

Statewide Imprisonment of Black Men in Wisconsin

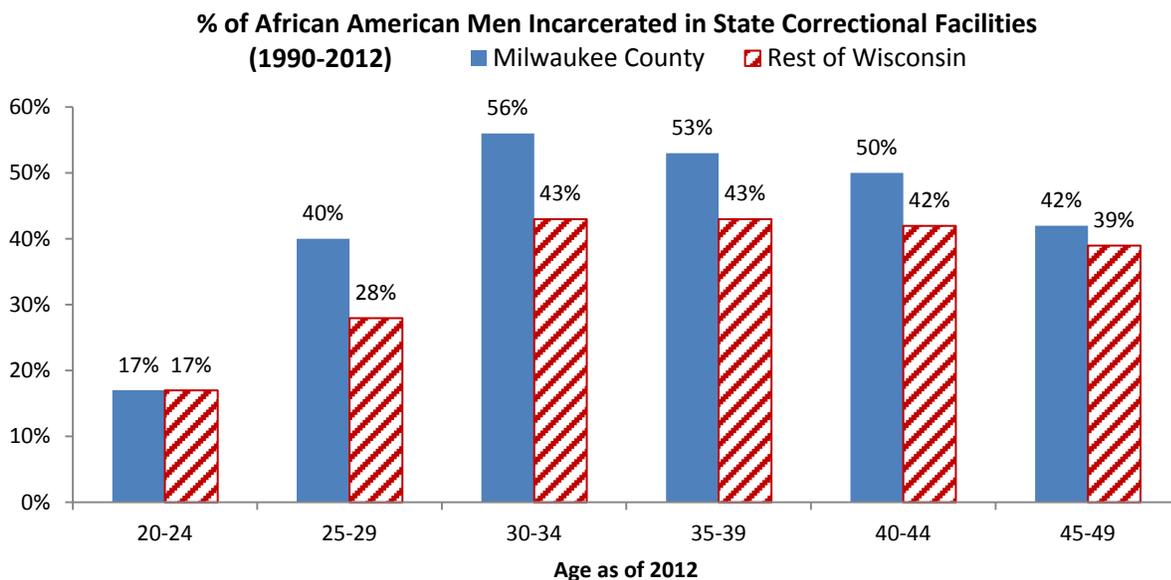
A resource paper for workforce planning prepared by Lois M. Quinn and John Pawasarat, Employment and Training Institute, University of Wisconsin-Milwaukee, June 2014

In 2013 the University of Wisconsin-Milwaukee Employment and Training Institute released a study on **“Wisconsin’s Mass Incarceration of African American Males”** (available online at www.eti.uwm.edu). The study documented what the black community already knew full well – that the state of Wisconsin had incarcerated over half of the young black men **from Milwaukee County** in state correctional facilities and that thousands of men from central city Milwaukee neighborhoods had served time in state prison or were currently imprisoned. An examination of the 2010 U.S. Census data counts showed Wisconsin with the highest incarceration rate for African American men in state prison and local jails in the United States and double the national average.

This report provides data on black male incarceration **for the entire state of Wisconsin** to assist the NAACP Wisconsin Conference of Branches, local and state governments, community agencies, and religious groups in addressing economic and criminal justice concerns in the state. For most ex-offenders, their prison records remain public and impediments to employment for the rest of their lives. Consequently, unlike studies reporting point-in-time levels of incarceration or average daily inmate populations, this report identifies the total populations of African American men who were incarcerated in adult state correctional facilities from 1990 to 2012 using Wisconsin Department of Corrections (DOC) public inmate records.

