Race, Ethnicity and Prosecution in Milwaukee County, Wisconsin

Advancing Prosecutorial Effectiveness and Fairness Report Series

September 2019

Introduction

What The Project Is About

This project is a groundbreaking partnership between prosecutors and researchers to promote more effective, just, and transparent decision making in prosecution. It is a bipartisan effort to be smart on crime, to think about new ways to maximize public safety, to enhance fairness, and to create a new system of accountability to the public. It involves four forward-thinking prosecutors in Cook County, Il (Chicago), Jacksonville, Milwaukee County, WI, and Tampa working with researchers at Florida International University and Loyola University Chicago to take a new look at prosecutorial performance and decision making. This partnership is supported by the **John D. and Catherine T. MacArthur Foundation**.

Improving prosecutorial performance and decision making is impossible without data. Data takes center stage in the project, because it tells prosecutors what problems are the biggest threats to community well-being, and it points to ways to tackle those problems. Data helps measure the overall impact of prosecutors' work, and it alerts them that a policy or practice needs to be continued or changed. Unfortunately, most prosecutors' offices lack the ability to collect, analyze, and apply data to these ends. Many offices do not record the data they need. Others are missing the staff and knowledge necessary to analyze their data. Still other offices—probably most—do not have the ability and commitment to use data to guide their decisions and reforms. This project focuses on helping our partner offices and other interested jurisdictions overcome these hurdles.

The project has four distinct objectives:

1 To expand offices' data and analytical capacity by assessing case management systems, making better use of existing data, and exploring options for capturing new information without creating additional burdens for prosecutors.

2 To assist prosecutors with tracking their progress toward greater efficiency, effectiveness, and fairness using prosecutorial performance indicators at the office and unit levels (as opposed to the individual prosecutor level).

3 To identify possible racial and ethnic disparities at various stages of case processing across offense categories and to work with stakeholders to develop specific solutions to reduce them.

4 To establish a practice of using data to measure monthly or quarterly performance and engage with their communities.

While the project targets performance in our four partner jurisdictions, it also aims to use the knowledge generated from this experiment to advance the field of prosecution nationally. There are more than 2,300 local prosecutors' offices in the United States, but very few organizations specialize in prosecutorial research and technical assistance. Realistically, most prosecutors' offices will not receive any direct meaningful assistance. By building sustainable data collection, performance measurement, and communication practices for the four offices, this project provides a set of blueprints that offices across the country can use to make their own internal improvements. We realize there is no one-size-fits-all approach to prosecutorial office management that will meet every office's needs. Writing a prescription for a patient we have not examined is hard. However, the project provides a model that other offices can use to start thinking about forming local partnerships, improving data capacity, and producing metrics for assessing their own impact.

The backdrop for this project is the *Safety & Justice Challenge*, the MacArthur Foundation initiative to reduce jail misuse and overuse as both a crucial component and a major driver of America's over-reliance on incarceration. Unnecessary jail incarceration carries significant costs to individuals, families, communities, and society at large. These costs take their greatest toll on low-income people and communities of color. The *Safety & Justice Challenge* supports local leaders who are dedicated to safely reducing jail populations, improving justice systems, and ultimately strengthening their communities.

What The Report Is About

The fair and just treatment of racial and ethnic minorities at all stages of the criminal justice system is of significant importance to communities of color, practitioners, and scholars alike. Central to this discourse is a recognition of the discretionary power that prosecutors wield in shaping the outcomes of criminal cases. This includes, among other things, the decision to file or drop a case, amend the severity and number of charges, and dispose of criminal cases through plea bargaining.

This report focuses on the outcomes of prosecutorial decision making in Milwaukee County, Wisconcin. Specifically, it assesses the extent to which racial and ethnic disparities exist across the following five decision points in criminal case processing: (1) Case charging; (2) Charge changes from arrest to charging; (3) Disposition type; (4) Charge changes from charging to disposition; and (5) Sentencing.

We encourage the reader to interpret the results while recognizing that criminal case processing can trigger disparate outcomes for racial and ethnic minorities for a number of different reasons. Some of these reasons, such as defense attorney role and judicial discretion, are beyond the immediate control of prosecutors. At the same time, our partners are keenly aware that prosecutors can and should play a vital role in uncovering and addressing racial and ethnic disparities in the criminal justice system, and this report stems from that recognition.

The intent of this report is to prompt discussion and raise questions, rather than provide definitive answers. We also want to stress that the findings presented throughout this report cannot be used to support or refute possible racial and ethnic biases. Our methodology simply does not permit that. Rather than serving as an end point, we view this report as a starting point from which to engage in meaningful discussions concerning policies and procedures that can ameliorate racial and ethnic disparities in case outcomes. Furthermore, given that prosecutorial decision making does not operate in a vacuum, certain findings direct attention to ways district attorney's offices, the defense bar, law enforcement agencies, and the judiciary can galvanize future reform efforts. Even more importantly, continued efforts to engage with minority communities will be critical for increasing public trust in and cooperation with the criminal justice system.

This report is part of a series of publications resulting from this partnership. The first report, *Prosecutorial Attitudes, Perspectives, and Priorities: Insights from the Inside,* **was released in December, 2018. The second report,** *Race, Ethnicity and Prosecution in Hillsborough County, Florida***, was released in July, 2019. The final report in the series, focused on prosecutorial performance indicators, will be released near the end of 2019.**

We also welcome your questions. Our contact information is provided on the back cover.

Foreword from John Chisholm

District Attorney

The Milwaukee County
District Attorney's Office
Milwaukee, WI

A Vision for Greater Impartiality and Fairness

Over the last 12 years, I have made reducing racial and ethnic disparities in the criminal justice system a primary commitment of my office. And I recognized early on that before we could devise strategies to address disparities, we needed to use data to examine our own decision-making and to determine whether and where racially disparate outcomes were occurring. Through partnerships with several government agencies, non-profits, foundations, and academics, I have been able to take an objective look at these outcomes and to take decisive steps to eliminate disparities when they were found.

This report represents the latest effort by my office to analyze data on racial and ethnic disparities in case outcomes. Partnering with academics at Loyola University Chicago, we looked at roughly 60,000 felony and misdemeanor cases handled by my office in 2017 and 2018 to compare outcomes for black, white, and Hispanic defendants at charging, disposition, and sentencing. The results show that some racial and ethnic disparities continue to exist in our system. Although most of these disparities are small, the results indicate that we have work ahead of us to understand why these differences exist and how we can effectively address them.

What We Learned

When examining all felony and misdemeanor cases together, we find few differences across racial and ethnic groups. After accounting for things like offense severity, number of charges, or defendant criminal history, the likelihood of charging, disposition, or charge reduction for different racial and ethnic groups is very similar, with differences in the likelihood of specific outcomes ranging from just 0% to 3.5%. The exception is sentencing, where the difference in the probability of a custodial sentence between white and black defendants is 5.4% (the difference between white and Hispanic defendants is less than 2%).

Differences in outcomes become more pronounced when looking at specific offense categories and specific decision points – something we have found in prior analyses of our data. For example, the overall difference between white and black defendants in the likelihood of a case being charged is nearly identical, but when limited to person and weapons offenses black defendants are more likely than white defendants to be charged; however, for property and drug offenses black defendants are less likely than white defendants to be charged. We also see differences in deferral rates for drug offenses across racial and ethnic groups, with white defendants more likely than both black and Hispanic defendants to receive deferred prosecution.

We want to better understand what drives these differences. There may be differences in the specific crimes for which defendants are arrested or there may be differences in defendant criminal histories which may help explain how cases are charged or whether cases are eligible for deferral.

There are other things we learned beyond racial/ethnic

differences in outcomes. For example, overall deferral rates have decreased over the last few years. In 2014, we deferred roughly 12.6% of cases; but by 2018, we deferred just 9.4% of cases. Since taking office, I have made a concerted effort to increase the opportunity and use of deferred prosecution agreements as alternatives to traditional prosecution. The findings suggest that we still have work to do in order to ensure that programs exist to assist defendants and that resources are dedicated to making such programs available and sustainable.

Another finding that merits attention regards the reduction in the use of custodial sentences. In 2014, 55.3% of convictions resulted in a custodial sentence; however, by 2018, this had declined to 52.3% of convictions. Although this may seem like a small change, this reduction translates into 115 fewer people receiving a custodial sentence in 2018. Moreover, the differences in the use of custodial sentences between white and black defendants narrowed during this period, from a 10% difference in 2014 to just a 4% difference in 2018. We still have work to do, but these findings are encouraging.

Where Do We Go From Here

We are at a watershed moment for American prosecutors. Unlike their predecessors, prosecutors today have a wealth of data available to them to examine outcomes in their offices. But examining outcomes is just a first step to developing and implementing changes to address disparities. Prosecutors need to take what they learn from such self-examination and create meaningful partnerships with their constituents to produce policies and practices that better serve the communities directly impacted by the criminal justice system.

More importantly, prosecutors have to be problem-solvers. They have an obligation to work with the community to help solve problems. That means that prosecutors have to start thinking in terms of root causes of crime and criminal behavior. When you start doing that, the relationship you have with the community begins to change. And it helps to identify those people who can be safely accounted for using other non-criminal justice community resources, whether that's public health resources or mental health resources, substance abuse treatment, or opportunities to avoid criminal convictions. Those are absolutely critical to reducing the very real issues of racial and ethnic disparity in the system and the long-term consequences of criminal justice involvement.

