the numbers of arrests and inmates in Wisconsin, comparing the racial breakdown of those numbers to the representation of the particular groups in the overall Wisconsin (and national) population.

The Hon. Joseph Wall, Milwaukee County Circuit Court Judge, challenged the Commission to consider not only the disparities that exist and are demonstrated by the numbers, but also the factors that contribute to those disparities. He noted the impact of poverty and lack of educational success on the paths that lead many into jails and prisons.

The Executive Director of the Latino Community Center, Ramon Candeleria, spoke of the importance of community residents taking responsibility for the quality of life in the community, and gave the example of efforts by community residents to identify and work with potential disrupters at South Division High School and within the surrounding community to restore a sense of order and pride to the school and neighborhood.

Teny Gross, Executive Director of the Institute for the Study and Practice of Nonviolence in Providence Rhode Island, emphasized the ability of community-based organizations to bridge distances between law enforcement and com-

Meeting Summaries

munity residents. He used examples of successes in both Boston and Providence in reducing homicide rates by supporting agencies that responded to acts of violence by working with the community residents and law enforcement to prevent retaliation and identify violent actors.

Wayne McKenzie (Project Director) and Don Steimen of the Vera Institute were joined by Milwaukee County District Attorney John Chisholm in describing the study the Institute has done of the Milwaukee County District Attorney's Office, its charging decisions, and the impact of those decisions on both attorney and court times. The presentation included demonstrating how the information provided by the studies helped the Office make policy decisions on allocation of attorney time and resources.

July 13, 2007 Madison, WI

Department of Corrections Secretary Matthew Frank described the Department of Corrections role in providing services to inmates confined in prison settings; offenders under community supervision; and youth in juvenile correctional facilities. He noted that the population receiving these services is frequently less-educated than the general population, and frequently suffering from chemical addictions and mental illnesses. Secretary Frank discussed the emphasis of the Department on prisoner reentry into the community, including the appointment of a Reentry Director, and the Department's goal of reducing recidivism. He discussed Department efforts in the areas of education; employment; treatment; and strengthening community corrections.

Secretary Frank made recommendations regarding use of pre-sentence reports; examination of revocations and any evident disparities; and availability of appropriate treatment resources.

Commissioner Terence Ray made a presentation on the impact of fathers in the lives of their children, emphasizing the importance of keeping fathers involved in family life. He presented a film in which children spoke of the impact of the pres-

ence of their fathers in/absence from their lives and pointed out the importance of parental responsibility - particularly that of the father - in shaping the future of children.

The facilitated discussion was led by Joyce Malory of the Non-Profit Center of Milwaukee and focused on the directions of the Commission and the issues the Commission felt needed additional attention.

August 13, 2007 Milwaukee, WI

State Representative Don Pridemore addressed the Commission on the importance of parental - and particularly paternal - responsibility in shaping the lives and actions of children. He made reference to programs in his home base that were supportive of fatherhood initiatives.

The Commission heard from a panel comprised of the Dane County Circuit Court Judge Sarah O'Brien; Tina Virgil of the Department of Justice Division of Criminal Investigation; Assistant District Attorney Kent Lovern; Assistant State Public Defender Craig Johnson; and Kit Murphy-McNally, Executive Director of the Benedict Center. The panel discussed drug courts and the impact of community-based prosecution and treatment facilities on successful efforts to address criminal behaviors in communities. The panel discussed strategies to enlist additional support and resources for treatment.

Among the topics covered in the presentation was the handling of some chemical-abuse related legal difficulties as treatment issues in which hospitalization or therapy is seen as the appropriate remedy for some members of the community, while others have similar difficulties treated as legal problems with prosecution and incarceration deemed to be the appropriate response.

Former Milwaukee County District Attorney E. Michael McCann appeared at the end of the morning and addressed the Commission regarding policies he had implemented during his tenure as District Attorney.

Meeting Summaries

The period between the panel presentation and Mr. McCann's presentation and the Milwaukee public hearing included an additional facilitated discussion in which the Commission members refined the previously identified goals and established its future work plan.

October 5, 2007 Waukesha, WI

Nicholas L. Chiarkas, Wisconsin State Public Defender, spoke of the benefits of cooperation with law enforcement and members of the community, as well as the importance of adequate legal representation. The qualification of citizens for Public Defender representation and the availability of resources to provide alternative recommendations were significant points in his presentation.

State Senator Lena Taylor made a report to the Commission on her visits to numerous correctional facilities throughout the state and her interviews with inmates at the facilities. She provided the Commissioners with written materials, including written comments by inmates and family members, as well as private citizens.

November 12, 2007 Madison, WI

The Commission focused on issues relating to law enforcement officers and the need of the officers to be sensitive to community order and safety. A panel presentation was made by Wauwatosa Police Chief Barry Weber; West Bend Police Chief Ken Meuler; and Milwaukee Police Officer Rudy Binder.

Areas discussed during the presentation included issues related to racial profiling; the selection of areas in which to concentrate police presence; law enforcement exercise of discretion in the issuance of citations as opposed to making an arrest; and relationships with community members.



Presenters

We wish to express sincere appreciation to the following who made presentations to the Commissioners at meetings during the deliberations of the Commission:

Governor Jim Doyle
Wisconsin Governor
Madison, WI

Rudy Binter
Milwaukee Police Department
Milwaukee, WI

Ramon Candeleria
Latino Community Center
Milwaukee, WI

Nick Chiarkas
State of Wisconsin Public Defender
Madison, WI

William Feyerherm
Portland State University
Portland, OR

Matthew Frank
Department of Corrections
Madison, WI

Deirdre Garton
Governor's Juvenile Justice Commission
Madison, WI

Teny Gross
Institute for the Study and Practice of Nonviolence
Providence, Rhode Island

Craig Johnson
State of Wisconsin – Public Defender's Office
Milwaukee, WI

Bishop Eugene Johnson
Madison Pentecostal Assembly
Madison, WI

Kent Lovern
Milwaukee County District Attorney's Office
Milwaukee, WI

Joyce Mallory
Nonprofit Center of Milwaukee
Milwaukee, WI

E. Michael McCann
Former District Attorney
Milwaukee, WI

Wayne McKenzie
Vera Institute
New York, NY

Kit McNally
Benedict Center
Milwaukee, WI

Kenneth Mueller
West Bend Police Chief
West Bend, WI

Honorable Sarah O'Brien
Dane County Circuit Chief
Madison, WI

Dr. Pam Oliver
University of Wisconsin
Department of Sociology
Madison, WI

Rep. Don Pridemore
Wisconsin State Legislature
Madison, WI

Terence Ray
Milwaukee Fatherhood Initiative
Milwaukee, WI

Don Stemen
Vera Institute
New York, NY

Sen. Lena Taylor
Wisconsin State Legislature
Madison, WI

Tina Virgil
Department of Justice
Division of Criminal Investigation
Madison, WI

Hon. Joseph Wall
Milwaukee County Circuit Court
Milwaukee, WI

Barry Weber
Wauwatosa Police Chief
Wauwatosa, WI

U.S. Department of Justice
Office of Justice Programs



Bureau of Justice Statistics Bulletin

May 2006, NCJ 213135

Prison and Jail Inmates at Midyear 2005

Paige M. Harrison
and Allan J. Beck, Ph.D.
BJS Statisticians

At midyear 2005 the Nation's prisons and jails incarcerated 2,186,230 persons. Prisoners in the custody of the 50 States and the Federal system accounted for two-thirds of the incarcerated population (1,498,701 inmates). The other third were held in local jails (747,529), not including persons in community-based programs.¹

On June 30, 2005, 1,512,823 prisoners were under Federal and State jurisdiction, which includes inmates in custody and persons under the legal authority of a prison system but held outside its facilities. During the 12-month period ending June 30, 2005, the number under State jurisdiction rose 1.2%, while the number under Federal jurisdiction rose 2.9%. Montana (up 7.9%), South Dakota (up 7.8%), Minnesota (up 6.7%), and Kentucky (up 6.4%) had the largest percentage increases. Twelve States had decreases, including Vermont (-2.9%), Idaho (-2.8%), and New York (-2.5%).

At midyear 2005 local jail authorities held or supervised 819,434 offenders. Nine percent of these offenders (71,905) were supervised outside jail facilities in programs such as community service, work release, weekend reporting, electronic monitoring, and other alternative programs.

¹See box on page 7 for description of jail populations.

Highlights

Nation's prison population rose 1.6%; jail population, 4.7%

Prison population	Number of inmates	Jail population	Number of jail inmates	Total incarceration rate	Rate per 100,000 residents*
5 highest:					
Federal	184,494	California	82,138	Louisiana	1,138
Texas	171,335	Texas	86,534	Georgia	1,021
California	166,532	Florida	63,820	Texas	978
Florida	87,545	Georgia	44,965	Mississippi	955
New York	62,963	Pennsylvania	34,455	Oklahoma	919
5 lowest:					
North Dakota	1,338	North Dakota	944	Maine	273
Vermont	1,675	South Dakota	1,432	Minnesota	300
Wyoming	2,028	Maine	1,545	Rhode Island	313
Maine	2,084	Wyoming	1,551	Vermont	317
New Hampshire	2,561	New Hampshire	1,729	New Hampshire	319

*Prison and jail inmates per 100,000 residents.

From midyear 2004 to midyear 2005 —

- The number of inmates in custody in local jails rose by 33,539; in State prison by 15,858; and in Federal prison by 6,584.
- The smaller State prison systems had the greatest percentage increase: Montana (up 7.9%), and South Dakota (up 7.8%).

On June 30, 2005 —

- A total of 2,266 State prisoners were under age 18. Adult jails held a total of 6,759 persons under age 18.
- State and Federal correctional authorities held 91,117 noncitizens (5.4% of all prisoners), down from 91,815 at midyear 2004.
- There were 129 female prison and jail inmates per 100,000 women in the United States, compared to 1,366 male prison and jail inmates per 100,000 men.

- An estimated 12% of black males, 3.7% of Hispanic males, and 1.7% of white males in their late twenties were in prison or jail.

- In three States — Iowa, South Dakota, and Wisconsin — black prison and jail inmates represented 4% of the black State population. Pennsylvania (with 1,714 Hispanic inmates per 100,000 Hispanic residents) and Idaho (1,654) had the highest Hispanic incarceration rates.

- Local jails were operating 5% below their rated capacity. In contrast, at yearend 2004 State prison systems were between 1% below capacity and 15% above; the Federal prison system was operating at 40% above rated capacity.

- Privately operated prison facilities held 101,228 inmates (up 2.7% since midyear 2004). The Federal system reported the largest increase among inmates in private prisons (up 2,038).

Appendix

Incarceration rate for Nation reaches 738 per 100,000 residents

On June 30, 2005, 1,431,468 inmates were in the custody of State and Federal prison authorities, and 747,529 inmates were in the custody of local jail authorities. In the first 6 months of 2005, the Nation's prison population increased 16,622 (1.2%). These data were collected in the 2005 National Prisoner Statistics program and the 2005 Census of Jail Inmates. (See *Methodology*, page 11, for a description of data collections.)

Since midyear 2004 the total incarcerated population has increased 2.6% (table 1). Including inmates in

privately operated facilities, the number of inmates in State prisons increased 1.3%; in Federal prisons, 3.9%; and in local jails, 4.7%. At midyear 2005 Federal prisons (including all secure and non-secure public and private facilities) held 8.4% of all inmates, up from 5.6% in 1995.

In the decade between yearend 1995 and midyear 2005, the incarceration population grew an average of 3.4% annually. During this period the Federal and State prison populations and the local jail population grew at the average annual rates of 7.4%, 2.5%, and 3.9%, respectively.

In the 12 months before midyear 2005, the number of inmates in prison and jails rose an estimated 56,428 inmates, or 1,085 per week.

The rate of incarceration in prison and jail in 2005 was 738 inmates per 100,000 U.S. residents — up from 725 at midyear 2004. At midyear 2005, 1 in every 136 U.S. residents were in prison or jail.

Federal system growth continues to outpace that of States

The rate of growth of the State prison population slowed between 1995 and 2001 and then began to rise. During this time the percentage change in the first 6 months of each year steadily decreased, reaching a low of 0.6% in 2001, and then rose to 1.0% in 2005 (table 2). The percentage change in the second 6 months of each year showed a similar trend, resulting in an actual decrease in State prison populations for the second half of 2000 and 2001.

Since 1995 the Federal system has grown at a much higher rate than the States, peaking at 6.0% growth in the first 6 months of 1999. In the first 6 months of 2005, the number of Federal inmates increased 2.3%, more than twice the rate of State growth.

Table 1. Number of persons held in State or Federal prisons or in local jails, 1995-2005

Year	Total inmates in custody	Prisoners in custody		Inmates held in local jails	Total incarceration rate ^a
		Federal	State		
1995	1,585,586	89,538	989,004	507,044	601
2000 ^b	1,935,753	133,921	1,176,269	621,149	683
2001 ^b	1,961,247	143,337	1,180,155	631,240	685
2002 ^b	2,033,331	151,618	1,209,640	665,475	701
2003 ^b	2,081,580	161,673	1,222,135	691,301	712
2004 ^b					
June	2,129,802	169,370	1,239,656	713,990	725
December	...	170,535	1,244,311
2005 ^b					
June 30	2,186,230	175,954	1,255,514	747,529	738
Percent change, 6/30/04-6/30/05	2.6%	3.9%	1.3%	4.7%	
Annual average change, 12/31/95-6/30/05	3.4%	7.4%	2.5%	3.9%	

Note: Jail counts are for midyear (June 30) and exclude persons who were supervised outside of a jail facility. State and Federal prisoner counts for 1995-2003 are for December 31.

...Not available.

^aPersons in custody per 100,000 residents in each reference year.

^bTotal counts include Federal inmates in non-secure privately operated facilities: 6,143 in 2000, 6,192 in 2001, 6,598 in 2002, 6,471 in 2003, 6,786 (June) and 7,065 (December) in 2004, and 7,233 in June, 2005.

Percent change during 6-month periods in the number of prisoners under the jurisdiction of State correctional authorities, 1995-2005

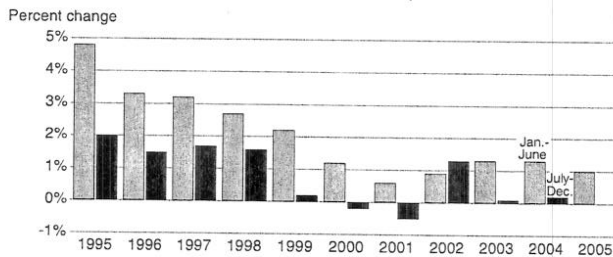


Figure 1

2 Prison and Jail Inmates at Midyear 2005

Growth rates in Federal prison population at 6-month intervals

Year	Growth rates in Federal prison population at 6-month intervals	
	January to June	July to December
2005	2.3%	...
2004	3.6	0.6%
2003	4.2	1.5
2002	3.0	1.1
2001	5.1	2.8
2000	5.4	2.0
1999	6.0	3.7
1998	5.3	3.5
1997	4.4	2.6
1996	3.5	1.8
1995	4.7	0.8

...Not available.

Some of the Federal growth since 1999 has been the result of the transfer of responsibility for housing sentenced felons from the District of Columbia (DC). The transfer to Federal facilities was completed by yearend 2001. Since then, the Federal system has continued to receive sentenced felons from DC Superior Court.

In absolute numbers the total increase of 20,989 State and Federal prison inmates between July 1, 2004, and June 30, 2005, was significantly lower than the growth during the previous 12-month period (27,637 inmates).

The percentage change from midyear 2004 to midyear 2005 (1.4%) was also smaller than the percentage change between 2003 and 2004 (1.9%). The average annual growth from 1995 to 2005 was 3.0%.

Years	Annual increase in the number of prisoners under State or Federal jurisdiction, July 1-June 30	
	Number	Percent
2004-05	20,989	1.4%
2003-04	27,637	1.9
2002-03	44,260	3.1
2001-02	20,587	1.5
2000-01	14,587	-1.0
1999-00	30,710	2.3
1998-99	56,059	4.4
1997-98	57,726	4.7
1996-97	56,710	4.9
1995-96	57,507	5.2
Average growth, 1995-2005	38,677	3.0%

Federal system accounts for over 25% of inmate population increase

Twenty-five percent of the Nation's prison population growth during the 12 months ending June 30, 2005, was accounted for by the 5,274 additional inmates under jurisdiction of the Federal system. During this 12-month period, several States also experienced substantial growth, including Montana (7.9%), South Dakota (7.8%), and Minnesota (6.7%). Twelve States experienced a decline in their prison population. Vermont had the largest percentage decrease (-2.9%), followed by Idaho (-2.8%) and New York (-2.5%).

Table 2. Prisoners under the jurisdiction of State or Federal correctional authorities, June 30, 2004, to June 30, 2005

Region and jurisdiction	Total			Percent change from—		Prison incarceration rate, 6/30/05 ^a
	06/30/05	12/31/04	06/30/04	6/30/04 to 6/30/05	12/31/04 to 6/30/05	
U.S. total	1,512,823	1,495,373	1,491,834	1.4%	1.2%	488
Federal	184,484	180,328	179,210	2.9	2.3	55
State	1,328,339	1,315,045	1,312,624	1.2	1.0	433
Northeast	173,125	170,980	173,967	-0.5%	1.3%	298
Connecticut ^b	19,744	19,497	20,018	-1.4	1.3	375
Maine	2,084	2,024	2,014	3.5	3.0	153
Massachusetts ^c	10,495	10,144	10,365	1.3	3.5	236
New Hampshire	2,561	2,448	2,441	4.9	4.6	196
New Jersey	28,124	26,757	28,107	0.1	5.1	323
New York	62,963	63,749	64,596	-2.5	-1.2	327
Pennsylvania	41,540	40,963	40,692	2.1	1.4	334
Rhode Island ^b	3,639	3,430	3,701	-1.7	6.1	179
Vermont ^d	1,975	1,968	2,033	-2.9	0.4	239
Midwest	252,406	250,702	249,732	1.1%	0.7%	380
Illinois	44,669	44,054	44,379	0.7	1.4	350
Indiana	24,244	24,008	23,760	2.0	1.0	386
Iowa	8,578	8,525	8,611	-0.4	0.6	289
Kansas	9,042	8,966	9,152	-1.2	0.8	329
Michigan	49,014	48,883	48,591	0.9	0.3	484
Minnesota	9,187	8,758	8,613	6.7	4.9	179
Missouri	31,066	31,188	30,542	1.7	-0.4	535
Nebraska	4,284	4,130	4,042	6.0	3.7	237
North Dakota	1,338	1,327	1,266	5.7	0.8	199
Ohio	44,976	44,798	44,770	0.5	0.4	392
South Dakota	3,344	3,095	3,101	7.8	8.0	430
Wisconsin	22,664	22,970	22,905	-1.1	-1.3	383
South	606,361	598,773	596,763	1.6%	1.3%	542
Alabama	27,740	25,873	26,521	4.6	7.2	587
Arkansas	13,469	13,655	13,477	-0.1	-1.4	480
Delaware ^b	7,180	6,927	6,973	3.0	3.7	478
Florida	87,545	85,533	84,733	3.3	2.4	492
Georgia ^d	47,682	50,979	48,625	-1.9	-6.5	526
Kentucky	18,897	17,790	17,763	6.4	6.2	432
Louisiana	37,254	36,939	36,745	1.4	0.9	824
Maryland	23,276	23,285	23,727	-1.9	0.0	405
Mississippi	20,856	20,983	20,429	2.1	-0.6	682
North Carolina	36,399	35,442	34,917	4.2	2.7	361
Oklahoma	23,702	23,319	23,284	1.8	1.6	655
South Carolina	23,896	23,428	24,173	-1.1	2.0	538
Tennessee	26,208	25,884	25,834	1.4	1.3	440
Texas	171,338	168,105	169,110	1.3	1.9	703
Virginia	35,667	35,564	35,472	0.5	0.3	471
West Virginia	5,252	5,067	4,980	5.5	3.7	287
West	296,447	294,590	292,162	1.5%	0.6%	421
Alaska ^b	4,630	4,554	4,515	2.5	1.7	374
Arizona ^d	32,664	32,515	31,631	3.3	0.5	502
California	166,532	166,221	166,053	0.3	0.2	456
Colorado	20,841	20,293	19,756	5.5	2.7	447
Hawaii ^d	6,071	5,960	5,946	2.1	1.9	334
Idaho	6,136	6,375	6,312	-2.8	-3.7	429
Montana	3,369	3,164	3,123	7.9	6.5	360
Nevada	11,565	11,365	10,971	5.4	1.8	478
New Mexico	6,595	6,379	6,352	3.8	3.4	327
Oregon	13,317	13,180	13,219	0.7	1.0	365
Utah	6,013	5,990	5,802	3.6	0.4	240
Washington	16,688	16,614	16,559	0.8	0.4	263
Wyoming	2,026	1,980	1,923	5.4	2.3	398

Note: The District of Columbia inmates sentenced to more than 1 year are the responsibility of the Federal Bureau of Prisons.

