DRAFT

EXECUTIVE SUMMARY

A. Data Used

The Wisconsin-specific data used in this report was mined from the Wisconsin Circuit Court Consolidated Court Automation Programs (CCAP) and augmented with data from Wisconsin Department of Corrections (DOC) in an attempt to surface all available data on race and ethnicity for individuals convicted and sentenced in Wisconsin. This data includes all individuals sentenced between February 1, 2003 and November 24, 2004. We have chosen to focus on specific offenses, at tractable points in the criminal justice process, over an explicit range of time, and across pre-defined regions. The four offense areas chosen not only cover a broad range of criminal activity (violent, nonviolent, property, and drug offenses), but they also appear most frequently in the court system, and therefore offer meaningful sample sizes.
We have additionally simplified the racial/ethnic groups to White (Non-Hispanic), Black (Non-Hispanic), Hispanic, and Other Minority. The category of Other Minority, combines American Indian and Asian/Pacific Islander, since the numbers of each individual group were quite small when looking at specific offenses, and even smaller when these numbers are split across the 5 pre-defined regions of Wisconsin. The category of Hispanic is also a combination of sorts. Since Race and Ethnicity are separate categories on current state forms, a Hispanic individual may be classified as any race (though the vast majority of Hispanic individuals are classified as white). In keeping with the methodology of the U.S. Census Bureau, all individuals of Hispanic ethnicity, regardless of race, are merged into the single category of Hispanic.

B. Structure of Report

This report begins with a national overview of disproportionate minority representation in the criminal justice system and racial-ethnic disparity in sentencing. Next it describes the sources and limitations of available Wisconsin-specific sentencing data, moving into regional and statewide demographic information. The bulk of this report follows with 4 offense-specific sections, Sexual Assault of a Child, Robbery/Armed Robbery, Burglary, and Drug offenses. Each of these sections includes general offense-specific notes, the specific statues included in the offense category, and tables to investigate potential disproportionate treatment in sentencing.

C. Major Findings

On the whole, white offenders receive probation sentences more often than other races, especially black offenders, often despite more prior convictions and aggravating factors. Across all offenses in this sample, however, whites receive longer sentences than blacks. The cases of sexual assault of a child yield noteworthy results. This is the only offense area in which white offenders receive probation sentences at a similar rate to other races. Beyond that, this is the offense area with the greatest disparity in sentence lengths, with prison and extended supervision (ES) sentences for whites, nearly double those for blacks.

D. Further Research

To fully understand the issue of disproportionate minority representation in Wisconsin's criminal justice system, three steps are required: (1) the procedure for collecting data on offender race and ethnicity must be improved, (2) the state should attempt to collect better information on victim race, and (3) the State must examine the likelihood that disparate treatment occurs throughout the criminal justice process, including calls for police service,

arrest, prosecution *and* sentencing. Until Wisconsin develops better data collection instruments for race and ethnicity, it will be virtually impossible to explore the full range of racial-ethnic disparity in the state's criminal justice system.