Study Methodology

Data

Data for this report came from the Milwaukee County District Attorney's Office's case management system (PROTECT) and the Wisconsin Consolidated Court Automation Programs Case Management System (CCAP). Analyses of case outcomes across offense type rely on data for 59,120 felony and misdemeanor cases referred to, 22,999 felony and misdemeanor cases disposed of, and 15,528 felony and misdemeanor cases sentenced by the Milwaukee County District Attorney's Office in 2017 and 2018. Trend analyses of select outcomes rely on data for 137,019 felony and misdemeanor cases referred to, 60,954 felony and misdemeanor cases disposed of, and 41,874 felony and misdemeanor cases sentenced by the Milwaukee County District Attorney's Office between 2014 and 2018.

Race and Ethnicity

While PROTECT and CCAP case management systems list defendants' race and ethnicity as recorded by law enforcement, our preliminary assessment suggested that Hispanic ethnicity was underreported in the dataset. Therefore, we used two methods to identify Hispanic defendants. First, defendants were classified as "Hispanic" if the PROTECT or CCAP case management systems identified them as such. Second, for the remaining "non-Hispanic" individuals in the dataset, defendants were identified as "Hispanic" if their surnames matched the U.S. Census Bureau's Hispanic Surname List, meaning that at least 75% of individuals in the United States with that surname self-identify as Hispanic. Though it is important to examine case processing outcomes for Asian and Native American defendants, there were not enough cases to conduct robust disparity analyses for these groups. Appendix B, however, includes basic descriptive information for the cases involving Asian and Native American defendants.

Defining a Case

This report offers a case-level as opposed to charge-level analysis, which means that many cases in the dataset have multiple charges and/or counts. The information on multiple charges and counts is also captured and accounted for when appropriate. Also, some defendants had more than one case disposed of within the 24-month period analyzed. Cases at each stage of the prosecution process (Charging, Disposition, Sentencing) are tracked by the most serious charge at that stage. The top charge for Part 1 of the report represents the primary arrest charge as identified by felony class and charge type. The top charge for Part 2 represents the highest filed charge, as identified by felony class and charge type. The top charge for Part 3 represents the highest guilty charge, as identified by felony class and charge type.

Decision Points

This report presents results for the following five decisions points: (1) Case charging; (2) Charge changes from arrest to charging; (3) Disposition type; (4) Charge changes from charging to disposition; and (5) Sentencing. A description of each decision point is provided at the beginning of each section.

Accounting for Legal and Non-Legal Factors

The results account for differences in case, defendant, defense attorney, and prosecutor characteristics among racial groups. However, the results do not take into account case evidence, pretrial detention, diversion eligibility, plea bargaining details, or defendants' socioeconomic characteristics.

Offense Categories

Results are provided for all offenses together, and then broken down into person, weapons, property, and drug offenses separately. Public order and traffic offenses, which are the largest but most diverse category, are not analyzed as their own offense type. Excluded from this analysis are "operating while intoxicated" cases and cases flagged as "domestic violence," because these two types of cases tend to have unique trends which would have unduly influenced the overall results. Our plan is to analyze this large volume of cases separately.

Presentation of Results

Bar graphs

Simple percentages for each decision outcome by racial/ethnic group do not take into account other differences in defendant or case characteristics. Percentages are provided for all defendants, then for White, Black, and Hispanic defendants separately.

Tables

Expected rates per 1,000 cases for White, Black, and Hispanic defendants at each decision outcome after accounting for defendant and case characteristics. The rates are predicted probabilities calculated following logistic or multinomial logistic regressions.

Line charts

Trends in expected rates for White, Black, and Hispanic defendants at each decision outcome after accounting for defendant and case characteristics. The rates are predicted probabilities calculated following logistic or multinomial logistic regressions for all offenses combined for each year of data (2014-2018).

Dashboards

Appendix A

A visual overview of racial and ethnic disparities for all five decision points included in this report, broken down by offense type.

1

Case Charging

Changes in Charge Severity from Arrest to Charging

Disposition Type

Changes in Charge Severity from Charging to Conviction

Sentencing
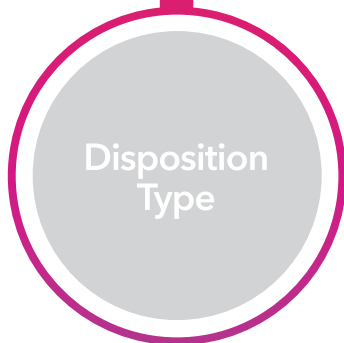
When a criminal case is referred for prosecution to the District Attorney's Office by law enforcement, a prosecutor reviews the available evidence and decides whether to approve the case and bring charges against the defendant ("case charged"), or to decline to prosecute ("case rejection").

Figure 1: Simple Percentage of Cases Charged 2017/2018, by Defendant Race

Figure 1 represents simple percentages of cases charged by prosecutors in 2017/2018 for all defendants together, followed by White, Black, and Hispanic defendants separately. The graph does not take into account differences in case or defendant characteristics; the graph also excludes domestic violence and operating while intoxicated cases. As Figure 1 indicates, White and Hispanic defendants were slightly more likely than Black defendants to be charged. In 2017/2018, roughly 52.6% of cases involving White defendants, 55.9% of cases involving Hispanic defendants, and 49.2% of cases involving Black defendants were charged with a misdemeanor or felony offense following referral by law enforcement.

CHARGED
REJECTED

	CHARGED	REJECTED
All Defendants	50.7%	49.3%
White	52.6%	47.4%
Black	49.2%	50.8%
Hispanic	55.9%	44.1%
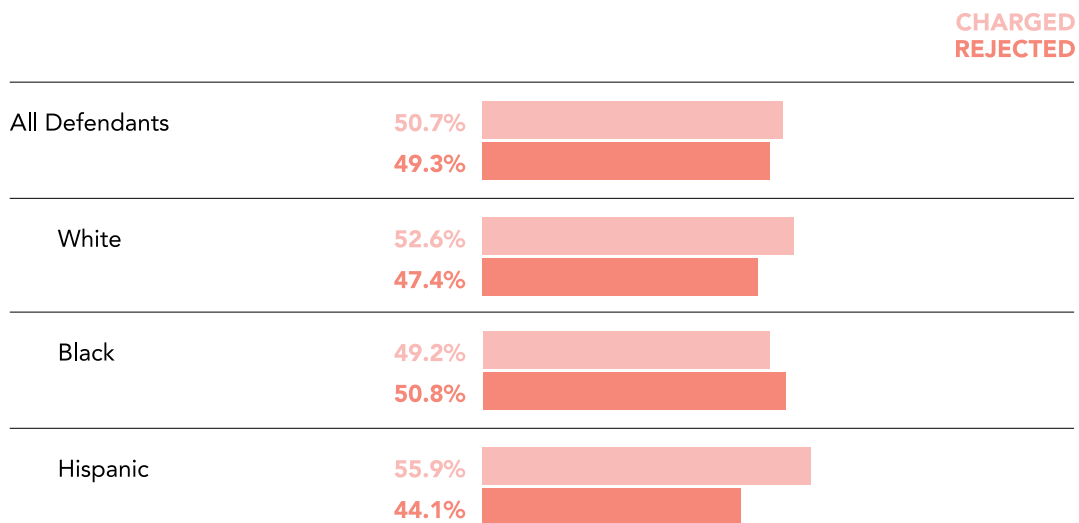
Table 1: Likelihood of Case Charging 2017/2018, by Defendant Race

Numbers in this table represent the expected charging rates per 1,000 cases for White, Black, and Hispanic defendants after accounting for the influence of: (1) offense severity, (2) offense type, (3) number of arrest charges, (4) defendant gender, (5) defendant age, (6) defendant custody status, (7) defendant prior criminal history, (8) defendant residence (Milwaukee City or elsewhere), (9) median income in defendant's neighborhood of residence, (10) arresting agency, (11) prosecutor unit, (12) prosecutor gender, (13) prosecutor race, (14) prosecutor average monthly caseload, (15) prosecutor felony caseload, (16) prosecutor violent caseload, and (17) prosecutor experience. Results for person offenses also take into account (18) victim race, (19) victim gender, (20) victim age. Results for drug offenses also take into account (21) drug type and (22) whether the offense involved possession or sale/trafficking/manufacturing.

	All Offenses	Person Offenses	Weapons Offenses	Property Offenses	Drug Offenses
White	509 out of 1,000 cases	338	547	483	**583**
Black	508 out of 1,000 cases	**379**	578	466	533
Hispanic	**536** out of 1,000 cases	352	**626**	**511**	558
Number of Cases	36,727	9,520	3,372	6,619	5,027

For **all offenses combined**, charging rates were very similar across racial/ethnic groups, after accounting for defendant and case characteristics. Hispanic defendants were slightly more likely to have their cases charged; for every 1,000 cases involving a Hispanic defendant, 536 were charged, compared to roughly 509 cases involving White or Black defendants. This means there were just 25 more cases charged for every 1,000 cases involving Hispanic defendants than for every 1,000 cases involving White or Black defendants. The slightly higher rates for Hispanic defendants were driven primarily by the higher proportion of Hispanic defendants arrested for vehicle-related offenses and the higher charging rates for such offenses.

For **person offenses**, charging rates varied slightly across racial/ethnic groups, with Black defendants the most likely (379 out of 1,000 cases) and White defendants the least likely (338 out of 1,000 cases) to have their cases charged; charging rates for Hispanic defendants fell in the middle at 352 out of 1,000 cases.