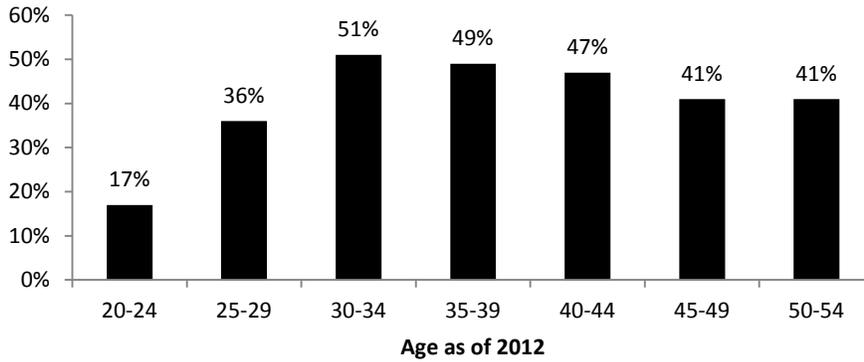
FINDINGS

1. State DOC records showed incarceration rates for African American men at epidemic levels throughout Wisconsin and not just in Milwaukee County. As previously reported, over half of African American men of prime working age (30-44 years) from Milwaukee County have served time in state prison or are currently incarcerated. **In the rest of Wisconsin (outside Milwaukee County), a staggering 43% of African American men in that age cohort (30-44 years) have also been incarcerated in state correctional facilities.**



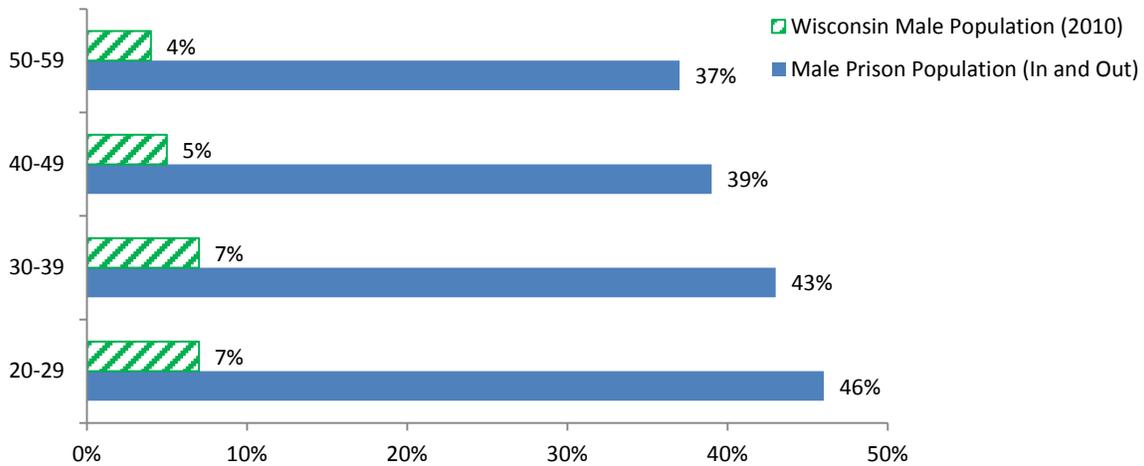
2. When prison records were examined for the state as a whole, they showed that by 2012 a third of African American men in their late 20s and half of the men in their 30s had already been incarcerated in state correctional facilities. The highest rates of incarceration were for African American men in their early thirties where 51% of the men statewide had served time in state prison (1990 -2012) or were currently incarcerated in 2012.¹

% of African American Men in Wisconsin Who Have Been Incarcerated in State Correctional Facilities (1990-2012)



3. African American men in Wisconsin have been incarcerated at rates highly disproportionate to their share of the state population at all age levels.