Sexual Assault of a Child	***White***	***Black***	***Hispanic***	***Other***	***All***
Percent of Probation* Sentences	33.5%	35.5%	23.3%	39.7%	33.4%
Median Length of Probation* Sentence	5	4.97	5	5	5
Inter-Quartile Rage of Probation* Sentence	4-10	3.34-5	3.75-8	4.75-11	4-10
Percent of Prison/ES* Sentences	66.5%	64.5%	76.7%	60.3%	66.6%
Median Length of Prison* Sentence	7	4	4	9	5
Inter-Quartile Rage of Prison* Sentence	3.87-12	2.47-10	3-5.43	5.75-12	3-10
Median Length of ES*	8	4	5	6	6
Inter-Quartile Range of ES*	5-12	3-8	4-6	4.65-8.25	4-10
Median # of Prior Convictions	1	1	1	1	1
Percent with Aggravating factors*[a]*	7.8%	1.3%	1.7%	5.2%	5.5%
Percent with Mitigating factors*[m]*	3.5%	1.8%	1.7%	0.0%	2.8%
Average Offender Age***	34.1	26.3	28.8	30.9	31.4
Number of Offenders in Sample	907	392	120	58	1477
Robbery/Armed Robbery	***White***	***Black***	***Hispanic***	***Other***	***All***
Percent of Probation* Sentences	28.6%	17.1%	17.6%	16.0%	20.4%
Median Length of Probation* Sentence	5	4	4.5	3.47	5
Inter-Quartile Rage of Probation* Sentence	4-6	3-5.25	4-5	3-3.99	3.47-6
Percent of Prison/ES* Sentences	71.4%	82.9%	82.4%	84.0%	79.6%
Median Length of Prison* Sentence	4	4	4	4	4
Inter-Quartile Rage of Prison* Sentence	3-7	2.47-6	2.47-6	2.75-7.5	3-7
Median Length of ES*	5	4	5	5	5
Inter-Quartile Range of ES*	3.70-6.49	3-6	3-5	3.11-9.37	3-6
Median # of Prior Convictions	3	2	2	2	2
Percent with Aggravating factors*[a]*	17.1%	16.5%	18.0%	3.2%	16.5%
Percent with Mitigating factors*[m]*	25.4%	24.1%	30.9%	16.1%	24.9%
Average Offender Age***	27.9	24.6	23.5	27.5	25.5
Number of Offenders in Sample	613	1344	217	62	2236
Burglary	***White***	***Black***	***Hispanic***	***Other***	***All***
Percent of Probation* Sentences	52.49%	33.37%	56.44%	68.29%	48.80%
Median Length of Probation* Sentence	4	3	3	5	4
Inter-Quartile Rage of Probation* Sentence	3-5	3-5	3-4	3.45-5	3-5
Percent of Prison/ES* Sentences	47.51%	66.63%	43.56%	31.71%	51.20%
Median Length of Prison* Sentence	3	2.49	2	3	3
Inter-Quartile Rage of Prison* Sentence	2-5	2-4	1.29-3	2-4	2-4
Median Length of ES*	3.49	3	2.79	3	3
Inter-Quartile Range of ES*	2.49-5	2.28-5	2-4	2-5	2.47-5
Median # of Prior Convictions	5	5	4	4	5
Percent with Aggravating factors*[a]*	15.8%	11.3%	2.5%	6.5%	13.4%
Percent with Mitigating factors*[m]*	6.0%	8.6%	17.2%	11.4%	7.5%
Average Offender Age***	24.6	30.8	27.9	21.9	26.2
Number of Offenders in Sample	2368	959	163	246	3736
Drugs- PID	***White***	***Black***	***Hispanic***	***Other***	***All***
Percent of Probation* Sentences	72.0%	33.4%	41.4%	54.0%	38.0%
Median Length of Probation* Sentence	3	3	3.95	3	3
Inter-Quartile Rage of Probation* Sentence	3-4	3-3.58	3-4	3-4.74	3-4
Percent of Prison/ES* Sentences	28.0%	66.6%	58.6%	46.0%	62.0%
Median Length of Prison* Sentence	1.73	1.66	1.49	1.97	1.66
Inter-Quartile Rage of Prison* Sentence	1.28-2.44	1.23-2	1.23-2	1.48-2	1.233-2
Median Length of ES*	2.47	2	2	1.99	2
Inter-Quartile Range of ES*	1.97-3	1.76-3	1.48-2.96	1.61-2.45	1.73-3
Median # of Prior Convictions	2	3	1	3	2
Percent with Aggravating factors*[a]*	10.6%	13.6%	9.2%	4.0%	13.0%
Percent with Mitigating factors*[m]*	1.9%	0.9%	0.0%	0.0%	1.0%
Average Offender Age***	31.2	29.1	30.2	28.4	29.3
Number of Offenders in Sample	528	4183	239	50	5000