The charging rates for **weapon offenses** displayed the greatest variation across racial/ethnic groups. White defendants were the least likely (547 out of 1,000 cases) and Hispanic defendants were the most likely (626 out of 1,000 cases) to have their cases charged; charging rates for Black defendants fell in the middle at 578 out of 1,000 cases. Given the difference in charging rates for White and Hispanic defendants, this means there were 79 more cases charged for every 1,000 cases involving Hispanic defendants than for every 1,000 cases involving White defendants.

For **property offenses**, Black defendants were the least likely (466 out of 1,000 cases) and Hispanic defendants were the most likely (511 out of 1,000 cases) to have their cases charged, after controlling for other defendant and case factors; for every 1,000 cases involving White defendants, roughly 483 were charged.

For **drug offenses**, Black defendants were the least likely (533 out of 1,000 cases) and White defendants were the most likely (583 out of 1,000 cases) to have their cases charged, after controlling for other defendant and case factors; for every 1,000 cases involving Hispanic defendants, roughly 558 were charged.

Overall, there were slight differences in charging rates across racial/ethnic groups and across offense types, with Hispanic defendants the most likely to be charged in Weapon and Property offenses, Black defendants the most likely to be charged in Person offenses, and White defendants the most likely to be charged in Drug offenses.

Table 1a: Felony Likelihood of Case Charging 2017/2018, by Defendant Race

	All Felony Offenses	Person Offenses	Weapons Offenses	Property Offenses	Drug Offenses
White	527 out of 1,000 cases	430	433	501	**636**
Black	533 out of 1,000 cases	**462**	552	503	574
Hispanic	**564** out of 1,000 cases	455	**658**	**542**	625
Number of Cases	20,378	6,527	1,686	3,707	4,181

Table 1b: Misdemeanor Likelihood of Case Charging 2017/2018, by Defendant Race

	All Misdemeanor Offenses	Person Offenses	Weapons Offenses	Property Offenses	Drug Offenses
White	**487** out of 1,000 cases	141	**632**	456	302
Black	478 out of 1,000 cases	**196**	602	420	**365**
Hispanic	**487** out of 1,000 cases	147	621	**461**	286
Number of Cases	16,349	3,005	1,686	2,912	846

Figure 2: Likelihood of Case Charging 2014-2018, by Defendant Race

Figure 2 represents the expected charging rates for all misdemeanor and felony offenses combined for White, Black, and Hispanic defendants between 2014 and 2018, after accounting for the influence of defendant and case level factors. As Figure 2 indicates, expected charging rates were nearly identical for White and Black defendants, with charging rates slightly higher for Hispanic defendants. Charging rates for all three groups decreased slightly between 2014 and 2018, declining from roughly 54% in 2014 to 49% in 2018 for White and Black defendants and from 57% in 2014 to 52% in 2018 for Hispanic defendants.

2

Case
Charging

**Changes in
Charge Severity
from Arrest
to Charging**

Disposition
Type

Changes in
Charge Severity
from Charging
to Conviction

Sentencing
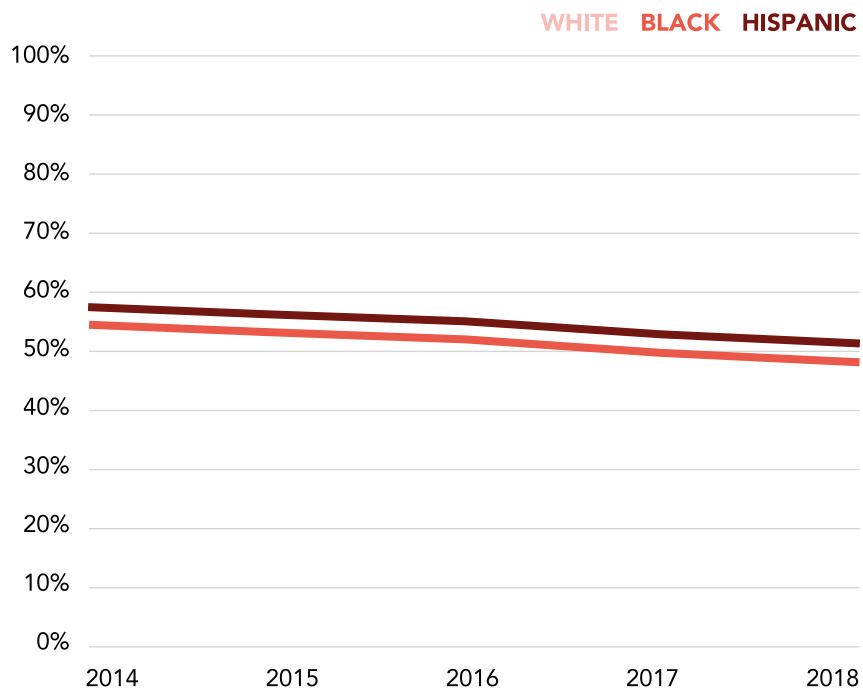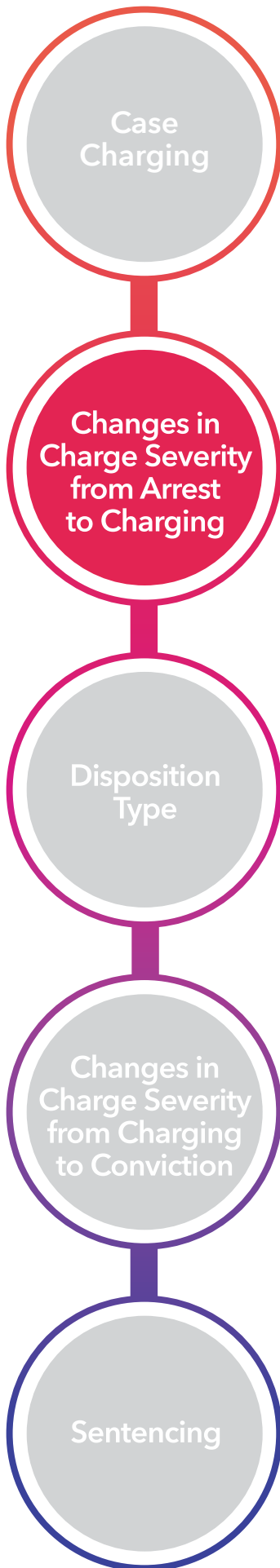
When a prosecutor decides to charge a case, that prosecutor must also decide whether to file the exact charges that were referred by the police or to alter the charges. Changes in charge severity from arrest to charging are determined by the severity level of the top arrest charge and the top filed charge. The top filed charge may be less severe than the top arrest charge ("charge reduction"); the top filed charge may be more severe than the top arrest charge ("charge increase"), or the charge severity may stay the same ("no change").

Figure 3: Simple Percentage of Cases with Charge Changes at Charging by Defendant Race

Figure 3 represents simple percentages of cases in which charges were reduced, increased, or remained the same from arrest to charging. The graph examines cases charged in 2017/2018 for all defendants together, followed by White, Black, and Hispanic defendants separately; the graph does not take into account differences in case or defendant characteristics. As Figure 3 indicates, changes in charges were different across racial/ethnic groups. In 2017/2018, roughly 82.4% of cases involving White defendants, 76.2% of cases involving Black defendants, and 83.3% of cases involving Hispanic defendants involved no change in the severity of charges from arrest to charging. Black defendants (18.3%) were more likely to receive a decrease in charge severity from arrest to charging, compared to White defendants (14.1%) and Hispanic defendants (12.5%). In turn, Black defendants (5.5%) were also more likely to receive an increase in charge severity compared to White defendants (3.5%) and Hispanic defendants (4.2%).

REDUCED
NO CHANGE
INCREASED

All Defendants	16.5%	
	78.7%	
	4.8%	
White	14.1%	
	82.4%	
	3.5%	
Black	18.3%	
	76.2%	
	5.5%	
Hispanic	12.5%	
	83.3%	
	4.2%	
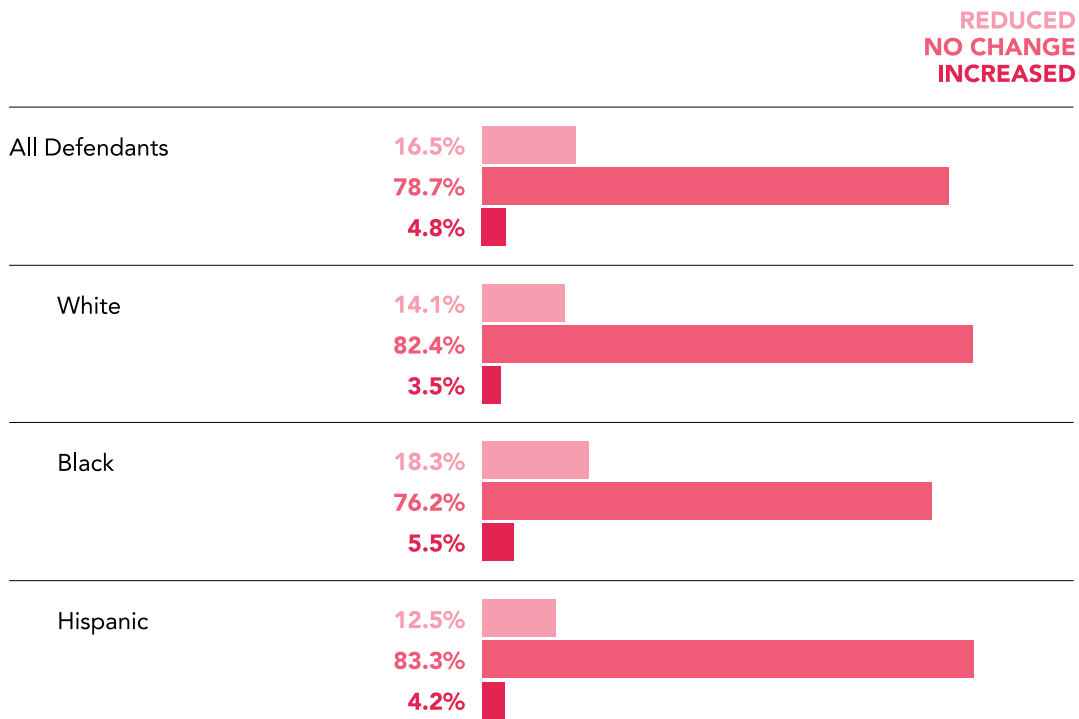
Table 2: Likelihood of Changes in Charge Severity from Arrest to Charging 2017/2018, by Defendant Race