^aThe number of prisoners with a sentence of more than 1 year per 100,000 residents.

^bPrisons and jails form one integrated system. Data include total inmate population.

^cThe incarceration rate includes an estimated 6,200 inmates sentenced to more than 1 year but held in local jails or houses of corrections.

^dPopulation figures are based on custody counts.

Appendix

Table 3. Prisoners held in private facilities, June 30, 2004, and June 30, 2005

Region and jurisdiction	Number of inmates		Percent of all inmates ^a 6/30/05
	6/30/05	06/30/04	
U.S. Total	101,228	98,570	6.7%
Federal ^b	26,544	24,506	14.4
State	74,684	74,064	5.6
Northeast	3,214	3,328	1.9%
Connecticut	0	0	0
Maine	0	0	0
Massachusetts	0	0	0
New Hampshire	0	0	0
New Jersey ^c	2,437	2,566	8.7
New York	0	0	0
Pennsylvania	403	361	1.0
Rhode Island	0	0	0
Vermont ^c	374	401	18.9
Midwest	2,961	3,854	1.2%
Illinois	0	0	0
Indiana	88	655	0.4
Iowa	0	0	0
Kansas	0	0	0
Michigan	479	480	1.0
Minnesota	403	268	4.4
Missouri	0	0	0
Nebraska	0	0	0
North Dakota	57	47	4.3
Ohio	1,924	1,903	4.3
South Dakota	10	8	0.3
Wisconsin	0	493	0
South	48,266	47,899	8.0%
Alabama	257	153	0.9
Arkansas	0	0	0
Delaware	0	0	0
Florida	5,423	4,327	6.2
Georgia	4,625	4,597	9.7
Kentucky	1,907	1,679	10.1
Louisiana	2,924	2,923	7.8
Maryland	129	126	0.6
Mississippi	4,837	4,397	23.2
North Carolina	206	217	0.6
Oklahoma	5,812	5,868	24.5
South Carolina	15	17	0.1
Tennessee	5,142	5,121	19.6
Texas	15,414	16,906	9.0
Virginia	1,575	1,568	4.4
West Virginia	0	0	0
West	20,243	18,983	6.8%
Alaska	1,365	1,304	29.5
Arizona	5,291	4,371	16.2
California	2,470	2,797	1.5
Colorado	3,320	3,074	15.9
Hawaii	1,774	1,621	29.2
Idaho	1,283	1,269	20.9
Montana	747	646	22.2
Nevada	0	455	0
New Mexico	2,810	2,649	42.6
Oregon	0	0	0
Utah	0	0	0
Washington ^c	406	232	2.4
Wyoming	777	565	38.4

^aBased on the total number of inmates under State or Federal jurisdiction.

^bIncludes Federal inmates held in privately operated community correctional centers: 7,233 on 6/30/05 and 6,786 on 6/30/04.

^cInmates held in out-of-State private facilities.

Prison incarceration rates continue to rise

The incarceration rate of State and Federal prisoners sentenced to more than 1 year was 488 per 100,000 U.S. residents on June 30, 2005, up from 486 per 100,000 December 31, 2004. At midyear 2005, 10 States exceeded the national rate led by Louisiana with 824 sentenced prisoners per 100,000 State residents, Texas with 703, and Mississippi with 682. Nine States had rates that were less than half of the national rate including Maine (153), Minnesota and Rhode Island (both 179), and New Hampshire (196).

Overall, the State incarceration rate rose about 14% between yearend 1995 and midyear 2005, from 379 to 433 prisoners per 100,000 U.S. residents. At the same time the Federal incarceration rate rose 72%, from 32 to 55 prisoners per 100,000 U.S. residents.

Since yearend 1995 the total number of sentenced inmates per 100,000 residents has risen from 411 to 488. During this period prison incarceration rates rose most in the Midwest (from 310 to 380), followed by the West (from 358 to 421) and the South (from 483 to 542). The rate in the Northwest decreased slightly from 301 to 298.

	Number of sentenced inmates per 100,000 U.S. residents on December 31		
	State	Federal	Total*
1995	379	32	411
2000	426	42	469
2001	422	48	470
2002	427	49	476
2003	430	52	482
2004	432	54	486
2005, midyear	433	55	488

*Totals may not add due to rounding.

A quarter of inmates in private facilities held for Federal system

In the 12 months ending June 30, 2005, the number of prisoners held in privately operated facilities increased from 98,570 to 101,228, an increase of 2.7% (table 3). Overall, private facilities held 6.7% of all State and Federal inmates, up from 6.6% at midyear 2004. The Federal system (26,544), Texas (15,414), Oklahoma (5,812), and Florida (5,423) reported the largest number of inmates in private facilities at midyear 2005. Four States, all in the West, had at least a quarter of their prisoners in private facilities.

	Number of inmates held in privately operated facilities, 12/31/00 to 06/30/05			
	Total	State	Federal	Percent of all inmates
2000	90,542	75,018	15,524	6.5%
2001	91,953	72,702	19,251	6.5
2002	93,912	73,638	20,274	6.5
2003	95,522	73,657	21,865	6.5
2004	98,901	74,133	24,768	6.6
2005, midyear	101,228	74,684	26,544	6.7

Female inmate population continues to rise at a faster rate than male inmate population

From June 30, 2004, to June 30, 2005, the number of women under the jurisdiction of State and Federal prison authorities grew from 102,691 to 106,174, an increase of 3.4% (table 4). The number of men rose 1.3%, from 1,389,143 to 1,406,649. At midyear 2005 California, Texas, Florida, and the Federal system housed 4 of every 10 female inmates.

Since 1995 the annual rate of growth in the number of female inmates has averaged 4.7%, higher than the 3.0% average increase of male inmates. Women accounted for 7.0% of all inmates at midyear 2005, up from 6.1% at yearend 1995.

Relative to their number in the U.S. resident population, men were over 14 times more likely than women to be incarcerated in a State or Federal prison. On June 30, 2005, the rate for inmates serving a sentence of more than 1 year was 64 female inmates per 100,000 women in the United States, compared to 925 male inmates per 100,000 men.

Table 4. Number of prisoners under the jurisdiction of State and Federal correctional authorities, by gender, 1995, 2004, and 2005

	Male	Female
All inmates		
6/30/2005	1,406,649	106,174
6/30/2004	1,389,143	102,691
12/31/1995	1,057,406	68,468
Percent change, 2004-2005	1.3%	3.4%
Average annual change, 1995-2005	3.0%	4.7%
Sentenced to more than 1 year		
6/30/2005	1,349,223	96,778
6/30/2004	1,332,571	93,632
12/31/1995	1,021,059	63,963
Incarceration rate*		
6/30/2005	925	64
6/30/2004	922	63
12/31/1995	789	47

*The total number of prisoners with a sentence of more than 1 year per 100,000 U.S. residents.

Table 5. Number of inmates under age 18 held in State prisons, by gender, June 30, 1995, and 2000-05

Year	Inmates under age 18		
	Total	Male	Female
2005	2,266	2,175	91
2004	2,485	2,375	110
2003	2,741	2,627	114
2002	3,038	2,927	111
2001	3,147	3,010	137
2000	3,896	3,721	175
1995	5,309
...Not available.			

Number of State inmates under age 18 continues to decline

A total of 2,266 State prisoners were under age 18 on June 30, 2005, down from 2,485 at midyear 2004 (table 5). The number of minors held in State prisons peaked in 1995 at 5,309 and has since decreased every year. Overall, 0.2% of all State prisoners were under age 18.

Six States reported more than 100 prisoners under age 18 at midyear 2005, led by Connecticut (383), New York (223), Florida (185), and North Carolina (169). Two of these States reported an increase in their under age 18 populations held in prison during the 12 months ending June 30, 2005, while the rest experienced declines.

Three States reported no inmates under age 18, and another 19 States had 10 or fewer inmates under age 18.

	Number of prisoners under age 18		Percent change
	6/30/05	6/30/04	
Connecticut*	383	321	19.3%
New York	223	225	-0.9
Florida	185	214	-13.6
North Carolina	169	192	-12.0
Texas	167	210	-20.5
South Carolina	120	114	5.3

*Includes local jail inmates under age 18.

Table 6. Number of noncitizens held in State or Federal prisons at midyear, 1998-2005

Year	Total	Federal	State
2005	91,117	35,285	55,832
2004	91,815	34,422	57,393
2003	90,568	34,456	56,112
2002	88,677	33,873	54,804
2001	87,917	33,886	54,031
2000	89,676	36,090	53,586
1999	88,811	33,765	55,046
1998	77,099	27,682	49,417
Percent change, 2004-2005	-0.8%	2.5%	-2.7%

At midyear 2005, 61% of noncitizen prisoners held in State facilities; 39% in Federal facilities

On June 30, 2005, 91,117 noncitizens were in the custody of State or Federal correctional authorities, down from 91,815 at midyear 2004 (table 6). Overall, 6.4% of State and Federal inmates at midyear 2005 were not U.S. citizens. The noncitizen prisoner population increased between 1998 and 1999, and since then it has remained nearly stable, increasing about 2.6% between midyear 1999 and midyear 2005.

At midyear 2005, 35,285 Federal inmates were noncitizens, representing about 19% of all prisoners in Federal custody. California (16,613), Texas (9,346), New York (7,444), Florida (4,772), and Arizona (4,179) held over 75% of all noncitizens confined in State prisons. Noncitizen prisoners accounted for over 10% of the prison populations of Arizona, New York, Nevada, and California.

	Noncitizens held in prison		Percent of all inmates
	6/30/05	6/30/04	
Federal	35,285	34,442	19.3%
California	16,613	17,890	10.1
Texas	9,346	9,048	6.0
New York*	7,444	8,027	11.8
Florida	4,772	4,834	5.6
Arizona	4,179	3,924	12.7
Nevada	1,402	1,242	12.6
North Carolina	1,182	866	3.2
Illinois	1,065	782	4.2
Colorado*	1,029	1,022	5.1

*Report foreign-born inmates rather than noncitizens.

Appendix

Growth continues as rising admissions outpace releases

From 2000 to 2004 admissions to State prison rose 11.5% (from 625,219 in 2000 to 697,066 in 2004). During 2004, 672,202 sentenced prisoners were released from State prisons, up from 604,858 in 2000 — an increase of 11.1% (table 7).

Admissions to the Federal prison system increased 21.2% between 2000 and 2004 (from 43,732 to 52,982); releases increased 32.2% (35,259 to 46,624). The number of admissions to Federal prison in 2004 exceeded releases by more than 6,300 inmates.

New court commitments on the rise

Prior to 1998 growth in prison admissions reflected increasing numbers of offenders returning for parole violations. Between 1990 and 1998 the number of returned parole violators increased 54% (from 133,870 to 206,152), while the number of new court commitments increased 7% (from 323,069 to 347,270).

However, since 1998, parole violators returned to prison increased by less than 6%, while new court commitments rose 18%.

Year	State prison admissions, by type, 1990, 1995, and 1998-2004	
	All ^a	Parole violators ^b
1990	460,739	133,870
1995	521,970	175,726
1998	565,291	206,152
1999	575,415	198,636
2000	581,487	203,569
2001	593,838	215,450
2002	612,938	207,961
2003	634,149	209,753
2004	644,084	219,033

^aBased on inmates with a sentence of more than 1 year. Excludes escapes, AWOL's, and transfers to and from other jurisdictions.

^bParole violators includes inmates with revoked parole, other conditional release violators, and intermediate sanctions imposed upon parolees in lieu of revoking parole.

Table 7. Number of sentenced prisoners admitted and released from State or Federal jurisdiction, by region and jurisdiction, 2000 and 2003-04

Region and jurisdiction	Admissions				Releases			
	2004	2003	2000	Percent change, 2000-04	2004	2003	2000	Percent change, 2000-04
U.S. total	697,066	686,437	625,219	11.5%	672,202	656,384	604,858	11.1%
Federal	52,982	52,288	43,732	21.2	46,624	44,199	35,259	32.2
State	644,084	634,149	581,487	10.8	625,578	612,185	569,599	9.8
Northeast	66,441	71,171	67,765	-2.0%	68,760	72,609	70,646	-2.7%
Connecticut	6,577	6,571	6,185	6.3	6,707	6,890	5,918	13.3
Maine	655	931	751	-12.8	636	782	677	-6.1
Massachusetts	2,278	2,185	2,062	10.5	2,391	2,302	2,889	-17.2
New Hampshire	1,099	1,139	1,051	4.6	1,080	1,188	1,044	3.4
New Jersey	13,886	14,398	13,653	1.7	14,418	15,043	15,362	-6.1
New York	24,664	26,040	27,601	-10.6	26,043	27,467	28,826	-9.7
Pennsylvania	14,319	14,039	11,777	21.6	14,396	13,268	11,759	22.4
Rhode Island ^a	755	3,881	3,701	:	828	3,684	3,223	:
Vermont	2,208	1,987	984	:	2,261	1,985	946	:
Midwest	144,002	136,924	117,776	22.3%	143,497	136,590	114,382	25.5%
Illinois	39,293	36,063	29,344	33.9	38,646	35,372	28,876	33.8
Indiana	16,029	15,615	11,876	35.0	15,100	14,146	11,053	36.6
Iowa	4,364	5,545	4,656	-6.3	6,049	6,074	4,379	38.1
Kansas	4,519	4,605	5,002	-9.7	4,683	4,405	5,231	-10.5
Michigan	13,248	12,659	12,169	8.9	13,723	13,910	10,874	26.2
Minnesota	6,604	5,914	4,406	49.9	5,849	5,437	4,244	37.8
Missouri	18,281	17,151	14,454	26.5	17,307	16,967	13,346	29.7
Nebraska	2,085	1,959	1,688	23.5	2,029	1,953	1,503	35.0
North Dakota	1,008	992	605	66.6	917	870	598	53.3
Ohio	28,196	26,506	23,780	18.6	28,170	27,369	24,793	13.6
South Dakota	2,304	1,915	1,400	64.6	2,428	1,980	1,327	83.0
Wisconsin	8,071	8,000	8,396	-3.9	8,596	8,107	8,158	5.4
South	249,733	243,826	217,950	14.6%	238,628	231,896	210,777	13.2%
Alabama	8,278	9,524	6,296	31.5	9,156	10,167	7,136	28.3
Arkansas	8,035	7,132	6,941	15.8	7,457	7,120	6,308	18.2
Delaware	1,648	2,212	2,709	:	2,013	2,129	2,260	:
Florida	40,386	39,500	35,683	13.2	36,908	34,679	33,994	8.6
Georgia	20,140	17,575	17,373	15.9	18,211	17,333	14,797	23.1
Kentucky	13,009	9,595	8,116	60.3	10,740	9,208	7,733	38.9
Louisiana	15,512	15,353	15,735	-1.4	15,009	13,841	14,536	3.3
Maryland	10,330	10,170	10,327	0.0	10,531	10,207	10,004	5.3
Mississippi	9,187	8,421	5,796	58.5	8,607	7,679	4,940	74.2
North Carolina	10,411	9,494	9,848	5.7	9,315	9,116	9,687	-3.8
Oklahoma	9,003	8,139	7,426	21.2	8,432	8,164	6,628	27.2
South Carolina	9,850	9,934	8,460	16.4	10,060	9,829	8,676	16.0
Tennessee	13,149	13,059	13,675	-3.8	13,295	13,768	13,893	-4.3
Texas	66,883	69,921	58,197	14.9	65,800	65,169	59,776	10.1
Virginia	11,645	11,700	9,791	18.9	11,148	11,606	9,148	21.9
West Virginia	2,267	2,097	1,577	43.8	1,946	1,881	1,261	54.3
West	183,908	182,228	177,996	3.3%	174,693	171,090	173,794	0.5%
Alaska ^b	2,746	2,805	2,427	13.1	2,726	2,736	2,599	4.9
Arizona	11,343	11,957	9,560	18.7	10,190	10,391	9,100	12.0
California	123,537	125,312	129,640	-4.7	117,762	118,646	129,621	-9.1
Colorado	8,634	7,998	7,036	22.7	8,001	7,113	5,881	36.0
Hawaii	1,677	1,832	1,594	5.2	1,667	1,504	1,379	20.9
Idaho	4,392	3,168	3,386	29.7	3,480	3,033	2,697	29.0
Montana	2,182	1,910	1,202	81.5	1,897	1,642	1,031	84.0
Nevada	6,548	4,865	4,929	32.8	4,715	4,800	4,374	7.8
New Mexico	4,279	4,160	3,161	35.4	4,090	3,943	3,383	20.9
Oregon	5,378	5,095	4,059	32.5	4,910	4,483	3,371	45.7
Utah	3,275	3,301	3,270	0.2	3,050	3,088	2,897	5.3
Washington	11,894	9,034	7,094	:	11,547	9,067	6,764	:
Wyoming	769	791	638	20.5	658	644	697	-5.6

Note: Excludes escapes, AWOL's, and transfers to and from other jurisdictions.

:Not calculated due to changes in reporting.

^aChanged reporting in 2004 to include only prisoners sentenced to 1 year or more.

^bAlaska data may include some escapes, AWOL's, and transfers.

At midyear the Nation's jails supervised 819,434 persons

Based on the 2005 Census of Jail Inmates, the Nation's local jails held or supervised 819,434 offenders on June 30, 2005 (table 8). Jail authorities supervised 9% of these offenders (71,905) in alternative programs outside the jail facilities. A total of 747,529 persons were housed in local jails.

Year	Number held in jail	Jail incarceration rate*
2005	747,529	252
2004	713,990	243
2003	691,301	238
2002	665,475	231
2001	631,240	222
2000	621,149	220
1995	507,044	193

*Number of jail inmates per 100,000 U.S. residents on July 1 of each year.

Jail populations

As defined in this report, jails are locally operated correctional facilities that confine persons before or after adjudication. Inmates sentenced to jail usually have a sentence of 1 year or less. Jails also —

- receive individuals pending arraignment and hold them awaiting trial, conviction, or sentencing
- readmit probation, parole, and bail-bond violators and absconders
- temporarily detain juveniles pending transfer to juvenile authorities
- hold mentally ill persons pending their movement to appropriate mental health facilities
- hold individuals for the military, for protective custody, for contempt, and for the courts as witnesses
- release convicted inmates to the community upon completion of sentence
- transfer inmates to Federal, State, or other authorities
- house inmates for Federal, State, or other authorities because of crowding of their facilities
- sometimes operate community-based programs as alternatives to incarceration.

Among persons under community supervision by jail staff in 2005, 22% were required to perform community service (15,536) and 20% participated in a weekend reporting program (14,110). Sixteen percent of offenders in the community were under electronic monitoring; 21% were under other pretrial supervision; 3% were in a drug, alcohol, mental health, or other type of medical treatment program; and 10% were participating in a work release or other alternative work program.

Number of jail inmates rose 33,539 in 12 months ending June 30, 2005

Between July 1, 2004 and June 30, 2005, the number of persons held in local jail facilities grew 4.7% — from 713,990 to 747,529. The 12-month increase was larger than the average annual growth (3.9%) from midyear 1995 to midyear 2005 (figure 2). The 4.7% growth in 2005 was the largest annual growth since the 5.4% growth in 2002. In absolute numbers the total increase of 33,539 inmates in 2005 was the largest increase since 1997 (48,587 new inmates).

Table 8. Persons under jail supervision, by confinement status and type of program, midyear 1995, 2000, and 2004-05

Confinement status and type of program	Number of persons under jail supervision			
	1995	2000	2004	2005
Total	541,913	687,033	784,538	819,434
Held in jail	507,044	621,149	713,990	747,529
Supervised outside of a jail facility ^a	34,869	65,884	70,548	71,905
Weekender programs	1,909	14,523	11,589	14,110
Electronic monitoring	6,788	10,782	11,689	11,403
Home detention ^b	1,376	332	1,173	1,497
Day reporting	1,283	3,969	6,627	4,747
Community service	10,253	13,592	13,171	15,536
Other pretrial supervision	3,229	6,279	14,370	15,458
Other work programs ^c	9,144	8,011	7,208	5,796
Treatment programs ^d	...	5,714	2,208	1,973
Other	887	2,682	2,513	1,385

...Not available.

