



Legislation Text

File #: 051712, **Version:** 2

051712 SUBSTITUTE 2

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Substitute resolution requesting state officials and agencies to comprehensively study homicide and related criminal violence sentencing disparities affecting black males in Wisconsin.

This resolution extends an invitation to the Director of the Wisconsin Sentencing Commission to appear and provide information to the common council through the Judiciary and Legislation Committee concerning the Commission's study on race as a basis for imposing sentences in criminal cases. The resolution includes requests for information relating to the status of the study report, the elements to be included in the report, whether the report will include analysis of the experience of Milwaukee County and other geographic locations, and information about how the report is intended to be used or may be used by state or local officials.

The Intergovernmental Relations Division-Department of Administration is authorized and directed to seek legislation extending or eliminating the sunset provisions affecting the Wisconsin Sentencing Commission. Such legislation will direct that the Commission prepare a comprehensive report on the issue of race as a basis for sentencing in Wisconsin. In addition, the report will include analysis of sentence severity, rates of incarceration in homicide cases and in other violent felonies and misdemeanors and will also include analysis of the relationship of race of offenders and victims in violent crimes to the severity of sentence, comparisons among geographic areas of the state including Milwaukee County. The Commission will also be directed to provide periodic updates.

The resolution directs the City Clerk to forward copies of the resolution to the Governor, Clerks of the Wisconsin Assembly and Senate, the Chief Justice of the Supreme Court, and to the Attorney General.

Whereas, Black males in Wisconsin and Milwaukee are disproportionately the victims of homicide; and

Whereas, More than 4,700 persons have been killed in homicides in Wisconsin since 1981; and

Whereas, More than 1,700 of these homicide victims were black males and more than 90% of these were residents of Milwaukee County; and

Whereas, The annual rate of black male homicides in Wisconsin is 47.9 per 100,000, which is more than 18 times the white male homicide rate of 2.6 per 100,000; and

Whereas, The white male homicide rate in Wisconsin is 55% lower than the national rate for white males, and the black male homicide rate in Wisconsin is 32% higher than the national rate for black males; and

Whereas, The black male homicide rate in Wisconsin is nearly 6 times the homicide rate for black

females and nearly 36 times the rate for white females; and

Whereas, Racial disparities in the incarceration rates of black males and white males in Wisconsin have been recognized, and these disparities exist with regard to violent crime including homicide; and

Whereas, Disparities, if any, in the length of sentencing and correctional supervision based upon the relationship between the race of offenders and victims of violent crime including homicide have not been fully examined in Wisconsin or Milwaukee County and such analysis is necessary to determine whether race is a basis for sentencing decisions; and

Whereas, The Wisconsin Legislature created a sentencing commission in 2001 to provide sentencing guidelines for felonies and, among other things, to “study whether race is a basis for imposing sentences in criminal cases and submit a report and recommendations to the Governor, to each house of the legislature...and to the supreme court” (s. 973.30(1)(g), Wis. Stats.); and

Whereas, The Sentencing Commission does not anticipate releasing such report before late in the fall of 2006 and the anticipated report will be limited to a comparison between state-wide incarceration rates and national rates for the felonies related to robbery, burglary, cocaine and sexual assault; and

Whereas, Though the results of such report are likely to be driven by sentencing practices in Milwaukee County, the sentencing commission does not anticipate including local or regional comparisons and analyses; and

Whereas, The Sentencing Commission regularly issues reports to judges and the legislature on state-wide sentencing practices and is required under statute to include analysis of local geographical areas and specifically Milwaukee County in such reports; and

Whereas, The legislation authorizing the creation of the Sentencing Commission (s. 15.105(27), Wis. Stats.) and directing its activities (s. 973.30, Wis. Stats.) will expire December 31, 2007; and

Whereas, The Common Council finds that a more comprehensive study of race as a basis for sentencing in cases involving violent crime, especially homicide, as well as other violent felonies and misdemeanors, is necessary to adequately determine the nature, scope and impact of race upon sentencing in Wisconsin and Milwaukee County and to construct productive recommendations for local as well as state officials; and

Whereas, The Common Council finds that, upon establishing baseline information relating to race as a basis for sentencing, periodic evaluations and analyses are necessary to determine progress toward the elimination of race as a basis for sentencing and other racial disparities in the criminal justice system locally and in Wisconsin; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Director of the Wisconsin Sentencing Commission be invited to appear and provide information to the Common Council through the Judiciary and Legislation Committee concerning the Commission’s study on race as a basis for imposing sentences in criminal cases including information relating to the status of the study report, the elements to be included in the report, whether the report may include analysis of the experience of Milwaukee County and other geographic locations in addition to statewide and national information, and information about how the report is intended to be used or may be used by state or

local officials; and, be it

Further Resolved, That the Intergovernmental Relations Division-Department of Administration is authorized and directed to seek legislation extending or eliminating the sunset provisions affecting the Wisconsin Sentencing Commission, and providing that, among the duties of the Commission is the preparation of a comprehensive report on the issue of race as a basis for sentencing in Wisconsin to include: analysis of sentence severity as well as rates of incarceration in cases of homicide and other violent felonies and misdemeanors; analysis of the relationship of race of offenders and victims in violent crimes to the severity of sentence; comparisons among geographic areas of the state including Milwaukee County; and further providing for periodic updates of such analyses; and, be it

Further Resolved, That the City Clerk is directed to forward copies of this resolution to the Governor, to the Clerks of the Wisconsin Assembly and Senate, to the Chief Justice of the Supreme Court of Wisconsin, and to the Attorney General of Wisconsin.

LRB06143-3
RLW
5/05/2006