Numbers in this table represent the expected rates of each outcome per 1,000 cases for White, Black, and Hispanic defendants after accounting for the influence of: (1) offense severity, (2) offense type, (3) number of arrest charges, (4) defendant gender, (5) defendant age, (6) defendant custody status, (7) defendant prior criminal history, (8) defendant residence (Milwaukee City or elsewhere), (9) median income in defendant's neighborhood of residence, (10) arresting agency, (11) prosecutor unit, (12) prosecutor gender, (13) prosecutor race, (14) prosecutor average monthly caseload, (15) prosecutor felony caseload, (16) prosecutor violent caseload, and (17) prosecutor experience. Results for person offenses also take into account (18) victim race, (19) victim gender, (20) victim age. Results for drug offenses also take into account (21) drug type and (22) whether the offense involved possession or sale/trafficking/manufacturing.

	All Offenses	Person Offenses	Weapons Offenses	Property Offenses	Drug Offenses
OUTCOME 1: REDUCTION IN CHARGE SEVERITY					
White	163 out of 1,000 cases	**318**	**157**	148	212
Black	**167** out of 1,000 cases	254	94	**190**	**277**
Hispanic	153 out of 1,000 cases	245	99	159	265
OUTCOME 2: NO CHANGE IN CHARGE SEVERITY					
White	**798** out of 1,000 cases	643	811	**823**	**736**
Black	781 out of 1,000 cases	**690**	**873**	755	643
Hispanic	797 out of 1,000 cases	685	853	778	645
OUTCOME 3: INCREASE IN CHARGE SEVERITY					
White	38 out of 1,000 cases	35	25	29	53
Black	**51** out of 1,000 cases	56	32	54	76
Hispanic	47 out of 1,000 cases	**64**	**55**	**62**	**95**
Number of Cases	18,638	3,476	1,932	3,114	2,760

Most influential factors

Reduction in charge severity: Race/ethnicity was not an influential factor for this decision.
Charge severity was more likely to be reduced when:
- the top arrest charge was more serious
- the top arrest charge was not a Vehicle or Weapons offense
- the case was reviewed by a general crimes unit
- the defendant had a less serious criminal history

Increase in charge severity: Race/ethnicity was not an influential factor for this decision.
Charges were more likely to be increased when:
- the top arrest charge was less serious
- the case was reviewed by a specialized unit
- the case involved a gun-related offense
- the arresting agency was Milwaukee Police Department
- the reviewing prosecutor had a lower caseload

For **all offenses combined**, there were no marked differences by race or ethnicity for either charge reductions or increases.

Person offenses displayed the greatest variation in changes to charge severity across racial/ethnic groups. Hispanic defendants were the least likely to have their charges reduced and the most likely to have their charges increased, after accounting for defendant and case characteristics.

- White defendants were the most likely to have their charges reduced (318 out of 1,000 cases), followed by Black defendants (254 out of 1,000 cases), and Hispanic defendants (245 out of 1,000 cases). Hispanic defendants were most likely to receive a charge increase (64 out of 1,000 cases), followed by Black defendants (56 out of 1,000 cases) and White defendants (35 out of 1,000 cases).

For **weapon offenses**, Black and Hispanic defendants were the least likely to have their charges reduced, and Hispanic defendants were the most likely to have their charges increased.

- White defendants were the most likely to have their charges reduced (157 out of 1,000 cases) relative to Black and Hispanic defendants (roughly 95 out of 1,000 cases). In turn, Hispanic defendants were the most likely to receive a charge increase (55 out of 1,000 cases), relative to Black and White defendants (roughly 30 out of 1,000 cases).

For **property offenses**, White defendants were the least likely to have their charges reduced, and Hispanic defendants were the most likely to have their charges increased.

- Black defendants were the most likely to have their charges reduced (190 out of 1,000 cases) relative to Hispanic defendants (159 out of 1,000 cases) and White defendants (148 out of 1,000 cases). In turn, Hispanic defendants were the most likely to receive a charge increase (62 out of 1,000 cases), followed by Black defendants (54 out of 1,000 cases) and White defendants (29 out of 1,000 cases).

 For **drug offenses**, White defendants were the least likely to have their charges reduced, and Hispanic defendants were the most likely to have their charges increased.

- Black defendants were most likely to have their charges reduced (277 out of 1,000 cases), followed by Hispanic defendants (265 out of 1,000 cases), and White defendants (212 out of 1,000 cases). In turn, Hispanic defendants were the most likely to receive a charge increase (95 out of 1,000 cases), followed by Black defendants (76 out of 1,000 cases) and White defendants (53 out of 1,000 cases).

Overall, there were several differences in charging rates across racial/ethnic groups and across offense types. Hispanic defendants were the most likely and White defendants were the least likely to receive an increase in charge severity from arrest to charging across all offense types. In turn, Hispanic defendants were the least likely to receive a decrease in charge severity from arrest to charging across all offense types. Black defendants were the most likely to receive a decrease in charge severity for property and drug offenses, while White defendants were the most likely to receive a decrease in charge severity for person and weapon offenses.

Table 2a: Felony Likelihood of Changes in Charge Severity from Arrest to Charging by Defendant Race

	All Felony Offenses	Person Offenses	Weapons Offenses	Property Offenses	Drug Offenses
OUTCOME 1: REDUCTION IN CHARGE SEVERITY					
White	252 out of 1,000 cases	**340**	**251**	253	228
Black	**264** out of 1,000 cases	293	129	**299**	**303**
Hispanic	245 out of 1,000 cases	249	104	250	300
OUTCOME 2: NO CHANGE IN CHARGE SEVERITY					
White	**704** out of 1,000 cases	628	742	**724**	**709**
Black	676 out of 1,000 cases	660	**828**	638	624
Hispanic	694 out of 1,000 cases	**693**	822	706	610
OUTCOME 3: INCREASE IN CHARGE SEVERITY					
White	42 out of 1,000 cases	28	20	23	60
Black	**59** out of 1,000 cases	47	42	**61**	73
Hispanic	**59** out of 1,000 cases	**60**	**87**	43	**93**
Number of Cases	10,839	2,951	919	1,867	2,487

Table 2b: Likelihood of Changes in Charge Severity from Arrest to Charging for Misdemeanor Offenses 2017/2018, by Defendant Race

	All Felony Offenses	Person Offenses	Weapons Offenses	Property Offenses	Drug Offenses
OUTCOME 1: REDUCTION IN CHARGE SEVERITY					
White	36 out of 1,000 cases	**150**	77	14	10
Black	29 out of 1,000 cases	106	64	14	n/a
Hispanic	**38** out of 1,000 cases	90	**109**	**26**	**31**
OUTCOME 2: NO CHANGE IN CHARGE SEVERITY					
White	930 out of 1,000 cases	825	892	**947**	920
Black	**931** out of 1,000 cases	800	**912**	942	880
Hispanic	919 out of 1,000 cases	**865**	861	875	719
OUTCOME 3: INCREASE IN CHARGE SEVERITY					
White	32 out of 1,000 cases	70	30	37	41
Black	39 out of 1,000 cases	**116**	27	41	120
Hispanic	**40** out of 1,000 cases	56	**44**	**99**	**257**
Number of Cases	7,778	525	1,013	1,247	273

Figure 4: Changes in Charge Severity from Arrest to Charging 2014-2018, by Defendant Race

This line graphs below represent the expected rates of charge reduction, charge increase, and no change in charge severity from arrest to charging for all misdemeanor and felony offenses combined for White, Black, and Hispanic defendants after taking into account defendant and case characteristics. As the figures indicate, expected rates were nearly identical across racial/ethnic groups and remained stable between 2014 and 2018.

