



**The League of Women Voters of Dane County, Inc.
General Meeting and Public Forum**

Topic:

**Too Many Dane County Minorities Incarcerated:
What Can We Do?**

Speakers:

John Bauman

Dane County Juvenile Court Administrator
and

Celia Jackson, Co-Chair, Dane County Task Force
On Racial Disparities in the Criminal Justice System

When:

Wednesday, April 7, 2010, 7 p.m.

Where:

**The Capitol Lakes Grand Hall
333 West Main Street in Downtown Madison**
Free Parking in Ramp Available Across the Street

Study Materials:

- Introduction 1
- Commission on Reducing Racial Disparities in the Wisconsin Justice System 1
- The Dane County Juvenile Justice, Disproportionate Minority Contact Solutions Workgroup 2
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- Recommendations of the Dane County Task Force on Racial Disparities in the Criminal Justice System 7
- Recommendations of the Dane County Juvenile Justice, Disproportionate Minority Contact Solutions Workgroup 8

LWVDC Criminal Justice Committee Members:

Sue Hoffenberg, Sue Larson, Pat Kippert, Diane Martin Liebert, Gloria Meyer, and Carol Dutton (convener)

Discussion Questions: Please see reverse side.



The League of Women Voters of Dane County, Inc.

April 2010 Study Materials.

Too Many Dane County Minorities Incarcerated: What Can We Do?

Discussion Questions:

1. What are the reasons for the racial disparities in the Dane County Juvenile Justice System? In the adult system?
2. Do you think the recommendations of the task forces will be implemented? If so, how will they make a difference?
3. Why does the racial disparities rate in Dane County continue to increase? What are the roadblocks to decreasing the rate of racial disparity?
4. What should the LWVDC do about this situation?

Too Many Dane County Minorities Incarcerated: What Can We do?

In 2008 Wisconsin had the highest racial disparity in incarceration of any state in the nation.¹

With nearly fifty percent of our young African-American males either in prison, on probation, or on extended supervision, Dane County consistently ranks as having one of the highest racial disparities in incarceration in the entire nation.²

This study guide will summarize information from Governor Doyle's "Commission on Reducing Racial Disparities in the Wisconsin Justice System" report (referred to in this report as "The Commission") of 2008, the "Dane County Juvenile Justice; Disproportionate Minority Contact Solutions Workgroup Report" (referred to in this report as DCJJ) of 2009, and the "Dane County Task Force on Racial Disparities in the Criminal Justice System" (DCTF) of 2009. See the end of this document for links to the full reports.

Racial disparity is not the same as racial discrimination. Racial disparity means that a higher percentage of one racial group is arrested and jailed than another group; this just shows that one rate is higher than another. Racial discrimination in the justice system means that a higher percentage of one racial group is arrested and jailed because they receive worse treatment based on their race, rather than on the individual merits of each situation. This may be illegal. Racial disparities must be addressed whether they arise by chance or from intentional discrimination.

Commission on Reducing Racial Disparities in the Wisconsin Justice System

The Commission recognized that overall respect for and faith in the fairness of the justice system requires that the justice system not only treat all of its citizens fairly, but that it provides protection for these citizens.

The Commission 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". (The Commission: 1)

Wisconsin has a population that is 86% Caucasian; 43% of our inmates are Caucasian. Wisconsin has a population that is 6% African-American; 45% of our prisoners are African-American.(The Commission: 2) In Wisconsin, for every Caucasian who goes to prison for drugs, 42 African-Americans go to prison for drugs. (State of Wisconsin, Office of Justice Assistance website, [referred to in this report as OJA]).

¹ Report of the Dane County Task Force on Racial Disparities in the Criminal Justice System, 2009, p. 6

² Report of the Dane County Task Force on Racial Disparities in the Criminal Justice System, 2009, p. iii

Some disparity is due to differences in the rates of crimes committed. Some is due to where law enforcement chooses to investigate. And, some is related to issues beyond the justice system, such as gaps in the level of education, employability, income, and available health care. However, disparity in imprisonment makes worse the disparities in education, employability, income, health care and the number of one parent families.