^aExcludes persons supervised by a probation or parole agency.

^bIncludes only those without electronic monitoring.

^cIncludes persons in work release programs, work gangs, and other work alternative programs.

^dIncludes persons under drug, alcohol, mental health, and other medical treatment.

12-month growth rates for local jails, 1995-2005

Percent change in local jail population from previous year, 1995-2005

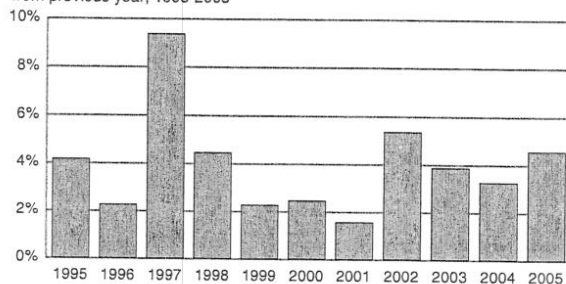


Figure 2

Appendix

Jail incarceration rates rose in the last 12-month period

Since 1995 the Nation's jail population on a per capita basis has increased 31%. During this period the number of jail inmates per 100,000 residents rose from 193 to 252.

	Estimated count	Jail incarceration rate ^a
Total	747,529	252
Gender		
Male	652,958	447
Female	94,571	63
Race/Hispanic origin		
White ^b	331,000	166
Black ^b	290,500	800
Hispanic/Latino	111,900	268
Other ^c	13,000	88
Two or more	1,000	:

Note: Inmate counts by race/Hispanic origin were estimated and rounded to the nearest 100. Resident population figures were estimated for July 1, 2005, based on the 2000 Census of Population and Housing.
:Not calculated.

^aNumber of jail inmates per 100,000 residents in each group.

^bNon-Hispanic only.

^cIncludes American Indians, Alaska Natives, Asians, Native Hawaiians, and other Pacific Islanders.

When individuals under community supervision by jail authorities are included with those in custody, the rate was 276 persons per 100,000 U.S. residents at midyear 2005.

A total of 6,759 persons under age 18 were housed in adult jails on June 30, 2005 (table 9). Approximately 85% of these young inmates had been convicted or were being held for trial as adults in criminal court. The average daily population for the year ending June 30, 2005, was 732,242, an increase of 3.7% from 2004 and 43.6% from 1995.

Characteristics of jail inmate population changing gradually

Male inmates made up 87.3% of the local jail inmate population at midyear 2005 — 2.5 percentage points lower than at midyear 1995 (table 10). During the 12-month period ending June 30, 2005, the number of adult female inmates rose 8.0%, while the number of adult male inmates increased 4.3%. On average the adult female jail population has grown 6.2%

annually in the past 10 years, while the adult male population has grown 3.7%.

At midyear 2005 nearly 6 in 10 persons in local jails were racial or ethnic minorities. Whites made up 44.3% of the jail population; blacks, 38.9%; Hispanics, 15.0%; and other races (American Indians, Alaska Natives, Asians, Native Hawaiians, and other Pacific Islanders), 1.7%.

On a per capita basis, men were over 7 times more likely than women to have been held in a local jail on June 30, 2005. Blacks were nearly 5 times more likely than whites, nearly 3 times more likely than Hispanics, and over 9 times more likely than persons of other races to have been in jail.

On June 30, 2005, 62% of the Nation's jail inmates were awaiting court action on their current charge. An estimated 284,400 inmates held in local jails were serving a sentence in jail, awaiting sentencing, or serving time for a probation or parole violation. As a percent of all jail inmates, the percent convicted has dropped from 44.0% at midyear 2000 to 38.0% at midyear 2005.

At midyear 2005, 95% of jail capacity was occupied

In the 12 months ending June 30, 2005, fewer beds than inmates were added to the Nation's jails. At midyear 2005 the rated capacity of local jails was estimated at 789,001 beds, an increase of 33,398 in 12 months

Table 9. Average daily population and the number of men, women, and juveniles in local jails, midyear 1995, 2000, and 2004-05

	1995	2000	2004	2005
Average daily population^a	509,828	618,319	706,242	732,242
Number of inmates, June 30	507,044	621,149	713,990	747,529
Adults	499,300	613,534	706,907	740,770
Male	448,000	543,120	619,908	646,807
Female	51,300	70,414	86,999	93,963
Juveniles ^b	7,800	7,615	7,083	6,759
Held as adults ^c	5,900	6,126	6,159	5,750
Held as juveniles	1,800	1,489	924	1,009

Note: Data are for June 30. Detailed data for 1995 were estimated and rounded to the nearest 100.

^aThe average daily population is the sum of the number of inmates in a jail each day for a year, divided by the total number of days in the year.

^bJuveniles are persons held under the age of 18.

^cIncludes juveniles who were tried or awaiting trial as adults.

Table 10. Gender, race, Hispanic origin, and conviction status of local jail inmates, midyear 1995, 2000, and 2004-05

Characteristic	1995	2000	2004	2005
Total	100%	100%	100%	100%
Gender				
Male	89.8%	88.6%	87.7%	87.3%
Female	10.2	11.4	12.3	12.7
Race/Hispanic origin				
White ^a	40.1%	41.9%	44.4%	44.3%
Black ^a	43.5	41.3	38.6	38.9
Hispanic	14.7	15.1	15.2	15.0
Other ^b	1.7	1.6	1.8	1.7
Two or more races ^c				0.1
Conviction status				
Convicted	44.0%	44.0%	39.7%	38.0%
Male	39.7	39.0	34.8	33.2
Female	4.3	5.0	4.9	4.8
Unconvicted	56.0	56.0	60.3	62.0
Male	50.0	50.0	53.0	54.2
Female	6.0	6.0	7.3	7.7

Note: Detail may not add to total because of rounding.

^aNon-Hispanic only.

^bIncludes American Indians, Alaska Natives, Asians, Native Hawaiians, and other Pacific Islanders.

^cMore than one race was not requested prior to 2005.

(table 11). In the same 12-month period, an additional 33,539 inmates were added to the local jail population.

Rated capacity is the maximum number of beds or inmates allocated by State or local rating officials to each jail facility. The growth in jail capacity during the 12-month period ending June 30, 2005, was larger (33,398) than the average growth of 24,229 beds every 12 months since midyear 1995, and was the largest growth since 1999 (39,541).

As of June 30, 2005, 95% of the local jail capacity was occupied.² As a ratio of all inmates housed in jail facilities to total capacity, the percentage occupied increased steadily since 2001 (up 5 percentage points).

A third of all jail inmates were held in 4 States at midyear 2005

On June 30, 2005, 4 States incarcerated more than a third of all local jail inmates: California (82,138), Texas (66,534), Florida (63,620),

and Georgia (44,965) (table 12). The 10 States with the smallest jail populations each held fewer than

4,000 inmates. Collectively, jails in these States held only 3.1% of the Nation's total jail population.

Table 12. Number of inmates in custody of State or Federal prisons or local jails, June 30, 2005

Region and jurisdiction	Total inmates in custody	Local jail inmates	Prison inmates ^a	Total incarceration rate ^b	Jail incarceration rate ^b
U.S. total	2,186,230	747,529	1,438,701	738	252
Federal	183,187	-	183,187	62	-
State	2,003,043	747,529	1,255,514	676	252
Northeast	269,683	97,503	172,180	494	178
Connecticut	19,087	-	19,087	544	-
Maine	3,608	1,545	2,063	273	117
Massachusetts	22,778	12,619	10,159	356	197
New Hampshire	4,184	1,728	2,456	319	132
New Jersey	46,411	17,821	28,790	532	202
New York	92,769	29,535	63,234	482	153
Pennsylvania	75,507	34,455	41,052	607	277
Rhode Island	3,364	-	3,364	313	-
Vermont	1,975	-	1,975	317	-
Midwest	371,694	123,407	248,287	563	187
Illinois	64,735	20,066	44,669	507	157
Indiana	39,959	17,567	22,392	637	280
Iowa	12,215	3,637	8,578	412	123
Kansas	15,972	6,904	9,068	582	252
Michigan	67,132	18,118	49,014	663	179
Minnesota	15,422	7,023	8,399	300	137
Missouri	41,461	10,461	31,000	715	180
Nebraska	7,406	3,098	4,308	421	176
North Dakota	2,288	944	1,344	359	148
Ohio	64,123	19,853	44,270	559	173
South Dakota	4,827	1,432	3,395	622	185
Wisconsin	36,154	14,304	21,850	653	258
South	909,990	366,091	543,899	846	341
Alabama	40,561	15,143	25,418	890	332
Arkansas	18,693	6,125	12,568	673	220
Delaware	6,916	-	6,916	820	-
District of Columbia	3,552	3,552	-	-	645
Florida	148,521	63,620	84,901	835	358
Georgia	92,647	44,965	47,682	1,021	496
Kentucky	30,034	16,761	13,273	720	402
Louisiana	51,458	31,867	19,591	1,138	704
Maryland	35,601	12,386	23,215	636	221
Mississippi	27,902	11,422	16,480	955	391
North Carolina	53,854	17,171	36,683	620	198
Oklahoma	32,593	9,585	23,008	919	270
South Carolina	35,298	12,226	23,072	830	287
Tennessee	43,678	24,233	19,445	732	406
Texas	223,195	66,534	156,661	976	291
Virginia	57,444	26,424	31,020	759	349
West Virginia	8,043	4,077	3,966	443	224
West	451,676	160,528	291,148	661	235
Alaska ^c	4,678	65	4,613	705	-
Arizona	47,974	15,479	32,495	808	261
California	246,317	82,138	164,179	682	227
Colorado	33,955	13,638	20,317	728	292
Hawaii	5,705	-	5,705	447	-
Idaho	11,206	3,787	7,419	784	265
Montana	4,923	2,265	2,658	526	242
Nevada	18,265	7,110	11,155	756	294
New Mexico	15,081	8,514	6,567	782	442
Oregon	19,318	6,549	12,769	531	180
Utah	11,514	6,739	4,775	466	273
Washington	29,225	12,693	16,532	465	202
Wyoming	3,515	1,551	1,964	690	305

-Not applicable. Prisons and jails form one integrated system. Data include total inmate population.

^aAll inmates in public and private custody of State and Federal correctional authorities.

^bNumber of inmates per 100,000 residents on June 30, 2005.

^cExcept for 14 locally operated jails, Alaska has an integrated jail and prison system.

Table 11. Rated capacity of local jails and percent of capacity occupied, 1995-2005

Year	Rated capacity ^a	Amount of capacity added ^b	Percent of capacity occupied ^c
2005	789,001	33,398	95%
2004	755,603	19,132	94
2003	736,471	22,572	94
2002	713,899	14,590	93
2001	699,309	21,522	90
2000	677,787	25,466	92
1999	652,321	39,541	93
1998	612,780	26,216	97
1997	586,564	23,593	97
1996	562,971	17,208	92
1995	545,763	-	93

Average annual increase, 1995-2005

3.8% 24,229

Note: Capacity data for 1995-98, and 2000-04 are survey estimates subject to sampling error.

^aRated capacity is the number of beds or inmates assigned by a rating official to facilities within each jurisdiction.

^bThe number of beds added during the 12 months ending June 30 of each year.

^cThe number of inmates divided by the rated capacity times 100.

Appendix

The number of jail inmates per 100,000 U.S. residents totaled 252 on June 30, 2005. Of the 21 States with rates greater than that the national average, 11 were in the South, 7 were in the West, 2 in the Midwest, and 1 was in the Northeast. States that had the largest number of jail inmates per 100,000 residents were Louisiana (703), Georgia (496), New Mexico (442), Tennessee (406), and Kentucky (402). Five States — Maine (117), Iowa (123), New Hampshire (132), and Minnesota and North Dakota (both 137) — had rates that were less than 150 jail inmates per 100,000 State residents. The District of Columbia, an entirely urban jurisdiction, had a rate of 645 jail inmates.

Louisiana and Georgia held at least 1% of their State population in prison or jail

More than 1% of residents in Louisiana and Georgia were in prison or jail at midyear 2005. Louisiana led the Nation with 1,138 prison and jail inmates per 100,000 State residents, followed by Georgia (1,021) and Texas (976). Maine (273), Minnesota (300), Rhode Island (313), and Vermont (317) held the fewest inmates relative to their State populations.

Southern States had significantly higher total incarceration rates than States in other regions. Ten of the 14 States with rates higher than the national total were in the South. Arizona (808 inmates per 100,000 residents), New Mexico (782), Idaho (784), and Nevada (752) were the only

States outside of the South with rates above the national average. The combined prison and jail incarceration rates totaled 846 in the South, followed by 663 in the West, 563 in the Midwest, and 494 in the Northeast.

States also varied in the percentage of inmates held in local jails. Among all States at midyear 2005, 37% of inmates were housed in local facilities. Louisiana (with the highest incarceration rate) also had the largest percentage housed in local facilities (62%). Local jails in Utah (59%), New Mexico (57%), Kentucky (56%), Tennessee (55%), Massachusetts (55%), and West Virginia (51%) also held more than half of their State's inmates. Excluding States with integrated prison and jail systems, Missouri held the largest proportion of its inmates in its State prisons (75%), followed by Michigan (73%).

An estimated 12% of black males in their late twenties were in prison or jail in 2005

When total incarceration rates are estimated separately by age group, black males in their twenties and thirties are found to have very high rates relative to other groups (table 13). Among the nearly 2.2 million offenders incarcerated on June 30, 2005, an estimated 548,300 were black males between the ages of 20 and 39. Of black non-Hispanic males age 25 to 29, 11.9% were in prison or jail, compared to 3.9% of Hispanic males and about 1.7% of white males

in the same age group. In general, the incarceration rates for black males of all ages were 5 to 7 times greater than those for white males in the same age groups.

Female incarceration rates, though significantly lower than male rates at every age, reveal similar racial and ethnic disparities. The incarceration rate for Black non-Hispanic females was 347 per 100,000 almost 2½ times higher than the rate for Hispanic females (144 per 100,000) and 4 times higher than the rate for white females (88 per 100,000). These differences among white, black, and Hispanic females were consistent across all age groups.

Black incarceration rate highest in South Dakota; Hispanic rate highest in Pennsylvania

When incarceration rates by State (excluding Federal inmates) are estimated separately by gender, race, and Hispanic origin, male rates are found to be 10 times higher than female rates; black rates 5½ times higher than white rates; and Hispanic rates nearly 2 times higher than white rates (table 14). The largest differences in incarceration rates between men and women are in New York (16½ times higher for men) and Rhode Island (16 times higher for men). The largest differences in rates between whites and blacks are in Iowa (14 times higher for blacks) and Connecticut, New Jersey, and Vermont (more than 12 times higher for blacks), and between whites and Hispanics in Connecticut and Massachusetts (more than 6 times higher for Hispanics).

Table 13. Number of inmates in State or Federal prisons and local jails per 100,000 residents, by gender, race, Hispanic origin, and age, June 30, 2005

Age	Number of inmates per 100,000 residents of each group							
	Males				Females			
	Total ^a	White ^b	Black ^b	Hispanic	Total ^a	White ^b	Black ^b	Hispanic
Total	1,371	709	4,682	1,856	129	88	347	144
18-19	1,739	905	5,306	2,072	116	76	257	168
20-24	3,291	1,627	10,486	3,878	277	206	611	317
25-29	3,462	1,682	11,955	3,884	299	220	720	287
30-34	3,122	1,693	10,472	3,640	342	255	855	312
35-39	2,765	1,562	9,425	3,111	364	260	957	322
40-44	2,240	1,299	7,575	2,649	264	177	751	264
45-54	1,214	658	4,401	1,873	110	70	323	138
55 or older	260	167	879	562	12	9	26	26

Note: Based on the U.S. resident population for January 1, 2005, by gender, race, and Hispanic origin. Detailed categories exclude persons who reported two or more races.

^aIncludes American Indians, Alaska Natives, Asians, Native Hawaiians, and other Pacific Islanders.

^bExcludes Hispanics.

Table 14. Number of inmates in State prisons and local jails per 100,000 residents, by gender, race, and Hispanic origin, June 30, 2005

Region and jurisdiction	Number of inmates per 100,000 residents ^a				
	Male	Female	White ^b	Black ^b	Hispanic
All States	1,249	121	412	2,290	742
Northeast	947	66	225	2,060	895
Connecticut	1,030	85	211	2,532	1,401
Maine	513	44	262	1,992	/
Massachusetts	687	45	201	1,635	1,229
New Hampshire	590	56	289	2,666	1,063
New Jersey	1,019	70	190	2,352	630
New York	935	57	174	1,627	778
Pennsylvania	1,155	92	305	2,792	1,714
Rhode Island	607	38	191	1,838	631
Vermont	598	45	304	3,797	/
Midwest	1,046	97	351	2,278	450
Illinois	951	79	223	2,020	415
Indiana	1,165	126	463	2,526	579
Iowa	751	83	309	4,200	764
Kansas	1,054	117	443	3,096	/
Michigan	1,262	85	412	2,262	397
Minnesota	553	52	212	1,937	/
Missouri	1,323	133	487	2,556	587
Nebraska	756	93	290	2,418	739
North Dakota	632	87	267	2,683	848
Ohio	1,040	103	344	2,196	613
South Dakota	1,092	157	470	4,710	/
Wisconsin	1,209	107	415	4,416	/
South	1,559	157	536	2,156	399
Alabama	1,665	161	542	1,916	/
Arkansas	1,231	136	478	1,846	288
Delaware	1,547	128	396	2,517	683
District of Columbia ^c	1,202	145	56	1,065	267
Florida	1,541	155	588	2,615	382
Georgia	1,877	184	623	2,068	576
Kentucky	1,287	173	561	2,793	757
Louisiana	2,134	195	523	2,452	244
Maryland	1,219	88	288	1,579	/
Mississippi	1,790	168	503	1,742	611
North Carolina	1,154	104	320	1,727	/
Oklahoma	1,645	209	740	3,252	832
South Carolina	1,558	137	415	1,856	476
Tennessee	1,339	151	487	2,006	561
Texas	1,772	186	667	3,162	830
Virginia	1,393	144	396	2,331	487
West Virginia	817	84	392	2,188	211
West	1,193	130	500	3,014	839
Alaska	1,232	141	500	2,163	380
Arizona	1,443	171	590	3,294	1,075
California	1,246	119	460	2,992	782
Colorado	1,279	166	525	3,491	1,042
Hawaii	787	109	453	851	185
Idaho	1,379	185	675	2,869	1,654
Montana	926	129	433	3,569	846
Nevada	1,319	173	627	2,916	621
New Mexico	1,421	163	:	:	:
Oregon	965	101	502	2,930	573
Utah	803	127	392	3,588	838
Washington	831	101	393	2,522	527
Wyoming	1,189	184	:	:	:

Note: Counts by race and Hispanic origin were estimated, using data reported in the *Census of Jail Inmates, 2005*, and the *National Prisoners Statistics, June 30, 2005*. To correct for missing data, reported counts for each group were aggregated by State, converted to percentages, and then multiplied by the total prison and jail custody counts. These estimates were then summed to provide the estimated number of State inmates in each group.
/Not reported.
:Not calculated.

^aBased on intercensal estimates of each State's resident population (by race and Hispanic origin) for July 1, 2004, and then adjusted to the State resident totals for July 1, 2005.

^bExcludes Hispanics.

^cExcludes all inmates sentenced to more than 1 year held by the Federal Bureau of Prisons.

South Dakota led the Nation with an estimated 4,710 black prison and jail inmates per 100,000 black State residents, followed by Wisconsin (4,416), and Iowa (4,200).

Pennsylvania with 1,714 Hispanic inmates per 100,000 Hispanic residents, Idaho (1,654), and Connecticut (1,401) had the highest Hispanic incarceration rates.

Methodology

National Prisoner Statistics

The Bureau of Justice Statistics (BJS), with the U.S. Census Bureau as its collection agent, obtains yearend and midyear counts of prisoners from departments of correction in each of the 50 States and the Federal Bureau of Prisons.

The National Prisoner Statistics (NPS) distinguishes prisoners *in custody* from those *under jurisdiction*. To have custody of a prisoner, a State must hold that person in one of its facilities. To have jurisdiction means that a State has legal authority over the prisoner. Prisoners under a State's jurisdiction may be in the custody of a local jail, another State's prison, or other correctional facility. Some States are unable to provide both custody and jurisdiction counts.