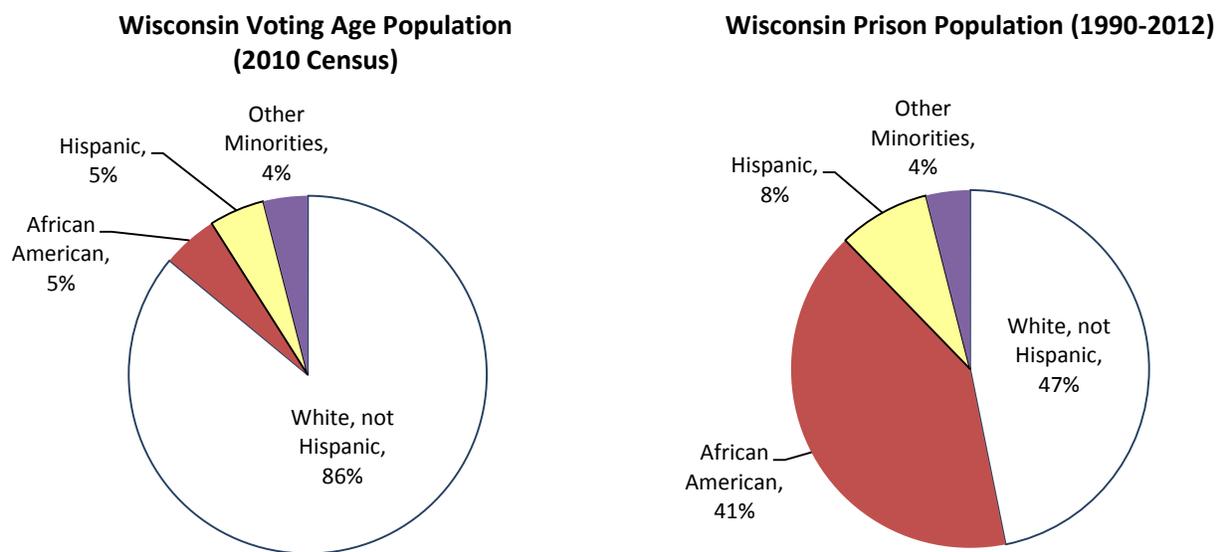
African American Men as a % of Wisconsin Male Population and % of State Male Prison Population



- African Americans make up 4% of Wisconsin men in their fifties but 37% of Wisconsin men in their fifties who have been incarcerated by the state (1990-2012).
- For men in their forties, African Americans comprise 5% of the state male population but 39% of men that age who have been imprisoned.

¹ Wisconsin population statistics from the 2010 U.S. decennial census were used to determine the total number of Wisconsin men by age and race/ethnicity.

- African Americans make up only 7% of Wisconsin men in their thirties but 43% of men in their thirties who have been imprisoned.
 - For men in their twenties the situation is even worse. African Americans make up 7% of Wisconsin men in their twenties but 46% of the men in their twenties who have been imprisoned.
4. The Wisconsin voting-age population (i.e., those age 18 and above) is 86% white non-Hispanic, thus placing decisions about the increasingly minority prison populations in the hands of a substantial white majority. Among the legislative concerns raised by religious and community leaders are prison conditions, opportunities for education and training (for ex-offenders and for non-offenders), state sentencing laws, lack of treatment alternatives to incarceration, parole practices, limitations on expungement of prison and court records, driver's license policies, and post-release employment discrimination.



5. Wisconsin electoral policies further increase the racial divide between state decision-makers and those most impacted by their policies in the state.
- Ex-felons under supervision of the Department of Corrections for probation, parole and extended supervision as well as persons in prison and jail are not allowed to vote in Wisconsin.
 - The Wisconsin legislature counts prisoners as part of the voting age population at the jurisdiction where their prison is located rather than at their home address – thus increasing the political representation for areas of Wisconsin where the state prisons are sited and decreasing representation for the home neighborhoods of the ex-offenders.
6. In Milwaukee and Dane counties (among others) **jury pools** are selected from state Department of Motor Vehicle lists of persons with driver's licenses and DMV-issued state IDs (and the DMV records are used as the source for "current" mailing addresses for reaching potential jurors) even though these administrative data bases have been found by the courts to underrepresent African Americans and Latinos and low-income residents. Poverty neighborhoods in the county also disproportionately show suspended driver's licenses for fine and civil forfeiture collection problems.