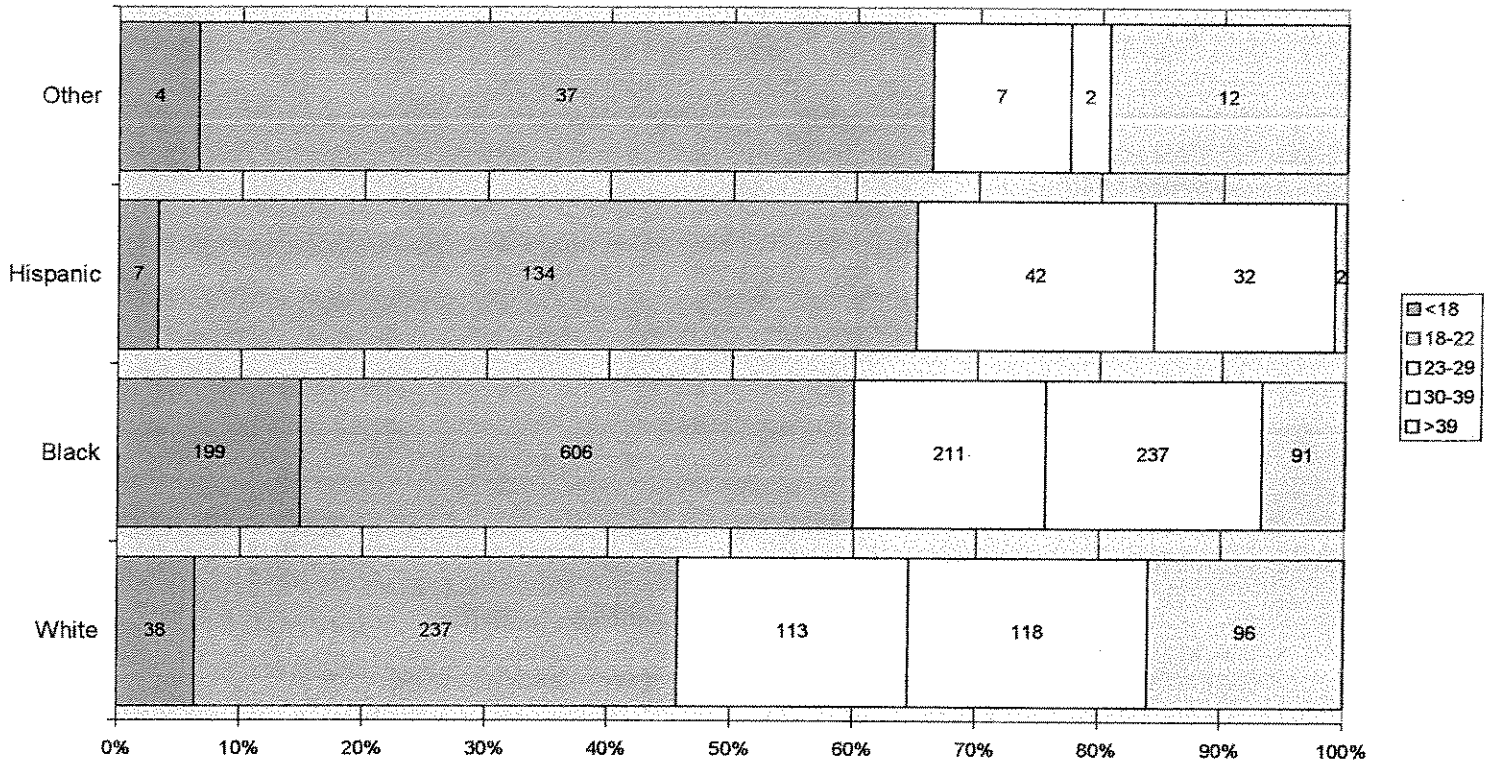
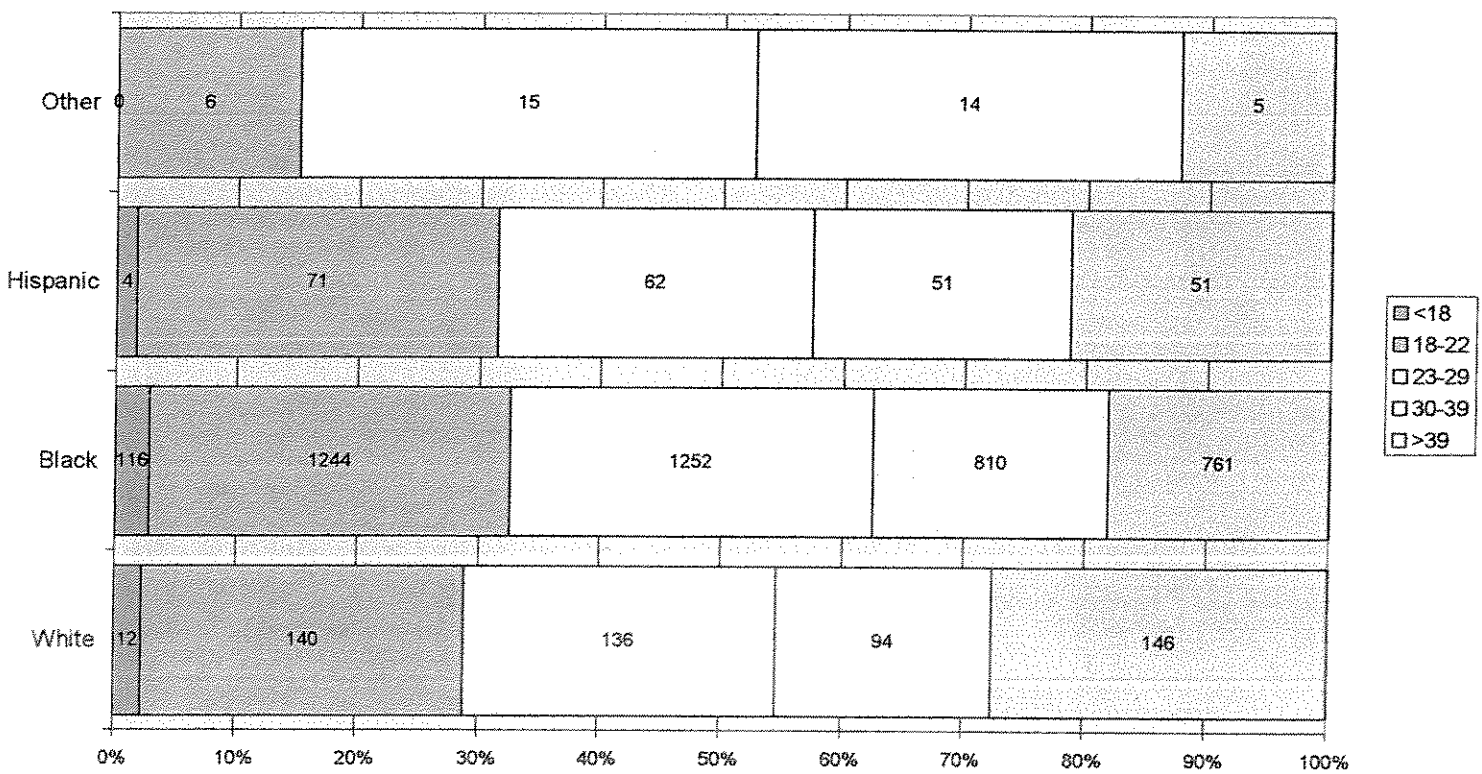
**probation sentences include those with prison/ES stayed, prison/ES sentences include those with probation sentence*

**[a]*statutory aggravating factors and penalty enhancers*

**[m]* inchoate crime modifiers: conspiracy, solicitation, attempt*

**** Average age is based on age at time of offense. Offenders with multiple cases may be slightly weighted.*

Offender Age by Race: Robbery/Armed Robbery



Offender Age by Race: Possession w/ Intent to Deliver Drugs