Excluded from NPS counts are persons confined in locally administered confinement facilities who are under the jurisdiction of local authorities. NPS counts include all inmates in State-operated facilities in Alaska, Connecticut, Delaware, Hawaii, Rhode Island, and Vermont, which have combined jail-prison systems. NPS excludes inmates held by the District of Columbia (DC), which as of yearend 2001 operated only a jail system. (See National Prisoner Statistics jurisdiction notes, page 13, appended to the report in portable document format (pdf) on the BJS website <<http://www.ojp.usdoj.gov/bjs/abstract/pjim05.htm>>.)

Appendix

U.S. Department of Justice
Office of Justice Programs
Bureau of Justice Statistics

Washington, DC 20531

Official Business
Penalty for Private Use \$300



PRESORTED STANDARD
POSTAGE & FEES PAID
DOJ/BJJS
Permit No. G-91

Census of Jail Inmates, 2005

The 2005 Census of Jail Inmates was the eighth in a series. Previous censuses of jails were conducted in 1970, 1972, 1978, 1983, 1988, 1993, and 1999. To reduce respondent burden and improve data quality and timeliness, the census was split into two parts: the Census of Jail Inmates, 2005, and the Census of Jail Facilities, 2006, (conducted on March 31, 2006). As in previous censuses, the U.S. Census Bureau was the collection agent for BJS.

The 2005 Census of Jail Inmates included all locally administered confinement facilities (under the authority of 2,853 local jurisdictions). These facilities are intended for adults but sometimes hold juveniles. They hold inmates beyond arraignment and are staffed by municipal or county employees. The census also included 42 jails that were privately operated under contract for local governments and 65 multi-jurisdiction jails that were administered by two or more local governments. Included in the census, but excluded from this report due to lack of comparability with previous

survey years, were 13 facilities maintained by the Federal Bureau of Prisons and functioning as jails.

Excluded from the census were temporary holding facilities, such as drunk tanks and police lockups, that do not hold persons after they are formally charged in court (usually within 72 hours of arrest). Also excluded were State-operated facilities in Alaska, Connecticut, Delaware, Hawaii, Rhode Island, and Vermont, which have combined jail-prison systems.

Fourteen locally operated jails in Alaska were included.

All jail jurisdictions responded to the census, resulting in a 100% response rate.

This report in portable document format and in ASCII and its related statistical data and tables are available at the BJS World Wide Web Internet site: <<http://www.ojp.usdoj.gov/bjs/>>

Office of Justice Programs

Partnerships for Safer Communities
<http://www.ojp.usdoj.gov>

The Bureau of Justice Statistics is the statistical agency of the U.S. Department of Justice. Jeffrey L. Sedgwick is Director. BJS Bulletins present the first release of findings from permanent data collection programs such as the National Prisoner Statistics program and the Census of Jail Inmates.

Paige M. Harrison and Allen J. Beck wrote this report. Jennifer C. Karberg and Seri Palla verified the report and provided statistical assistance. Tina Dorsey and Marianne W. Zawitz produced and edited the report.

Lisa A. McNelis and Pamela H. Butler carried out data collection and processing under the supervision of Charlene M. Sebold, Governments Division, Census Bureau, U.S. Department of Commerce. Martha A. Greene and Patricia D. Torreyson assisted in data collection. Duane H. Cavanaugh and Diron J. Gaskins provided technical assistance.

May 2006, NCJ 213133

National Prisoner Statistics jurisdiction notes

Alaska — Prisons and jails form one integrated system. All NPS data include jail and prison populations. Jurisdiction counts exclude inmates held in local jails that are operated by communities.

Arizona — Counts are based on custody data.

California — Jurisdiction counts include unsentenced inmates temporarily housed in local jails or in hospitals.

Colorado — Counts include 71 inmates housed in local jails, 3,074 inmates in Colorado contract, and 235 inmates in the Youthful Offender System, which was established primarily for violent juvenile offenders. Counts of inmates with sentences of more than 1 year include an undetermined number with a sentence of 1 year or less. Report foreign-born inmates rather than noncitizens.

Connecticut — Prisons and jails form one integrated system. All NPS data include jail and prison populations.

Delaware — Prisons and jails form one integrated system. All NPS data include jail and prison populations.

Federal — Custody counts include inmates housed in privately operated secure facilities under contract with BOP or with a State or local government that has an intergovernmental agreement. Also includes inmates held in privately operated community correctional centers. Racial categories include 42,028 inmates of Hispanic origin.

Georgia — Counts are based on custody data.

Hawaii — Prisons and jails form one integrated system. All NPS data include jail and prison populations.

Illinois — Counts are based on jurisdiction data. Counts of inmates with sentences of more than 1 year include an undetermined number with a sentence of 1 year.

Iowa — Counts are based on custody data. Counts of inmates with sentences of more than 1 year include an undetermined number with a sentence of 1 year or less and unsentenced inmates.

Kansas — Counts of inmates with sentences of more than 1 year include an undetermined number with a sentence of 1 year or less.

Louisiana — Counts include 16,218 males and 1,445 females housed in local jails as a result of a partnership with the Louisiana Sheriff's Association and local authorities.

Maryland — Counts by sentence length are estimates extracted from actual sentence length breakdowns from automated data and applied to totals based on manual data. Report foreign-born inmates rather than noncitizens.

Massachusetts — Jurisdiction counts exclude approximately 6,200 male inmates in the county system (local jails and houses of correction) serving a sentence of over 1 year. These male inmates are included in Massachusetts' incarceration rate. By law offenders may be sentenced to terms up to 2½ years in locally operated jails and correctional institutions.

Michigan — Jurisdiction counts exclude inmates who are out to court.

Missouri — Report foreign-born inmates rather than noncitizens.

New Jersey — Counts of inmates with sentences of more than 1 year include an undetermined number with a sentence of 1 year.

New York — Report foreign-born inmates rather than noncitizens.

Ohio — Counts of inmates with sentences of more than 1 year include an undetermined number with a sentence of 1 year or less.

Oklahoma — Counts of inmates with sentences of more than 1 year include an undetermined number with a sentence of 1 year or less.

Rhode Island — Prisons and jails form one integrated system. All NPS data include jail and prison populations.

Tennessee — Report foreign-born inmates rather than noncitizens.

Vermont — Prisons and jails form an integrated system. All NPS data include jail and prison populations.

Wisconsin — Custody counts exclude inmates held in non-Wisconsin DOC facilities under contract.

Appendix

B. Racial Disparity in the Drug War and Other Crimes: Arrests, Prison Sentences, Probation and Probation Revocations as Sources of Prison Admission Disparities

Dr. Pam Oliver

Although there are racial disparities in arrest and incarceration across the whole range of crimes, the disparities are especially high for drug offenses even though public health data indicate that the rates of illegal drug use are lower for Blacks than for Whites among young people (under age 26) and are only moderately higher for Blacks than Whites for recent illegal drug use by adults over 25. For marijuana, the Black/White disparity in recent use among those over 25 is about 1.3 (i.e. 30% higher for Blacks); for all cocaine use the disparity is about 2, and even for crack cocaine the disparity in recent use is about 4.7 to 1. These disparity ratios are calculated from data in the 2003 National Survey on Drug Use and Health, Department of Health and Human Services. These data are national, we do not know the comparable figures for Wisconsin. Nevertheless, they provide a benchmark as we examine the Wisconsin disparities in the drug war.

NOTE: Hispanics are grouped with Whites in arrest statistics, so we are not able to conduct this analysis separately for Hispanics. If Hispanics are disproportionately arrested for drug crimes, as seems likely, this will make the Black/White disparities seem smaller than they actually are.

Arrests

First we may compare the disparities in arrests to the disparities for other crimes. Table 1 shows the minority/white arrest disparities for Wisconsin for 2001-5; Table 2 shows the numbers and rates from which the disparity ratios are calculated.

Black/White arrest disparities for drug crimes are very high, and are particularly high for crimes involving opium and cocaine and particularly high for drug sales. Given the public health data, it is unlikely that the underlying

rates of offending are as high as the arrest disparities. It is important to remember that most users of illegal drugs meet the legal definition of delivering illegal drugs because of the way an illegal market works, where people make buys and redistribute to their friends. Nevertheless, we lack direct data on the true rates of offending.

The next step is to compare convictions to arrests. We do not have data that directly links individual arrests to individual court cases. Instead, we compare numbers of court sentences for a particular crime in a particular period to numbers of arrests. There are different reasons why these numbers will not match up. Some people are arrested and then released because there is insufficient evidence for prosecution. Some people are arrested multiple times but convicted only once. Some people are already under correctional supervision when arrested and are revoked to prison without a trial on the new charge. Given that Blacks are much more likely than Whites to be arrested multiple times and to be under correctional supervision, this source of non-convictions would tend to reduce the ratio of Black convictions to White, so would make racial disparity look lower than it really is. The other way the ratio of convictions to arrests would be affected is if charges are handled through municipal citation rather than state prosecution, or charges are dismissed, or charges are altered after arrest.

This is an imperfect exercise because the offenses in community corrections records and the offenses in prison records do not entirely match up with offenses in arrest records, but we matched them up as much as possible using rules explained in the methodological appendix. This result cannot be taken as definitive, but it is suggestive. We are counting new sentences to prison (either with or without a revocation) plus new sentences to probation to estimate the overall ratio of convictions to arrests.

Sentences

Because the relatively small numbers make this exercise problematic for American Indians and Asians, we will focus on Blacks and Whites. Again recall that in this exercise, Hispanics are counted as White, thus probably deflating apparent racial disparities. Table 3 counts entries to prison on new sentences (with and without revocations) and new entries to community supervision on probation. The final columns are the sums of prison entries plus entries to probation. Overall, it can generally be seen that the ratio of new entries into corrections (either prison or probation) to arrests is far below zero. This is not surprising, as people can be arrested multiple times but enter prison or probation only once and because some arrests do not result in prosecutions. Also, if someone is already on probation when arrested and the arrest does not result in a new prison sentence (i.e. there is a jail sentence or a new probation added), this will not show up in this analysis. In general, the ratio of corrections entries to arrests is lower for less serious offenses. This is because people are more likely to be arrested multiple times for lesser offenses and because lesser offenses are less likely to result in state prosecutions that would show up in these data.

Table 4 calculates the disparity ratios. The disparity ratio indicates the relative likelihood of entering corrections net of arrests for Blacks as compared to Whites. That is, if the disparity ratio is 2, that means that there were twice as many corrections entries for Blacks as for Whites per arrest. This is a very crude assessment, but it gives us some idea of where to look. Consider first the rightmost "total" column, which includes new prison entries plus new probation entries. In general, the disparity ratios are close to 1, meaning that Blacks and Whites have the same chances of ending up with some kind of sentence after arrest. Exceptions where the disparity is substantially less than 1 (meaning that Whites are more likely to end up with sentences than Blacks) include homicide, vandalism, family offenses, and the sale and possession of "other" drugs. Exceptions where the disparity is substantially greater than 1 include burglary, motor vehicle theft,

white collar crime (forgery, fraud, embezzling, fencing), prostitution, and opium/cocaine sales.

If we look at the likelihood of ending up with a probation sentence, the disparity ratios are almost all less than 1 or 1, meaning that Whites are generally more likely or equally likely to end up with a probation sentence after arrest than Blacks. The only exceptions, where Blacks are more likely to end up with a probation sentence are white collar crime, prostitution, and opium/cocaine sales.

By contrast, for almost all offenses, Blacks are much more likely to get a new prison sentence than Whites. The exceptions are homicide, family offenses, DUI, and "other" drug sales. For most offenses, Blacks are at least twice as likely to draw a new prison sentence. For marijuana possession, Blacks are 11 times more likely to draw a prison sentence, and for opium/cocaine possession, 3 times more likely. These calculations showing a greater likelihood of arrests being converted to prison sentences for Blacks than for Whites are consistent with the Sentencing Commission's analysis of sentences. These gross disparities do not tell us why this difference is occurring, but they definitely point to something that is happening within the system. In particular, they show that the high rates of prison sentences are not simply a function of crime and arrest, but also need to be attributed to something happening within the system. In assessing this, it is important to remember that multiple arrests resulting in a single prosecution bias the sentence/arrest ratio downward. No one has asserted that Whites are more likely to be arrested multiple times than Blacks are. In fact, most available evidence would suggest the opposite, that Blacks are more likely to be arrested multiple times.

The arrest disparities combined with disparities in the probability of a prison sentence after arrest yield work together to create a very high disparity in the chances of going to prison on a drug charge.

Appendix

Revocations of Probation

There is a third source of disparity. Blacks are more likely than Whites to be sentenced to prison rather than put on probation for a wide variety of crimes. But then what happens with probation? Overall, Blacks are nearly three times more likely to be revoked from probation than Whites are, and the disparity in revocations is particularly high for drug offenses.

For the offense categories that normally do not draw prison sentences, revocations from probation can be a substantial share of the ultimate prison admissions for a given offense. This is especially true for Whites, who are much more likely to be given probation rather than a prison sentence in the first place. Tracing through the indirect effect of probation revocations, we find that revocation of probation with no new sentence accounts for 20-50% of the ultimate White prison admissions for crimes that tend not to draw prison sentences, and for 10-30% of the Black admissions. After factoring in White revocations from probation, the total Black/White disparity in the proportion of arrests that result in prison time (either directly through a new sentence or indirectly through probation and revocation) is lower than the disparity in original prison sentences for most crimes (assault, burglary, theft, motor vehicle theft, white collar crime, vandalism, weapons, prostitution, all drug possession, and "other") and is higher for only two, opium/cocaine sales and family offenses.

Appendix

Table 1. Minority/White Disparity Ratios in Arrests 2001-5, Wisconsin Total

	Black	AmerInd	Asian
1. Murder/Mansl	19.8	4.2	0.6
3. Rape/Sex Off	3.9	2.9	0.9
4. Robbery	26.3	4.6	0.5
5. Assault	8.3	6.9	0.8
6. Burglary	3.8	5.1	0.6
7. Theft	7.8	3.0	1.0
8. Motor Vehicle Theft	7.9	8.0	1.4
10. Arson	5.7	2.5	0.6
11. Forg./Fraud/Emb/Fencing	3.2	1.4	0.4
15. Vandalism	6.3	4.3	0.9
16. Weapons	10.6	3.4	0.8
17. Prostitution	15.8	2.0	0.5
31. Family Offenses	8.0	5.0	0.7
32. DUI	0.8	3.1	0.3
33. Public Order	3.4	3.0	0.7
36. Other (Exc. Traffic)	5.6	4.2	0.8
19. Total Drug Arrests	6.3	3.0	0.4
20. Drug Sales (Subtotal)	15.2	2.4	0.5
21. Opium/Cocaine Sales	28.5	2.3	0.2
22. Marijuana Sales	5.8	2.5	0.4
23. Oth Sales	17.2	2.5	1.4
25. Drug Poss. (Subtotal)	4.4	3.2	0.3
26. Opium/Cocaine Poss.	13.5	3.2	0.4
27. Marijuana Poss.	3.2	3.4	0.3
28. Other Poss.	5.7	1.9	0.4

Note: A disparity ratio of 1 indicates that there is no difference in the rate of arrest between Whites and Minorities. For example, the disparity ratio of 6.3 that exists for total drug arrests of blacks means that Blacks are arrested 630% more for drug crimes than Whites.

Appendix

Table 2. Total number of arrests by race & offense group for the years 2001-2005 and the annualized arrest rate per 100,000 population for each offense and racial group.

	Numbers				Rate Per Year per 100,000 population			
	White	Black	Amer-Ind	Asian	White	Black	Amer-Ind	Asian
1. Murder/Mansl	668	747	25	8	3	66	14	2
3. Rape/Sex Off	11414	2537	299	214	57	224	166	53
4. Robbery	2063	3059	86	21	10	270	48	5
5. Assault	64973	30425	4025	988	324	2688	2235	247
6. Burglary	11088	2386	507	123	55	211	282	31
7. Theft	69880	30660	1898	1344	349	2709	1054	336
8. Motor Vehicle Theft	3722	1655	266	101	19	146	148	25
10. Arson	533	171	12	6	3	15	7	1
11. Forg./Fraud/Emb/ Fencing	57975	10613	752	414	289	938	418	103
15. Vandalism	26977	9637	1044	509	135	851	580	127
16. Weapons	10078	6003	304	161	50	530	169	40
17. Prostitution	3425	3046	60	34	17	269	33	8
31. Family Offenses	9827	4454	441	130	49	394	245	32
32. DUI	183626	8050	5147	1185	916	711	2858	296
33. Public Order	347088	66884	9204	4785	1731	5909	5111	1196
36. Other (Exc. Traffic)	368305	115743	13962	5537	1837	10226	7753	1384
19. Total Drug Arrests	73555	26301	2013	536	367	2324	1118	134
20. Drug Sales (Subtotal)	13164	11286	289	140	66	997	160	35
21. Opium/Cocaine Sales	4300	6908	90	21	21	610	50	5
22. Marijuana Sales	6563	2140	148	55	33	189	82	14
23. Oth Sales	2301	2238	51	64	11	198	28	16
25. Drug Poss. (Subtotal)	60391	15015	1724	396	301	1327	957	99
26. Opium/Cocaine Poss.	4876	3723	138	42	24	329	77	10
27. Marijuana Poss.	46315	8334	1432	280	231	736	795	70
28. Other Poss.	9200	2958	154	74	46	261	86	18
Adult Population Est, 2003	4010137	226377	36017	80037				

Appendix

Table 3. Ratio of Number of Sentences to Arrests Multiplied by 100 (equivalent to a percent)

ARREST FREQUENCY	All Prison (New Only plus New + Rev)		New Sentence Only		New Probation		All Convictions	
	White	Black	White	Black	White	Black	White	Black
1. Murder/Mansl	51.2	40.8	43.6	32.6	20.3	3.2	71.5	44
3. Rape/Sex Off	13.1	19.5	10	12.5	31.9	23.7	45.0	43.2
4. Robbery	24.2	32.1	16.7	22.8	10.4	7.1	34.6	39.1
5. Assault	1.2	2.9	0.5	1.5	13.6	10.1	14.8	12.9
6. Burglary	8.4	20.7	4	10.2	14.1	15.5	22.5	36.2
7. Theft	1.1	2.5	0.4	0.9	13.9	10.2	15.0	12.8
8. Motor Vehicle Theft	7.8	21.1	3	8	26.3	29.4	34.1	50.5
10. Arson	11.7	13	8.5	10	17.5	14.2	29.3	27.2
11. Forg./Fraud/Emb/ Fencing	1.0	3.9	0.4	1.5	8.5	16.6	9.6	20.4
15. Vandalism	0.5	1.1	0.1	0.3	14.1	8.3	14.5	9.4
16. Weapons	2.5	11.8	1.2	6.2	13.4	10.4	15.9	22.2
17. Prostitution	0.4	1.2	0.2	0.4	5	8.8	5.4	10
31. Family Offenses	1.0	0.8	0.7	0.5	14.4	8.6	15.4	9.5
32. DUI	1.1	1.3	0.7	0.6	2.3	1.6	3.3	2.9
33. Public Order	0.1	0.5	0	0.1	4.9	4.7	5.0	5.2
36. Other (Exc. Traffic)	0.5	1.3	0.2	0.6	4.8	3.7	5.2	4.9
19. Total Drug Arrests	2.6	15.9	1.6	9.1	18.4	18.6	20.9	34.5
20. Drug Sales (Subtotal)	11.9	32.1	8.3	19.6	40.6	27.5	52.5	59.6
21. Opium/Cocaine Sales	20.1	45	14.9	28.5	23.4	29.4	43.5	74.4
22. Marijuana Sales	6.8	17.3	4.5	8.3	32.2	30.3	39.0	47.7
23. Oth Sales	10.9	6.3	6.7	2.6	96.7	18.8	107.6	25.1
25. Drug Poss. (Subtotal)	0.5	3.8	0.2	1.2	13.5	11.9	14.1	15.7
26. Opium/Cocaine Poss.	1.5	6.8	0.6	2.1	25.1	19.4	26.6	26.2
27. Marijuana Poss.	0.3	2.7	0.1	0.8	11.2	10.8	11.5	13.5
28. Other Poss.	1.6	3.2	0.6	1.4	18.9	5.6	20.4	8.7

Appendix

Table 4. Black/White Disparity ratio for ratio of prison or probation sentences to arrests.