The lack of opportunities some children have contributes to racial disparity in the justice system. The Commission formulated recommendations focused on youth that generally fell into the categories of: data collection and analysis, mental health, education issues, and system issues. If those recommendations are implemented, racial disparity in the justice system will be reduced and public safety will be increased. 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 (The Commission: 5).

The decision of an individual police officer to stop a pedestrian or a vehicle is arguably the most discretionary and least transparent decision point in the criminal justice system. When one drives on the roads of Dane County, it is obvious that almost every vehicle engages in some sort of illegal activity (DCTF: 27-28). At the time the Dane County Task Force was compiling its data, Governor Doyle signed the state budget, which included a provision that requires all Wisconsin law enforcement agencies to collect and report traffic stop data in a uniform manner beginning in 2011, in an effort to track and reduce racial profiling statewide (DCTF: 54).

The Dane County Juvenile Justice, Disproportionate Minority Contact Solutions Workgroup

This workgroup completed its report in 2009. According to its Co-Chair Judge John C. Albert, Chief Juvenile Judge of Dane County Circuit Court, Branch 3, the workgroup “has gathered information, consulted experts and met frequently to seek solutions to the embarrassing disproportionate minority contact statistics that have so long prevailed regarding the treatment of minority juveniles in Dane County.” (DCJJ: 5). The goal of the workgroup was to learn about the scope of racial disparity of juveniles in the Dane county justice system and to develop comprehensive and viable prevention and intervention strategies in an effort to significantly reduce that disparity. Experts in the legal field met with community members to form six workgroups which continue to meet.

Two explanations exist for different rates of conviction of racial groups. The first is that minority overrepresentation reflects race and ethnic difference in the incidence, seriousness, and persistence of delinquent involvement. The second is that overrepresentation is attributable to inequalities, intended or unintended, in the juvenile justice practice (DCJJ: 22).

In Dane County, Black juveniles are arrested at higher rates than Whites. Once they have entered the justice system, Blacks receive stronger consequences than Whites.(See “Juvenile Justice System Trends”, below)

| | | | | | | | | | |
|--|-------|-------|------|------|------|----|------|----|-------|
| 1. Population at risk (10-17) | 44393 | 36463 | 3422 | 2316 | 2033 | | 159 | | 7930 |
| Percent | 100% | 82% | 7.7% | 5.2% | 4.6% | | 0.4% | | 17.9% |
| 2. Juvenile Arrests | 7790 | 4617 | 3024 | | 126 | | 23 | | 3173 |
| 3. Refer to Juvenile Court | 1567 | 629 | 801 | 105 | 26 | 0 | 1 | 6 | 939 |
| 4. Cases Diverted | 261 | 130 | 122 | 8 | 4 | 0 | 0 | 1 | 135 |
| 5. Cases Involving Secure Detention | 594 | 193 | 329 | 62 | 7 | 1 | 2 | 0 | 401 |
| 6. Cases Petitioned (Charge Filed) | 932 | 334 | 497 | 82 | 14 | 0 | 1 | 4 | 598 |
| 7. Cases Resulting in Delinquent Findings | 404 | 138 | 213 | 46 | 5 | 0 | 1 | 1 | 266 |
| 8. Cases resulting in Probation Placement | | | | | | | | | 0 |
| 9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities | 37 | 8 | 28 | 0 | 0 | 1 | | | 29 |
| 10. Cases Transferred to Adult Court | 24 | 12 | 12 | 0 | 0 | 0 | 0 | 0 | 12 |
| Meets 1% rule for group to be analyzed separately | | Yes | Yes | Yes | Yes | No | No | No | |

OJA Data

AREA REPORTED

State: Wisconsin

County: Dane

Reporting Period 01/2007 through 12/2007

* "OJA Data, Area Reported" chart, DCJJ: 23).