CHARGE REDUCTION   WHITE BLACK HISPANIC

CHARGE INCREASE   WHITE BLACK HISPANIC

NO CHANGE IN CHARGE SEVERITY   WHITE BLACK HISPANIC

3

Case
Charging

Changes in
Charge Severity
from Arrest
to Charging

**Disposition
Type**

Changes in
Charge Severity
from Charging
to Conviction

Sentencing
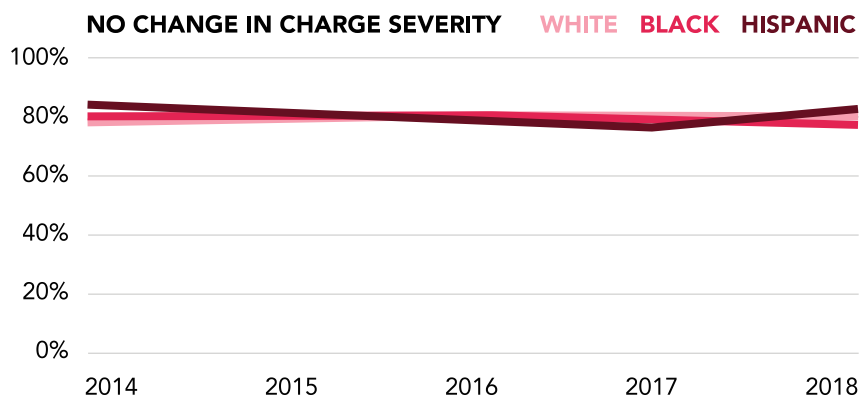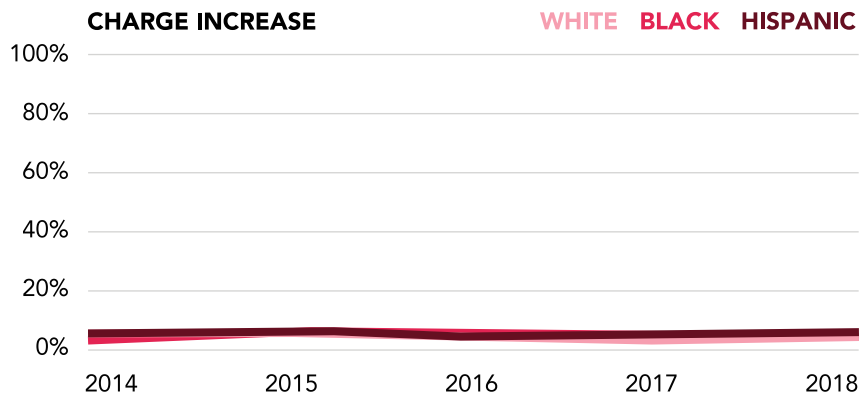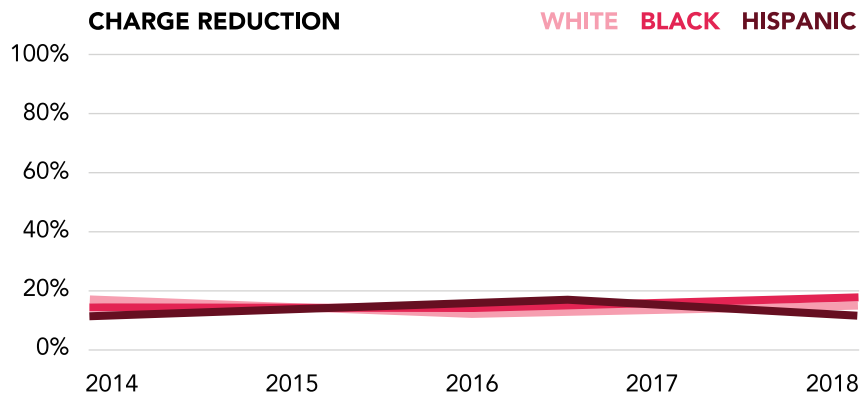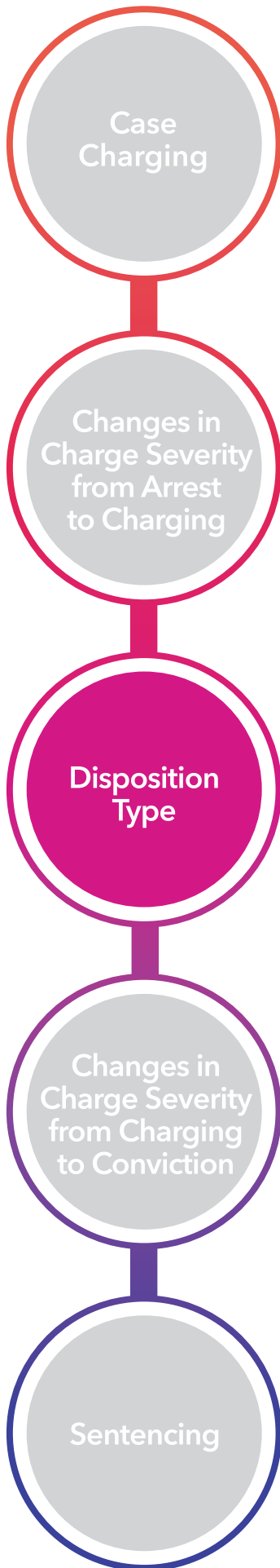
This report distinguishes three main ways that a case can be resolved, or disposed of, after filing. A case may result in plea or trial ("plea/trial"); the prosecutor can drop the case before it reaches a plea/trial for reasons such as insufficient evidence ("dismissed"); or the case can be deferred by the prosecutor ("deferred").

Figure 5: Simple Percentage of Cases Resulting in Deferred Prosecution, Dismissal, or Plea/Trial 2017/2018, by Defendant Race

Figure 5 represents simple percentages of disposition types for all defendants together, followed by White, Black, and Hispanic defendants separately. The graph does not take into account differences in case or defendant characteristics. As Figure 5 indicates, dismissal rates were fairly consistent across racial/ethnic groups – in 2017/2018, 16.4% of cases involving White defendants, 21.4% of cases involving Black defendants, and 17.4% of cases involving Hispanic defendants were dismissed after charging. However, deferral and plea/trial rates were significantly different across groups. In 2017/2018, 19.4% of cases involving White defendants were deferred, compared to just 5.7% of cases involving Black defendants and 7.3% of cases involving Hispanic defendants. As a result, the percent of cases resulting in a plea/trial was significantly higher for Black and Hispanic defendants relative to White defendants; in 2017/2018, 72.9% of cases involving Black defendants and 75.3% of cases involving Hispanic defendants were disposed of through plea/trial, compared to just 64.2% of cases involving White defendants.

PLEA OR TRIAL
DISMISSED
DEFERRED

All Defendants
70.6%
20.0%
9.4%

White
64.2%
16.4%
19.4%

Black
72.9%
21.4%
5.7%
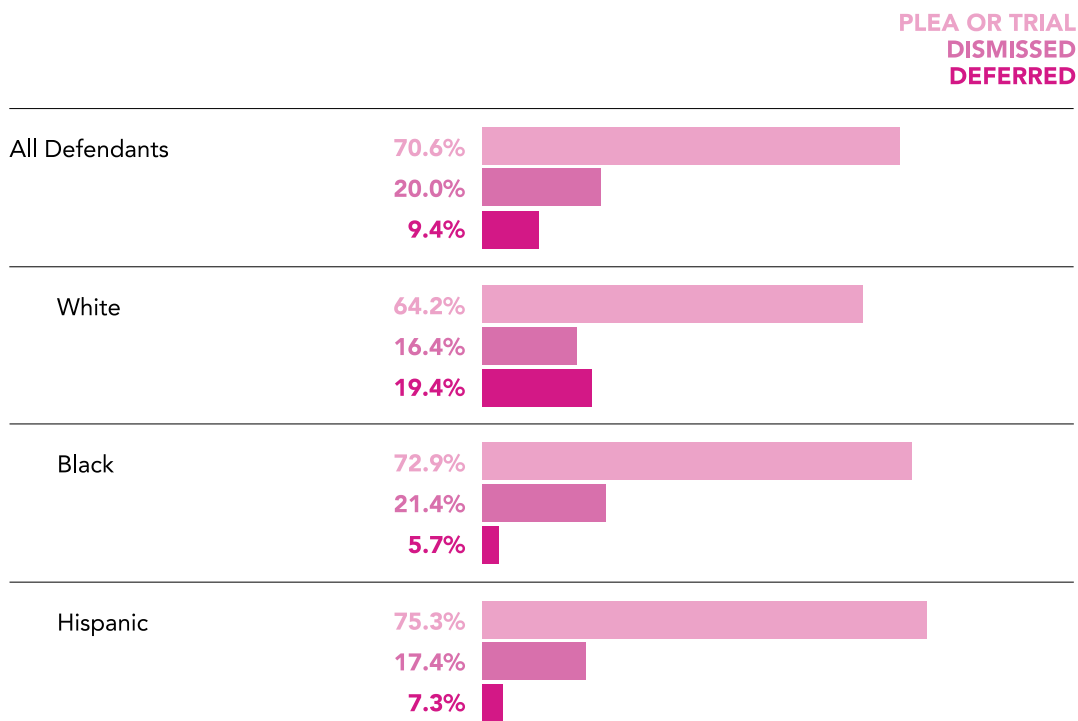
Hispanic
75.3%
17.4%
7.3%

Table 3: Likelihood of Case Disposition 2017/2018, by Defendant Race

Numbers in this table represent the expected rates of each outcome per 1,000 cases for White, Black, and Hispanic defendants after accounting for the influence of: (1) offense severity, (2) offense type, (3) number of filed charges, (4) defendant gender, (5) defendant age, (6) defendant custody status, (7) defendant prior criminal history, (8) defendant residence (Milwaukee City or elsewhere), (9) median income in defendant's neighborhood of residence, (10) arresting agency, (11) prosecutor unit, (12) prosecutor gender, (13) prosecutor race, (14) prosecutor average monthly caseload, (15) prosecutor felony caseload, (16) prosecutor violent caseload, and (17) prosecutor experience. Results for person offenses also take into account (18) victim race, (19) victim gender, (20) victim age. Results for drug offenses also take into account (21) drug type and (22) whether the offense involved possession or sale/trafficking/manufacturing.