	Prison + Revocation	Prison Sentence Only	New Probation	Total Incarceration + Probation
	Black	Black	Black	Black
1. Murder/Mansl	0.8	0.7	0.2	0.6
3. Rape/Sex Off	1.5	1.2	0.7	1.0
4. Robbery	1.3	1.4	0.7	1.1
5. Assault	2.4	2.7	0.7	0.9
6. Burglary	2.5	2.5	1.1	1.6
7. Theft	2.4	2.1	0.7	0.9
8. Motor Vehicle Theft	2.7	2.7	1.1	1.5
10. Arson	1.1	1.2	0.8	0.9
11. Forg./Fraud/Emb/Fencing	3.7	4.0	1.9	2.1
15. Vandalism	2.2	2.2	0.6	0.6
16. Weapons	4.7	5.2	0.8	1.4
17. Prostitution	3.0	2.4	1.8	1.9
31. Family Offenses	0.8	0.8	0.6	0.6
32. DUI	1.2	1.0	0.7	0.9
33. Public Order	4.9	6.4	1.0	1.0
36. Other (Exc. Traffic)	2.7	2.7	0.8	0.9
19. Total Drug Arrests	6.2	5.5	1.0	1.6
20. Drug Sales (Subtotal)	2.7	2.4	0.7	1.1
21. Opium/Cocaine Sales	2.2	1.9	1.3	1.7
22. Marijuana Sales	2.5	1.9	0.9	1.2
23. Oth Sales	0.6	0.4	0.2	0.2
25. Drug Poss. (Subtotal)	6.9	6.3	0.9	1.1
26. Opium/Cocaine Poss.	4.6	3.3	0.8	1.0
27. Marijuana Poss.	10.7	11.6	1.0	1.2
28. Other Poss.	2.0	2.4	0.3	0.4

Appendix

Table 5. Estimated proportion of new prison admits after arrest due to prison sentence and probation revocation, excluding revocations that include prison sentences and prison sentences that include revocations.

Offense	White						Black					
	% Pris	% Prob	% Rev	R->P %	Tot % Pris	%R/P	% Pris	% Prob	% Rev	R->P %	Tot % Pris	%R/P
1. Murder/Mansl	43.6	20.3	1.7	0.3	43.9	0.8	32.6	3.2	16.9	0.5	33.1	1.6
3. Rape/Sex Off	10.0	31.9	5.5	1.8	11.8	14.9	12.5	23.7	13.3	3.2	15.7	20.1
4. Robbery	16.7	10.4	7.5	0.8	17.5	4.5	22.8	7.1	9.4	0.7	23.5	2.8
5. Assault	0.5	13.6	1.5	0.2	0.7	29.0	1.5	10.1	4.0	0.4	1.9	21.2
6. Burglary	4.0	14.1	9.0	1.3	5.3	24.1	10.2	15.5	17.0	2.6	12.8	20.5
7. Theft	0.4	13.9	1.4	0.2	0.6	32.7	0.9	10.2	2.9	0.3	1.2	24.7
8. Motor Vehicle Theft	3.0	26.3	7.6	2.0	5.0	40.0	8.0	29.4	15.4	4.5	12.5	36.1
10. Arson	8.5	17.5	3.4	0.6	9.1	6.5	10.0	14.2	6.3	0.9	10.9	8.2
11. Forg.-Fraud-Emb-Fencing	0.4	8.5	2.7	0.2	0.6	36.5	1.5	16.6	4.3	0.7	2.2	32.2
15. Vandalism	0.1	14.1	1.0	0.1	0.2	58.5	0.3	8.3	1.5	0.1	0.4	29.3
16. Weapons	1.2	13.4	2.1	0.3	1.5	19.0	6.2	10.4	6.1	0.6	6.8	9.3
17. Prostitution	0.2	5.0	2.3	0.1	0.3	36.5	0.4	8.8	0.7	0.1	0.5	13.3
31. Family Offenses	0.7	14.4	5.1	0.7	1.4	51.2	0.5	8.6	9.1	0.8	1.3	61.0
32. DUI	0.7	2.3	2.7	0.1	0.8	8.1	0.6	1.6	4.7	0.1	0.7	11.1
33. Public Order	0.0	4.9	0.6	0.0	0.0	100.0	0.1	4.7	1.8	0.1	0.2	45.8
36. Other (Exc. Traffic)	0.2	4.8	1.5	0.1	0.3	26.5	0.6	3.7	3.8	0.1	0.7	19.0
19. Total Drug Arrests	1.6	18.4	2.1	0.4	2.0	19.5	9.1	18.6	9.2	1.7	10.8	15.8
20. Drug Sales (Subtotal)	8.3	40.6	3.2	1.3	9.6	13.5	19.6	27.5	12.5	3.4	23.0	14.9
21. Opium/Cocaine Sales	14.9	23.4	4.7	1.1	16.0	6.9	28.5	29.4	15.4	4.5	33.0	13.7
22. Marijuana Sales	4.5	32.2	3.8	1.2	5.7	21.4	8.3	30.3	7.6	2.3	10.6	21.7
23. Oth Sales	6.7	96.7	1.9	1.8	8.5	21.5	2.6	18.8	6.1	1.1	3.7	30.6
25. Drug Poss. (Subtotal)	0.2	13.5	1.3	0.2	0.4	46.7	1.2	11.9	3.5	0.4	1.6	25.8
26. Opium/Cocaine Poss.	0.6	25.1	1.8	0.5	1.1	43.0	2.1	19.4	3.5	0.7	2.8	24.4
27. Marijuana Poss.	0.1	11.2	0.7	0.1	0.2	43.9	0.8	10.8	2.7	0.3	1.1	26.7
28. Other Poss.	0.6	18.9	2.9	0.5	1.1	47.7	1.4	5.6	7.3	0.4	1.8	22.6

Appendix

Table 6. Disparities in Table 5

Offense	Disparity					Ef- fect
	% Pris	% Prob	% Rev	R->P %	Tot %Pris	
1. Murder/Mansl	0.7	0.2	9.9	1.6	0.8	
3. Rape/Sex Off	1.3	0.7	2.4	1.8	1.3	
4. Robbery	1.4	0.7	1.3	0.9	1.3	
5. Assault	3.0	0.7	2.7	2.0	2.7	(-)
6. Burglary	2.6	1.1	1.9	2.1	2.4	(-)
7. Theft	2.3	0.7	2.1	1.5	2.0	(-)
8. Motor Vehicle Theft	2.7	1.1	2.0	2.3	2.5	(-)
10. Arson	1.2	0.8	1.9	1.5	1.2	
11. Forg.-Fraud-Emb-Fencing	3.8	2.0	1.6	3.1	3.5	(-)
15. Vandalism	3.0	0.6	1.5	0.9	1.8	(-)
16. Weapons	5.2	0.8	2.9	2.3	4.6	(-)
17. Prostitution	2.0	1.8	0.3	0.5	1.5	(-)
31. Family Offenses	0.7	0.6	1.8	1.1	0.9	+**
32. DUI	0.9	0.7	1.7	1.2	0.9	
33. Public Order		1.0	3.0	2.9	6.3	+**
36. Other (Exc. Traffic)	3.0	0.8	2.5	2.0	2.7	(-)
19. Total Drug Arrests	5.7	1.0	4.4	4.4	5.4	(-)
20. Drug Sales (Subtotal)	2.4	0.7	3.9	2.6	2.4	
21. Opium/Cocaine Sales	1.9	1.3	3.3	4.1	2.1	+**
22. Marijuana Sales	1.8	0.9	2.0	1.9	1.9	
23. Oth Sales	0.4	0.2	3.2	0.6	0.4	
25. Drug Poss. (Subtotal)	6.0	0.9	2.7	2.4	4.3	(-)
26. Opium/Cocaine Poss.	3.5	0.8	1.9	1.5	2.6	(-)
27. Marijuana Poss.	8.0	1.0	3.9	3.7	6.1	(-)
28. Other Poss.	2.3	0.3	2.5	0.7	1.6	(-)

Legend: % Pris=Ratio of new prison spells to arrests; % Prob = Ratio of new probation spells to arrests; % Rev = Percent of probations that are revoked with no new prison sentence; R->P % = product of % on probation and % revoked to get % arrested who get probation and are then revoked; Tot % Pris = Sum of % Pris and R->P %; Effect is +** if Tot%Pris is more than .1 greater than %Pris, i.e. if the disparity after accounting for probation revocations is larger than the prison sentence disparity, Effect is (-) if the Tot% Pris disparity is more than .1 less than % Pris, i.e. if the prison disparity is lower after probation revoca-

Methodology

This is an approximate enterprise comparing aggregate counts at each step, not individual cases. People are not always prosecuted for the same offense as they arrested for, and multiple arrests can lead to at most one entry into prison or probation. For persons admitted to prison, there is a "governing offense." Probation records may in-

clude multiple offenses and do not have a "governing offense" category, so a random selection algorithm was used to select an offense to use in the computations. This introduces error into the process, but should affect the different racial groups equally and thus should not distort racial comparisons.

Revocations

We examined the question of whether there is a disparity in revocation from community supervision. Using available data, there is no way to tell why people were revoked. Revocation with a new sentence occurs when the inmate was convicted of a new crime that drew a new prison sentence. Inmates who were revoked with no new sentence may have been revoked solely for violating the conditions of probation, or may have been accused of a new crime that was not prosecuted because the person had been returned to prison.

We examined all people on community supervision in the years 2001-2006. Because some people are revoked multiple times and might inflate the statistics, we only considered a given person's first term in community supervision.

Here is what we found for the state as a whole:

Probation. People are sentenced to probation as an alternative to prison. Each person counted only once, we only considered a given person's first spell in community supervision.

	White	Black	Hispanic	AmerInd	Asian
Number on Probation	126626	38672	2506	2252	9747
% Revoked with no new prison sentence	3.8%	10.6%	5.2%	4.2%	6.7
Disparity in Revocation (no new prison sentence)		2.8*	1.4*	1.1	1.8*
% Revoked with a New Prison Sentence	.7%	2.1%	1.1%	.5%	1.2%
Disparity in revocation with a new prison sentence		2.9*	1.5*	.7	1.7*
% of revocations having no new prison sentence	84%	83%	83%	86%	85%

*Minority-White difference is statistically significant at the .05 level.

Blacks were nearly three times as likely as Whites to be revoked from probation with no new sentence. Asians were 80% more likely than Whites to be revoked, and Hispanics 40% more likely. These differences were statistically significant.

Appendix

We asked whether patterns are different in Milwaukee from the rest of the state. The answer is yes, in some ways. Milwaukee's revocations rarely involve a new prison sentence, and Milwaukee's Black/White disparity is lower than the rest of the state, while its minority/White disparity for other groups is higher than the rest of the state.

Revocations from Probation, Milwaukee versus the rest of Wisconsin.

	White	Black	Hispanic	Amlnd	Asian
% revoked, no new prison sentence					
Milwaukee	5.4%	11.0%	9.0%	7.4%	9.1%
ROS	3.5%	9.4%	4.9%	3.3%	5.5%
Disparity in above					
Milwaukee		2.03*	1.66*	1.36	1.67*
ROS		2.66*	1.38*	0.95	1.55*
% revoke with new prison sentence					
Milwaukee	0.6%	1.3%	0.7%	0.0%	0.8%
ROS	0.7%	2.8%	1.0%	0.6%	1.3%
Disparity in above					
Milwaukee		2.11*	1.11	0.00	1.28
ROS		4.02*	1.50*	0.81	1.86*
% of all revocations that involved no new prison sentence					
Milwaukee	89.7%	89.4%	92.9%	100.0%	91.9%
ROS	84.6%	85.0%	83.8%	90.4%	85.4%
% of those on probation receiving some revocation					
Milwaukee	6.1%	12.3%	9.7%	7.4%	9.9%
ROS	4.4%	12.3%	6.2%	4.6%	7.7%
Disparity in total revocations					
Milwaukee		2.03	1.60	1.22	1.63
ROS		2.78	1.40	1.05	1.75

Milwaukee and the rest of Wisconsin were equally likely to revoke Black probationers, while Milwaukee was much more likely to revoke all other racial groups than the rest of the state, and a higher proportion of Milwaukee revocations involved no new prison sentence. The disparity in probation revocations is much higher for Blacks than for other groups.

Appendix

Parole. People on parole were sentenced to prison prior to 2000. Each person is counted only once.

	White	Black	Hispanic	AmerInd	Asian
Number on Parole	4435	4935	255	90	759
% Revoked with no new prison sentence	25.6%	33.7%	35.4%	23.6%	24.4%
Disparity in Revocation (no new prison sentence)		1.3*	1.4*	.9	1.0
% Revoked with a New Prison Sentence	4.1%	5.1%	5.4%	1.4%	4.5%
Disparity in revocation with a new prison sentence		1.2*	1.3	.4	1.1
% of revocations having no new prison sentence	86%	87%	87%	94%	84%

About a quarter of Whites, American Indians and Asians are revoked from parole versus about a third of Blacks and Hispanics. Blacks and Hispanics have a 30-40% higher chance of being revoked with no new sentence. The disparity is lower for revocation with a new prison sentence, and the vast majority of parole revocations do not involve a new sentence.

Mandatory Release occurs under older sentencing guidelines when an offender reaches the date upon which he must be released from prison and put under community supervision.

	White	Black	Hispanic	AmerInd	Asian
Number on Extended Supervision	4047	5507	397	34	622
% Revoked with no new prison sentence	34.2%	42.3%	46.0%	32.4%	30.5%
Disparity in Revocation (no new prison sentence)		1.2*	1.3*	.9	.9*
% Revoked with a New Prison Sentence	6.1%	7.1%	9.4%	0	3.4%
Disparity in revocation with a new prison sentence		1.2	1.5*	0	.6*

The rates of revocation from mandatory release are generally higher than for parole or extended supervision. Blacks and Hispanics are 20-30% more likely to be revoked with no new sentence from mandatory release.

Appendix

C. Memo to Commission on proportion of persons in prison for drug offenses from Dr. Pam Oliver and Jim Yocum, October 4, 2007.

October 4, 2007

TO: CRRD
 FROM: Pamela Oliver & James Yocum
 RE: In prison for drugs

We were asked what proportion of people in prison are there on drug offenses. We have prepared three answers. The first is the proportion of people sitting in prison on 12/31/06 whose governing offense was a drug charge. This can be misleading, because people sentenced to prison on long sentences make up a higher proportion of the population at any one time. So a second answer is the proportion of people who spent any time in prison between 1/1/00 and 12/31/06 whose governing offense for their first prison spell in that interval was a drug offense; these people's most recent entry to prison may have been a revocation. And the third answer is the proportion of people who received a prison sentence between 1/1/00 and 12/31/00, excluding those who also had a probation or parole revocation, which clouds the issue. For the state as a whole for all races, the answers are 16% of those in prison on 12/31/06, 20% of those who went through prison in 2000-2006, and 26% of those sentenced to prison in those years.

However, there are large differences by race, with drug offenses accounting for a much higher proportion for Blacks and Hispanics than for Whites, American Indians, or Asians. For Blacks for the whole state the proportions are 23% of those in prison 12/31/06, 29% in prison any time in 2000-2006, and 38% of those sentenced to prison in that interval; for Hispanics the proportions are 25%, 30%, and 39% respectively. By contrast, the percentages for Whites are 7%, 11% and 12%. A higher proportion of prisoners of all races who were sentenced in Milwaukee County are governed by a drug offense, but the racial differences are relatively consistent across locale. The tables below give the details

Proportion of race total whose governing offense is a drug crime
 Whole State

	In prison on 12/31/06	In prison at any time 1/1/00 - 12/31/06	Sentenced to prison (no revocation) 1/1/00 - 12/31/06
White	0.07	0.11	0.12
Black	0.23	0.29	0.38
American Indian	0.07	0.08	0.11
Asian or Pacific	0.10	0.12	0.16
Unknown	0.25	0.23	0.28
White			
Hispanic	0.25	0.30	0.39
All Races	0.16	0.20	0.26

Appendix

Milwaukee

	In prison on 12/31/06	In prison at any time 1/1/00 - 12/31/06	Sentenced to prison (no revocation) 1/1/00 - 12/31/06
White	0.09	0.12	0.16
Black	0.23	0.30	0.40
American Indian	0.14	0.13	0.24
Asian or Pacific	0.08	0.11	0.15
Unknown	0.41	0.38	0.45
White Hispanic	0.28	0.34	0.43
All Races	0.21	0.27	0.36

Rest of State

	In prison on 12/31/06	In prison at any time 1/1/00 - 12/31/06	Sentenced to prison (no revocation) 1/1/00 - 12/31/06
White	0.07	0.10	0.12
Black	0.22	0.27	0.34
American Indian	0.06	0.07	0.09
Asian or Pacific	0.10	0.12	0.17
Unknown	0.16	0.16	0.18
White Hispanic	0.22	0.26	0.36
All Races	0.12	0.16	0.18

Appendix

D. Testimony of former Department of Corrections Secretary Matt Frank, July 13, 2007

**Commission on Reducing Racial Disparity
in Wisconsin's Criminal Justice System
Secretary Matt Frank
Testimony
July 13, 2007**

Introduction

Good morning Chairperson Coggs, Chairperson Wray, and members of the commission. Thank you for the invitation to be here today.

The Department views the work of this Commission as critical to the future of the Wisconsin Justice System, and the Department of Corrections appreciates the opportunity to be part of the discussion. We are pleased to be represented on this Commission by Charles Tubbs, Administrator of our Division of Juvenile Corrections. I welcome the opportunity to offer my perspective as Secretary of the department.

We all share a legal and moral obligation to ensure that we do not have discrimination in our criminal justice system. We must have a system that holds offenders accountable and protects public safety with fairness and justice. In addition, every Wisconsin citizen, of whatever race or ethnic origin, deserves to be safe in their home and community.

As a former prosecutor at the Department of Justice, I believe that prisons are necessary to remove dangerous and violent offenders from our communities. Prisons and jails are an essential deterrent in our criminal justice system.

But I also believe that an effective criminal justice system needs not only to hold offenders accountable, but to offer them opportunities to change. Our success in reducing recidivism improves public safety and the quality of life for our families and communities.

We are strongly committed to improving our efforts to give offenders in our prisons and under our supervision in the community the opportunity to be successful, while holding them accountable.

Scope of challenge

Recent reports indicate that Wisconsin has one of the highest incarceration rates for African Americans in the country. Unfortunately, the Department of Corrections, and not our university or technical college system, is the last stop for too many of our citizens. The cost of incarceration is high, currently \$27,800 per year per offender.

Appendix

The Department of Corrections plays an important role in protecting community safety. We manage more than 22,700 inmates in our prison system, more than 73,000 offenders under community supervision and approximately 600 youth in our juvenile institutions.

In all, the Department is responsible for the custody or supervision of more than 95,000 offenders either in prison or in communities across Wisconsin. The sheer volume underscores the challenges we face as an agency in protecting the public.

I would like to draw your attention to some critical facts about our offender population. In our adult institutions, 47 percent of our inmates enter prison lacking either a high school diploma or its equivalent, 49 percent enter with a reading level below the ninth grade, and 74 percent perform math below a ninth grade level. 16 percent are illiterate.

In addition, 70 percent of inmates entering our adult prison system have alcohol or drug addictions. We see similar numbers in our community corrections population.

We hold the unfortunate distinction of being Wisconsin's largest provider of mental health services in an institutional setting. Approximately 8 to 10 percent of inmates are seriously mentally ill. At our women's prison, Taycheedah Correctional Institution, approximately 30 percent have serious mental illness.

More details about our offender population are included in the materials we are providing to you. We hope this statistical information will be beneficial as you continue your work in the coming weeks.

Prisoner reentry

Since I became Secretary in 2003, the Department has placed a major emphasis on the concept of prisoner reentry.

We have no illusions. An effective criminal justice system needs the capacity to remove serious, violent offenders from our streets. Our prison system is a critical tool in protecting public safety. At the same time, we know that most prisoners in the Department's custody will be released back to the community.

A 2005 Wisconsin Sentencing Commission report estimated more than 80 percent of the offenders sentenced to prison in 2003 and 2004 received sentences of five years or less. Last year alone, more than 8,900 inmates were released from prison, including over 3,600 that returned to Milwaukee County.

The Department conducted a study on recidivism for offenders released from prison during the period of 1980 through 2002. The data showed that more than

Appendix

38 percent of those offenders committed a new crime, resulting in a new conviction, within 3 years of their release from prison. This number is 28.9 percent for offenders in the community, from the point their supervision begins.