The racial disparity in rate of arrests increased yearly from 2002 through 2005 (DCJJ: 22).

Once young people get criminal records even for minor offenses, they are subject to greater scrutiny and attention from the criminal justice system, and opportunities for educational programs and gainful employment lessen. High rates of incarceration remove young working-age people from the community during 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.

Dane County Task Force on Racial Disparities in the Criminal Justice System

In February, 2008, the Dane County Equal Opportunities Commission expressed concern to Dane County Executive Kathleen Falk and County Board Chair Scott McDonell about the severe overrepresentation of people of color in the criminal justice system. The Dane County Task Force on Racial Disparities in the Criminal Justice System was formed to review Governor Doyle’s Commission report and to outline an action plan of specific recommendations and best practices to address and reduce disparities at the various decision points in Dane County’s criminal justice system (DCTF: 2).

In 1999-2002, Blacks in Dane county were roughly 100 times more likely to be imprisoned on a drug sentence than Whites -the second highest disparity of any county in the nation. Blacks were also about 23 times more likely to be sentenced for non-drug offense than Whites, the nation's highest rate of racial disparity in any county (DCTF: 4). In 2006, Blacks were 25.6 times more likely to enter prison from Dane County than Whites (DCTF: 5).

From 2000-2007, in Dane County the total arrest rate for Blacks was 31% of the Black population. The total arrest rate for Whites (including Hispanics) was 13% of that population. However, the same person could be arrested multiple times, and people could be arrested in Dane County without living here. (DCTF: 64).

In “Table 1 Arrest Rates”, if there was no racial disparity, we would expect to see the same numbers in all rows going across the chart because these numbers are based on 100,000 people of each racial group. This chart shows in Dane County how much more frequently Blacks are arrested than Whites for all all crimes, except “Driving While Intoxicated”.

Table 1
Dane County 2000-2007 Average Adult Arrest Rates per 100,000 population*,
by race and group

| Offense | Asian | Black | Native | White |
|---------------------|--------------|--------------|---------------|--------------|
| Murder/Manslaughter | 1 | 23 | 0 | 2 |
| Rape/Sex Offenses | 10 | 149 | 12 | 35 |
| Robbery | 7 | 371 | 31 | 18 |
| Assault | 95 | 2286 | 320 | 304 |
| Burglary | 50 | 275 | 46 | 71 |
| Theft | 249 | 3790 | 262 | 650 |
| Motor Vehicle Theft | 6 | 358 | 62 | 31 |
| Offense | Asian | Black | Native | White |

| | | | | |
|------------------------------------|-------------|--------------|--------------|--------------|
| Arson | 1 | 6 | 0 | 5 |
| Forgery/Fraud/Embezzlement/Fencing | 15 | 318 | 52 | 136 |
| Vandalism | 65 | 951 | 139 | 220 |
| Weapons | 36 | 409 | 332 | 201 |
| Prostitution | 2 | 108 | 0 | 26 |
| Opium/Cocaine Sales | 1 | 732 | 8 | 25 |
| Marijuana Sales | 7 | 248 | 31 | 32 |
| Other Drug Sales | 0 | 30 | 0 | 5 |
| Opium/Cocaine Possession | 5 | 433 | 23 | 72 |
| Marijuana Possession | 43 | 1678 | 185 | 413 |
| Other Drug Possession | 4 | 184 | 19 | 45 |
| Family Offenses | 4 | 124 | 8 | 36 |
| Driving While Intoxicated | 354 | 2655 | 4206 | 3498 |
| Public Order | 313 | 3453 | 658 | 1485 |
| Other (Excluding Traffic) | 1244 | 12653 | 3874 | 5795 |
| TOTAL | 2512 | 31234 | 10268 | 13105 |

*Arrests from Uniform Crime Report data supplied by Wisconsin Office of Justice Assistance. Population figures from US Census population annual estimates for ages 18 and up

The above table shows the average arrest rate per 100,000 in Dane County for the years 2000-2007, by race and offense, while table [disparities] shows the racial disparities and statistical significance by race and offense. These tables were compiled by Pamela Oliver from arrest counts in Uniform Crime Report files supplied by Wisconsin's Office of Justice Assistance and population counts from the 2000 Census. Dane County's arrests are the sum of all arrests reported by each law enforcement agency in Dane County. Uniform Crime Report protocols do not distinguish Hispanics, who are usually counted as white. A cell entry in the table is calculated from the number of arrests divided by the population and multiplied by 100,000.