	All Offenses	Person Offenses	Weapons Offenses	Property Offenses	Drug Offenses
OUTCOME 1: GUILTY PLEA AND TRIAL					
White	708 out of 1,000 cases	**804**	**859**	738	638
Black	733 out of 1,000 cases	774	**814**	745	655
Hispanic	**735** out of 1,000 cases	770	**903**	**783**	**656**
OUTCOME 2: CASE DISMISSED					
White	175 out of 1,000 cases	190	141	134	80
Black	**185** out of 1,000 cases	222	**186**	132	**112**
Hispanic	173 out of 1,000 cases	**226**	97	**148**	106
OUTCOME 3: CASE DEFERRED					
White	**117** out of 1,000 cases	**61**	*	**128**	**282**
Black	82 out of 1,000 cases	37	*	123	233
Hispanic	92 out of 1,000 cases	40	*	69	238
Number of Cases	12,717	2,556	1,734	2,904	2,188

Note: Results do not include Domestic Violence or Operating while Intoxicated (OWI) charges (results do include other vehicle/driving related offenses). Cases were designated "deferred" if any charge had a disposition of deferred. Cases were designated as "dismissed" if all charges had a disposition of "dismissed". Cases were designated as "plea/trial" if any charge had a disposition resulting from a plea of guilty or a finding/verdict.

Deferred Prosecution Findings - Most influential factors

Deferred: **Race/ethnicity was not one of the most influential factors for this decision. Deferred prosecution dispositions were most likely when:**

- the case involved fewer filed charges
- the case involved less serious charges
- the defendant had a less serious criminal history
- the case was prosecuted by a specialized unit
- the case was prosecuted by a more experienced prosecutor

For **all offenses** combined, White defendants were slightly more likely to have their cases deferred, after accounting for defendant and case characteristics. For every 1,000 cases involving White defendants, 117 were deferred, compared to 82 cases involving Black defendants and 92 cases involving Hispanic defendants. The slightly higher rates for White defendants were driven primarily by the higher deferral rates for drug offenses.

For **person offenses**, a deferred prosecution disposition occurred in roughly 5 out of 1,000 cases for White, Black, and Hispanic defendants.

For **weapon offenses** a deferred prosecution disposition occurred in almost no cases; as such, there were not enough cases to generate predicted probabilities across racial/ethnic groups.

For **property offenses**, White and Black defendants were the most likely to receive a deferred prosecution (roughly 125 out of 1,000 cases), while Hispanic defendants were the least likely (69 out of 1,000 cases).

For **drug offenses**, White defendants (282 out of 1,000 cases) were the most likely to receive a deferred prosecution, while Hispanic defendants (238 out of 1,000 cases) and Black defendants (233 out of 1,000 cases) were the least likely.

Overall, there were only slight differences in deferred prosecution rates across racial/ethnic groups, after accounting for defendant and case characteristics.

For **all offenses**, there was very little difference in dismissal rates across racial/ethnic groups, after accounting for defendant and case characteristics. Hispanic and White defendants were the least likely to have their cases dismissed (roughly 174 out of 1,000 cases) and Black defendants were the most likely (185 out of 1,000 cases). This means there were just 11 more cases dismissed for every 1,000 cases involving Hispanic or White defendants than for every 1,000 cases involving Black defendants.

For **person offenses**, there was slightly more variation in dismissal rates across racial/ethnic groups. Black and Hispanic defendants were the most likely to have their cases dismissed (roughly 224 out of 1,000 cases) and White defendants were the least likely to have their cases dismissed (190 out of 1,000 cases).

Weapon offenses, displayed some of the most variation in dismissal rates. Black defendants were the most likely to have their cases dismissed (186 out of 1,000 cases), followed by White defendants (141 out of 1,000 cases) and Hispanic defendants (97 out of 1,000 cases).

For **property offenses**, there was little variation in dismissal rates across racial/ethnic groups. Hispanic defendants were slightly more likely to have their cases dismissed (148 out of 1,000 cases), than White or Black defendants (roughly 133 out of 1,000 cases).

Drug offenses exhibited slight differences in dismissal rates across racial/ethnic groups. White defendants were the least likely to have their cases dismissed (80 out of 1,000 cases), followed by Hispanic defendants (106 out of 1,000 cases) and Black defendants (112 out of 1,000 cases).

Overall, dismissal dispositions were similar across all racial/ethnic groups. The only exception was weapons offenses, for which differences in dismissal rates ranged from 50 to 90 out of 1,000 cases across racial/ethnic groups.

For **all offenses**, given their slightly higher deferral rates, White defendants were the least likely to have their cases disposed through plea/trial (708 out of 1,000 cases) and Black and Hispanic defendants were the most likely to have their cases disposed through plea/trial (roughly 734 out of 1,000 cases), after accounting for defendant and case characteristics.

For **person offenses**, however, differences in plea/trial rates were reversed. Black and Hispanic defendants were the least likely to have their cases disposed of through plea/trial (roughly 772 out of 1,000 cases) and White defendants were the most likely (804 out of 1,000 cases) to have their cases disposed through plea/trial.

For **weapon offenses**, Black defendants were the least likely to have their cases disposed through plea/trial (814 out of 1,000 cases), followed by White defendants (859 out of 1,000 cases) and Hispanic defendants (903 out of 1,000 cases).

For **property offenses**, White and Black defendants were the least likely to have their cases disposed through plea/trial (roughly 740 out of 1,000 cases) while Hispanic defendants were the most likely (783 out of 1,000 cases).

Drug offenses exhibited differences in plea/trial rates across racial/ethnic groups similar to those for all offenses combined. White defendants were the least likely to have their cases disposed through plea/trial (638 out of 1,000 cases) and Black and Hispanic defendants were the most likely to have their cases disposed through plea/trial (roughly 655 out of 1,000 cases), after accounting for defendant and case characteristics.

Overall, dispositions through plea/trial were similar across all racial/ethnic groups, with differences in rates ranging from just 20 to 40 out of 1,000 cases across groups. The only exception was weapon offenses, for which differences in plea/trial rates ranged from 50 to 90 out of 1,000 cases across racial/ethnic groups.

Table 3a: Likelihood of Case Disposition for Felony Offenses 2017/2018,
by Defendant Race

	All Offenses	Person Offenses	Weapons Offenses	Property Offenses	Drug Offenses
OUTCOME 1: GUILTY PLEA AND TRIAL					
White	699 out of 1,000 cases	**813**	795	751	659
Black	738 out of 1,000 cases	757	801	774	**680**
Hispanic	**745** out of 1,000 cases	709	**831**	**903**	671
OUTCOME 2: CASE DISMISSED					
White	147 out of 1,000 cases	146	185	84	76
Black	**189** out of 1,000 cases	221	**198**	**107**	**105**
Hispanic	178 out of 1,000 cases	**252**	161	32	98
OUTCOME 3: CASE DEFERRED					
White	**110** out of 1,000 cases	**46**	*	**139**	249
Black	77 out of 1,000 cases	23	*	128	224
Hispanic	88 out of 1,000 cases	25	*	62	**258**
Number of Cases	7,146	1,883	809	1,317	1,723

Table 3b: Likelihood of Case Disposition for Misdemeanor Offenses 2017/2018,
by Defendant Race

	All Offenses	Person Offenses	Weapons Offenses	Property Offenses	Drug Offenses
OUTCOME 1: GUILTY PLEA AND TRIAL					
White	688 out of 1,000 cases	706	882	705	486
Black	**730** out of 1,000 cases	719	822	**726**	**542**
Hispanic	725 out of 1,000 cases	**772**	960	708	**542**
OUTCOME 2: CASE DISMISSED					
White	**189** out of 1,000 cases	203	117	175	104
Black	175 out of 1,000 cases	220	**177**	152	**132**
Hispanic	169 out of 1,000 cases	194	39	**220**	131
OUTCOME 3: CASE DEFERRED					
White	**139** out of 1,000 cases	**96**	*	113	389
Black	117 out of 1,000 cases	84	*	**125**	336
Hispanic	135 out of 1,000 cases	73	*	80	**322**
Number of Cases	5,115	669	917	1,587	460

Figure 6: Likelihood of Case Disposition 2014-2018, by Defendant Race

This line graphs below represent the expected rates of deferred prosecution, dismissal, and plea/trial rates for all misdemeanor and felony offenses combined for White, Black, and Hispanic defendants after accounting for defendant and case characteristics. As the figures indicate, expected plea/trial rates were nearly identical for all racial/ethnic groups between 2014 and 2018; moreover, plea/trial decreased slightly between 2014 and 2018 for all racial/ethnic groups, from roughly 73.0% to 70.0%. This was due largely to a slight increase in dismissal rates. Between 2014 and 2018, dismissal rates for White defendants increased the most, from roughly 11.0% in 2014 to 17.8% in 2018; rates for Black and Hispanic defendants increased from roughly 16.0% to 21.0% during the same period. Deferred prosecution rates remained relatively stable; however, throughout the period, deferral rates for Black defendants remained lower than rates for both White and Hispanic defendants.