Workforce Recommendations

As emphasized in the Employment and Training Institute's 2013 study on **Wisconsin's Mass Incarceration of African American Males**, having a prison or felony record is the most serious barrier to employment, making ex-offender populations extremely difficult to place and sustain in full-time employment. Yet, most state policy discussions about preparing the Wisconsin workforce and debates over redistribution of government job training dollars have largely ignored African American men and relegated ex-offender populations to a minor (if not invisible) place in Wisconsin's labor force. The workforce proposals listed below focus on addressing problems of mass incarceration and lack of economic opportunity for African American males in Wisconsin. The efforts have three long-term objectives: to increase public safety, support sustained employment, and strengthen families.

1. Make African American males the state's #1 **jobs priority** for job creation, training, and education, given Wisconsin's history of mass incarceration of black men and outlier in the United States for imprisonment of black males.

Reverend Willie Brisco, president of MICA, the coalition of Milwaukee innercity religious congregations, described Wisconsin's black incarceration levels as "an undeclared state of emergency." ([WUWM, March 11, 2014](#)) Demond Means, Chair of the State Superintendent's Task Force on Wisconsin's Achievement Gap, called for a domestic "Marshall Plan" for Wisconsin's families of color, with tax incentives, reduced college tuition, home improvement loans, and grants for neighborhood associations in depressed communities in Wisconsin. ([Beloit Daily News, May 19, 2014](#)). Within two hours after the mayor of Milwaukee announced that the city would hire 25 ex-offenders for temporary positions repairing potholes, more than 330 phone calls were received inquiring about the jobs. ([Milwaukee Journal Sentinel, April 27, 2014](#))

2. Modify the Wisconsin **Circuit Court's CCAP** public internet postings and municipal court public website postings to stop publishing all ex-offenders' charges and offenses for life.

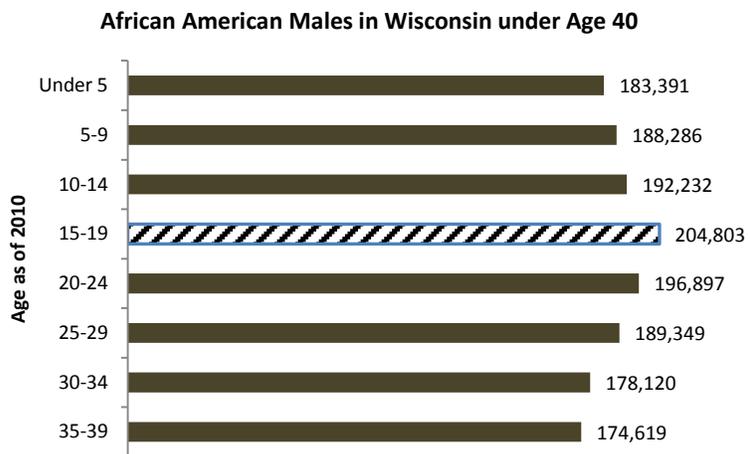
*Field research conducted in Wisconsin by sociologist Devah Pager indicates that limitations in the labor market based on workers' past criminal history AND employment discrimination based on race must be addressed if African American men in Wisconsin are going to find access to jobs. Pager identified job openings listed by 350 employers in the Milwaukee area for entry-level positions with no experience or education requirements beyond high school (including wait staff, laborers, warehouse workers, production workers, sales assistants, etc.). Two teams of 23-year-old men applied for the jobs, alternating as to whether they listed an 18-month criminal record on their application, and with otherwise comparable education and experience qualifications listed. Although Wisconsin has legislation outlawing employment discrimination for incarceration history, the percentages of testers receiving callbacks for job interviews reflected differences both by race and whether they listed a prison sentence. Thirty-four percent of whites without a listed prison record received callbacks for job interviews, while 17% of whites **with** a prison record listed on their application received callbacks. For African Americans, only 14% of the testers with **no** prison record listed received callbacks, and almost none (only 5%) of the young African American men with a prison record listed received callbacks. Pager noted, "The evidence from this audit suggests that the criminal justice system is not a peripheral institution in the lives of young disadvantaged men. It has become a dominant presence, playing a key role in sorting and stratifying labor market opportunities for such men." See Devah Pager, "The Mark of a Criminal Record," [Focus, Vol. 23, No. 2](#), Summer 2004 (University of Wisconsin-Madison Institute for Research on Poverty); Pager, **Marked: Race, Crime and Finding Work in an Era of Mass Incarceration** (University of Chicago Press: 2007).*

