



JULIAN BRADLEY
WISCONSIN STATE SENATOR

Senate Committee on Judiciary and Public Safety

Thursday, May 6, 2021

Senate Bill 188

Chairman Wanggaard and committee members, thank you for taking the time to hear testimony on Senate Bill 188.

According to new data from the Wisconsin Department of Justice, we know that statewide in 2020, there were 302 homicides — up 30% from 2016. There were 2,024 cases of rape — up 43% from 2016. And there were 41,733 cases of aggravated and simple assault — up 17% from 2016. This trend is so disheartening, and we must do what we can to reverse it.

As I've learned in my first few months on the job, most of the discussion around crime in Madison is focused on these kinds of statistics, and it's easy to get bogged down by all of that. Doing so loses sight of the victims we ought to protect. It misses the suffering and anguish they have endured and the pain their families have gone through. It ignores the cost to their mental health, their feeling of safety, and their trust in government to do the least we can do to ensure we keep them safe.

Ladies and gentlemen, I was shocked when I learned that if a criminal is out on probation and gets charged with a new crime, they are not automatically brought before a judge for a probation revocation hearing.

It is on behalf of victims that I bring this bill today for your consideration.

This bill, Senate Bill 188, addresses the rising crime in Wisconsin by promoting transparency and accountability in our corrections system. First and foremost, this bill requires the Department of Corrections to recommend revoking extended supervision, parole, or probation for someone who has been charged with a new crime while on release.

I want to point out that the Department of Corrections, in its fiscal estimate for this bill, has admitted that recommending revocation for criminals committing new crimes on probation increased by 6,280 in the first year of this bill. This is based on information from the Wisconsin Court System Circuit Court Access (CCAP). This means that under their own supervision, previously convicted criminals are today being charged with 6,280 crimes annually, and they're left on our streets. That's in addition to the 9,961 times crimes are charged where probation is already recommended for revocation. Adding these numbers up means that offenders on supervision are being charged with more than 16,000 crimes annually — or 1,300 crimes a month — and yet they are out and about in our communities.



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WISCONSIN STATE SENATOR

We must do what we can to ensure previously convicted offenders who have proven they haven't changed or shown regret for their crimes cannot terrorize our communities. Now is especially the time for us to take a look at how we manage probation. In 2020, the Department of Corrections released at least 1,600 prisoners early due to the coronavirus outbreak. We need to ensure the Department has strict guidelines monitoring those who have broken our laws and were supposed to be in prison serving out their sentences. They shouldn't be given extra chances to commit new crimes because of the pandemic's extraordinary circumstances.

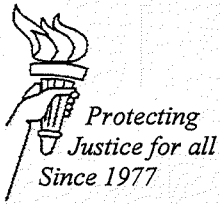
When I learned that probation isn't immediately revoked if a criminal is charged with another crime or that an offender can violate their probation conditions and still qualify for expungement, it frankly blew my mind. I'm in favor of second chances, but we must ensure those who have already broken our laws aren't getting opportunity after opportunity to wreak havoc on Wisconsin families. The system isn't working, and we must ensure our laws put the safety of our families and communities first.

Furthermore, this bill says that someone who has already been found guilty of a crime, even if that crime was expunged, cannot have future crimes expunged because they have already proven they don't deserve the trust of their communities. Also, any technical rule violation or breaking any probation condition would disqualify a criminal from being granted an expungement. Also, under the bill, expungement would not be granted until one full year after completing a sentence. Often people talk about criminals needing incentives for good behavior, and I believe these are small commonsense steps that give criminals motivation to continue acting in good behavior and show that they have earned expungement.

At the point a criminal is on probation, they are receiving their second chance. If a judge determines probation restrictions, the offender must follow all of those guidelines, which they shouldn't just ignore. If an offender on probation decides not to follow those terms, he or she shouldn't be allowed to have the trust of the public to have their records expunged because they've proven that the public can't trust them with their second chance to be law-abiding citizens.

I want to say it again, clearly. I believe in second chances. This bill does not impact a second chance unless the public's trust has been violated a second time. For the innocent, law-abiding people in Wisconsin who are murdered, raped, or assaulted at an alarmingly increasing rate, we must do better. Senate Bill 188 will help us hold accountable those who have been convicted of a crime, and then continue to commit them.

I know this proposal has a long history in this building, but it's time that we make this policy reality and focus on the families we need to prevent from becoming victims.



Wisconsin State Public Defender

17 S. Fairchild St. - 5th Floor
PO Box 7923 Madison, WI 53707-7923
Office Number: 608-266-0087 / Fax Number: 608-267-0584
www.wisspd.org

Kelli S. Thompson
State Public Defender

Jon Padgham
Deputy State
Public Defender

Senate Committee on Judiciary & Public Safety
Public Hearing - Senate Bill 188
Thursday, May 6, 2021

Chairman Wanggaard & Committee Members,

Thank you for having this hearing on Senate Bill (SB) 188 related to changes to the revocation process if an individual is alleged to have committed a crime while on supervision. The State Public Defender (SPD) has concerns with the burden and standard shift in this bill that will result in a significant increase in the number of people being revoked to prison.

A previous version of this bill, 2017 Senate Bill 54, was amended to limit both the types of allegations that would result in an automatic revocation recommendation and to provide the necessary investment in building new facilities to accommodate the increase in prison populations. SB 188 returns to the original version of SB 54, with an added component that impacts the expungement process.

The primary concern is the potentially unconstitutional burden shift for extended periods of incarceration. If an individual on extended supervision is charged with a new crime and, as a result of this bill, the new crime is handled as an administrative revocation rather than a new circuit court case, the practical standard of conviction will have become "probable cause" rather than "beyond a reasonable doubt." The only burden that will have applied to the administrative law judge's decision to revoke supervision will have been the probable cause standard a prosecutor must meet to issue charges.

Added to this concern is the impact of Wisconsin's sentencing structure. Because individuals do not earn credit for time served on extended supervision, any violation during the period of supervision can result in re-incarceration for the full term. For an example, consider a person sentenced to a term of 10 years initial confinement followed by 10 years of extended supervision. Even under current law, if the person violates supervision during year 9, the person can be reincarcerated for 10 more years. Now consider that under the bill, if the person is charged with a relatively low-level crime such as disorderly conduct, even without conviction, he or she can be revoked for the full 10 years. Effectively the person has been sentenced to a 10-year term in state prison for suspicion of a crime that carries a potential penalty of a \$1000 fine and 90 days in jail.

And while the administrative law judge would still retain discretion under the bill whether or not to revoke supervision, because of a combination of the conditions of release, the administrative hearing process for a revocation proceeding, and the burdens and standards for a revocation proceeding, this bill will lead to prison sentences that are grossly disproportionate to the alleged criminal activity. It is also worth noting that currently, 90% or more of revocation proceedings decided by an administrative law judge result in re-incarceration. Practically, that means that if a Probation and Parole Agent recommends revocation, it is almost certain to happen. SB 188 removes the current discretion of these agents to recommend alternatives to incarceration.

The new provision related to expungement in SB 188 is not an evidence-based approach and also presents issues that will result in litigation. Research demonstrates that increased penalties and longer sentences are not a deterrent to criminal behavior. This is problematic for the bill in general but

specifically for the expungement statute provisions, this stick approach is far less effective than the carrot approach presented in Senate Bill 78 heard earlier today by the committee. In addition, including the provision denying expungement after the fact faces serious challenges in court. Under current Wisconsin statute, a judge can only grant expungement at sentencing. This statute would allow a process that administratively undoes a valid court order.

The Badger Institute has conducted extensive data collection and analysis on revocation in Wisconsin. Among some of the more significant findings as pertains to SB 188 are:

- The top non-criminal violations are non-reporting, non-compliance with treatment programming, and absconding. Under SB 188, the limit on expungement for technical rule violations means that people will lose access to a vital rehabilitative tool that is already out of reach for so many because they, for example, failed to inform their agent of a change in address.
- Just over half of people in prison are serving a term of revocation. Revocation is already a significant driver of the prison population. A bill such as SB 188 only threatens to dramatically escalate that without the necessary resources.
- In a study sample, 49% of revocation conduct later led to a criminal conviction, 51% did not result in an additional criminal conviction. SB 188 removes the current discretion on the 51% of alleged criminal activity that does not result in a criminal conviction. Put another way, it skips the burden of proving criminal allegations by bypassing due process of the criminal justice system to instead use an administrative process with far fewer rights and process.

Evidence, research and action by the Legislature in the last couple of sessions all point to the greater success achieved through a concept called dosage-based probation. In simple terms, dosage-based probation provides for more rapid but more tailored sanctions for probation violations. It recognizes the fact that even the time spent in detention pending the revocation decision (which can be anywhere from 3 to 10 days) has a detrimental impact on the person's ability to maintain employment and housing. Requiring a recommendation of revocation after new charges are issued will have several impacts which are more severe than perhaps anticipated by the author.

As part of Wisconsin's continuing efforts to expand the use of research-based practices in the area of criminal justice, justice professionals are increasingly making individualized decisions and recommendations in light of the risk level and needs of the defendant. Often, appropriate and effective programs available in the community provide for greater public safety while saving taxpayer funds.

This bill may result in a significant number of new prison terms, which will neither be cost effective nor have a substantially beneficial impact on future criminal behavior.

Thank you again for the opportunity to testify on Senate Bill 188. If you have additional questions, please do not hesitate to contact us.



To: Members, Senate Committee on Judiciary and Public Safety
From: Badger State Sheriffs' Association
Wisconsin Sheriffs and Deputy Sheriffs Association
Date: May 6, 2021
RE: For Information Only
Testimony on Senate Bill 188 – Revocation Recommendation

BSSA and WS&DSA submit these comments for information only regarding SB 188. Our organizations appreciate the authors' intention to focus on policies protecting victims, holding offenders accountable and targeting repeat violent offenders. However, Wisconsin Sheriffs are very concerned about the fiscal impact this legislation will have on county jails - big and small - across the state.

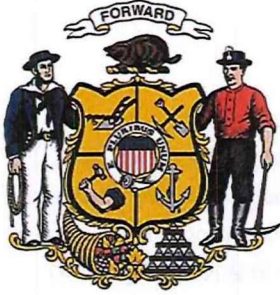
SB 188 requires the Department of Corrections (DOC) to recommend revoking a person's extended supervision, parole, or probation if the person is charged with a crime while on extended supervision, parole, or probation. Wis. Stat. § 302.33(2)(a)2 provides that DOC "shall not pay for [county jails for housing] persons who have pending criminal charges whether or not a departmental hold has been placed on the person." Mandating DOC to recommend revocation will certainly increase the number of individuals that will be in a county jail pending the hearing before the administrative law judge.

DOC estimates that assuming the judge affirms DOC's recommendation 47 percent of the time, there will be an increase of 6,280 revocation cases each year. This means 6,280 more individuals will be occupying county jails without reimbursement from DOC. Essentially, this bill is an unfunded mandate to Wisconsin county jails. One option to address the fiscal impact for county jails would be to require that DOC reimburse county jails for housing regardless of if the person has pending criminal charges.

Furthermore, this bill does not consider the fiscal impact to the Department of Administration's Division of Hearings and Appeals (DOA DHA). If revocation hearings are backlogged due to an increased number of revocations, those individuals will be in jails longer. Wis. Stat. § 302.335(2)(b) requires final revocation hearings to begin within 50 calendar days after the person is detained in a county jail. The statutes provide for that time frame to be extended by 10 additional days. The ability of DOA DHA to have adequate resources and hold proceedings in a timely matter directly impacts the budgets of Wisconsin's county jails.

This legislation also negates prior legislation for more short-term sanctions. 2013 Wisconsin Act 196 required DOC to develop a system of short-term sanctions for violations of conditions of probation, parole, extended supervision, and deferred prosecution agreements. This system allows for offenders to be placed in a regional detention or a county jail for 90 days. According to DOC, under this bill, the system implemented under 2013 Act 196, would not be an option. This bill eliminates the discretion of DOC to make a recommendation and instead mandates DOC recommend revocation if there are criminal charges.

We ask that the committee consider the fiscal impact SB 188 will have on county jails. There is a cost to this proposed policy, and we ask that it is addressed before the bill advances further.



Wisconsin Department of Corrections

Governor Tony Evers | Secretary Kevin A. Carr

May 6, 2021

Senator Van Wanggaard, Chair
Senator Eric Wimberger, Vice-Chair
Senate Committee on Judiciary and Public Safety
Hearing, Thursday, May 6, 2021

Re: Opposition to SB188/AB174, Recommendation to revoke extended supervision, parole, or probation if a person is charged with a crime and expunging a criminal record of a crime.

Dear Chairpersons:

Thank you for the opportunity to provide this written testimony in opposition to SB188/AB174 that requires the DOC to seek revocation if a person is charged with a crime while on supervision.

Across the Country, states, both red and blue, have been changing their approach to criminal justice, from an old school, ineffective mentality of “lock ‘em up and throw away the key,” to a smart, safe, and rehabilitative approach that supports the transition of formerly incarcerated people back into our community to become employable, tax-paying citizens. States like Texas and Michigan changed laws and policies, reduced their prison population, closed prisons, and saved the taxpayer money; while increasing public safety! In fact, in other states, over time crime and incarceration rates have followed similar trends downward together, which appears to directly counter the “tougher on crime” narrative.