Our long-term goal in improving prisoner re-entry is reducing recidivism. This will mean fewer new crimes, fewer crime victims and safer communities and neighborhoods. And as part of reaching this goal of reduced recidivism, we need to look at the big picture.

We need to ask ourselves how we can break the cycle of crime – the cycle of arrest, incarceration, release, people re-offending, coming back into the system, into jail or prison. Our goal should be not only holding people accountable if they violate the law, but doing everything we can to influence them to become law-abiding, productive citizens.

This is important not just for the adult offenders that come into our system. It's also important for their families and children. The success or failure of these adults has a significant impact on the next generation.

There is no question that the foundation of our criminal justice system is individual accountability, and in the end, it's about personal responsibility. However, we should strive for a system that challenges and motivates offenders to change, and provides them with the opportunity and skills to do so.

The Department's prisoner reentry initiative represents a change in how we do business. It means that for most inmates, we start focusing on their return to the community not just before they leave prison, but the day they enter prison. We need to make sure that our education, treatment, and employment programs reach as many inmates as possible before they are released. We are also working to build upon our community partnerships to improve prisoner re-entry.

I have appointed the Department's first Reentry Director to ensure that we are coordinating our reentry efforts throughout our agency and with the community. We have undertaken a thorough review of how we can improve in critical areas such as employment, alcohol and drug treatment, mental health, case planning, education and victim impact and involvement.

We have been pursuing a range of strategies since 2003 that have substantially slowed the growth in our prison population while we continue to protect public safety.

In the 1990s, our prison population increased dramatically and tripled by the year 2000. During that time, the state was building or opening a new prison an average of every two years. In 2000, we led the country in the number of inmates housed in out-of-state facilities. Maintaining strong family connections when our inmates were in states like Oklahoma and Tennessee was very difficult. In 2005,

we were able to bring our last inmate back from out of state. In 2005, we also saw a decline in the state's prison population for the first time since Corrections became a separate Department in 1990. We are currently experiencing slow growth in the state's prison population.

To improve community reentry, since 2003 we have committed more resources and redirected existing dollars in our prisons toward areas like employment and treatment.

Education

Although there is much more work to be done, our teachers have made significant gains with our inmate population, increasing reading skills, math proficiency and vocational education completions. Research shows that improving educational achievement lowers recidivism.

Between 2002 and 2006, we achieved a 10.6 percent jump in school enrollments among our inmate population. We achieved a 19 percent increase in high school equivalency diploma completions.

We also achieved a 54 percent jump in graduations from vocational education programs certified by the Wisconsin Technical College System.

By partnering with the technical college system and other state and local stakeholders, we are preparing many more inmates to be gainfully employed and productive once they return from prison to the community.

Employment

National research shows that employment is a key factor critical to an offender's success as a law-abiding member of the community.

Nothing advances community safety like a good job.

As an agency, we have dramatically strengthened our commitment to vocational education, job experience and employment readiness programming for offenders in prison and in the community.

We have expanded the capacity of our correctional center system, where inmates who have earned their way to minimum custody levels have the opportunity to be employed, gain valuable work experience, and build employment history.

We have teamed up with the Department of Workforce Development and community employers on job and transition fairs at Kettle Moraine, Jackson and

Appendix

Oakhill Correctional Institutions, and made JobNet available in all of our prisons and juvenile facilities as part of pre-release planning.

The Department is partnering with groups like the New Hope Project, Project Return, Madison Urban Ministries, and Word of Hope Ministries to provide pre- and post-release assistance in education, mentoring and vocational needs and job placement.

Treatment

The Department's spending on alcohol and drug treatment has nearly doubled under Governor Doyle's leadership and through the bipartisan support of the Legislature.

You will note in the materials that in fiscal 2003, the Department's total spending on alcohol and drug abuse in our institutions and in the field was \$23.2 million. By the end of fiscal 2007, the number climbed to \$44 million.

The list of investments is lengthy. For example, in 2004 we opened the Chippewa Valley Correctional Treatment Facility, the state's first prison primarily dedicated to alcohol and drug treatment. In 2007-09, we received resources to expand treatment slots at the Racine Correctional Institution for men and the Taycheedah Correctional Institution for women.

Strengthening community corrections

While we work to improve results in reducing recidivism in our state's prison population, we must realize that the majority of our offenders are in the community on probation or parole- over 73,000.

Under the Governor's leadership, our Department has dedicated more resources toward managing this population, and we have strengthened partnerships with law enforcement and other groups across Wisconsin as part of this effort.

We believe these initiatives have a potentially positive impact on the entire offender population, particularly for offenders in southeastern Wisconsin.

Every year, thousands of offenders return to prison following the revocation of probation or parole supervision. While revocations often result from new criminal conduct, many result from an offender's failure to comply with the terms of supervision.

In 2006, over 4,200 offenders entered our prisons for revocations that did not involve a new crime. Today, we have more people going into prison from revocations than for new sentences.

Revocation is an appropriate and necessary result in many cases. However, we believe that we can reduce the number of revocations for low risk offenders by giving our agents more tools and resources to hold offenders accountable in the community, including alternatives to revocations.

For instance, we are working with the Badger State Sheriff's Association to create more short-term sanctions for offenders. In partnership with the sheriffs, we are providing another option for our agents to hold offenders accountable, so that offenders serve out a sanction in a local jail rather than returning to prison.

We have expanded access to employment training, AODA treatment, and other services to strengthen community corrections.

We have opened four new Day Report Centers in the past two years, including two in Milwaukee County and the others in Beloit and Kenosha. These centers combine enhanced accountability with access to job programs, domestic violence programs and other services, including alcohol and drug treatment.

We also have added additional half-way house and temporary living placement beds, which also give offenders access to these services in a highly structured setting.

A recent UW Milwaukee study identified transportation as the primary obstacle to employment in Milwaukee County for ex-offenders. These individuals need a means to get to a job site, and many lack a valid driver's license.

We are actively working to address this problem. Our correctional centers in Milwaukee have implemented driver's education courses and testing for inmates to work toward obtaining licenses prior to their release.

We are expanding partnerships with the Department of Transportation and with local agencies so that more inmates and offenders under community supervision in Milwaukee can recover their driver's licenses.

Expanded Sentencing Options

In addition to making increased investments in alcohol and drug treatment and other services, we need to expand the options that are available to judges at the time of sentencing.

One such option is the Earned Release Program. This program provides intensive alcohol and drug treatment within the prison system. Offenders who complete the program are granted a release from prison to community supervision.

Appendix

The court decides whether to make somebody eligible for the Earned Release Program. But one thing we heard from judges is they see addiction as a major underlying problem for many offenders, and they wanted a sentencing option that would include treatment for lower risk offenders.

In the last few years, there have been almost 5,000 offenders whom judges have deemed eligible for the program. The problem we've had is that we've only had 200 beds at the Drug and Alcohol Abuse Center in Winnebago to put people through the program. That allows us to reach up to only 400 people annually.

In the Governor's budget, we're seeking to expand that program, so we can carry out the sentence in cases where a judge has made this option available for an offender.

In addition, we doubled the size of our Challenge Incarceration program as another sentencing option. One of the reasons our program works is because it focuses not just on physical exercise and structure, but also on education, treatment, and other services to help them succeed upon their return to the community.

At the statewide level, we have supported the Supreme Court in its work on the AIM project: Assessment, Information and Measurement. Through this project, our agency is collaborating with the courts on ways to get information to judges, prosecutors and others at the time of sentencing about the available options, and to get better information to judges on the outcome of their sentencing decisions.

Our Department has also supported drug courts through our Purchase of Services dollars. There's good research on drug courts showing that, on balance, they can have a positive impact when they're focused on the right offenders.

Building collaboration, partnerships

There are many promising initiatives going on in southeast Wisconsin and other parts of the state, and partnerships with other organizations have been critical to our success.

We have partnered with other state and local agencies in implementing the Wisconsin Supports Everyone's Recovery, or Wiser Choice, program in Milwaukee County.

This program, supported by a three-year, \$22 million federal grant, has increased capacity and significantly enhanced Milwaukee County's voucher system for county residents and persons involved in the criminal justice system who have substance abuse treatment and recovery support services needs.

Our agency has been a strong supporter of criminal justice coordinating councils across the state. These councils reflect grassroots-level collaboration among key criminal justice partners to address and tackle local challenges and issues. The approach that might be most effective in one community may be less effective elsewhere. Each community and region faces its own challenges.

Additionally, our Department has worked closely with the city of Milwaukee to establish teams including our agents, police and local and county prosecutors at police stations across the city. In Racine, the Department has partnered with the Racine law enforcement and the entire community to reduce the recidivism of high risk offenders through the Community Re-entry Program,

Through these community prosecution units, we are reaching across jurisdictions, sharing valuable information and working jointly to hold offenders under supervision accountable and advance anti-crime efforts.

These innovative approaches and multi-jurisdictional efforts can pay dividends for corrections in the long run. They lead to a stronger justice system and earlier interventions that to offenders address issues underlying their criminal behavior. If we can be successful, we can prevent new crimes, new victims and growth in our corrections population.

Commitment to diversity

As the Commission continues its work, the Department wants to assist in any way it can. We also are committed to rigorous study and evaluation of our own internal processes and policies.

One of the areas we have looked at is our own workforce. Our Department employs over 10,000 individuals across the state of Wisconsin, and we have worked hard to build minority representation at all levels of our workforce.

Given our agency's statewide presence, accomplishing employee diversity can be a real challenge in certain areas. Some of our largest facilities are in parts of the state where racial and ethnic diversity is low among the potential employment pool.

Recruitment and retention is a long-term commitment in the Department. It is a priority of the Department to make sure our workforce represents the diversity of Wisconsin's population.

Currently, minorities represent more than 9 percent of our agency's staff. We have done this through aggressive recruitment and retention efforts.

Appendix

We have seen our best success in the southeast part of the state, where the labor pool is generally more diverse. For example, at the three correctional institutions in southeast Wisconsin, minorities now account for over 35% of correctional officers and sergeants.

To make these positions more accessible to candidates from the region, we have conducted training of new correctional officer in southeast Wisconsin rather than at our training center in Oshkosh. This allows new employees to train while closer to home during the seven-week course.

We also are specifically targeting candidates from the Milwaukee area to fill probation and parole agent positions in our Milwaukee region. Our goal is not just to increase diversity, but also to reduce turnover in the region. Assigning agents to work within their home communities helps with retention. We believe it also creates more effective agents who are personally invested in the success of offenders, for the safety of their own communities.

We also have been strongly committed to ensuring minority representation in leadership positions at the Department. We work to ensure that enrollment in the Leadership Development Program is diverse.

We have made progress in our top-level management ranks as well. I have appointed African-Americans to lead two of our agency's four Divisions and in other key leadership positions, such as our agency liaison.

We have increased the number of warden and superintendent appointments who are minorities since I became Secretary in 2003. Today, seven warden and superintendent positions are filled by minorities, including three wardens.

I appointed the first African American woman as a prison warden in state history. Under my direction, an Hispanic woman was appointed warden of a prison – the Taycheedah Correctional Institution for women – for the first time in Wisconsin. Last year I appointed her to head our entire women's correctional system. The superintendent of our Sturtevant Transitional Facility is Hispanic.

Future directions

We believe the initiatives I've described will have a positive impact on the entire offender population, particularly for offenders in the community who are African-American.

The Department has a moral responsibility to ensure the actions we take and the policies we pursue are neutral with respect to race and ethnicity. The Governor's creation of this Commission has prompted us to reexamine our data, programs and policies.

We have identified areas of potential concern in relation to racial disparities that I would raise with the Commission.

For example, studies have shown that offenders sentenced out of Milwaukee County for certain drug offenses are more likely to go to prison than those from other counties in Wisconsin. The Department plays a role in sentencing when the court orders an agent from the department to conduct a pre-sentence investigation in a felony case. I encourage the commission to review the state-wide data that has been produced by the Sentencing Commission.

There is data suggesting pre-sentencing investigations were completed on just 25 percent of felony sentences in Milwaukee County in 2006.

The quantity and quality of information available to judges at sentencing may be a factor driving racial disparities in sentencing. This is one reason why the AIM project, which seeks to improve the information available to courts at sentencing, is so important.

I urge the Commission, as part of its recommendations, to call for a thorough examination of the use of presentence reports, including the potential relationship to disparities in sentencing, in Milwaukee County.

We have heard from judges that more alcohol and drug resources are needed in Milwaukee. As I noted previously, a significant amount of our agency's treatment resources are concentrated in Milwaukee. The Wiser Choice Program has infused \$22 million into the county over the past three years for treatment and recovery support services.

Again, the AIM program can help in providing judges with better information about what resources are available in the community. The Governor's biennial budget pledged to fund the AIM project in Milwaukee County. This funding is now in jeopardy in the legislature. The Commission should strongly endorse the funding of this important program in the budget and its implementation in the Milwaukee County circuit court.

Another area that we need to examine is revocations. A preliminary analysis of our internal data, as reflected in the materials we distributed, shows possible racial disparities in the population entering our prisons on revocations from probation and parole.

We need to delve into these numbers more thoroughly. We also need to continue to get more options to our agents to hold offenders accountable in lieu of revocation, when appropriate.

We are committed to and are planning to commission a comprehensive study by an outside entity to review revocations and recommend strategies to reduce

Appendix

revocation, while ensuring that public safety is protected. An analysis of any apparent racial disparities in the revocation data, along with recommendations to address such disparities, will be part of that study. We would welcome the Commission's endorsement of this review.

You all previously received a packet of letters from inmates at one of our prisons, Redgranite Correctional Institution. Warden Jeff Endicott, upon receiving copies of the letters, immediately ordered an investigation into the claims of racial disparities in disciplinary decisions, assignments to prison jobs and programs, and in health care delivery. He delivered a report to me on the outcome of this investigation, which is included in your packets.

This investigation is indicative of the prompt action I expect across the Department. I have ordered wardens across our correctional system to conduct a similar investigation of inmate job and program assignments, discipline, health care and other areas to determine whether disparities exists and, if so, to identify solutions to resolve them.

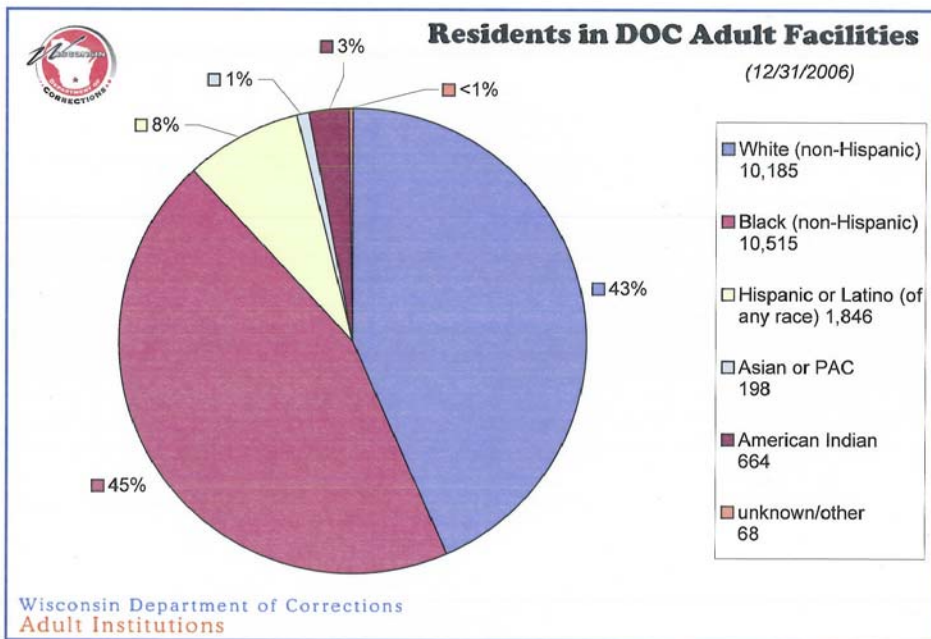
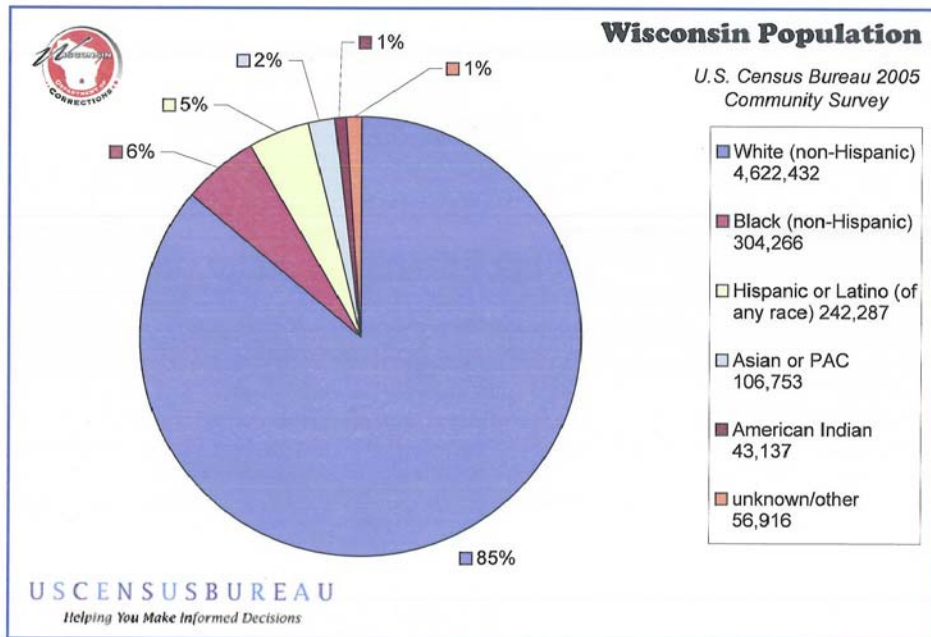
Again, the Department of Corrections believes this Commission is doing important work, and we want to support you in any way we can.

Of course, the Department of Corrections cannot solve the problems relating to racial disparities in the justice system alone, but I believe we play a key role. We need a comprehensive strategy that includes early intervention and prevention for youth, more sentencing options for judges, stronger community corrections, and improved prisoner reentry.

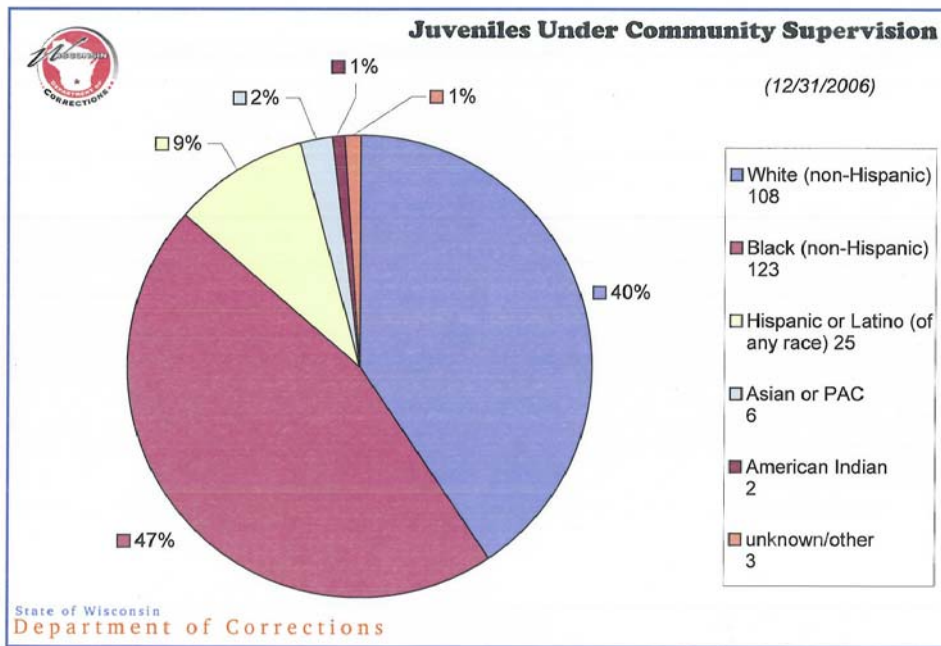
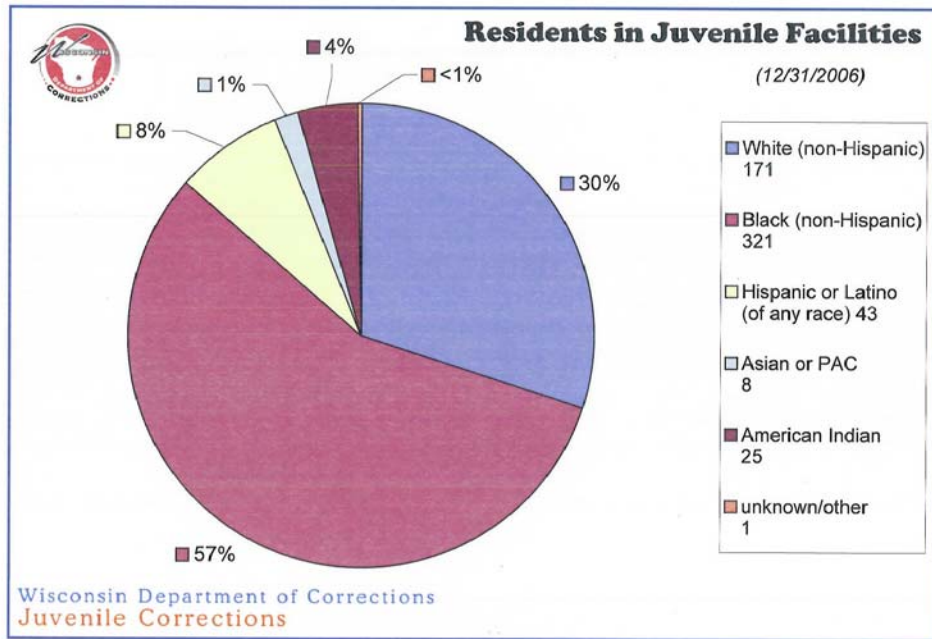
To resolve the racial disparities so evident now in our prisons, we also need to focus on the future, and keep today's children out of tomorrow's prisons. The Governor's KidsFirst agenda lays out a comprehensive vision for ensuring that our kids are safe, healthy, ready to succeed, and supported by strong families.