3. Divert technical violators of Department of Corrections' probation, parole and extended **supervision rules** to community programs and change the rules to focus on more meaningful conditions supporting employment wherever possible.

According to data in a June 2014 report on "[Reducing Recidivism](#)" by the National Reentry Resource Center, of the adults going to Wisconsin prisons for parole violations annually from 2007 through 2013, 85% were for technical violations of parole and only 15% were for new offenses. Of the adults counted as going to Wisconsin prisons for probation violations over the last 7 years, 75% were for technical violations of their probation and 25% were for new offenses. Unlike many states, Wisconsin does not count the thousands of persons returned annually to prison for technical violations of supervision as "recidivists" unless they have also been convicted of a new crime.

4. Provide comprehensive employment training and job placement programs for **black male youth**.

The 2010 U.S. Census showed a spike in African American teens approaching adulthood in Wisconsin. Focus on employment, training, and educational opportunities for African American male teens is crucial if the state is to support their successful transition into adulthood and to prevent a new surge of prisoners into the Wisconsin DOC system.



5. Restore state school aids ensuring **free driver's education** in school districts where the families of more than half of the students are poor or near poor.

Wisconsin law requires youth under age 18 to take a public or private school driver's education course (or a commercial equivalent) before obtaining a driver's license but discontinued state school aids for driver's ed in 2004. Before 1997-98 driver's education for youth was supported by state Department of Transportation funds. For example, in the 1977-78 biennium the state legislature appropriated \$7.1 million for driver's education and all public high schools in Wisconsin offered some form of driver's ed. Public schools also received state aids for providing driver's ed to private school students residing in their districts. (Source: Wisconsin Legislative Fiscal Bureau, "State of Wisconsin Categorical School Aids," September 1978).

6. Support **driver's license recovery** programs locally and statewide for ex-offenders and non-offenders and allow community service work as compensation for license violations.

Only 10% of the 26,200 incarcerated African American men from Milwaukee County (1990-2012) have current valid licenses and another 27,800 working-age African American men in the county have suspended or revoked licenses, often for problems related to fine and civil forfeiture collections rather than for unsafe driving.

7. Reestablish the collection and public dissemination of race-specific data on traffic stop **racial profiling** and other criminal justice disparity monitoring measures supported by Wisconsin governors Tommy Thompson, Scott McCallum, and Jim Doyle. The 2008 Governor’s Commission on Reducing Racial Disparities in the Wisconsin Justice System identified critical points throughout the Wisconsin criminal justice system where racial disparities have been documented and recommended 57 action steps for redressing Wisconsin’s unequal treatment for African Americans and Latinos. The study and supporting documents, which have been removed from the state’s website, should be re-posted and the recommendations given serious consideration for immediate implementation.

Statement of NAACP Milwaukee Branch Concerning Murders and Violent Crime, May 27, 2014

“ . . . We abhor the murders and other violence that has plagued our community. The recent shooting of 10-year-old Sierra Guyton highlights the insanity of it all. Obviously, this criminal conduct is unacceptable and cannot be condoned or tolerated. We must work with law enforcement and community stakeholders to contain and reduce crime but, beyond that, each of us as individuals, and collectively as a community must be responsible and accountable to each other.