Wisconsin is already an outlier when it comes to criminal justice and SB188/AB174 move us in the wrong direction.

Iterations of this bill have been introduced over the last several years, having been most recently vetoed last session by Governor Evers. In fact, under the former Republican administration, this bill was stalled in multiple sessions due to its hefty price tag that would result from putting too many people back into the prison system. As a former law enforcement officer, I do believe that in the interest of public safety, after due process, incarceration may be necessary. However, we cannot incarcerate our way out of crime. It does not work, it is not sustainable, and the science and evidence from other states that have changed laws to reduce incarceration have proven it to us.

Moreover, reports from the state courts and from researchers across the country have found that the state of Wisconsin is incarcerating men of color at far higher rates than whites and at rates of disparity far above the national average. SB174/AB174 only stands to worsen mass incarceration in Wisconsin.

I have attached several reports, and our fiscal estimate for this bill, for you to review, in the hopes that this information will assist you in making a sound determination about this bill. Enclosed you will find: 1) the January 2020 draft report on Race and Prison Sentencing in Wisconsin: Initial Outcomes of Felony Convictions, 2009-2018, 2) a report from the Vera Institute on Incarceration Trends in Wisconsin, and 3) a copy of the latest fiscal estimate from the DOC on SB174.

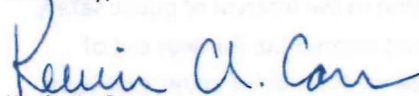
Additionally, here are some facts that I hope you will be considering as you debate moving these bills forward:

- In Wisconsin, it is currently costing taxpayers more than \$33,000 per incarcerated person each year. Our state currently houses nearly 19,000 incarcerated individuals and as we recover from the pandemic, that number will be increasing back to pre-pandemic levels without legislative change.
- The state courts found that in Wisconsin, Native American men were 34%, and African American men were 28% more likely to receive a prison sentence than White men.
- There are serious and immediate safety consequences within existing DOC facilities if any legislation increases the incarceration rate. Building any new prisons to house a ballooning prison population would require hundreds of millions of taxpayer dollars and years in the state building process before any doors would open to provide capacity relief. We should not look to add more prison beds; instead we should work together to reduce our prison population.
- The Legislative Audit Bureau (LAB) noted in 2019 that when compared with six other Midwestern states, only Wisconsin experienced an increase in its inmate population from 2009 to 2018.
- SB188/AB174 would eliminate the current framework that DOC works within to determine the best course of action when a person under supervision is charged with a crime. This framework includes: Department Policy, evidence-based practices, Department Administrative Code, and statutory requirements.

Reflecting on the abovementioned facts and the reports I provided, by working together, I believe we can do much better than SB188/AB174.

Thank you again for your time. I am more than happy to sit down and discuss criminal justice reform in more detail. Please contact my Legislative Advisor, Paulina de Haan, at 608-240-5056 or via email at Paulina.dehaan@wi.gov to schedule some time.

Sincerely,



Kevin A. Carr

Secretary

cc: Committee Members, Senate Committee on Judiciary & Public Safety

Fiscal Estimate - 2021 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 21-1665/1	Introduction Number SB-188
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Description
 recommendation to revoke extended supervision, parole, or probation if a person is charged with a crime and expunging a criminal record of a crime

Fiscal Effect

State:

<input type="checkbox"/> No State Fiscal Effect <input type="checkbox"/> Indeterminate <input checked="" type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Create New Appropriations	<input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Revenues	<input checked="" type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <div style="text-align: center;"> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No </div> <input type="checkbox"/> Decrease Costs
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Local:

<input type="checkbox"/> No Local Government Costs <input checked="" type="checkbox"/> Indeterminate 1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	5. Types of Local Government Units Affected <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts
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Fund Sources Affected	Affected Ch. 20 Appropriations
<input checked="" type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS	20.410(1)(a), 20.410(1)(b), 20.410(1)(f), 20.410(1)(aa)

Agency/Prepared By	Authorized Signature	Date
DOC/ Dawn Woeshnick (608) 240-5417	Paulina De Haan (608) 240-5056	4/12/2021

Fiscal Estimate Narratives

DOC 4/12/2021

LRB Number	21-1665/1	Introduction Number	SB-188	Estimate Type	Original
Description recommendation to revoke extended supervision, parole, or probation if a person is charged with a crime and expunging a criminal record of a crime					

Assumptions Used in Arriving at Fiscal Estimate

This bill requires the Department of Corrections (DOC) to recommend revoking a person's extended supervision, parole, or probation if the person is charged with a crime while on extended supervision, parole, or probation.

Under current law, DOC utilizes Department Policy, evidence-based practices, Department Administrative Code, and statutory requirements to determine whether or not to revoke a person's extended supervision, parole, or probation if the person is charged with a crime while on extended supervision, parole, or probation.

Under current law, a sentencing court may order a person's criminal record expunged of a crime if the court determines that the person will benefit and society will not be harmed and if certain conditions are met. This bill adds to those conditions that the court may not order the record expunged of a crime if the person had previously been convicted of a crime, including a crime for which the record had been expunged.

2013 Act 196 provided the DOC with the authority to develop a system of short-term sanctions for violations of conditions of parole, probation, extended supervision (ES), and deferred prosecution agreements. These sanctions can result in offenders being placed in a regional detention facility or a county jail for up to 90 days. Under this proposed bill, the system of short-term sanctions established by 2013 Act 196 would not be an option for offenders charged with a crime while on extended supervision, parole, or probation.

In CY18, the DOC recommended the revocation for 9,961 cases of individuals on extended supervision, parole, or probation. The Department of Administration's Division of Hearings and Appeals (DOA DHA) reviews and determines the outcome of revocations recommended by the DOC. It is estimated that DOA DHA would see an increase of 6,280 revocation cases each year. DOA DHA charges DOC approximately \$284 to review and provide a disposition for each revocation case. Under this bill, it is estimated that increased revocation recommendations would result in increased DOA DHA charges to DOC in the amount of \$1,786,600 annually.

In CY18, Approximately 87% of the cases recommended for revocation by DOC were revoked by DOA DHA, resulting in the offender being sent to prison. In FY16, on average, individuals on community supervision with a new conviction were revoked to prison for approximately 39 months of incarceration. It is unknown if these patterns of revocation rates and sentencing will continue under the proposed legislation. It is possible that both will decrease due to the DOC being required to recommend revocation for the charge of any crime, instead of the current process that utilizes several factors to determine if recommending revocation is an appropriate response to the offender's behavior.

For purposes of this fiscal estimate, the Department assumes that approximately 47% of the cases recommended for revocation by DOC will be revoked by DOA DHA, resulting in the offender being sent to prison. In addition, the Department assumes revocation sentences will be 19 months.

The Department requested data from Wisconsin Court System Circuit Court Access (CCAP) to determine the number of offenders under community supervision during FY19 and were charged with a crime. Using that data, the Department estimates 6,280 offenders on community supervision were charged with a new crime and remained on community supervision. Under this bill, DOC would be required to recommend revoking the community supervision of all 6,280 individuals. The Department assumes 47% of revocations recommended by DOC will be affirmed by the Administrative Law Judge (ALJ). The Department estimates this bill will result in an average increased daily population of 1,599 in the Department's Division of Adult Institutions (DAI) during the first year. When the population is annualized after 19 months, there will be a permanent increase of 4,673 persons in our care (PIOC) to DAI's population.

Due to the global pandemic, over the past year the number of people in DOC's care has been declining. Even so, the overall PIOC population still exceeds the capacity of DOC facilities. Additionally, as courts return to

normal operations, the number of intakes into the prison system is expected to increase from current levels. If the Department constructed new facilities to accommodate the increased populations that would be expected from passage of this legislation, Oshkosh Correctional Institution which housed an average daily population of 2,035 PIOC's in FY20, could be used as the model for these new facilities. The Department would need to construct two new Oshkosh Correctional Institution-sized facilities to accommodate the number of PIOC's that would enter the system in the second year after enactment of this legislation. It is estimated that the cost to construct one new 2,000 bed medium security correctional institution would be approximately \$450 Million to \$550 Million.

The average FY20 annual cost for a PIOC in a DOC institution is approximately \$36,200. The estimated population increase will ultimately depend upon: 1) the number of individuals being charged with a crime, 2) the rate at which the ALJs affirm the revocation recommendations, and 3) the length of reincarceration time imposed upon the offenders by the ALJs.

The proposed legislation also modifies the conditions under which a person's criminal records for a crime can be expunged. There would likely be a slight decrease in expungement orders that the Department receives and processes. The amount of time required to process orders at the county level would also likely decrease under the bill. It is not possible to project the overall decrease in expungement orders that would be processed by the Department or by counties if this bill were enacted.

SUMMARY:

It is estimated that this bill would result in increased operations costs (excluding possible construction costs) to the Department of Corrections in the amount of \$59,662,600 during the first year of enactment. The Department estimates there will be a permanent increased operations cost of approximately \$170,962,500 after the population is annualized during the second year of enactment.

Long-Range Fiscal Implications

Total people...

...locked up in Wisconsin

393%

INCREASE

7,269 people

35,835 people

1983

2015

Incarceration in Local Jails and State Prisons



REGIONAL RANK

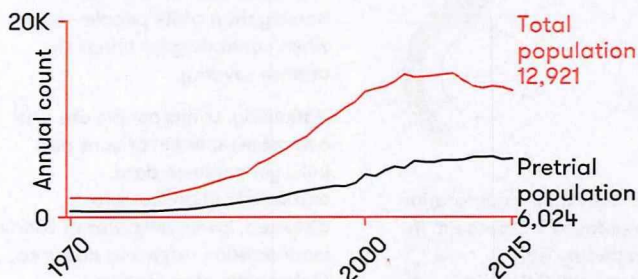
3 of 7 in total incarceration

Since 1970, the rate of incarceration in America has expanded more than fourfold, and the United States leads the world in locking people up. Many places in America have begun to reduce their use of prisons and jails, but progress has been uneven. Although the number of people sent to state prisons and county jails from urban areas has decreased, that number has continued to rise in many rural places. Racial disparities in incarceration remain strikingly wide. Women constitute a rising number of those behind bars.

This fact sheet provides at-a-glance information about how many people are locked up in both state prisons and county jails and shows where the state stands on a variety of metrics, so that policymakers and the public can better determine where to target reforms.

STATE TOTALS

JAILS

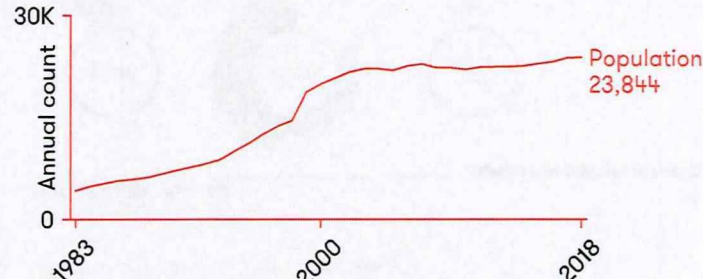


% change in jail population

SINCE 1970	SINCE 2000
553% ↑	1% ↑

Since 1970, the total jail population has increased 553%. In 2015, pretrial detainees constituted 47% of the total jail population in Wisconsin.

PRISONS



% change in prison population

SINCE 1983	SINCE 2000
464% ↑	20% ↑

Since 1983, the prison custody population has increased 464%. In 2018, there were 23,844 people in the Wisconsin prison system.

RACE

more on pg 2 →

JAILS

2015

7% of state pop. | 29% of jail pop.

PRISONS

2017

7% of state pop. | 41% of prison pop.



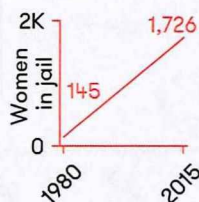
In Wisconsin, Black people constituted 7% of state residents, but 29% of people in jail and 41% of people in prison.

GENDER

more on pg 2 →

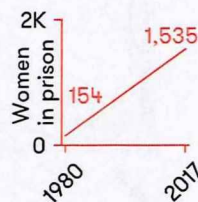
JAILS

1,088% ↑



PRISONS

897% ↑



Since 1980, the number of women in jail has increased 1,088%, and the number of women in prison has increased 897%.

GEOGRAPHY

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Top admission rates, 2015 (rate per 100K)

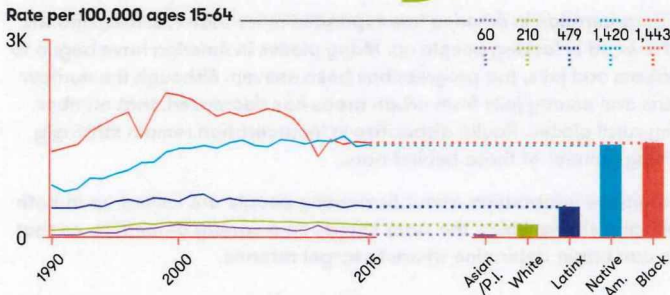
COUNTY	JAILS	COUNTY	PRISONS
Forest	17,312	Florence	1,227
Shawano	16,213	Sawyer	751
Menominee	15,731	Shawano	589
Sawyer	14,831	Marinette	463
Vilas	13,047	Racine	410

Incarceration is not only an urban phenomenon. In fact, on a per capita basis, the most rural places in the state often lock up the most people in jail and send the most people to prison.

