



WISCONSIN CATHOLIC CONFERENCE

EYE ON THE CAPITOL

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RACIAL DISPARITY ON DRUG CASES DESERVES ATTENTION

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In 1999 the bishops created a task force, chaired by Auxiliary Bishop Robert Morneau of Green Bay, to examine the implications of the growth in Wisconsin's prison population. The task force produced a report that was the foundation for the bishops' pastoral letter on crime and punishment in Wisconsin. The letter, *Public Safety, the Common Good and the Church*, reflected on the complex issues that influence the state's criminal justice system and the policies that guide it.

The task force noted that in 1999, African-Americans, though they accounted for only 5% of Wisconsin's population, comprised over 48% of our state's prison population. The bishops took note of that when they suggested several principles to guide public policies in the area of criminal justice. "Such policies," they wrote, "must be assessed in light of their impact on racial minorities, who are disproportionately represented in the corrections system."

Nearly a decade later, that disparity still exists. By some measures, it may be worse.

Two recent studies offered a sober analysis of how the war on drugs and sentencing policies treat African-Americans far more severely than whites. As reported in the *Milwaukee Journal-Sentinel*, one study by the Sentencing Project and another by Human Rights Watch found that drug use among whites and blacks is nearly equal. But when it comes to punishment that equality vanishes.

Here in Wisconsin, blacks are 42 times more likely than whites to receive a prison term for a drug conviction. This is the highest racial disparity in the nation. Across the U.S., the rate of drug arrests for black offenders in 40 large cities increased more than three times as much as those for white offenders.

The studies observed that one reason for disparity might be that law enforcement efforts focus on urban areas where drug offenses tend to be more visible. Others point out that in cities drug-related crime is more associated with violence and other crimes. They argue that the greater prosecution of black drug offenders in urban areas with high African-American populations reflects a desire to reduce violence and make the neighborhoods safe.

We can't blame police officers who risk their lives to keep people safe for focusing efforts in areas prone to violence. But the criminal justice system is about more than law enforcement.

The courts that dispose of cases are also important. More and more communities around the country (including some in Wisconsin) use special drug treatment courts that offer alternatives to prison. Perhaps the legislature will consider using such courts in more places, including Milwaukee. A greater commitment to education and treatment of offenders might also help.

Policy makers and the voters also have a role. If we don't want a drug offense to turn into a life sentence, we need to examine ways to help offenders reintegrate into the community. We also need to ask if it is wise for our laws to make it harder for former offenders to get a job or an occupational license? If blacks are more likely to be convicted and imprisoned for drug offenses, won't policies that limit the job options for ex-offenders also hit them harder? Is that fair? And in the long run, is it wise?

Studies are not infallible and they may reflect certain policy preferences. But by calling attention to the fact that drug laws are not color blind in their impact, the Sentencing Project and Human Rights Watch have identified a serious problem with moral implications for our state. We need to address it.