DEFERRED PROSECUTION   WHITE BLACK HISPANIC

DISMISSAL   WHITE BLACK HISPANIC

PLEA/TRIAL   WHITE BLACK HISPANIC

4

Case Charging

Changes in Charge Severity from Arrest to Charging

Disposition Type

Changes in Charge Severity from Charging to Conviction

Sentencing
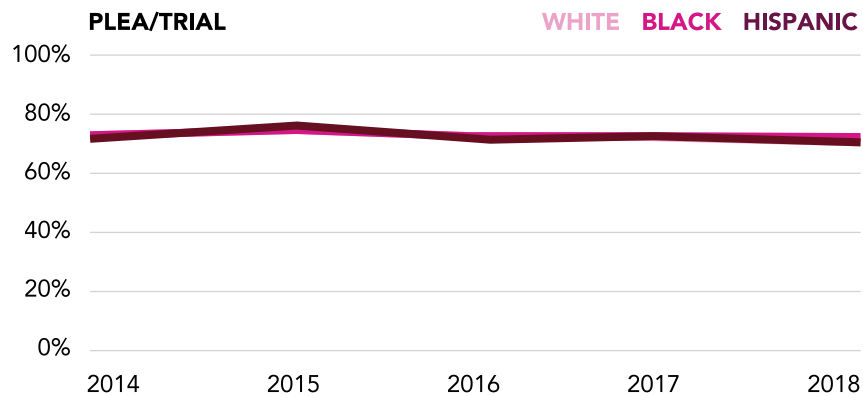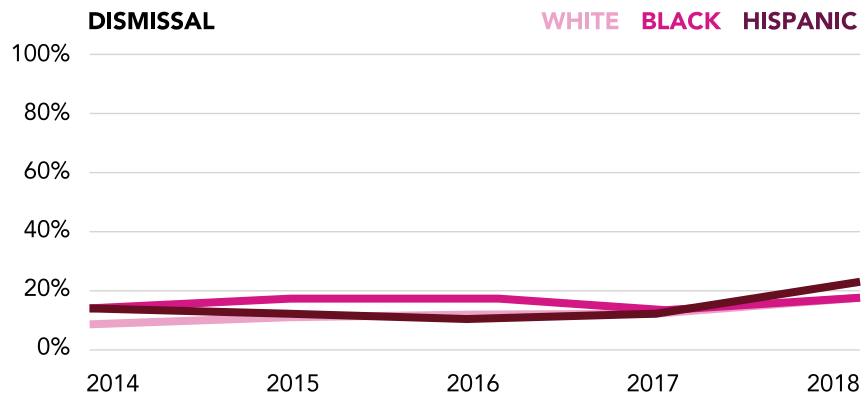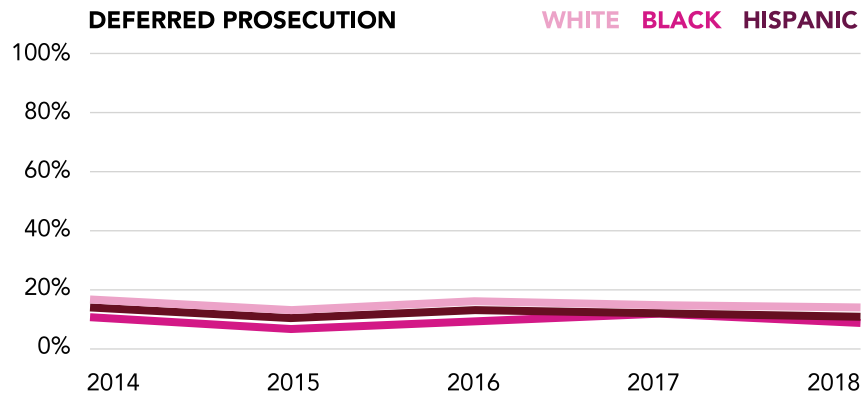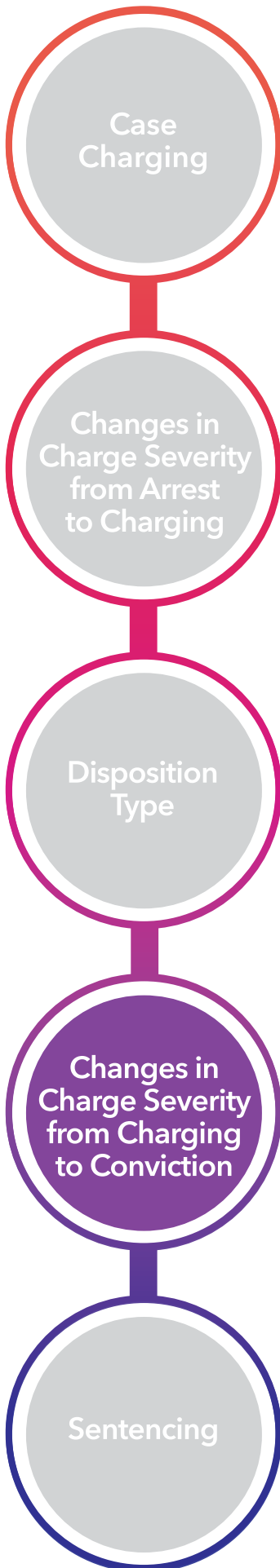
The charges recorded at conviction may differ from the filed charges, for reasons such as charge bargaining or newly uncovered evidence. Changes in charge severity from charging to conviction are determined by the misdemeanor or felony class of the top filed charge and misdemeanor or felony class of the top conviction charge. The top conviction charge may be less severe than the top filed charge ("charge reduction"); the top conviction charge may be more severe than the top filed charge ("charge increase"), or the charge severity may stay the same ("no change").

Figure 7: Simple Percentage of Cases with Reduction, or No Change in Charge Severity at Conviction 2017/2018, by Defendant Race

Figure 7 represents simple percentages of cases with a charge reduction or no change in charge severity from charging to conviction in 2017/2018 for all defendants together, followed by White, Black, and Hispanic defendants separately. The graph does not take into account differences in case or defendant characteristics. Since there were no cases involving a charge increase in 2017/2018, the graph only includes outcomes for charge reduction and no charge reduction. As Figure 7 indicates, charge reduction was relatively rare for all racial/ethnic groups. In 2017/2018, just 8.3% of cases involving Hispanic defendants, 7.4% of Black defendants, and 6.6% of White defendants resulted in a charge reduction from charging to conviction.

CHARGE REDUCTION
NO CHARGE REDUCTION

All Defendants	7.3%	
	92.7%	
White	6.6%	
	93.4%	
Black	7.4%	
	92.6%	
Hispanic	8.3%	
	91.7%	
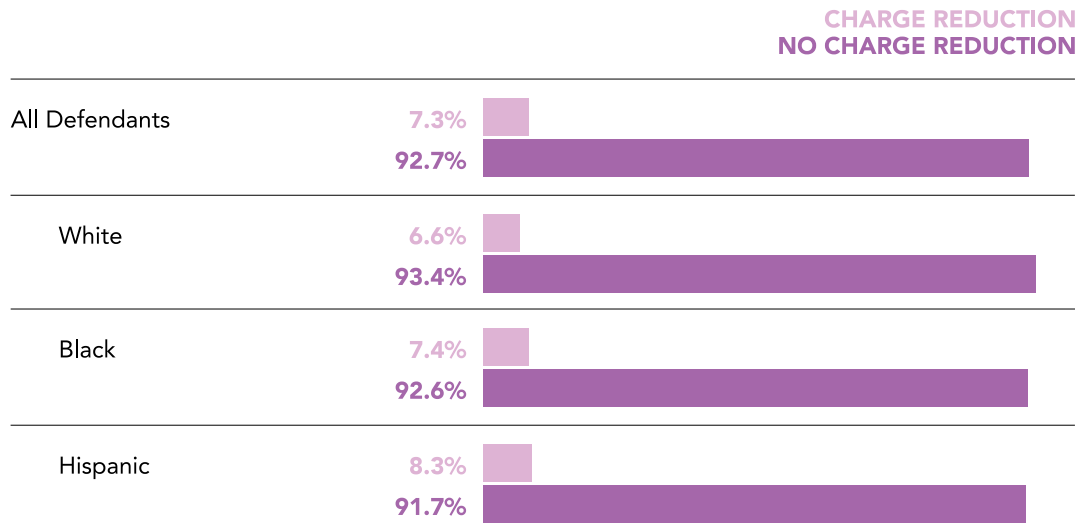
Table 4: Likelihood of Charge Reduction from Charging to Conviction 2017/2018, by Defendant Race

Numbers in this table represent the expected charge reduction rates per 1,000 cases for White, Black, and Hispanic defendants after taking into account the influence of: (1) offense severity, (2) offense type, (3) number of filed charges, (4) defendant gender, (5) defendant age, (6) defendant custody status, (7) defendant prior criminal history, (8) defendant residence (Milwaukee City or elsewhere), (9) median income in defendant's neighborhood of residence, (10) arresting agency, (11) prosecutor unit, (12) prosecutor gender, (13) prosecutor race, (14) prosecutor average monthly caseload, (15) prosecutor felony caseload, (16) prosecutor violent caseload, (17) prosecutor experience, (18) method of conviction (guilty plea or trial). Results for person offenses also take into account (19) victim race, (20) victim gender, (21) victim age. Results for drug offenses also take into account (22) drug type and (23) whether the offense involved possession or sale/trafficking/manufacturing.

	All Offenses	Person Offenses	Weapons Offenses	Property Offenses	Drug Offenses
White	67 out of 1,000 cases	81	30	26	32
Black	74 out of 1,000 cases	**101**	40	31	**66**
Hispanic	**80** out of 1,000 cases	93	**66**	**36**	61
Number of Cases	8,695	1,858	1,392	2,163	1,415

Note: Results do not include Domestic Violence or Operating while Intoxicated (OWI) charges (results do include other vehicle/driving related offenses).

For **all offenses combined**, a reduction in the severity of charges from charging to conviction was rare for all racial/ethnic groups and showed very little variation across groups. Hispanic defendants were slightly more likely to receive a charge reduction (87 out of 1,000 cases) relative to Black defendants (74 out of 1,000 cases) and White defendants (67 out of 1,000 cases). This means there were just 20 more cases with a charge reduction for every 1,000 cases involving Hispanic defendants than for every 1,000 cases involving White defendants.