RACE AND ETHNICITY

JAILS 2015

3% of state pop. | 1% of jail pop. | 83% of state pop. | 52% of jail pop. | 6% of state pop. | 9% of jail pop. | 1% of state pop. | 4% of jail pop. | 7% of state pop. | 29% of jail pop.



Since 1990, the Black incarceration rate has increased 10 percent. In 2015, Black people were incarcerated at 6.9 times the rate of white people, and Native American people were incarcerated at 6.8 times the rate of white people.

NATIONAL CONTEXT

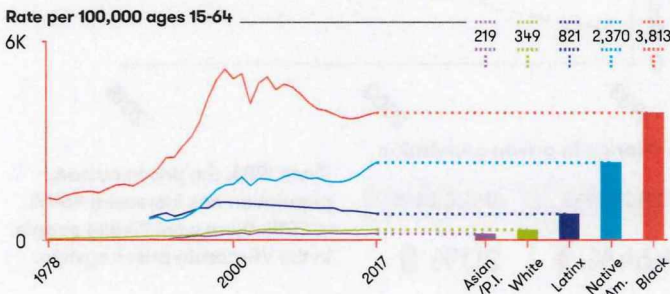
The overrepresentation of Black Americans in the justice system is well documented. Black men constitute about 13 percent of the male population, but about 35 percent of those incarcerated. One in five Black people born in 2001 is likely to be incarcerated in their lifetime, compared to one in 10 Latinx people and one in 29 white people.

Discriminatory criminal justice policies and practices at all stages of the justice process have unjustifiably disadvantaged Black people, including through disparity in the enforcement of seemingly race-neutral laws. Studies have found that Black people are more likely to be stopped by the police, detained pretrial, charged with more serious crimes, and sentenced more harshly than white people—even when controlling for things like offense severity.

Nationally, Latinx people are also overrepresented in prisons and jails, yet common data misclassification leads to distorted, lower estimates of Latinx incarceration rates and distorted, higher estimates of white incarceration rates. Smaller and inconsistent data reporting make it difficult to measure the effects of racism for incarcerated people of other racial groups.

PRISONS 2017

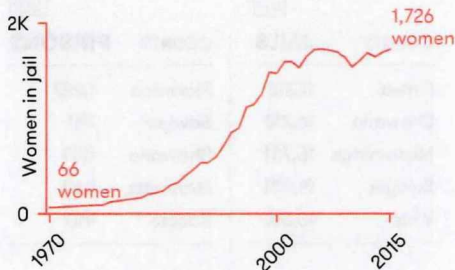
3% of state pop. | 1% of prison pop. | 83% of state pop. | 46% of prison pop. | 6% of state pop. | 8% of prison pop. | 1% of state pop. | 4% of prison pop. | 7% of state pop. | 41% of prison pop.



Since 1978, the Black incarceration rate has increased 193 percent. In 2017, Black people were incarcerated at 10.9 times the rate of white people, and Native American people were incarcerated at 6.8 times the rate of white people.

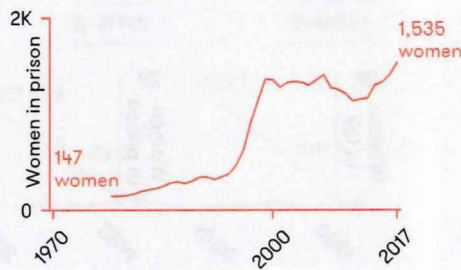
GENDER

JAILS



The number of women in Wisconsin's jails has increased more than 26-fold, from 66 in 1970 to 1,726 in 2015.

PRISONS



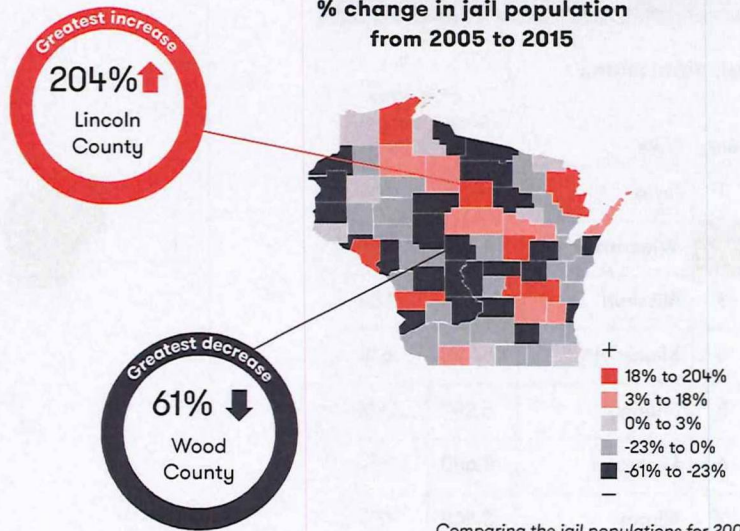
The number of women in Wisconsin's prisons has increased more than tenfold, from 147 in 1970 to 1,535 in 2017.

NATIONAL CONTEXT

Although men's jail admissions have declined by 26 percent since 2008, women's admissions have increased both as a total number and as a proportion of all jail admissions. Women now make up almost one out of every four jail admissions, up from fewer than one in 10 in 1983. Since 1970, the number of women in U.S. jails has increased 14-fold—from fewer than 8,000 to nearly 110,000 in 2013—and women in jail now account for approximately half of all women behind bars in the country.

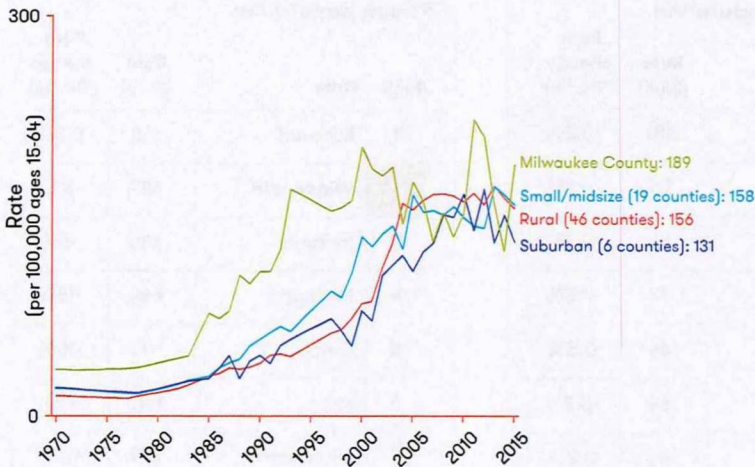
GEOGRAPHY

Statewide trends alone do not tell the whole story of incarceration: there is wide variation in the use of incarceration across the state. Today, the highest rates of prison admissions are in rural counties, and pretrial detention continues to increase in smaller counties even as it is on the decline in larger counties. It is critical to examine incarceration trends in every corner of the state, because although the largest counties may have the most people in jails—the highest rates of incarceration are in smaller cities and rural counties.



Comparing the jail populations for 2005 and 2015, counties shaded dark gray had fewer people in jail and those shaded dark red had more people in jail.

JAILS Pretrial population



Since 2000, the state's use of pretrial detention has taken different trajectories in different types of counties. The pretrial incarceration rate has increased 85% in the state's 46 rural counties, 65% in the state's six suburban counties, and 18% in the state's 19 small/medium counties. It has decreased 7% in the state's one urban county.

Vera's analysis of the urban-rural continuum changes the six categories defined by the National Center for Health Statistics Urban-Rural Classification Scheme for Counties to four. A county is labeled "urban" if it is one of the core counties of a metropolitan area with 1 million or more people and is labeled "suburban" if it is within the surrounding metropolitan area. Vera turns the remaining four categories into two by combining small and medium metropolitan areas ("small and midsize metro") and micropolitan and noncore areas ("rural").

JAIL ADMISSIONS

(TOP 10 OF 72 COUNTIES)

COUNTY	Rate (per 100K)	COUNTY	Annual count
Forest	17,312	Milwaukee	31,171
Shawano	16,213	Dane	13,401
Menominee	15,731	Brown	10,001
Sawyer	14,831	Racine	9,090
Vilas	13,047	Kenosha	7,926
Burnett	11,460	Waukesha	6,747
Ashland	11,141	Outagamie	5,909
Oneida	9,739	Rock	5,894
Langlade	9,653	Winnebago	5,515
Lincoln	9,505	Dodge	5,266

PRISON ADMISSIONS

(TOP 10 OF 72 COUNTIES)

COUNTY	Rate (per 100K)	COUNTY	Annual count
Florence	1,227	Milwaukee	2,459
Sawyer	751	Dane	544
Shawano	589	Racine	524
Marinette	463	Brown	441
Racine	410	Waukesha	434
Milwaukee	382	Kenosha	364
Forest	358	Rock	316
Kewaunee	341	Winnebago	239
Langlade	336	Outagamie	223
Lincoln	325	Washington	212

JAILS

Jail admissions

Rank	State	Rate (2015)	Rate change ('05-'15)
1	Iowa	6,216	-11%
2	Wisconsin	5,352	-18%
3	Missouri	5,315	-11%
4	Minnesota	5,268	-6%
5	Indiana	5,247	-24%
6	Michigan	4,680	-21%
7	Illinois	3,808	-17%

Jail pretrial population

Rank	State	Rate (2015)	Rate change ('05-'15)
1	Indiana	272	8%
2	Missouri	226	16%
3	Wisconsin	158	1%
4	Iowa	158	5%
5	Illinois	157	-19%
6	Michigan	126	-4%
7	Minnesota	111	5%

Jail sentenced population

Rank	State	Rate (2015)	Rate change ('05-'15)
1	Wisconsin	181	-0.2%
2	Michigan	119	-0.2%
3	Indiana	114	-0.3%
4	Minnesota	75	-0.2%
5	Illinois	64	0.5%
6	Missouri	60	-0.2%
7	Iowa	54	0.2%

PRISONS

Prison admissions

Rank	State	Rate (2016)	Rate change ('06-'16)
1	Missouri	465	-7%
2	Illinois	299	-36%
3	Iowa	298	-11%
4	Indiana	297	-29%
5	Minnesota	223	6%
6	Michigan	192	-12%
7	Wisconsin	175	-24%

Prison population

Rank	State	Rate (2018)	Rate change ('08-'18)
1	Missouri	768	0.2%
2	Wisconsin	637	3%
3	Indiana	620	-6%
4	Michigan	594	-18%
5	Illinois	472	-10%
6	Iowa	469	5%
7	Minnesota	279	-0.7%



Data

This fact sheet uses data from four U.S. Bureau of Justice Statistics (BJS) data series and is supplemented with data obtained directly from state governments for the more recent years for which BJS data is not yet available, when available. The Annual Survey of Jails, Census of Jails, and National Corrections Reporting Program provides data through 2016; the National Prisoner Statistics program provides data through 2017, and 2018 data is sourced from state agencies. Rates are per 100,000 residents aged 15 to 64. See *Data and Methods for Vera's State Fact Sheets*: www.vera.org/incarceration-trends-fact-sheets-data-and-methods.pdf for complete details. County-level data is available at trends.vera.org.

Acknowledgments

This series would not be possible without the excellent work of researchers at the Bureau of Justice Statistics—E. Ann Carson, Todd Minton, and Zhen Zeng—who maintain the Annual Survey of Jails, Census of Jails, National Corrections Reporting Program, and National Prisoner Statistics program. This report was designed by Paragini Amin and created by Christian Henrichson, Eital Schattner-Elmaleh, Jacob Kang-Brown, Oliver Hinds and James Wallace-Lee. This report was made possible by the support of Arnold Ventures. The views expressed in this report are those of the authors and do not necessarily reflect the views of Arnold Ventures.

Credits

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An electronic version of this report is posted on Vera's website at www.vera.org/state-incarceration-trends. The Vera Institute of Justice is a justice reform change agent. Vera produces ideas, analysis, and research that inspire change in the systems people rely upon for safety and justice, and works in close partnership with government and civic leaders to implement it. Vera is currently pursuing core priorities of ending the misuse of jails, transforming conditions of confinement, and ensuring that justice systems more effectively serve America's increasingly diverse communities.

For more information

For more information, visit www.vera.org. For more information about this fact sheet, contact Jacob Kang-Brown, senior research associate, at jkangbrown@vera.org.