"Table 1, Arrest Rates" (DCTF: 65)

Recommendations of the Dane County Task Force on Racial Disparities in the Criminal Justice System

The Dane County Task Force made “Recommendations Spanning the Whole System”. Those recommendations fell into the following categories:

- A Call for Leadership to Make Reducing Racial Disparities in the Criminal Justice System a Top Priority for Dane County
- Create a Community of Opportunity-increase access to safe neighborhoods and housing, childcare, transportation, education and employment
- Data Collection
- Clear Statements of Policy and Practice-reduce racial bias through decision making backed by training and accountability
- Cultural Competence, Training, and Representation-staff are culturally diverse. Staff are understanding and respectful of cultural differences which leads to respectful interactions
- Better Complaint Resolution Options
- More Communication between Criminal Justice Personnel and the General Public
Racial Impact Statements-a proactive measure that requires an assessment of the projected racial and ethnic impact of new policies and laws prior to their adoption
- Special Issues Regarding Latinos and Other Immigrants.

The Task force also made recommendations for “Particular Stages of the System”. These included:

- Interventions to Prevent Offending: Community Education
- Policing Practices
- Prosecution Decisions; Prosecution Diversion and Sentencing Alternatives
- Jury Selection
- Re-Entry: Community Supervision, Probation and Parole

However, no specific implementation plans have been developed.

Recommendations of the Dane County Juvenile Justice, Disproportionate Minority Contact Solutions Workgroup

The workgroup met for approximately nine months and completed a report with a procedure for implementation of its recommendations. In September of 2009, the Dane County Disproportionate Contact Oversight Committee met to begin monitoring the implementation of the report's recommendations to develop a comprehensive and integrated response.

Experts in the juvenile justice field met with community members in six workgroups which continue to meet. Members of the committees represent institutions and agencies which are directly affected by disproportionate minority contact of youth. Each workgroup has support from the Oversight Committee and designated staff to assist their mission. Each workgroup clarified the area they are in charge of addressing, listed specific background information, and gave recommendations. The six workgroups are:

Family and Community Supports
Positive Community Alternatives
Schools
Law Enforcement and Charging
Custody, Screening and Petitioning
Disposition and Placement

More than fifty recommendations came from the six workgroups. The following major themes emerged: training, coordination, alternative dispositions and skills development. Each of the six workgroups also submitted their top three or four recommendations. Members of the Juvenile Justice Solutions Committee have met to discuss action steps; they presented eight recommendations for immediate action in 2010 to the Oversight Committee. Each workgroup, except Law Enforcement and Charging, was represented in those recommendations.

The Implementation Workgroups have been meeting since late last year and are in various stages of forming logic models to establish long and short term outcomes and the activities necessary to achieve these. The expectation is that implementation of activities will be occurring over the coming months so that measurable outcomes will begin to be produced.

Commission on Reducing Racial Disparities In the Wisconsin Justice System

<ftp://doafpt04.doa.state.wi.us/doadocs/web.pdf>

Dane County Task Force on Racial Disparities in the Criminal Justice System, 2009

http://danedocs.countyofdane.com/webdocs/pdf/oeo/final_report.pdf

Dane County Juvenile Justice Disproportionate Minority Contact Solutions Workgroup Report, 2009:

http://danedocs.countyofdane.com/webdocs/pdf/juvenileCourt/DMC_Workgroup_Report.pdf