“At the same time, we as a society must not lose sight of the root causes for much of the violence. The poverty, unemployment rates and disparities in income and opportunity affecting Milwaukee’s African American community are among the highest in the nation. The fact is that few African Americans or others with jobs and opportunities commit murder or other violent crimes. This means that all of us – elected officials, business leaders, faith community, community organizations, educational institutions - have an important role to play in addressing these issues. It is not enough to express outrage about the violence. We must also be outraged by the circumstances that contribute to this situation, and we must take actions and implement policies that address these circumstances and conditions. We must move the needle and reduce disparities by creating jobs and socio-economic opportunities to transform our community into a Milwaukee that is inclusive for all.

“The mission of the NAACP is to promote equality for all people and to oppose discrimination based on race. We feel strongly that working to increase public safety is consistent with that mission. However, we know that the way to resolve it is not only by calling for a stop to the violence, but also by taking specific, meaningful and targeted steps to eradicate its root causes. We call for actions that address the lack of jobs and opportunity, the imbalance in education, and the general hopelessness that permeates our community.”

- James H. Hall, Jr., President NAACP – Milwaukee Branch

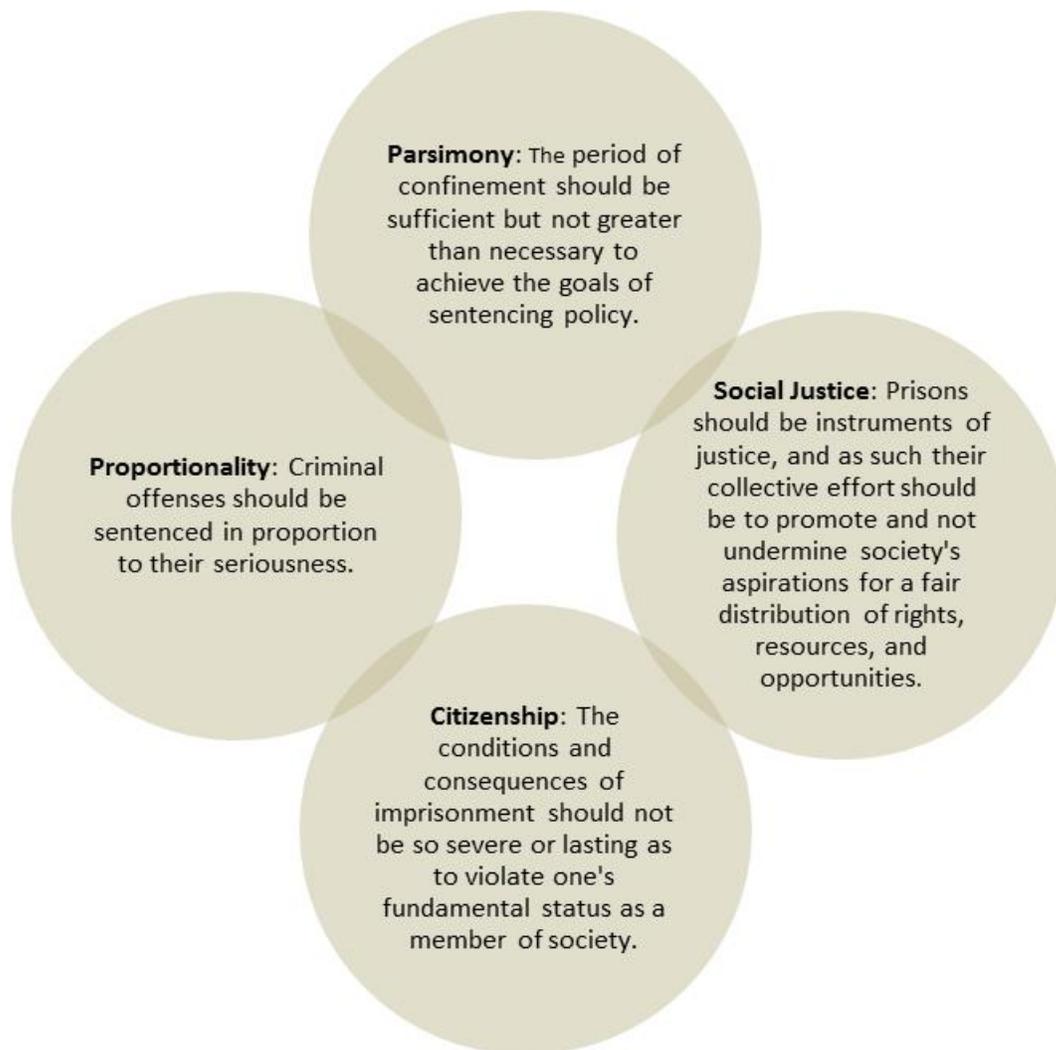
FOUR GUIDING PRINCIPLES FOR INCARCERATION