Race and Prison Sentencing in Wisconsin: Initial Outcomes of Felony Convictions, 2009-2018

DRAFT

January 2020



Wisconsin Court System
Office of Research and Justice Statistics

EXECUTIVE SUMMARY

This study examines differences by race for felony cases sentenced in Wisconsin between 2009 and 2018. The research builds upon an analysis conducted by Chief Justice Patience Roggensack in 2016, which examined the impact of race on sentence lengths of White and Black men in Milwaukee County. The current study looks at the likelihood of receiving prison versus another outcome (e.g. jail or probation) and the length of a prison sentence, if imposed. It also expands the scope to examine outcomes for men and women in five racial groups: American Indian, Asian, Black, Hispanic and White. The analyses consider important factors such as initial and convicted charge severity, whether guilt is determined via trial, criminal history over the previous five years, and whether the defendant was a youth (17-29 years old), while controlling for regional variation. The study uses data from the Wisconsin Court System's Consolidated Court Automation Programs (CCAP) case management system.

Following extensive data processing and statistical analysis on 178,910 relevant felony convictions, this study makes the following general conclusions, when accounting for the additional factors described above:

- American Indian men are 34% more likely to receive prison sentences than White men but, when sentenced, receive similar prison sentence lengths. American Indian women typically have a similar likelihood of receiving a prison sentence as White women and receive similar sentence lengths.
- Asian men and women are just as likely to receive prison sentences as White men and women respectively, and there are no significant differences between the lengths of their prison sentences.
- Black men are 28% more likely to receive prison sentences than White men overall and even more likely to receive prison sentences for high severity felonies. Once sentenced to prison, Black and White men receive similar sentence lengths. Black women are just as likely to receive a prison sentence as White women and receive similar sentence lengths.
- Hispanic men are 19% more likely to receive prison sentences than White men but, once sentenced the sentence lengths are similar. Hispanic women are just as likely to receive a prison sentence as White women and receive similar sentence lengths.
- Compared to all Non-White men, White men are 21 percent less likely to receive a prison sentence though, when sentenced, they receive similar sentence lengths. Overall, White women are no more or less likely than Non-White women to receive a prison sentence.

Beyond these overall observations, further examination revealed trends that were unique to each racial subgroup – especially by charge severity and district – described later in this report.

BACKGROUND

Although guidelines for sentencing are outlined in Wis. Stat. § 973.017 and affirmed through Wisconsin Supreme Court cases such as *State vs. Gallion*,¹ judges have considerable discretion regarding sentencing decisions. Although race cannot be overtly considered as a factor in sentencing decisions, factors such as criminal history, level of education and work history are often correlated with race and may have an indirect impact on sentencing decisions. Studies by Chief Justice Patience Drake Roggensack (2016) and the Wisconsin Sentencing Commission (Mayrack, 2007) sought to study such effects, but found few conclusive results.

¹ *State vs. Gallion*, 2004 WI 42, 270 Wis. 2d 535, 678 N.W.2d 197

Nonetheless, these studies and others have found differences in plea-bargaining and the types of sentences imposed for Non-White racial groups.²

This study uses the combined race and ethnicity classification system codified in the Federal Register by the U.S. Office of Management and Budget (1997) and focuses on five racial categories using the following terms: American Indian, Asian, Black, Hispanic, and White.

The analysis focuses on initial sentencing since this is when the judge first takes into account factors such as the severity of the crime, the defendant's age, criminal history and other specific details. Subsequent sentencing decisions, such as those stemming from supervision violations for example, are less directly linked to judicial decision-making and are therefore not included in this examination.

We build from previous analyses by accounting for the impact of six additional sentencing variables:

- (1) **Highest Severity among Convicted Charges.** This considers the highest severity class of the convicted felony charges and assigns a weight to each class (an approach developed by Roggensack, 2016).
- (2) **Highest Severity among Initial Charges.** This considers the highest severity class of the initial felony charges and assigns a weight to each class.
- (3) **Trial-Determined Guilt.** This explores whether a defendant was found guilty at trial versus the defendant pleading guilty or no contest.
- (4) **Exclusively Drug Offenses.** This examines whether the defendant was convicted of only drug charges.
- (5) **Criminal History.** This explores whether the defendant was convicted of a felony or misdemeanor in the previous five years to the case.
- (6) **Age at Offense Date.** This accounts for the defendant's age when the offense was committed.

This research applies multivariate statistical techniques (logistic and ordinary least squares linear regression) to examine sentencing impacts. Complete details regarding the extensive data preparation and methods used to conduct these analyses are available in Appendix B. We caution that many factors that contribute to judicial sentencing decisions cannot be accounted for in statistical models. For example, each case has differences in terms of prosecutorial charging decisions, and defense attorney representation, and immeasurable differences in the specific details of charged offenses. Overall our most complete models explain about 19% of the likelihood of a defendant receiving a prison sentence and 63% of the variation in the length of a prison sentence (more detail is available within the key statistical tables in Appendix C. Race may also be a factor in arrest rates and diversion/deferment decisions prior to sentencing.

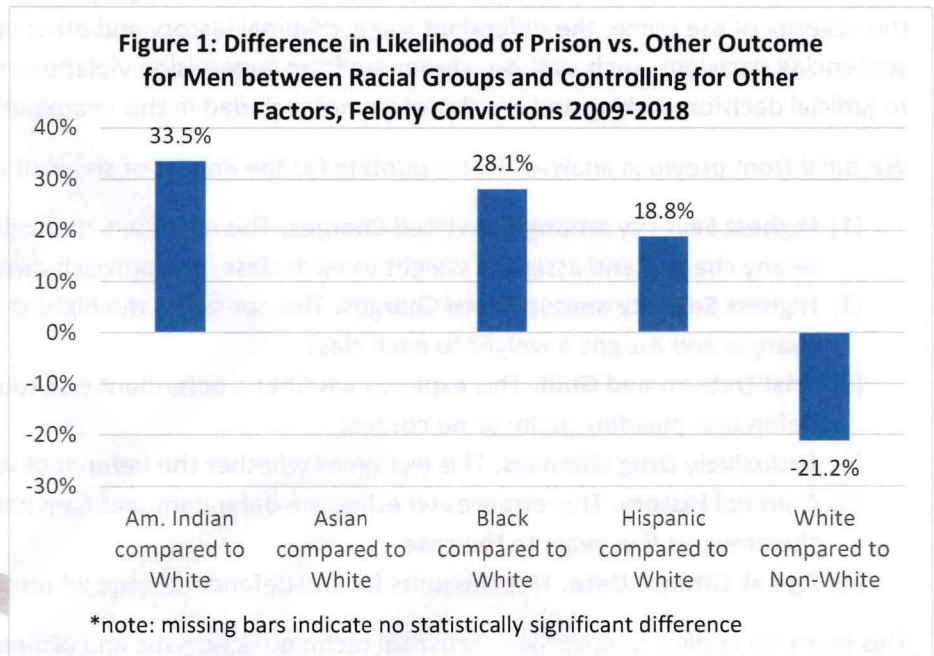
This study uses data exclusively from the Consolidated Court Automation Programs (CCAP) of the Wisconsin Court System to focus on the initial sentencing decisions made within Wisconsin's circuit courts. We do not use data from the Department of Corrections (DOC) since these are based on actual time served so may include additional penalties beyond initial sentencing stemming from revocations of probation or extended supervision, as well as sentences from other unrelated cases.

² Some key references include: Baumer (2013); Berdejo (2018); Devers (2011); Franklin & Fearn (2015); Franklin (2013); Frase (2013); Freibirger & Hilinski-Rosick (2013); Metcalfe & Chiricos (2017); Oliver (2016); Schlesinger (2005); Steffensmeier, Painter-David, and Ulmer (2016); Spohn (2000); Stolzenberg, D'Alessio, and Elite (2013); Ulmer & Bradley (2006); Wooldredge (2012)

OVERALL DIFFERENCES BY RACE

Our study finds strong evidence of sentencing differences by race – especially among men – though these trends are typically mitigated by the additional factors we examine. Accounting for these additional factors allows us to assess, if two defendants have similar characteristics on every other measured factor – highest severity convicted charge, reduction in highest initial charge, trial-determined guilt, exclusively drug offenses, past felony or misdemeanor conviction, and whether under age 30 at time of offense – what differences in sentencing outcomes remain that appear linked to race.

While overall we find no significant differences between women by racial group in the likelihood of receiving a prison sentence there are significant differences between men by race. Accounting for the factors mentioned earlier, American Indian men still have 34% higher odds of receiving a prison sentence compared to White men, Black men have 28% higher odds and Hispanic men 19% higher odds. Only Asian men were no more or less likely to receiving a prison sentence than white men. White men were 21 percent less likely to receive a prison sentence than Non-White men combined.



Once sentenced to prison however, there were no statistically significant differences between racial groups in the length of the prison sentence for men or women, once controlling for other measured factors and considering the state as a whole.

Taken in context, our results reveal that many other factors – such as charge severity and criminal history – are more consequential to prison outcomes than race and the detailed statistical tables in Appendix C illustrate this fact. That said, when we focus on particular levels of charge severity, regions within the state (Appendix A) or patterns within each racial group, we get a clearer picture of how and where differences by race may exist.

Differences in Likelihood of Prison by Felony Class Severity Level

Delving deeper into the overall pattern, we find that racial differences are more pronounced at various levels of felony class severity, even as we continue to account for other factors. This is especially true for Black men who are more likely to receive prison sentences compared to White men at almost every level of severity – especially for Class B felonies where they were almost three times more likely to be sentenced to prison. Black women were generally similar to White women across regions, except for being 28% less likely sentenced to prison for Class H and 65% more likely for felonies of lowest severity – Class I. American Indian men are twice as likely to receive a prison sentence for an unclassified felony conviction (“FU”) conviction compared to White

men and are also more likely to receive prison sentences for felony classes F through I. American Indian women generally have a similar likelihood to receive a prison sentence to White women though are twice as likely to receive prison for a felony of severity class G. Asian men and women generally have similar odds of being sentenced to prison as their White counterparts though Asian men appear 75% more likely to receive prison for a felony class D conviction. Hispanic men have higher odds of receiving a prison sentence than White men at four unique different felony classes, particularly for class C where they are 78% more likely to receive a prison sentence. Hispanic women have generally similar odds of receiving prison to White women. The fact that differences in prison sentencing by race emerge at some – though not all – felony classes suggests that there may be particular offences and relevant statutes that may deserve additional attention to understand disparities.³

Table 1: Difference in Likelihood of Prison Sentence vs. Other Outcome between Racial Groups by Level of Severity and Controlling for other Factors, Felony Convictions 2009-2018

		Felony Class Severity									
Race	Sex	FA	FB	FC	FD	FE	FF	FG	FH	FI	FU
Am. Indian Compared to White	Men						30%	37%	27%	37%	101%
	Women			543%*				99%			
Asian Compared to White	Men				75%						
	Women			970%*							
Black Compared to White	Men		171%	93%	90%	61%	39%	34%		39%	57%
	Women								-28%	65%	
Hispanic Compared to White	Men			78%		62%		36%		21%	
	Women					229%*					
White Compared to Non-White	Men			-46%	-42%	-35%	-25%	-25%		-27%	-32%
	Women			-37%					21%	-26%	

Notes: Results are from Logistic Regression Models that control for the following other factors: Reduced Highest Severity Charge, Severity of Crime, Trial, Severity of Past Conviction, Exclusively Drug Crimes, and Age of Offender.

Blank Cells indicate there is no statistically significant difference ($p \geq 0.05$) between referenced racial groups by sex

*Estimates *italicized*, though statistically significant, may involve unique circumstances so should be cautiously interpreted.

Differences in Length of Prison Sentence by Felony Class Severity Level

While overall there were no significant differences in the length of prison sentences between racial groups, we do see a few differences when we consider each level of class severity, controlling for other factors. Most notably, Black men received about one year longer sentences when sentenced to prison for felony Class D convictions than White men who in turn receive about 300 days' shorter sentences than Non-White men in

³ Several racial comparisons between women (highlighted with a "*" in Table 1) may involve situations where a particular group of women of the same race were charged with multiple cases of crimes with similar severity. While the estimates are statistically significant, they should be treated as atypical circumstances since few women

general. Black women receive about the same number of days when sentenced to prison as White women.⁴ Asian men received 130 fewer days in prison than White men for a felony Class G conviction and Asian women received around 150 less days in prison for a felony Class H conviction compared to White women. There were no significant differences in average prison sentence lengths between American Indian men and women and their White counterparts at any felony class level.

Table 2: Difference in Length of Prison Sentence between Racial Groups by Level of Severity and Controlling for Other Factors, Felony Convictions Sentenced to Prison, 2009-2018

		Felony Class Severity									
Race	Sex	FA	FB	FC	FD	FE	FF	FG	FH	FI	FU
Am. Indian Compared to White	Men										
	Women										
Asian Compared to White	Men							-131			
	Women								-148		
Black Compared to White	Men				363			-41			
	Women			<i>-460*</i>							
Hispanic Compared to White	Men										
	Women									-111	
White Compared to Non-White	Men				-301			42			
	Women										

Notes: Results are from OLS Linear Regression Models that control for the following other factors: Reduced Highest Severity Charge, Severity of Crime, Trial, Severity of Past Conviction, Exclusively Drug Crimes, and Age of Offender.

Blank Cells indicate there is no statistically significant difference ($p \geq 0.05$) between referenced racial groups by sex

*Estimates *italicized*, though statistically significant, may involve unique circumstances so should be cautiously interpreted.