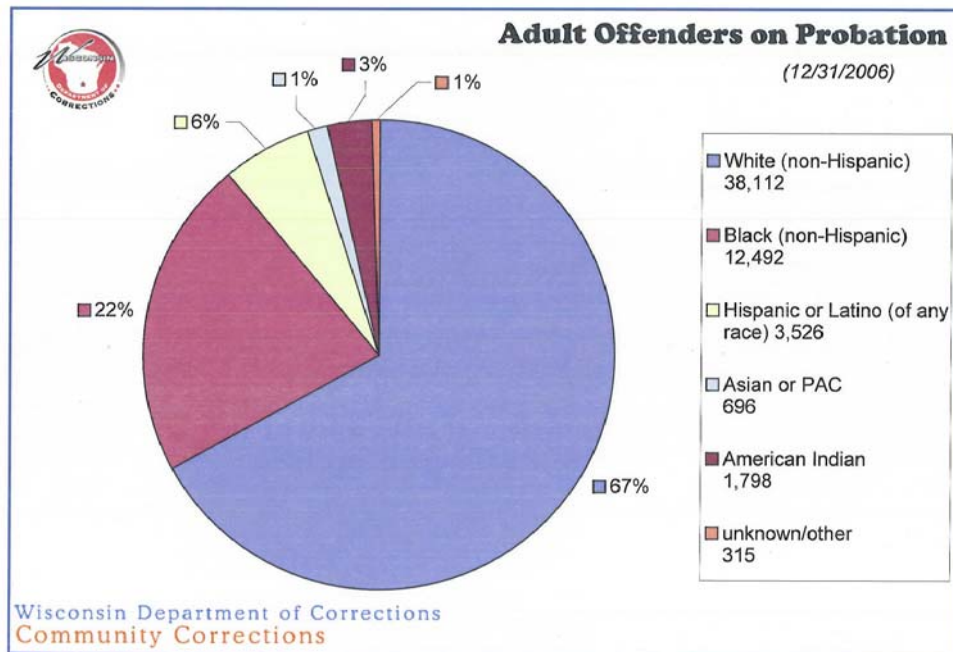
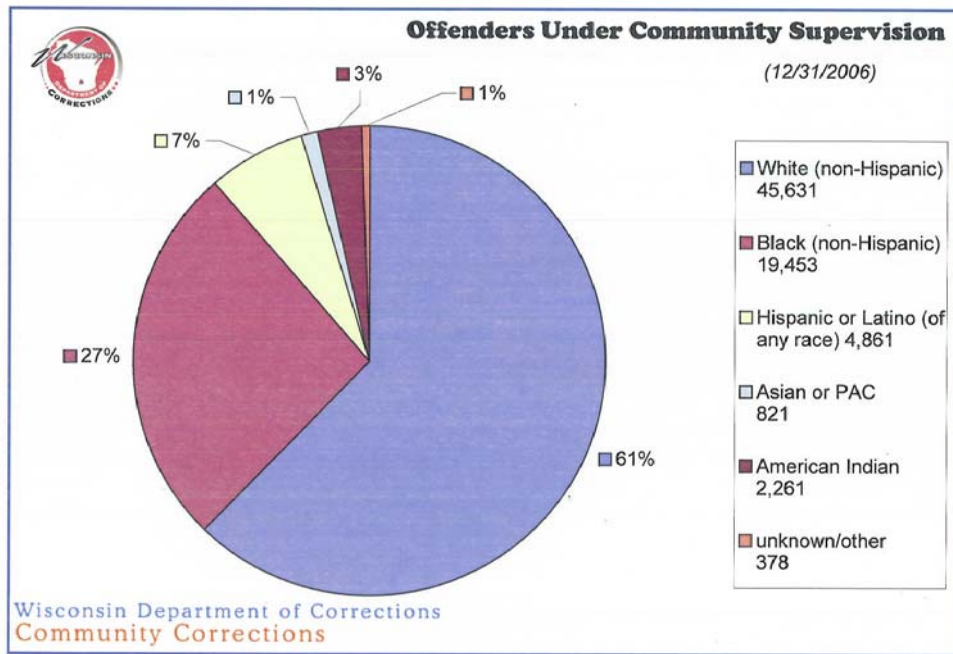
The Governor's budget, by creating a new Department of Children and Families and other initiatives, underscores the administration's commitment to these goals: Every dollar we invest in a child for better education, better health care, and safe homes yields a tremendous savings in justice costs when that child becomes a successful, productive adult.

Thank you for the invitation to speak at today's hearing. I welcome any questions you might have.

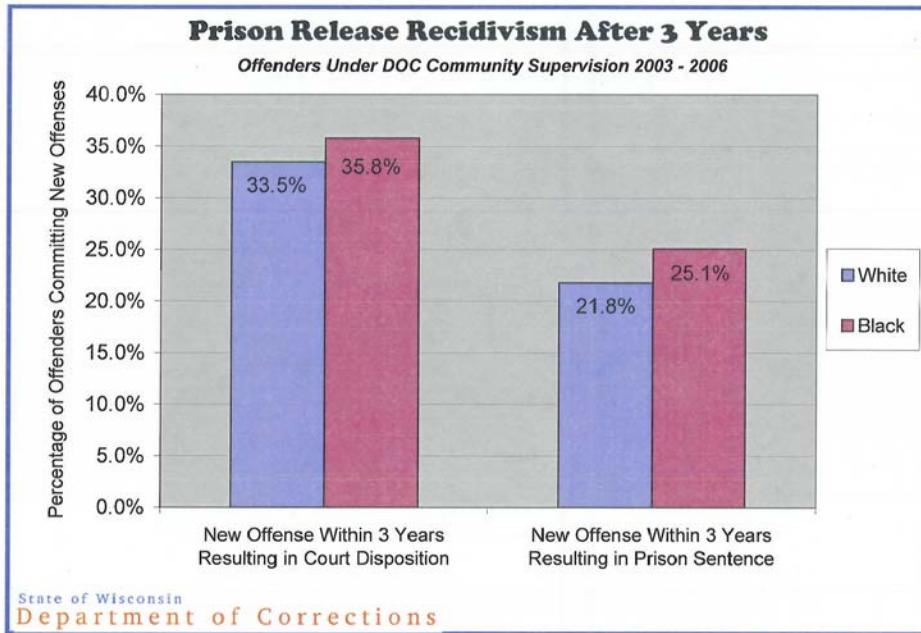
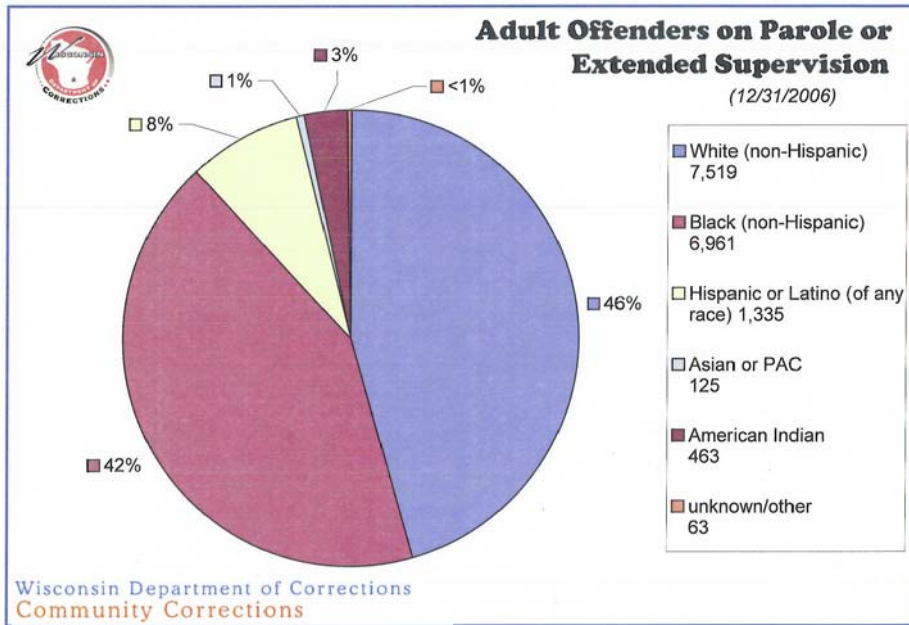


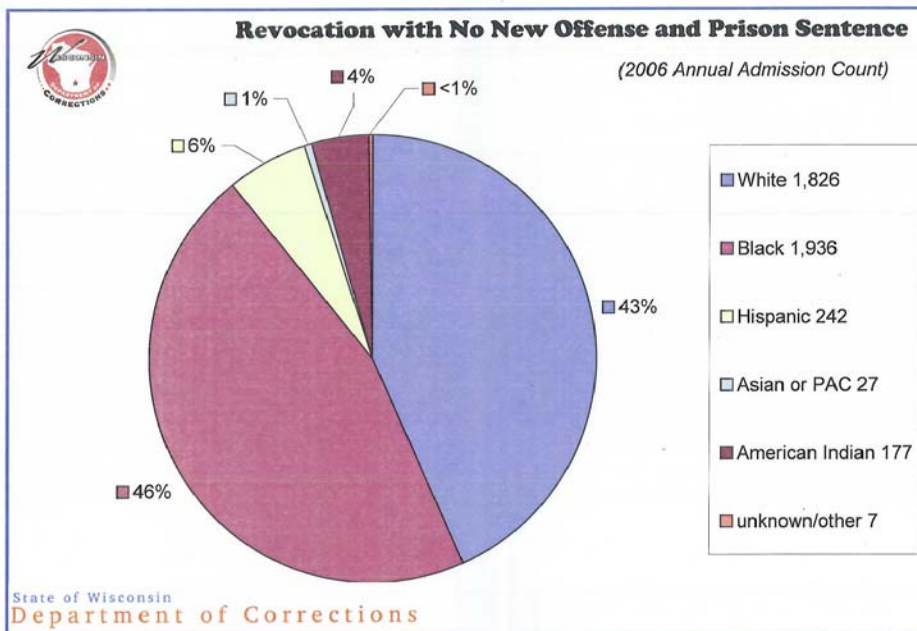
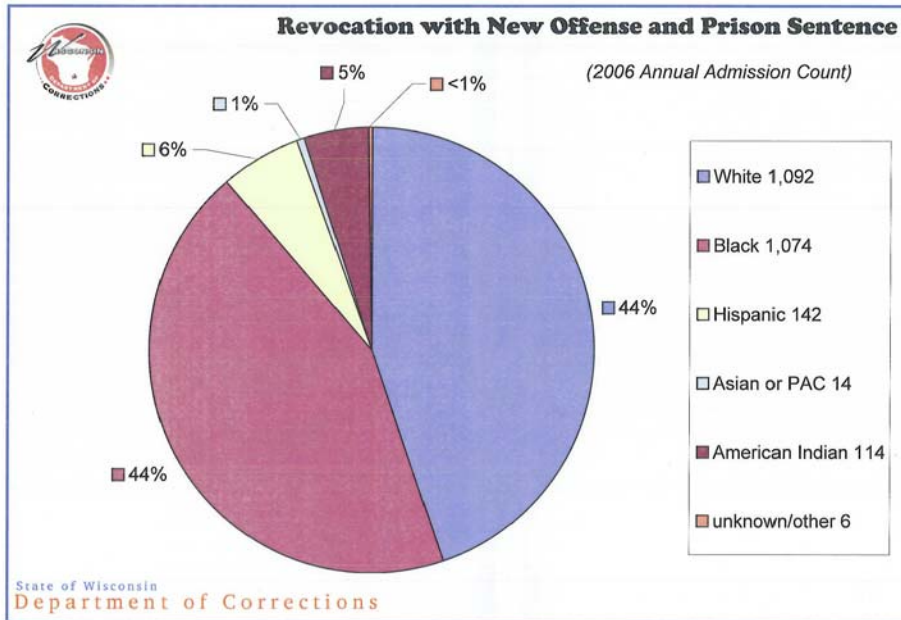
Appendix



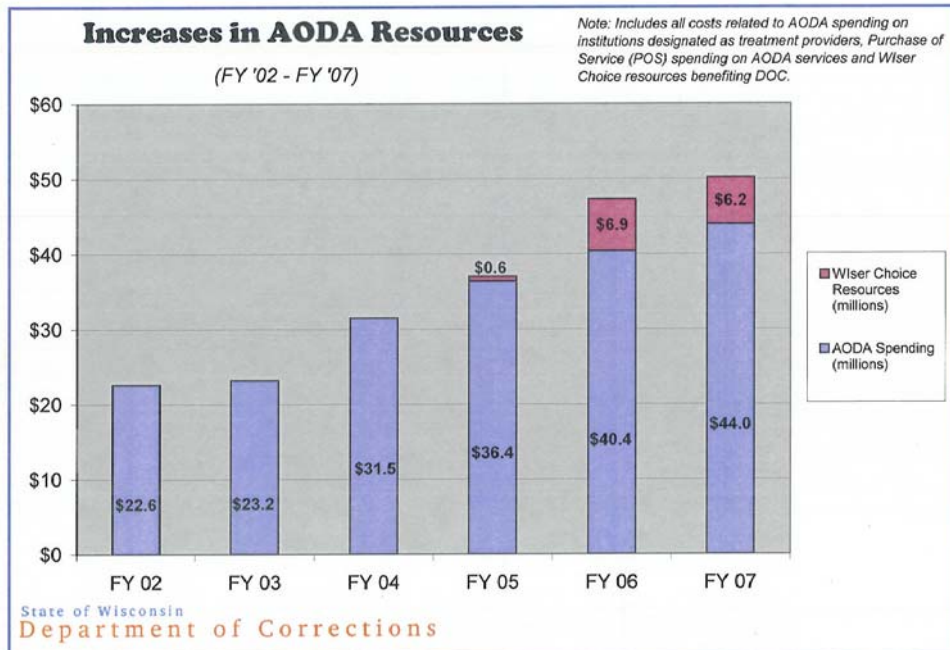
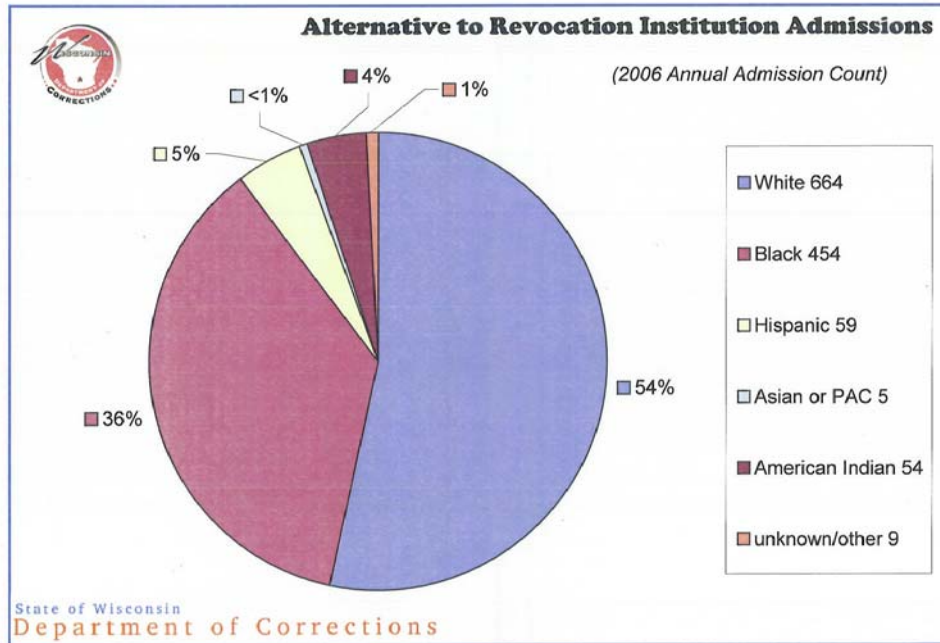


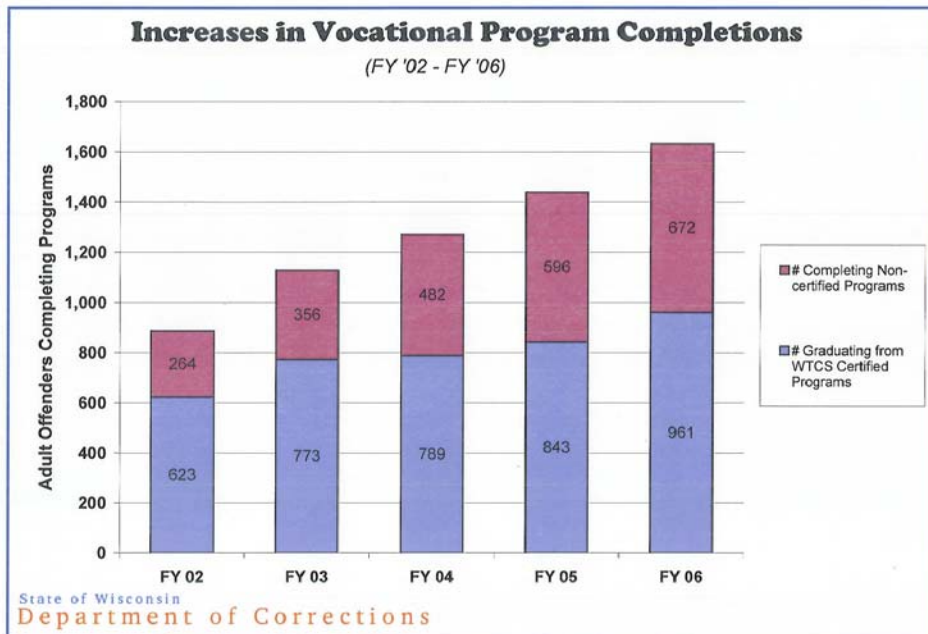
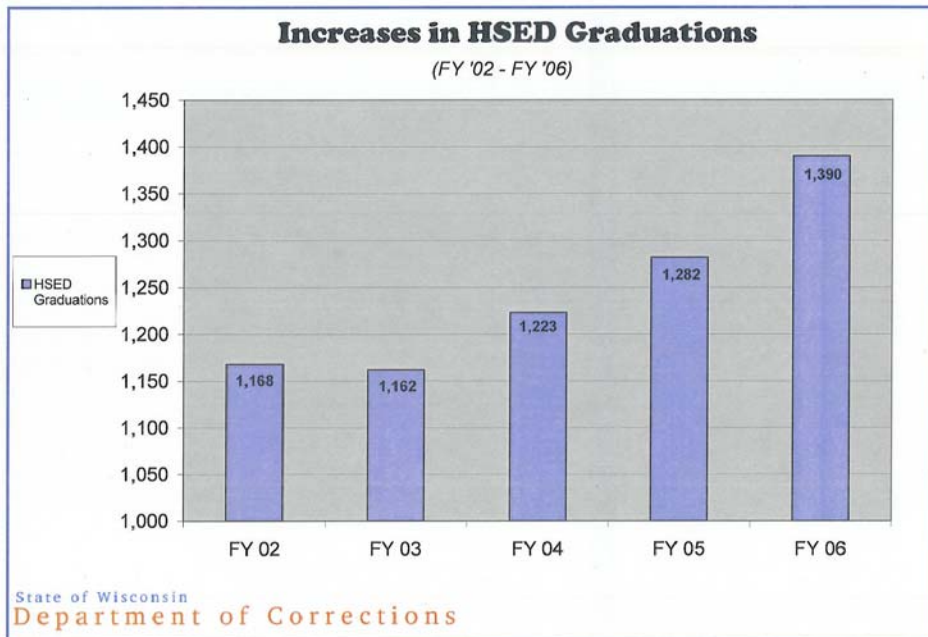
Appendix





Appendix





Appendix

Redgranite Correctional Institution Investigation of Allegations of Racial Disparity Submitted by Inmates to the Governor's Commission to Reduce Racial Disparity

Racial Breakdown of RGCI Population

White - 55%
Non-White - 45%

MANAGING MISCONDUCT

Total Number of Conduct Reports Issued (3/06/07 thru 6/06/07)

<i>Actual</i>	<i>Predicted (based on population ratio)</i>
Whites – 185	231
Non-Whites – 236	190

Comment

Non-Whites receive more CRs than Whites

Minor Sanctions

<i>Actual</i>	<i>Predicted (based on population ratio)</i>
Whites – 144	190
Non-Whites – 202	156

Comment

Non-Whites receive more minor CRs than Whites

Major Sanctions

<i>Actual</i>	<i>Predicted (based on population ratio)</i>
Whites – 41	41
Non-Whites – 34	34

Comment

No differences between groups in frequency of receiving major CRs

Average Length of Disciplinary Separation Sentence

(NOTE: Almost all these inmates serve only half of their DS Sentence)

<i>Actual</i>	<i>Predicted</i>
Whites - 103 days	94
Non-Whites - 85 days	94

Comment

Whites receive longer disciplinary segregation sentences

Successful Appeals (6/01/06 thru 6/01/07) - Defined as Reversing, Modifying or Remanding Back Due Process Decisions

<i>Actual</i>	<i>Predicted</i>
Whites – 22	22
Non-Whites – 22	22

Comment
No differences between groups when appealing CR outcomes

CONCLUSION:

Non-whites receive more minor Conduct Reports than Whites at RGCI. There are no differences between the groups when it comes to more serious offences (number of majors written and outcomes on appeal), although Whites receive stiffer segregation dispositions than Non-Whites.