from the National Research Council of the National Academies, 2014

A major study of U.S. incarceration undertaken by academics was released in May 2014. The excerpt below outlines four principles recommended for incarceration. *“A broad discussion of principles has been notably absent from the nation’s recent policy debates on the use of imprisonment. Beginning in the early 1970s, in a time of rising violence and rapid social change, policy makers turned to incarceration to denounce the moral insult of crime and to deter and incapacitate criminals. As offender accountability and crime control were emphasized, principles that previously had limited the severity of punishment were eclipsed, and*

punishments became more severe. Yet a balanced understanding of the role of imprisonment in society recognizes that the deprivation of personal liberty is one of the harshest penalties society can impose. Even under the best conditions, incarceration can do great harm—not only to those who are imprisoned, but also more broadly to families, communities, and society as a whole. Moreover, the forcible deprivation of liberty through incarceration is vulnerable to misuse, threatening the basic principles that underpin the legitimacy of prisons.

“The jurisprudence of punishment and theories of social policy have sought to limit public harm by appealing to long-standing principles of fairness and shared social membership. We believe that as policy makers and the public consider the implications of the findings presented in this report, they also should consider the following four principles whose application would constrain the use of incarceration. ... These principles ought to be seen as complementing rather than conflicting with the recent emphasis on offender accountability and crime control. Together, they help define a balanced role for the use of incarceration in U.S. society.”



Source: National Research Council. (2014). *The Growth of Incarceration in the United States: Exploring Causes and Consequences*. Committee on Causes and Consequences of High Rates of Incarceration, Jeremy Travis, Bruce Western, and Steve Redburn, Editors. Committee on Law and Justice, Division of Behavioral and Social Sciences and Education. Washington, DC: The National Academies Press. **The report is at http://www.nap.edu/catalog.php?record_id=18613.**

University of Wisconsin-Milwaukee Employment and Training Institute studies on state prison populations and incarceration as a barrier to employment include:

- Educational Follow-Up Study of Juveniles Released from Ethan Allen and Lincoln Hills Schools (1982)
- Identifying Milwaukee Youth in Critical Need of Intervention: Lessons from the Past, Measures for the Future (1991)
- New Indicators of Neighborhood Need in Zipcode 53206: Neighborhood Indicators of Employment and Economic Well-Being of Families, Barriers to Employment, and Untapped Opportunities (2007)
- Barriers to Employment: Prison Time (2007)
- The EARN (Early Assessment and Retention Network) Model for Effectively Targeting WIA and TANF Resources to Participants (2007)
- Ex-Offender Populations in Milwaukee County (2009)
- Wisconsin's Mass Incarceration of African American Males: Workforce Challenges for 2013 (2013)

The Employment and Training of the University of Wisconsin-Milwaukee and the University of Wisconsin-Extension addresses workforce training, transportation, and education needs of low-income, unemployed, and underserved workers and families through applied research, policy development, and technical assistance. For more information, see the Institute's website at www.eti.uwm.edu.