⁴ While statistically significant, there may be unique circumstances whereby several White and Black women may have received atypically high and low prison sentences respectively for multiple crimes at the felony Class C level, so the low estimated (highlighted with a '*' in Table 2) should be interpreted with caution.

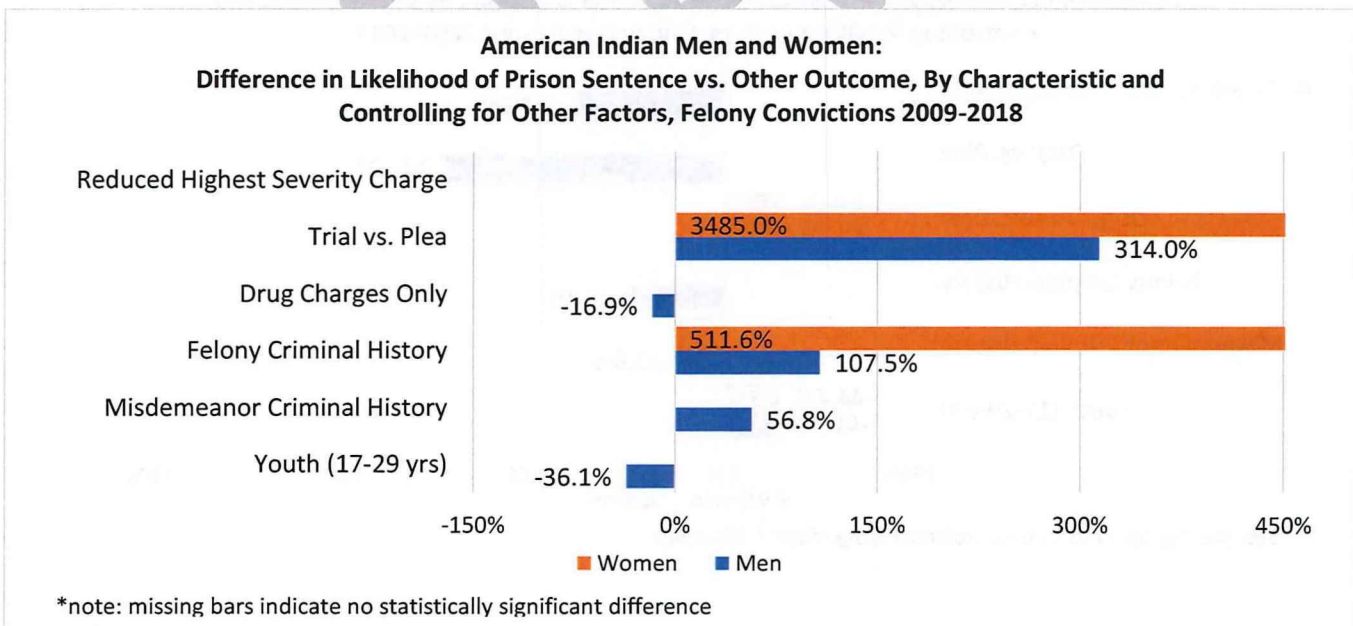
AMERICAN INDIAN DEFENDANTS

American Indian men are 34% more likely to receive prison sentences than White men. Notably, American Indian men are twice as likely to receive a prison sentence for an unclassified felony conviction (“FU”) conviction are more likely to receive prison sentences for felony classes F through I. The biggest disparity in likelihood of sentencing occurs in Judicial Administrative District 10 in the Northwestern part of the state (See Appendix A). There were no significant differences in average prison sentence lengths between American Indian men and their White counterparts.

American Indian women typically have a similar likelihood of receiving a prison sentence as White women and receive similar sentence lengths. American Indian women generally have a similar likelihood of receiving a prison sentence as White women though are twice as likely to receive prison for a felony Class G conviction. The biggest difference in sentencing occurred in District 3 (western suburbs of Milwaukee). Average prison sentence lengths for American Indian women and White women are similar.

Key Trends among American Indian Defendants

- Women are near certain to receive a prison sentence if their guilt is determined at trial (versus via plea) while men are four times more likely to receive a prison sentence if found guilty via trial.
- Women with a felony conviction in the prior five years are over six times more likely to receive a prison sentence than women without such a criminal history.
- Men with a felony conviction in the prior five years are over twice as likely to receive a prison sentence than men without such a criminal history.
- Men are 57% more likely to receive a prison sentence if they have a misdemeanor conviction in the prior five years than men who did not have such a criminal history.



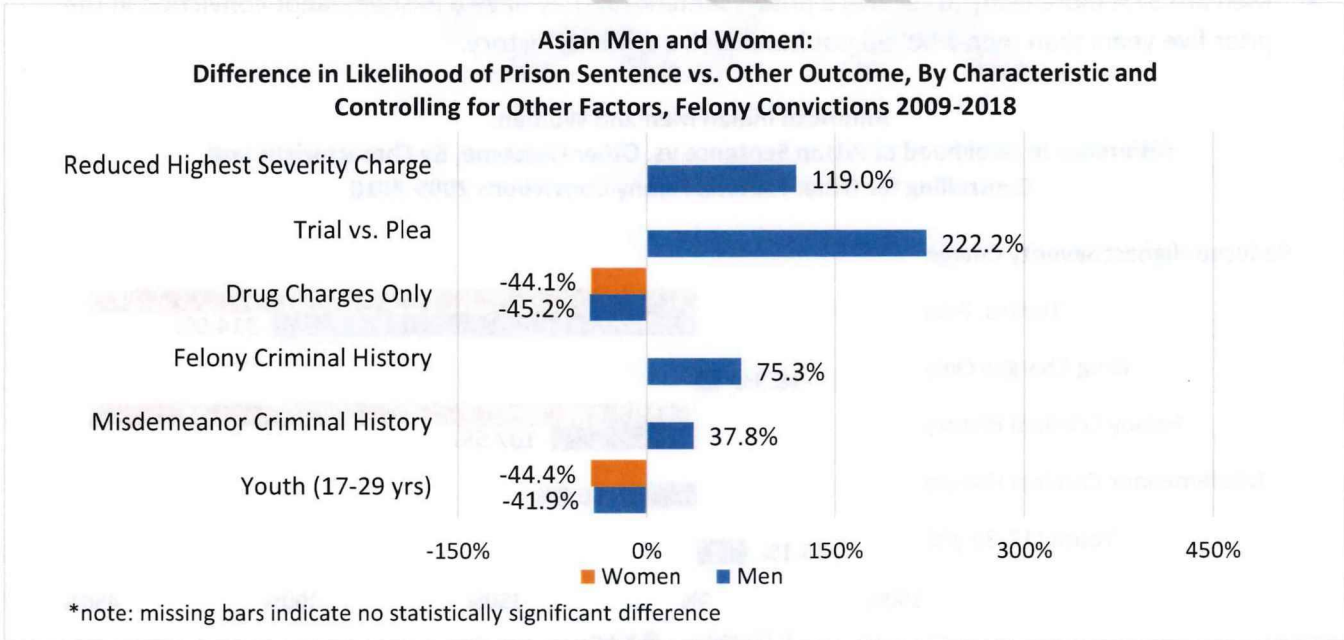
ASIAN DEFENDANTS

Asian men are just as likely to receive prison sentences as White men overall though Asian men appear 75% more likely to receive prison for a felony Class D conviction. A noticeable difference in sentencing rates seems to occur in Judicial Administrative District 9 in the Northern part of the state where Asian men are 62% more likely to receive a prison sentence than White men (See Appendix A). Lengths of prison sentences are generally similar for Asian men and White men though Asian men received 130 fewer days in prison than White men for a felony Class G conviction. Asian men appear only to have far longer sentences in District 1 (Milwaukee) but similar or lower prison sentence lengths elsewhere in the state.

Asian women and White women are just as likely receive to prison sentences and there are generally no overall differences in the lengths of their prison sentences with a couple exceptions. Asian women received around 150 fewer days in prison for a felony Class H conviction compared to White women and their sentences were about 200 days shorter in District 9 (Northern Wisconsin).

Key Trends among Asian Defendants

- Men are over two times more likely to receive a prison sentence if there was a reduction in the initial charge severity than men whose highest initial charge severity was not reduced.
- Men are over three times more likely to receive a prison sentence if their guilt was determined at trial than by plea.
- Men are 75% more likely to receive a prison sentence if they had a felony conviction in the prior 5 years compared to men who did not have a such a criminal history.



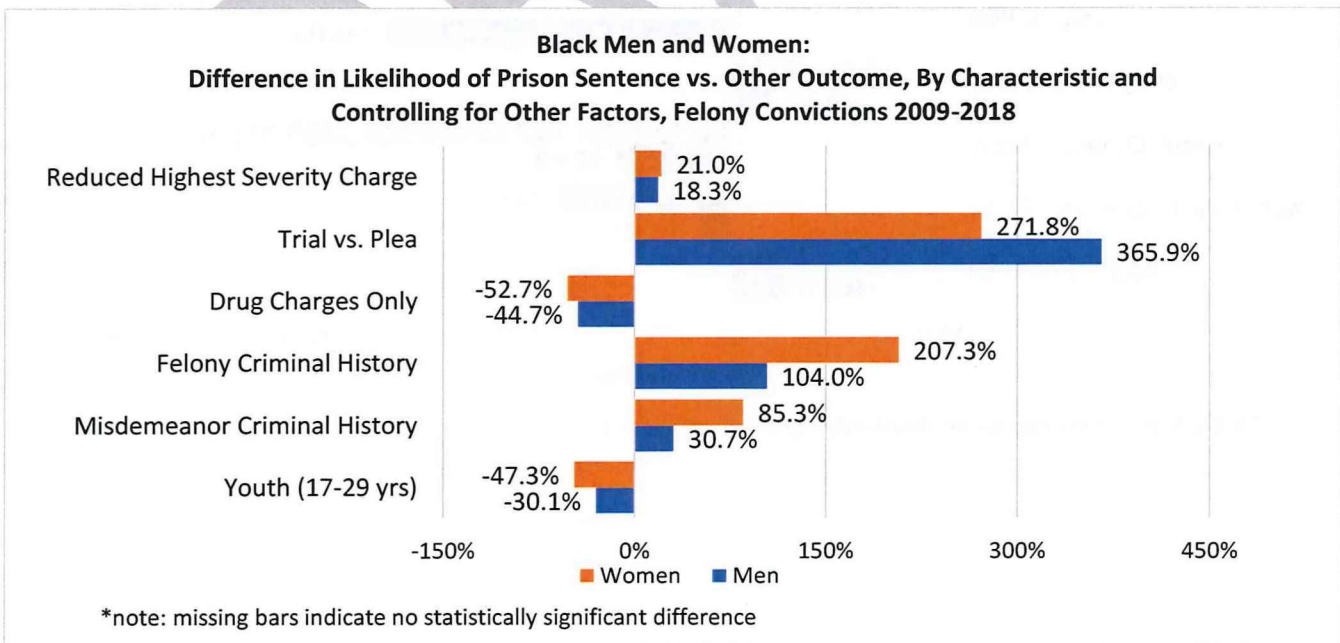
BLACK DEFENDANTS

Black men are 28% more likely to receive prison sentences than White men overall and more likely to receive prison sentences for high severity felonies (classes B, C and D). Black men are more likely to receive prison sentences compared to White men at almost every level of severity – especially for Class B felonies where they are almost three times more likely to be sentenced to prison. Black and White men receive similar sentence prison lengths though Black men receive about one year longer for sentences from felony Class D convictions. Black men are also more likely to be sentenced to prison than White men in almost every Judicial Administrative District – especially in District 9 (Northern Wisconsin) where they are almost twice as likely and in Districts 2 and 3 (Milwaukee suburbs) where they are about 50% more likely (see Appendix A).

Overall, Black women are just as likely to receive a prison sentence as White women and receive similar sentence lengths. Black women are generally similar to White women across regions, except for being 28% less likely to be sentenced to prison for a felony Class H conviction and 65% more likely for felonies of lowest severity (Class I). Regionally, Black women are less likely to be sentenced to prison than White women in District 1 (Milwaukee County) though more likely in District 4 and especially District 10 where they are two-and-a-half times more likely.

Key Trends among Black Defendants

- Women are near 4 times more likely and men 5 times more likely to receive a prison sentence if their guilt was determined at trial versus women or men whose guilt was determined by plea.
- Compared to men convicted of a Class I felony, men convicted of a Class B felony are almost certainly likely to receive a prison sentence. While convictions for more severe felonies greatly increase the likelihood of a prison sentence compared to lesser felonies, this difference among Black defendants is far greater than among any other racial group.
- Women are 3 times more likely to receive a prison sentence if they had a felony conviction within the prior 5 years than women who did not have such a criminal history.