INMATE COMPLAINTS

ICIs filed (last six months)

<i>Actual</i>	<i>Predicted (based on population ratio)</i>
Whites – 361	317
Non-Whites – 216	260

Comment
Whites file more ICIs

Affirmed ICI's

<i>Actual</i>	<i>Predicted (based on ICIs filed)</i>
Whites - 8% of ICIs filed	7%
Non-Whites - 6% of ICIs filed	7%

Comment
Whites are slightly more successful when filing ICIs

Rejected ICIs

<i>Actual</i>	<i>Predicted (based on ICIs filed)</i>
Whites - 25% of ICIs filed	25%
Non-Whites - 25% of ICIs filed	25%

Comment
No differences among group infrequency of rejected ICIs

CONCLUSION:

No significant differences among the two groups in how ICIs are resolved

Appendix

INMATE PAY

Voluntary Unassigned (No Pay)

<i>Actual</i>	<i>Predicted (based on population ratio)</i>
Whites - 4	6
Non-Whites - 6	4

Comment

No significant differences among the groups when deciding to be placed in Voluntary Unassigned status

Involuntary Unassigned (.5 Pay Range)

<i>Actual</i>	<i>Predicted (based on population ratio)</i>
Whites - 186	168
Non-Whites - 124	142

Comment

Whites are somewhat less likely to get a job or be placed in a paid Program assignment than non-whites

Range 1

<i>Actual</i>	<i>Predicted (based on population ratio)</i>
Whites - 9	17
Non-Whites - 21	13

Comment

A disproportionate number of Non-whites are working in the lowest paying job

Range 2

<i>Actual</i>	<i>Predicted (based on population ratio)</i>
Whites - 78	61
Non-Whites - 33	50

Comment

A disproportionate number of Whites are being paid at the next lowest paying jobs

Range 3

<i>Actual</i>	<i>Predicted (based on population ratio)</i>
Whites - 110	121
Non-Whites - 111	100

Comment

Non-whites are more likely to be placed in jobs that pay the "typical" (most frequently occurring) rate at RGCI.

Appendix

Program Pay Range (Range Equivalent 1.5)

<i>Actual</i>	<i>Predicted (based on population ratio)</i>
Whites – 114	129
Non-Whites – 120	105

Comment

Non-whites are overrepresented in being placed in paid programs, with the vast majority being School students.

Range 4

<i>Actual</i>	<i>Predicted (based on population ratio)</i>
Whites - 34	34
Non-Whites - 27	27

Comment

There are no differences between the groups in some of the highest paying jobs

Range 5

<i>Actual</i>	<i>Predicted (based on population ratio)</i>
Whites - 14	11
Non-Whites - 6	9

Comment

Whites are overrepresented in the highest paying institution jobs

Industries (Range Equivalent 10)

<i>Actual</i>	<i>Predicted (based on population ratio)</i>
Whites - 14	16
Non-Whites - 16	14

Comment

There are no differences between groups in Industries, which are the highest paying job in the institution.

Average Pay

<i>Actual</i>	<i>Predicted</i>
Whites – 1.96	2.015
Non-Whites - 2.07	2.015

Comment

On average, white and non-white inmates are being paid the same wage.

CONCLUSION:

While the average pay is the same between White and Non-White inmates, there are some differences worth noting. Non-whites are more likely to get a job than whites, but they are also more likely to occupy the lowest paying jobs (Pay Range 1). Whites, on the other hand, are

Appendix

more likely to get the next lowest paying jobs (Range 2). As for the mid-range paying jobs (Ranges 3 & 4) there are no significant differences among the groups. Whites inmates are more likely to be in pay range 5 jobs, with both groups equally represented at the highest paying job (Industries).

EDUCATION

Student Enrollment

<i>Actual</i>	<i>Predicted (based on population ratio)</i>
Whites - 146	177
Non-Whites - 177	146

Comment
Non-whites are overrepresented in the School

Graduates (6/06 thru 5/07)

<i>Actual</i>	<i>Predicted (based on enrollment ratio)</i>
Whites - 40	40
Non-Whites - 50	50

Comment
Both groups are equally likely to graduate

CONCLUSION

Non-Whites are overrepresented in the School. Whites and non-whites are equally likely to succeed in School

PROGRAM PARTICIPATION OTHER THAN SCHOOL (Prerelease, CGIP, Anger Management, Domestic Violence, Sex Offender Treatment, etc)

Current Participation

<i>Actual</i>	<i>Predicted (based on population ratio)</i>
Whites - 118	119
Non-Whites - 98	97

CONCLUSION

There is no difference between Whites and Non-Whites when it comes to Program access/participation

MEDICAL/CLINICAL CARE

Services Provided (3/01/07 thru 5/31/07)

Off-Site Medical

Scheduled

Actual

White - 103

Non-White - 93

Predicted (based on population ratios)

108

88

Unscheduled

Actual

White - 11

Non-White - 15

14

12

Comment

There are no differences among White and Non-White Inmates in Off-Site Visits

MD Appointments

Scheduled

Actual

White - 330

Non-White - 342

Predicted

370

302

Unscheduled

Actual

White - 7

Non-White - 7

8

6

Comment

Non-Whites are overrepresented in the frequency of scheduled by the doctor.

RN Appointments

Scheduled

Actual

White - 557

Non-White - 719

Predicted

702

574

Unscheduled

Actual

White - 272

Non-White - 212

266

218

Comment

Non-Whites are overrepresented in the frequency of scheduled nurse appointments

Appendix

Dental Appointments

Scheduled

Actual

White - 147

Non-White - 188

Predicted

184

151

Unscheduled

Actual

White - 40

Non-White - 40

44

36

Comment

Non-Whites are overrepresented in the frequency of scheduled Dental Appointments

Clinical (PSU) Contacts

Actual

White - 215

Non-White - 214

Predicted

236

193

Comment

Non-whites are overrepresented in frequency of Clinical Contacts.

CONCLUSIONS

Non-Whites are seen by medical staff more frequently than White inmates

SUMMARY & FOLLOW-UP

The two findings most worthy of note are the disparity found between White and Non-white inmates when it comes to the frequency of minor Conduct Reports being written and the fact that White inmates are overrepresented in Pay Range 5.

The differences in the frequency of minor Conduct Reports can be interpreted in many ways. There is no evidence in this Report to support any conclusion. RGC will continue monitoring the conduct reports to determine if disparities continue to appear in subsequent periods.

With regard to job placements, the Warden gave direction several weeks ago to focus greater attention on inmate hiring practices and to take immediate steps to create a more balanced work force. A breakdown of all prison jobs will be submitted for review by the Warden every six months (first report due on 12/01/07) to assure the institution is meeting expectations regarding a balanced inmate work force.

While periodic employee-specific problems arise, those situations are addressed promptly and aggressively, as is evident from a review of our employee investigations and disciplinary practices.

E. Testimony of Rep. Don Pridemore on August 13, 2007.



Testimony by Representative Don Pridemore to the Commission to Reduce Racial Disparity in Wisconsin's Criminal Justice System

August 13, 2007
Milwaukee, WI

I would like to thank Co-Chairs Senator Cogg, Chief Wray and all the commission members today for giving me the opportunity to comment on this important issue. By the evidence and statistics presented to this committee thus far, the existence of racial disparity in our criminal justice system is irrefutable. Incarcerating any person after they commit a crime is a necessary deterrent, but it is also an acknowledgment of a failure to raise productive members of our society in any community around our state. Incarceration expends scarce resources and tax dollars that could be better spent elsewhere in the state budget. While the purpose of this commission is a reduction of the racial disparity within Wisconsin's judicial system, such a narrow focus may not pinpoint what I believe to be key factors for this disparity. I would argue that the stability of the family, where both a mother and a father are present, is the most important factor in determining whether a child will become a contributing adult. Without a stable family with strong moral values, there are too many opportunities for children to get into trouble and eventually into criminal behavior.

Is there a link to racial disparity with incarceration rates because so many minorities grow up in single parent homes and most without a father present? According to a 2006 Taxpayer Network state comparison, 82% of African Americans in Wisconsin grow up in single parent homes. This ranks Wisconsin #1 nationally in single parent African American households according to the same study. Also, a recent study by the Institute for Marriage and Public Policy compared 20 peer-reviewed studies dealing with the family structure and how it affects adolescent crime. Nineteen of those studies found that "children from non-intact or single-parent families had higher rates of crime or delinquency." Children need both parents in an intact family structure to succeed. Therefore, I encourage the commission as you craft your recommendations, to continually ask yourself the question, will this recommendation encourage parents to get together, stay together and raise their kids together?

In a column by Hazel Trice Edney titled The Power of the Black Father, she quoted Thomas W. Dortch Jr., president emeritus of the national organization, *100 Black Men of America* as saying, "The power of the Black father or having a Black man in that home is tremendous because it gives symbolism...My father was a hero, a strong male figure who did not allow us to be tainted by what was out there or by the struggles that he went through. All we knew is that we had a father who loved us and cared. We had a mother who loved us. We had parents who worked hard and sacrificed for us." Even Milwaukee County Board Chairman Lee Holloway stated in a June 18, 2007 press release titled, Bringing Fathers and Sons Together: Positive Family Role Models Help Fight Crime in Milwaukee stated, "Many children in Milwaukee have grown up with no consistent man in their lives. They are missing out on the ingredients necessary to help them grow up to be responsible and productive members of our society. Fathers play a crucial role in the well-being of their sons."

Appendix

In my opinion, the family is the backbone of our nation and is the nexus of successful and productive members of our society. If we invest in the promotion of intact families today we can save millions in criminal justice related costs in the future. Milwaukee County Judge Joseph Wall wrote best in a 2003 column titled, These are our children that in the future we will pay more if we don't address these family issues today when he wrote, "We will pay then, not dollars for school breakfast and lunch programs, not hundreds of dollars for new books and computers, not thousands of dollars for additional teachers, more mentors and newer facilities, but for each forgotten and discarded soul and the cost he or she inflicts on society, tens of thousands and hundreds of thousands of dollars in tangible costs and an equal measure, or greater, in intangible costs."

Another component of a strong family unit is educational opportunities. One such opportunity is Milwaukee's Parental Choice Program which has grown to include about 15% of Milwaukee's school age children. While competing with MPS for enrollments, Choice schools have given poor inter-city kids an opportunity to attend schools in a safe and more secure environment. Unfortunately, Choice has become embroiled in partisan politics which could restrict future growth of the program. Minority communities are coming around to the idea of more choices. The *Black Alliance for Educational Options* is a national nonprofit group that is bringing knowledge of choice options to African American communities across our nation. They do not only focus on vouchers like those used in the Milwaukee Parental Choice Program, but also on home schooling, charter schools, minority student scholarships, and other supplemental education opportunities.

Reverend Richard Davis of South Carolina is executive director of *Clergy for Educational Options*, a nonprofit group of 300 black churches, was quoted in a July 24, 2007 article titled, Blacks Rethink School Choice as saying, "Whether through vouchers, tax credits or open enrollment, parents of poor and minority children must have the same school choices that those with more resources already have." I mention Choice as an option to express my support for innovative ideas that some wealthy families may already have that others may not. Allowing more kids to financially qualify for Choice schools and eliminating the enrollment cap are only two of many options available for your committee to consider.

Another idea was mentioned in the *2007 African American Educational Council Report* which made a recommendation to, "Reduce the busing of students across the city in order to help re-establish the link between community and school." This is another positive recommendation that could reestablish pride in community and make the school and its activities the center of family life instead of other less redeeming institutions such as gangs and their penchant for violence and drugs. Education is the building block of a successful American life. Most children that grow up in single parent homes and commit crimes also don't graduate from high school.

Another idea that started out in Waukesha and is spreading to neighboring communities is the 2nd Chance program. It offers at-risk high school students an opportunity to get their high school diploma and at the same time work a meaningful job for 6 hours a day. The employer provides the classroom space at the job site while certified teachers are employed in the classroom. The program takes 22 months to complete.

In order to curb poverty, unemployment, and crime we need to invest in inner city employment opportunities. In a recent Milwaukee Journal sentinel article (attached) titled Crime Strategies: Get serious,

Appendix

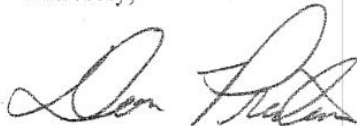
not hysterical, about Milwaukee it stated that “Family-supporting jobs would increase the chances of marriage and of children growing up with a mom and a dad and thereby the chances of inner city stability.”

In an April 30, 2007 Journal Sentinel column by Joel Dresang titled, Growth expected, if employees can be found, Mr. Dresang reported that Wisconsin manufacturers, “can’t find workers for skilled production jobs.” In the same column, James Haney, President of WMC said, “If Wisconsin is going to continue to lead the nation and maintain its competitive edge in the global marketplace, we must do a better job promoting manufacturing as a career choice.” I recommend that we fill these jobs with the workforce in the community we already have by making an investment in skilled trades training. Skilled trades aren’t as glamorous as becoming a doctor or a lawyer, but they pay well and don’t require hundreds of thousands of dollars to learn and become trained in.

By providing incentives for businesses to locate in job needy areas and also by promoting skilled trades training, we can give families the resources they need to stay together. This will reduce the desperate situations that lead to crime and poor role models for our youths. The more barriers you can remove to employment and economic opportunity, the better quality of life there will be for the children and the whole community.

I come to you today not because I have all the answers to solve the racial disparity issues but to plead for recommendations that encourage the formation and stability of the family. As Milwaukee goes, so goes the entire state. I have lived in Milwaukee as a young child, as a student, as a returning military veteran and as an employee. I want Milwaukee to grow and flourish but to accomplish that goal we must promote intact families and the social stability they provide. Thank you again for giving me the opportunity to testify today. I would be happy to try and answer any questions that commission members may have.

Sincerely,



Rep. Don Pridemore
99th Assembly District

Appendix

F. Department of Corrections Standardized Pre-Release Program Rollout Schedule

Rollout Schedule

In order to maintain the intent of consistency and presenting the Prerelease Program as a unified curriculum, the entire curriculum will be made available to sites at the Oct. 1 & 2 training.

All sites will be trained in all modules, each facility is required to rollout all modules as quickly as possible, but must meet the following deadlines:

- Transitional Prep November 30, 2007
- Employment and Housing December 31, 2007
- Family Support and Education January 31, 2008
- Financial Literacy February 29, 2008
- Personal Development March 31, 2008
- Health and Wellness April 30, 2008
- Transportation May 31, 2008

Each site will:

- Identify person(s) responsible for delivery and explanation of portfolios and program requirements to offenders

Each site and A&E will rollout the portfolios and modules according to the following timeline:

- Training/October 2007-build site team; Prerelease curriculum coordinators to train institution/region staff on curriculum
- November 2007- Portfolio distributed to and checklist uploaded for inmates scheduled for release May and later in 2008
- December 2007- Portfolio distributed to and checklist uploaded for inmates scheduled for release in 2009
- January 2008 Prerelease Program Coordinator Meeting
- January 2008- Portfolio distributed to and checklist uploaded for inmates scheduled for release in 2010
- February 2008- Portfolio distributed to and checklist uploaded for inmates scheduled for release in 2011
- March 2008- Portfolio distributed to and checklist uploaded for inmates scheduled for release in 2012
- April 2008-Prerelease Program Coordinator Meeting
- April 2008- Portfolio distributed to and checklist uploaded for inmates scheduled for release in 2013
- May 2008- Portfolio distributed to and checklist uploaded for inmates scheduled for release in 2014
- June 2008- Portfolio distributed to and checklist uploaded for inmates scheduled for release in 2015
- July 2008-Prerelease Program Coordinator Meeting
- July 2008- Portfolio distributed to and checklist uploaded for inmates scheduled for release in 2016
- August 2008- Portfolio distributed to and checklist uploaded for inmates scheduled for release in 2017
- September 2008- Portfolio distributed to and checklist uploaded for inmates scheduled for release in 2018
- October 2008-Prerelease Program Coordinator Meeting

Bibliography

Among the references viewed by the Commission during its deliberations were:

Protecting Civil Rights: A Leadership Guide for State, Local, and Tribal Law Enforcement, International Association of Chiefs of Police, September 2006

America's Cradle to Prison Pipeline, Children's Defense Fund, 2007, available at www.childrensdefense.org/cradletoprison

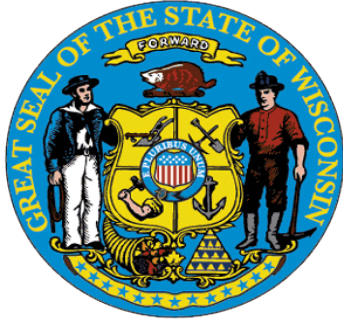
"Racial Impact Statements as a Means of Reducing Unwarranted Sentencing Disparities," Marc Mauer, available at http://www.sentencingproject.org/Admin/Documents/publications/rd_racialimpactstatements.pdf

"Unlocking America: Why and How to Reduce America's Prison Population," The JFA Institute, November, 2007, available at <http://www.jfa-associates.com/publications/srs/UnlockingAmerica.pdf>

Jailing Juveniles: The Dangers of Incarcerating Youth in Adult Jails in America, A Campaign for Youth Justice Report: November 2007

"Treatment Instead of Prisons: A Roadmap for Sentencing and Correctional Policy Reform in Wisconsin" available at http://www.drugpolicy.org/docUploads/Wisconsin_Report_Treatment_Instead_of_Prisons_jan_06.pdf

"Racine County Citizen's Criminal Justice Advisory Task Force – Report 6/27/03" available at <http://www.racineco.com/sheriff/pdfs/finalJailTaskForceReport.pdf>



This is a publication of the
Wisconsin Office of Justice Assistance

1 S. Pinckney Street, Suite 600
Madison, WI 53702

Phone: (608) 266-3323

Fax: (608) 266-6676

On the web at www.oja.wi.gov

February 2008