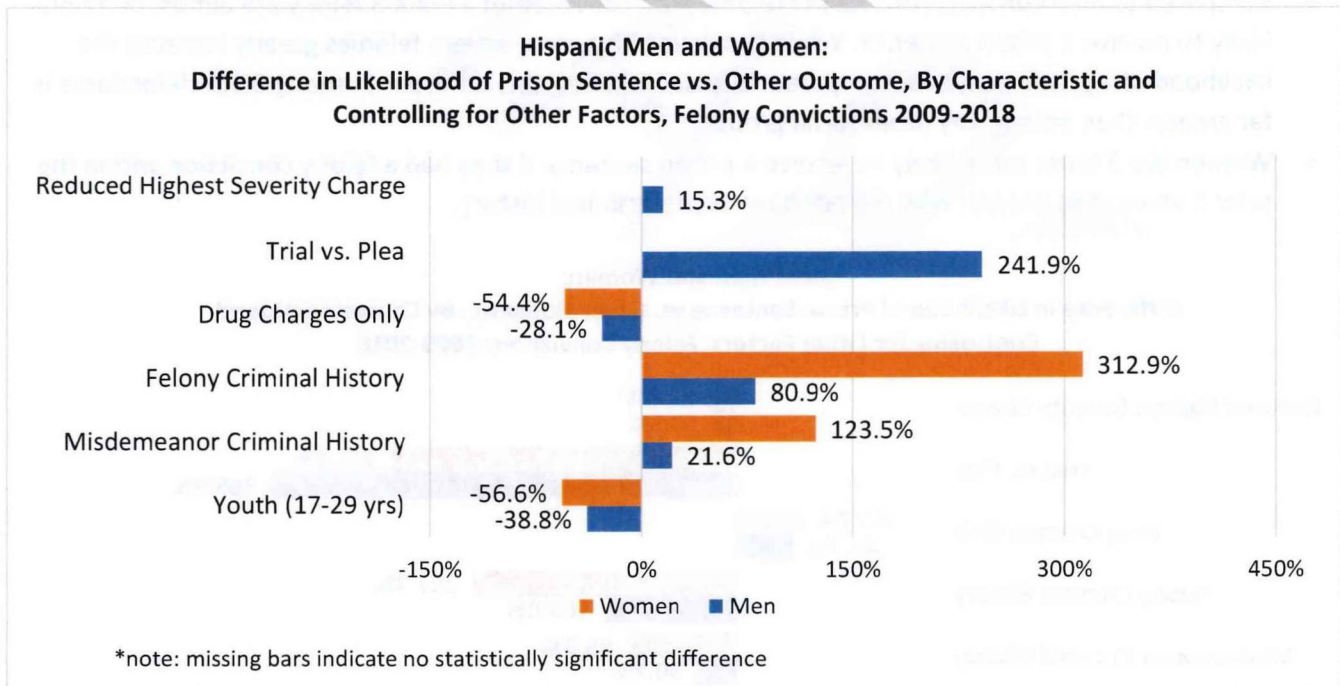
HISPANIC DEFENDANTS

Hispanic men are 19% more likely to receive prison sentences than White men but, Hispanic men have a higher likelihood of receiving a prison sentence than White men in four different felony classes, particularly for Class C where they are 78% more likely to receive a prison sentence. This difference in sentencing is most pronounced for felony classes C, E, G and I. Regionally, Judicial Administrative Districts 1 and 2 (Milwaukee and southern suburbs) as well as District 8 (Northeastern Wisconsin) are where Hispanic men are more likely to be sentenced to prison than White men. Once sentenced, prison lengths are similar for Hispanic and White men.

Hispanic women are just as likely to receive a prison sentence as White women and receive similar sentence lengths. The only noticeable difference is that Hispanic women receive noticeably shorter prison lengths – by almost four months – than White women within the least severe felony class (Class I).

Key Trends among Hispanic Defendants

- Women are four times as likely to receive a prison sentence if they had a felony conviction in the prior 5 years than women who do not have such a criminal history.
- Women are twice as likely to receive a prison sentence if they had a misdemeanor conviction in the prior 5 years than women who do not have such a criminal history.
- Men are over three times more likely to receive a prison sentence if their guilt is determined at trial compared to by plea.



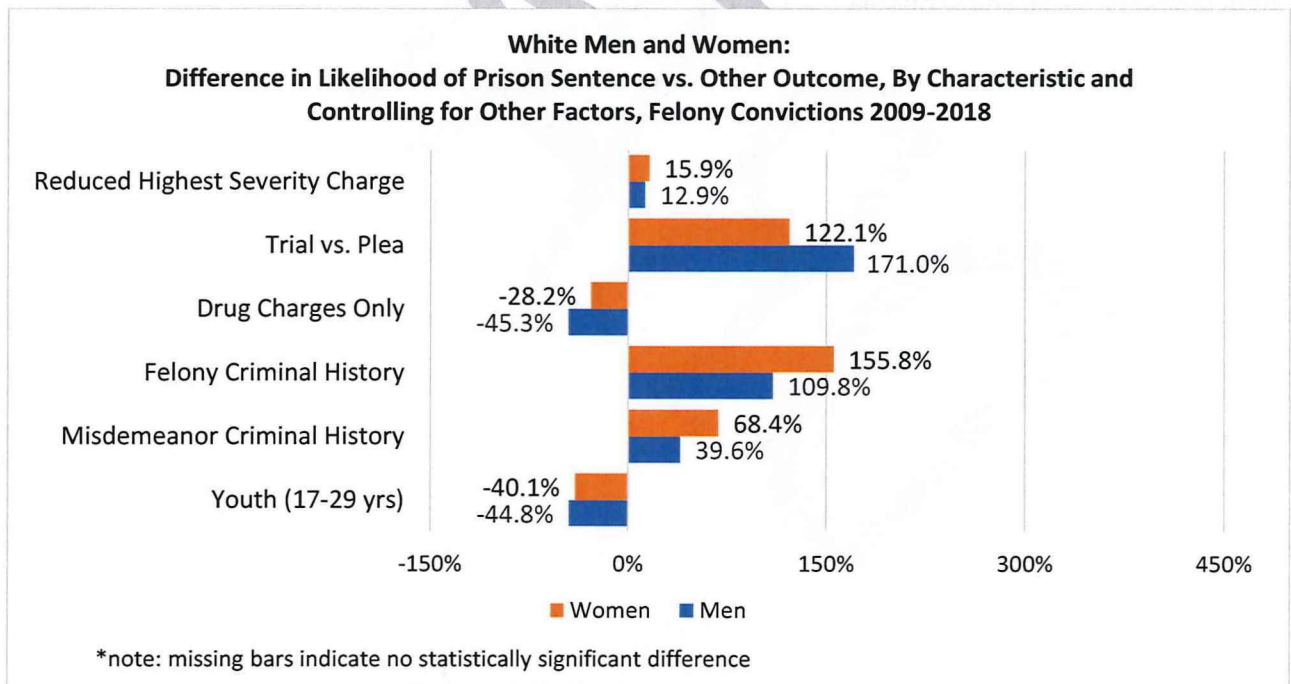
WHITE DEFENDANTS

Compared to all Non-White men, White men are 21 percent less likely to receive a prison sentence, particularly for crimes of severity Class C or lower and in all Judicial Administrative Districts (see Appendix A). When sentenced however, White men receive sentences that are similar in length to Non-White men except for felony Class D where they are sentenced to about 10 months less time in prison.

Overall, White women are no more or less likely than Non-White women to receive a prison sentence though there is some variation based on the severity class of the felony. White women are less likely to receive prison for a felony Class C and Class I conviction but more likely for felony Class H conviction. Sentence lengths are similar at all felony severity levels, though White women are 24% more likely to be sentenced to prison than Non-White women in District 1 (Milwaukee County) but are 50% less likely in District 10.

Key Trends among White Defendants

- Men are almost three times more likely to receive a prison sentence when their guilt is determined at trial compared to if it was determined by plea.
- Women are about 2.5 times more likely to receive a prison sentence if they had a felony conviction within the prior 5 years compared to women who do not have such a criminal history.
- Men are more than twice as likely to receive a prison sentence if they had a felony conviction within the prior 5 years than women who do not have such a criminal history.



CONCLUSION

Differences in sentencing by race remain – especially among men – even when we account for consequential factors such as charge severity, reduction in highest initial charge severity, trial-determined guilt, drug offenses, criminal history, age, and district within Wisconsin.

Among men, a clear pattern emerges where American Indian, Black and Hispanic defendants are more likely than Whites to be sentenced to prison versus another outcome like jail, probation or a fine. However, once sentenced, the length of the sentence is usually similar to White men, except for particular felony severity levels or locations within the state. Differences in defendants' employment and education status may also play a role in sentencing but such data were not available for this analysis.

Overall, among women we find little or no significant differences in the likelihood of being sentenced to prison or in the length of prison sentences between racial groups, beyond a few specific differences by felony severity or location. Key unmeasured factors that may influence sentencing trends among women – and likely men – are family indicators such as marriage and number of children since Non-White women have lower marriage rates and higher fertility rates than White women.⁵

This study represents an important step towards understanding patterns of racial disparities in the justice system. Future studies would do well to obtain and analyze data to account for pre-sentencing events (like arrest rates) and post-sentencing events (like revocation rates), along with the role of additional factors linked to defendants' social and economic status.

⁵ Raley, Sweeney, & Wondra, 2015; Kim & Raley, 2015

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APPENDIX A: ANALYSIS BY DISTRICT

All models presented in the main section of the report account for the location of each case through the state's nine judicial administrative districts.⁶ Location is crucial since sentencing differences by district are typically more related to the relative risk of incarceration or the length of a sentence than differences by race.

For this appendix, we re-estimate our results *within each district* to understand differences in sentencing that may be linked to race, while still controlling for other key factors: severity of current charge, reduction of initial highest severity charge, trial-determined guilt, and exclusively drug offenses, past felony or misdemeanor conviction, and age at offense below 30 years old.

LIKELIHOOD OF PRISON: DIFFERENCES BY RACE AND DISTRICT

Here we examine the likelihood of receiving a jail or prison sentence (versus another outcome) when we compare men and women by racial group in each district, while controlling for other factors (see **Table A-1**).

American Indian Defendants. American Indian men have higher likelihoods of receiving a prison sentence than White men in District 5, District 8 and especially District 10 where they are over 70 percent more likely. American Indian women are more likely to receive a prison sentence than White women in three districts – most notably District 3 and District 10 where they twice as likely – though are less likely to receive a prison sentence in District 9.

Asian Defendants. Generally, the likelihood of receiving a prison sentence between Asian defendants and their White counterparts is similar across the state, with one exception. Asian men appear 63% more likely to receive a prison sentence than White men in District 9.

Black Defendants. Compared to White men, Black men have higher risks of receiving a prison sentence all districts except for District 10. Most notably, they receive prison sentences 50% more often in Districts 2 and 3 and have double the likelihood of receiving prison in District 9. While Black women are 22% less likely than White women in District 1, they are almost 50% more likely to receive prison than their White counterparts in District 4 and 2.5 times more likely in District 10.

Hispanic Defendants. Hispanic men are more likely to receive a prison sentence than White men in District (by 21%), District 2 (30%) and District 8 (24%) while have similar likelihoods in the other six districts. Hispanic women show no differences with White women in their likelihood of receiving a prison sentence across all nine districts.

White Defendants. When comparing White men to all other men combined, it is remarkable that they are less likely to receive prison sentences in all districts and especially in Districts 2 and 3 where they are 30% less likely. White women have similar rates of receiving a prison sentence than Non-White women in seven out of nine districts except for District 1 where they are 24% more likely to receive a prison sentence and District 10 where they are 50% less likely.

⁶ More information about these districts and a map are available at: <https://www.wicourts.gov/courts/offices/map.htm>

Table A-1: Difference in Relative Risk of Jail or Prison versus No Incarceration among Racial Groups by Sex and Judicial Administrative District, Controlling for Other Factors

		Judicial Administrative District									
Race	Sex	1	2	3	4	5	7	8	9	10	
Am. Indian Compared to White	Men					43.3%		43.6%		70.2%	
	Women			126.4%				30.0%	-32.7%	107.3%	
Asian Compared to White	Men								62.7%		
	Women						254.7%*				
Black Compared to White	Men	7.3%	51.4%	50.0%	34.8%	21.8%	28.7%	27.2%	95.0%		
	Women	-21.8%			48.9%					151.0%	
Hispanic Compared to White	Men	21.2%	30.0%					24.1%			
	Women										
White Compared to Non-White	Men	-7.2%	-32.4%	-30.3%	-19.9%	-17.4%	-22.2%	-21.9%	-28.8%	-22.9%	
	Women	23.6%								-49.5%	

Notes: Results are from Logistic Regression Models which control for the following other factors: Reduced Highest Severity Charge, Severity of Crime, Trial, Severity of Past Conviction, Exclusively Drug Crimes, and Age of Offender.

Blank Cells indicate no statistically significant difference ($p \geq 0.05$) between referenced racial groups by sex

*Estimates *italicized*, though statistically significant, may involve unique circumstances so should be cautiously interpreted.

LENGTH OF PRISON SENTENCES: DIFFERENCES BY RACE AND DISTRICT

Patterns by race also emerge in terms of the average sentence lengths across districts, even when we control for charge severity, trial determined guilt, criminal history, drug charges and age (see **Table A-2**).

American Indian Defendants. Relative to Whites, the only district with which American Indian defendants experience significantly different sentences is in District 7, where American Indian women are sentenced to over 10 more months in prison.

Asian Defendants. Across districts, Asian men and women experience little differences in prison sentence lengths compared to Whites. Two notable exceptions are in seen in District 1, where Asian men are sentenced to more almost 2 more years in prison than White men and in District 8 where Asian men are sentenced to over 1.5 less years in prison than White men.

Black Defendants. Black women experience no significant differences in prison sentence lengths across districts compared to White women. Black men experience a few differences in prison sentence lengths across the districts compared to White men, most notably, Black men are sentenced over 6 more months in prison in District 2 and are sentenced almost 4 less months in prison in District 8.

Hispanic Defendants. Hispanic men and women are typically receiving the same prison sentence length across the districts, showing little significant differences when compared to White men and women. One significant

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 difference can be seen in District 7, where Hispanic men are sentenced to almost 2 less years in prison compared to White men.

White Defendants. Across districts, there are no significant differences in prison sentence length for White women compared to Non-White women. White men experience some differences across districts, including receiving over 4 less months in prison in District 2 compared to Non-White men and being sentenced to prison almost 6 months longer in District 8 than Non-White men.

Table A-2: Difference in Average Length of Jail or Prison Sentence (in Days) for Racial Groups Compared to White by Sex and Judicial Administrative District, Controlling for Other Factors

		Judicial Administrative District									
Race	Sex	1	2	3	4	5	7	8	9	10	
Am. Indian Compared to White	Men										
	Women						316				
Asian Compared to White	Men	634	-252					-629			
	Women								-205		
Black Compared to White	Men	102	186			-92		-115			
	Women										
Hispanic Compared to White	Men						<i>-677*</i>	-254			
	Women										
White Compared to Non-White	Men	-110	-128			92		170			
	Women										

Notes: Results are from Ordinary Least Squares Linear Regression Models which control for the following other factors: Reduced Highest Severity Charge, Severity of Crime, Trial, Severity of Past Conviction, Exclusively Drug Crimes, and Age of Offender. Blank Cells indicate no statistically significant difference (p≥0.05) between referenced racial groups by sex

*Estimates *italicized*, though statistically significant, may involve unique circumstances so should be cautiously interpreted.

APPENDIX B: DATA AND METHODS

Here we summarize the key stages of our research methods – data extraction, data preparation, and analysis.

DATA EXTRACTION

The primary source of data for this study is the Wisconsin Court System’s extensive, centralized repository of data from across the state’s 72 counties collected through the case management system of the Consolidated Court Automation Programs (CCAP). We acknowledge there are differences in the way that individual officials (e.g. clerks) may enter information to suit the needs of specific court rooms, and, as such, using these data for research purposes across jurisdictions cannot be unequivocally consistent.

We extract sentencing and demographic data from CCAP for all defendants who received an initial sentence between January 1st 2009 and December 31st 2018. We also extract each defendant’s prior conviction data from January 1st 2004 and December 31st 2018 to ensure a minimum of 5 years of relevant criminal history data were available for analysis. We use DBeaver 6.0 – a Structured Query Language (SQL) tool – to connect to the CCAP database and join relevant tables by matching them by case number, county, and relevant filing, judgement, and/or sentencing date. To determine criminal history, additional SQL queries added supplemental data matches based on the state identification number (State ID) assigned to most defendants since 2012. For defendants who were not assigned State ID numbers, our team resorted to supplementary matches based on the first name, last name, and date of birth—a less accurate approach but useful in finding more potentially relevant matches for research purposes.

To reduce the risk of excluding relevant cases, the team typically extracts all records during focal years representing every combination of a particular defendant, his or her demographic information and relevant charge, disposition, and sentencing events by date. Such expansive queries minimize the odds of missing important information, though yield millions of rows of redundant data which need subsequent sorting and condensing.

DATA PREPARATION

Our team takes several steps to sort and summarize relevant information about a particular case and its defendant to just one row of data per defendant per case, making use of Stata 16.0 software. For example, if a defendant is convicted of multiple charges in a case, we summarize across the case for details including:

- the most severe convicted charge (Felony Class A through Class I, including unclassified Felonies)
- the most severe initial charge (Felony Class A through Class I)
- the most severe conviction in the previous five years (dating back to 2004 for focal cases in 2009)
- any instances of each type of sentence (e.g. prison, jail or probation)
- whether there are exclusively drug charges within the case
- whether conviction resulted from plea or trial
- age at offense

Using the initial data fields, a series of 141 new variables (including demographic information) are constructed for this study and tested by cross-checking totals with county-level statistics and spot-checking individual cases using court records.

Sentencing Outcomes. The primary dependent variable of this study is the highest initial court outcome linked to sentencing. This variable assigns only one of four key outcomes to each defendant by case. These are in increasing order of potential incarceration: Prison – our key outcome of interest – along with other outcomes including Jail⁷, Probation, and Fine/Other (including community service). It is possible that a defendant could have multiple outcomes assigned at their first sentencing, so we assigned the most punitive outcome of prison, then jail, then probation, and then whether a fine or other sentence (e.g. community service) was received. Probation is also assigned as the outcome in cases where a defendant may have only received a brief jail term as a condition of their probation. It is important to note that we focus on the *initial* sentence, so do not account for situations where defendants may be initially assigned a fine or probation only to later receive jail or prison if a violation of their initial sentence leads to revocation. Where a defendant is sentenced to both prison and jail, we focus on the more punitive prison sentence.

Sentencing Lengths. The secondary dependent variable of this study is the total prison length of all charges sentenced to prison, paying attention to which sentences are ordered to be served consecutively or concurrently to others *within the case*. While many sentences used the consecutive or concurrent flags available through CCAP, these still required manual coding to discern *how* they were consecutive or concurrent in relation to other charges within the same case or to sentences in other cases. Many cases did not use the CCAP consecutive flags – including all in Dane County – so we conducted a manual review of all sentence descriptions containing the word “consecutive” - or likely abbreviations of the word (e.g. “C/S”). Some cases were ‘false positives’ in that the word ‘consecutive’ was not used in reference to prison sentences within the same case. Once we resolved which prison sentences were to be served consecutively or concurrently, we totaled them as appropriate to determine the total prison length of the initial sentence. Finally, to prevent the excessive statistical influence of extremely long prison sentences, we cap the longest prison sentences at 29,220 days (approximately 80 years).

Felony Class Severity of Convicted Charges and Highest Initial Charges. Since many cases include charges with different levels of severity, we determine the most severe charge in each case (among initial charges and among convicted charges) by ranking them from Felony Class A (highest) through Felony Class I (lowest), making use of the weighting system developed by Roggensack (2016). A very small number of cases (43 or 0.02%) had their most severe charges classified with the now outdated Felony Class BC so were added within Felony Class C which was the closest designation (in terms of severity and average prison sentence length) within the current felony class scheme.⁸ A diverse group of cases (2,392 or 1.34%) had only charges with unclassified severity levels – Class ‘FU’ or ‘F’ – so were included as a separate and unranked designation.

Race, Sex, and Age at Offense. These are among the most important independent variables in the study. While most defendants with multiple cases are consistently entered as the same race and ethnicity across these

⁷ House of Corrections – an institution particularly used in Milwaukee County – is also coded as Jail

⁸ Even though this study focuses on felony convictions between 2009 and 2018, some of these cases were filed prior to February 2003 when the Felony Class BC designation was still in use.

cases within CCAP (using the federal combined race and ethnicity categories), we use the most frequent racial classification when multiple races are identified. For example, if a defendant had three separate cases during the time period analyzed and was identified as ‘Hispanic’ in two of them and ‘White’ in one of them, the defendant is coded as ‘Hispanic’ in this analysis. In the small proportion of cases where a defendant is just as frequently identified to multiple races, they are designated as mixed and not used in this analysis (0.7% of cases). Similarly, if the sex of a defendant is listed multiple differently across cases, the most frequently designated sex is used. Some defendants commit multiple offenses at varying ages across a single case, so we determine and select the youngest age among the offenses, given that we seek to avoid examination of cases with crimes committed prior to age 17.

Trial Convictions. A relatively small number of convictions (2.9%) resulted from a court trial or jury trial. These cases are calculated based on disposition codes within the CCAP database.

Exclusively Drug Charges. Here we determine whether all the convicted charges were drug-related charges by using the WCIS crime category codes: 12300 (Drug Manufacture/Deliver); 12500 (Drug Possession); 12700 (Other Drug Offenses); 17400 (Drug Possession); 17500 (Drug Paraphernalia); and 17600 (Other Drug Offenses). These codes potentially correspond to 132 cited statutes (including sub-statutes).

The final dataset contained 178,910 records representing felony cases sentenced between 2009 and 2018 with valid sex, race and age information. Below is a table of descriptive statistics of key variables which summarizes key characteristics of data used in the study.

Table B-1: Descriptive Statistics for Key Variables Prepared for Analysis (N=178,910)

Variable	Description (with values and proportions)	Average	Standard Deviation	Min.	Max.
caseyear	Filing Date Year	-	-	1983	2018
chgtotal	Total Number of Charges	1.26	1.11	1	216
chgmulti	Multiple Charges in Case: Yes (1) = 16.1%	0.16	0.37	0	1
trial	Trial determined Guilt: Yes (1) = 2.9%	0.03	0.17	0	1
sevhi	High Severity Felony (Classes FA-FD) Conviction: Yes (1) = 8.1%	0.08	0.27	0	1
sevlofel	Lesser Felony (Classes FE-FI,FU) Conviction: Yes (1) = 91.9%	0.92	0.27	0	1
sevscore	Highest Severity Score (Roggensack System) - Among Convicted Charges	2.42	2.54	0.88	20
sevscoreinit	Highest Severity Score (Roggensack System) - Among Initial Charges	2.92	3.20	0.88	20
highinit	Initial Charge More Severe than Convicted Charge: Yes (1) = 14.7%	0.15	0.35	0	1
fredscore	Difference in Severity Score between Highest Initial Charge and Highest Convicted Charge	0.49	1.77	0	19.13
dchargeonlyC	Drug Charges Only (within Case): Yes (1) = 28.3%	0.28	0.45	0	1
sentinit	Highest Initial Sentence: Fine/Other (1) = 1.0%; Probation (2) = 59.7%; Jail (4) = 11.2% ; Prison (5) = 28.1%	2.66	0.90	1	4
psentdayF	Total Prison Sentence Days (considering consecutive and concurrent sentences within case)	904.75	2019.31	0	29220
agecat	Age Categories: "17-20" (2) = 16.0%; "21-24" (3) = 17.0%; "25-29" (4) = 18.8%; "30-34" (5) = 15.1%; "35-39" (6) = 10.7%; "40-49" (7) = 14.2%; "50-64" (8) = 7.7%; "65 & up" (9) = 0.5%	4.63	1.90	2	9
age17t29	Youth Defendant (17-29 yrs). Yes (1) = 51.8%	0.52	0.50	0	1
sex	Sex: Male (1) = 83.0%; Female (2) = 17.0%	1.17	0.38	1	2

Variable	Description (with values and proportions)	Average	Standard Deviation	Min.	Max.
race	Race/Ethnicity: Black/African American (1) = 28.7%; Asian or Pacific Islander (2) = 1.1%; American Indian or Alaska Native (3) = 3.6%; Hispanic (4) = 3.4%; White/Caucasian (5) = 62.6%; Mixed (8) = 0.7%	3.74	1.83	1	8
AnyCon5yr	Convicted of a Misdemeanor or Felony in Past 5 years: Yes (1) = 67.5%	0.67	0.47	0	1
NumCon5yr	Number of Convictions (Mis/Fel) in Past 5 years	3.59	5.21	0	107
hisevhi	High Severity Felony (Classes FA-FD) Conviction in Past 5 years: Yes (1) = 3.0%	0.03	0.17	0	1
hisevlofel	Lesser Felony (Classes FE-FI,FU) Conviction in Past 5 years: Yes (1) = 41.1%	0.41	0.49	0	1
hifel	Felony Conviction in Past 5 years: Yes (1) = 45.0%	0.45	0.50	0	1
himis	Misdemeanor Conviction (FE-FI,FU) in Past 5 years: Yes (1) = 22.5%	0.23	0.42	0	1
hiscore	Highest Severity Score (Roggensack Weighting System)- Among Convictions in Past 5 years	1.70	2.14	0	20

ANALYSIS

This report uses a mixture of bivariate and multivariate methods to estimate court outcome trends by race and determine whether they are statistically significant, especially when considering other factors like the severity of the crime and criminal history. To do this we use Stata/MP 16.0 for statistical analysis, as well as Microsoft Excel 2016 for general analysis and illustrating trends. Due to the very different patterns of crime rates and court outcomes for men and women, we conduct separate analyses by sex throughout our analysis.

Multivariate analyses. Here our research determines whether any racial trends are salient when other important factors are simultaneously considered. This is to ask: if two defendants have similar characteristics on every other measurable factor – namely reduction of highest initial charge, severity of current charge, past convictions, age at offense, exclusively drug offenses and region within the state – are there still differences based on race?

We employ two techniques for this part of our research, the first employs a binary logistic regression model (BLM) which allows us to consider the relative odds (the “likelihood”) of two distinct initial court outcomes – ‘prison’ or ‘other outcome’ (jail, probation, fine or other sentence) – for groups compared by race and other factors. While using the odds from a BLM does not give us the probability of a particular event occurring, it has the advantage of directly comparing the relative likelihood of two or more groups (notably racial comparisons in this study) for the key outcome of receiving a prison sentence. Following the framework proposed by Long (1997)⁹, we calculate the BLM as a comparative odds model that directly compares the relative higher or lower likelihood of our outcome given a particular factor (e.g. race) for the initial court outcomes of:

- “Prison” versus “Other Outcome”

This model is expressed as:

$$\Omega_{prison|oth_out}(x_i) = \frac{\Pr(y_i = prison|x_i)}{\Pr(y_i = oth_out|x_i)}$$

⁹ Long, J. S. (1997). *Regression Models for Categorical and Limited Dependent Variables*. Thousand Oaks, California: Sage

where $\Omega_{prison|oth_out}(x_i)$ represents the odds of 'prison' versus 'other outcome', given x_i the vector of factors under consideration particularly race (e.g. Hispanic vs White) but also control variables such as charge severity. Getting the exponent of the odds allows for easy interpretation since it represents factor changes or the "percentage increase" or "percentage decrease" language we use in this study.

All results of the BLMs are tested based on their z-scores so we can minimize the probability of error p to less than 5% ($p < 0.05$). Z-scores make use of a popular bell-shaped normal distribution used by statisticians to assess how likely a particular result would occur simply due to chance or whether there may be evidence to support a particular claim.

The second technique we use is ordinary least squares (OLS) linear regression to assess the length of prison sentence – for defendants sentenced to prison – while controlling for all factors (e.g. race and severity) in the model:

$$\text{Sentence Length} = \sum_1^n \beta_i x_i + c$$

where the length of the sentence term is the sum of all the factors x_i in the model (e.g. the variable Black is simply 1 if true and 0 if not) multiplied by the impact β_i derived from the statistical model plus a constant term c representing the value for the reference group for all the omitted categories.

This technique provides an intuitive reference group (the value of the constant), which for complete models is typically: white persons with no reduction in highest initial charge, highest severity charge of Felony Class I, not having exclusively drug charges, no criminal history, not having a trial, aged 30 years or older, and living in District 1 (Milwaukee County). Similar to the z-scores used in the previous BLM model, the t-scores for the tests of the OLS linear regression models also use a widely accepted bell-shaped distribution similar to the normal z-distribution to assess whether statistical evidence might support a particular claim. To correct against uneven data distributions among variables used, our linear regression models use MacKinnon and White robust ("heteroskedasticity-consistent") standard errors to improve accuracy of statistical t-tests when verifying whether the probability of error p is below 5%.

Each statistical technique was applied to the appropriate outcome through 330 statistical models (165 each):

- Outcome 1: logistic regression to assess differences between different racial and ethnic groups' average likelihood of receiving a prison sentence upon conviction
- Outcome 2: ordinary least squares linear regression to assess differences between racial and ethnic groups' average length of a prison sentence if the defendant was sentenced to prison.

For each outcome, we started with 27 iterative simple regression models by estimating the individual effect of each independent variable (e.g. charge severity) on the outcome. Then we built 6 complete models (multiple regression) that simultaneously assessed all the variables overall, by sex and by race (we share some of these in Appendix C). Once complete models were built, we estimated results for different population subgroups:

- By Severity and Sex, including White vs. Non-White (60 models)
- By Race and sex, including White vs. Non-White (30)
- By Judicial Administrative District, including (42)

APPENDIX C: OVERALL STATISTICAL RESULTS

Table C-1: Difference in Likelihood of Prison vs. Other Outcome (in Odds Ratios), Controlling for Race and Other Factors, Binary Logistic Regression Models based on Wisconsin Felony Convictions 2009-2018

	Complete Final Models Separating Minority Groups				Complete Final Models White/Non-White			
	Men		Women		Men		Women	
	Coef.	z-score	Coef.	z-score	Coef.	z-score	Coef.	z-score
Race Compared to White								
<i>Am. Indian</i>	1.335	(7.65)***	1.144	(1.72)+				
<i>Asian</i>	1.077	(1.20)	0.999	(-0.01)				
<i>Black</i>	1.281	(15.35)***	0.941	(-1.19)				
<i>Hispanic</i>	1.188	(5.01)***	1.100	(0.75)				
White Compared to Non-White					0.788	(-16.35)***	0.998	(-0.05)
Reduced Highest Severity Charge	1.150	(21.77)***	1.169	(7.88)***	1.150	(21.71)***	1.168	(7.82)***
Trial vs. Plea	3.442	(31.60)***	2.373	(7.13)***	3.445	(31.63)***	2.362	(7.10)***
Drug Charges Only	0.567	(-31.66)***	0.647	(-9.16)***	0.565	(-31.85)***	0.647	(-9.17)***
Felony Criminal History	2.056	(45.12)***	2.615	(21.53)***	2.062	(45.35)***	2.623	(21.63)***
Misdemeanor Criminal History	1.373	(17.20)***	1.710	(10.37)***	1.375	(17.29)***	1.717	(10.47)***
Youth (17-29 yrs)	0.604	(-37.47)***	0.584	(-14.60)***	0.604	(-37.53)***	0.583	(-14.63)***
Felony Class Comparison								
<i>FH compared to FI</i>	1.682	(24.71)***	1.660	(8.72)***	1.679	(24.65)***	1.659	(8.72)***
<i>FG compared to FI</i>	4.928	(66.34)***	4.017	(18.82)***	4.925	(66.34)***	3.995	(18.76)***
<i>FF compared to FI</i>	5.337	(74.24)***	5.537	(26.89)***	5.332	(74.24)***	5.526	(26.88)***
<i>FE compared to FI</i>	7.546	(65.62)***	5.899	(22.05)***	7.539	(65.61)***	5.889	(22.03)***
<i>FD compared to FI</i>	15.50	(67.14)***	20.92	(26.08)***	15.42	(67.07)***	20.77	(26.06)***
<i>FC/FBC compared to FI</i>	22.24	(91.67)***	28.10	(31.41)***	22.15	(91.65)***	27.98	(31.40)***
<i>FB compared to FI</i>	49.85	(46.47)***	174.0	(9.66)***	49.52	(46.41)***	173.5	(9.66)***
<i>FA compared to FI</i>	213.0	(12.89)***	291.2	(5.36)***	212.1	(12.88)***	290.0	(5.36)***
<i>FU (Unclassified)</i>	1.967	(12.16)***	1.870	(4.15)***	1.961	(12.10)***	1.894	(4.24)***
Judicial Administrative District Compared to District 1 (Milwaukee Co.)								
<i>District 2</i>	0.673	(-16.40)***	0.590	(-7.41)***	0.670	(-16.67)***	0.599	(-7.23)***
<i>District 3</i>	0.804	(-8.18)***	0.649	(-6.10)***	0.800	(-8.45)***	0.665	(-5.82)***
<i>District 4</i>	0.526	(-24.42)***	0.464	(-10.42)***	0.522	(-25.05)***	0.478	(-10.19)***
<i>District 5</i>	0.452	(-33.85)***	0.385	(-13.26)***	0.450	(-34.23)***	0.393	(-13.09)***
<i>District 7</i>	0.376	(-31.27)***	0.236	(-15.28)***	0.374	(-31.88)***	0.245	(-15.14)***
<i>District 8</i>	0.727	(-12.62)***	0.616	(-6.78)***	0.722	(-13.27)***	0.645	(-6.41)***
<i>District 9</i>	0.547	(-21.71)***	0.536	(-8.36)***	0.545	(-22.71)***	0.564	(-8.09)***
<i>District 10</i>	0.292	(-40.97)***	0.195	(-18.28)***	0.292	(-42.27)***	0.205	(-18.33)***
Observations	147349		30200		147349		30200	
Pseudo R-squared	0.193		0.145		0.193		0.145	
BIC (Bayesian Information Criterion)	147290.5		21610.6		147268.9		21584.9	

Exponentiated coefficients of logistic regression models; z statistics in parentheses with statistical significance indicated by: + p<0.10, * p<0.05, ** p<0.01, *** p<0.001

Table C-2: Difference in Length of Prison Sentence (in Days), Controlling for Race and Other Factors, OLS Linear Regression Models based on Wisconsin Felony Convictions Sentenced to Prison, 2009-2018

	Complete Final Models Separating Minority Groups				Complete Final Models White/Non-White			
	Men		Women		Men		Women	
	Coef.	t-score	Coef.	t-score	Coef.	t-score	Coef.	t-score
Race Compared to White								
<i>Am. Indian</i>	-68.8	(-1.81)+	43.5	(0.86)				
<i>Asian</i>	-99.4	(-1.11)	-468.7	(-1.23)				
<i>Black</i>	25.9	(1.32)	-49.4	(-0.97)				
<i>Hispanic</i>	-87.5	(-1.84)+	-19.0	(-0.16)				
White Compared to Non-White					0.4	(0.02)	40.4	(0.98)
Reduced Highest Severity Charge	155.1	(22.54)***	122.9	(6.57)***	155.3	(22.56)***	121.3	(6.51)***
Trial vs. Plea	1444.4	(21.58)***	738.0	(2.75)**	1448.2	(21.64)***	731.5	(2.73)**
Drug Charges Only	-299.7	(-25.06)***	-215.5	(-7.31)***	-299.6	(-25.33)***	-222.7	(-7.68)***
Felony Criminal History	123.9	(5.87)***	-14.0	(-0.31)	126.3	(5.98)***	-14.4	(-0.32)
Misdemeanor Criminal History	30.6	(1.22)	-39.4	(-0.74)	30.4	(1.21)	-35.1	(-0.66)
Youth (17-29 yrs)	-137.2	(-7.81)***	-82.0	(-2.20)*	-135.8	(-7.75)***	-84.8	(-2.25)*
Felony Class Comparison								
<i>FH compared to FI</i>	110.7	(10.03)***	68.3	(2.59)**	107.9	(9.84)***	66.3	(2.53)*
<i>FG compared to FI</i>	357.6	(32.05)***	337.4	(8.47)***	358.4	(32.25)***	333.9	(8.39)***
<i>FF compared to FI</i>	718.0	(61.63)***	552.5	(18.76)***	719.3	(61.82)***	552.4	(18.84)***
<i>FE compared to FI</i>	891.3	(47.00)***	616.4	(13.93)***	892.5	(47.16)***	615.6	(13.98)***
<i>FD compared to FI</i>	1763.2	(40.62)***	1452.7	(13.50)***	1760.4	(40.59)***	1442.6	(13.47)***
<i>FC/FBC compared to FI</i>	2201.2	(67.22)***	1534.8	(16.10)***	2199.5	(67.29)***	1525.8	(16.09)***
<i>FB compared to FI</i>	6520.9	(48.06)***	6180.4	(8.56)***	6513.1	(48.05)***	6179.5	(8.57)***
<i>FA compared to FI</i>	21454.0	(39.24)***	17441.8	(5.87)***	21450.8	(39.24)***	17416.4	(5.86)***
<i>FU (Unclassified)</i>	1575.1	(12.31)***	1060.5	(4.03)***	1572.1	(12.28)***	1061.1	(4.03)***
Judicial Administrative District Compared to District 1 (Milwaukee Co.)								
<i>District 2</i>	178.8	(5.34)***	29.9	(0.44)	170.3	(5.09)***	31.2	(0.46)
<i>District 3</i>	21.6	(0.71)	84.7	(1.22)	9.1	(0.30)	87.3	(1.27)
<i>District 4</i>	-0.4	(-0.01)	-55.9	(-0.79)	-16.1	(-0.49)	-50.9	(-0.73)
<i>District 5</i>	-60.3	(-2.15)*	1.0	(0.01)	-69.7	(-2.50)*	2.8	(0.03)
<i>District 7</i>	-5.2	(-0.12)	-337.0	(-2.20)*	-23.2	(-0.52)	-337.8	(-2.26)*
<i>District 8</i>	26.1	(0.89)	54.9	(0.63)	3.3	(0.11)	62.0	(0.72)
<i>District 9</i>	87.7	(2.67)**	60.8	(0.96)	64.6	(2.06)*	67.5	(1.10)
<i>District 10</i>	102.2	(2.55)*	217.4	(2.28)*	78.6	(2.04)*	240.1	(2.60)**
Constant	465.3	(17.91)***	616.4	(10.31)***	478.5	(19.43)***	576.8	(10.67)***
Observations	45470		4364		45470		4364	
R-squared	0.631		0.569		0.631		0.569	
BIC (Bayesian Information Criterion)	808855.5		74279.4		808834.0		74260.7	

Coefficients of ordinary least squares linear regression models; t statistics in parentheses with statistical significance indicated by: + p<0.10, * p<0.05, ** p<0.01, *** p<0.001