For **person offenses**, Hispanic and Black defendants were the most likely to receive a charge reduction (93 out of 1,000 cases, and 101 out of 1,000 cases, respectively), while White defendants were the least likely to receive a charge reduction (81 out of 1,000 cases).

The charge reduction rates for **weapon offenses** were similar to patterns for all offenses combined, with Hispanic defendants slightly more likely to receive a charge reduction (66 out of 1,000 cases), followed by Black defendants (40 out of 1,000 cases), and White defendants (30 out of 1,000 cases).

The charge reduction rates for **property offenses** showed the smallest levels of racial/ethnic differences, with Hispanic defendants slightly more likely to receive a charge reduction (36 out of 1,000 cases) relative to Black defendants (31 out of 1,000 cases) and White defendants (26 out of 1,000 cases)

For **drug offenses**, Hispanic defendants and Black defendants were the most likely to receive a charge reduction (roughly 63 out of 1,000 cases) and White defendants were the least likely to receive a charge reduction (32 out of 1,000 cases).

Overall, charge reduction rates were similarly low and consistent across all racial/ethnic groups, with differences in rates ranging from just 20 to 30 out of 1,000 cases across groups.

Table 4a: Felony Likelihood of Changes in Charge Severity from Filing to Disposition by Defendant Race

	All Felony Offenses	Person Offenses	Weapons Offenses	Property Offenses	Drug Offenses
White	89 out of 1,000 cases	102	*	40	59
Black	102 out of 1,000 cases	120	58	**59**	**63**
Hispanic	**113** out of 1,000 cases	**135**	**80**	47	58
Number of Cases	5,056	1,372	635	1,017	635

Table 4b: Misdemeanor Likelihood of Changes in Charge Severity from Filing to Disposition by Defendant Race

	All Misdemeanor Offenses	Person Offenses	Weapons Offenses	Property Offenses	Drug Offenses
White	34 out of 1,000 cases	**45**	38	16	*
Black	35 out of 1,000 cases	44	18	11	*
Hispanic	**37** out of 1,000 cases	*	**55**	**43**	*
Number of Cases	3,629	486	757	1,146	253

Figure 8: Likelihood of Charge Reduction 2014-2018, by Defendant Race

Figure 8 represents the expected charge reduction rates for all misdemeanor and felony offenses combined for White, Black, and Hispanic defendants after accounting for defendant and case characteristics. As Figure 8 indicates, expected charge reduction rates were similar across racial/ethnic groups between 2014 and 2018, and remained relatively stable at roughly 8.0% during this period.

5

Case Charging

Changes in Charge Severity from Arrest to Charging

Disposition Type

Changes in Charge Severity from Charging to Conviction

Sentencing
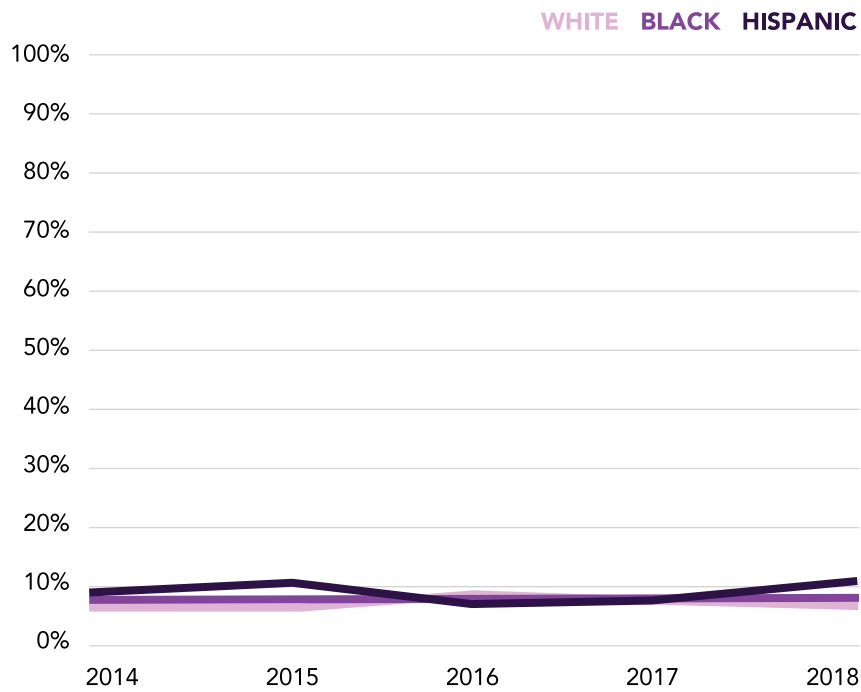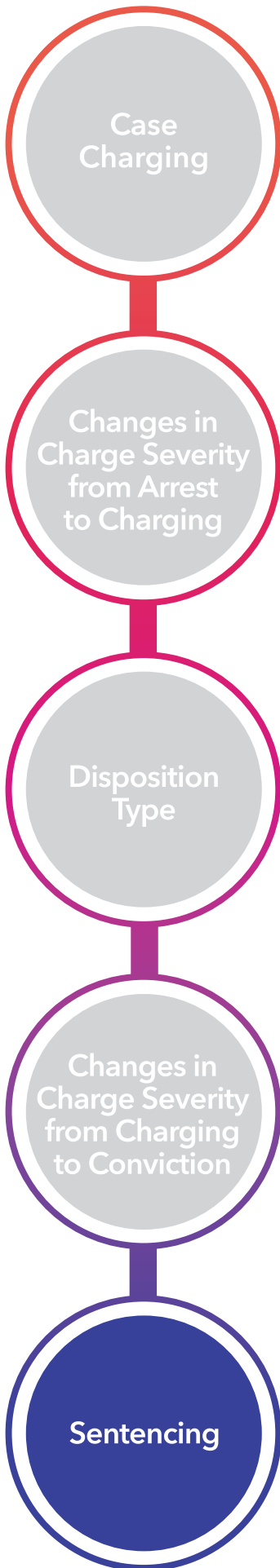
Cases resulting in a plea deal or trial conviction may be sentenced to either a non-custodial sentence or a custodial sentence. Non-custodial sentences include any sentence in which probation, fines, court costs, community service, or other punishments are assigned but the defendant is not incarcerated. Custodial sentences include any jail or prison sentence imposed; however, most of the custodial sentences involve a prison sentence.

Figure 9: Simple Percentage of Cases Resulting in Non-Custodial and Custodial Sentences 2017/2018, by Defendant Race

Figure 9 represents simple percentages of non-custodial and custodial sentences imposed for all defendants together, followed by White, Black, and Hispanic defendants separately. The graph does not take into account differences in case or defendant characteristics. As Figure 9 indicates, Black defendants were much more likely to receive a custodial sentence relative to both White and Hispanic defendants. In 2017/2018, 54.3% of Black defendants received a custodial sentence following conviction, compared to 46.2% of Hispanic defendants and just 44.1% of White defendants.

NON-CUSTODIAL SENTENCE
CUSTODIAL SENTENCE

| All Defendants | 48.4% |
| | 51.6% |

| White | 55.9% |
| | 44.1% |

| Black | 45.7% |
| | 54.3% |

| Hispanic | 53.8% |
| | 46.2% |
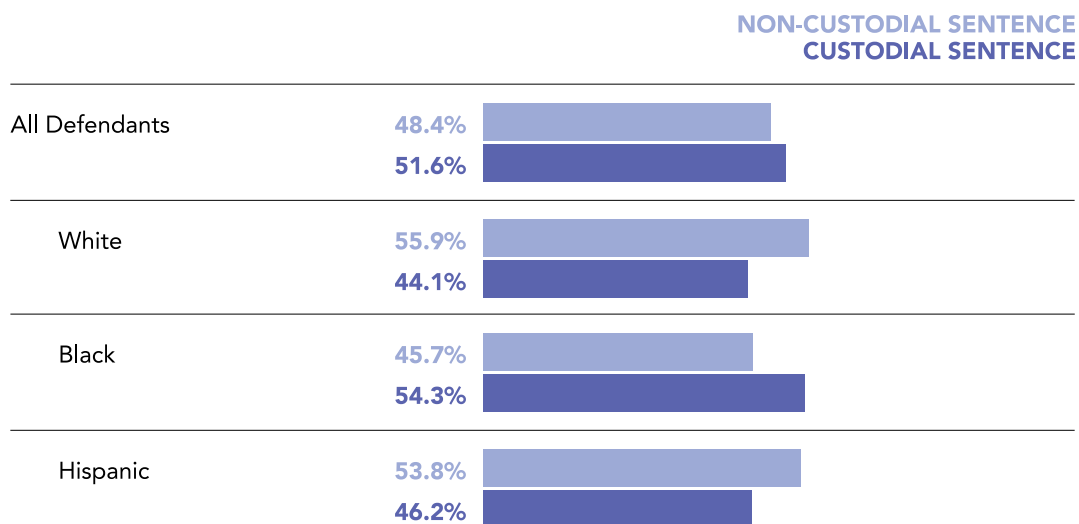
Table 5: Likelihood of Custodial Sentence Type by Defendant Race

Numbers in this table represent the expected rates of each outcome per 1,000 cases for White, Black, and Hispanic defendants after taking into account the influence of: (1) offense severity, (2) offense type, (3) number of conviction charges, (4) defendant gender, (5) defendant age, (6) defendant custody status, (7) defendant prior criminal history, (8) defendant residence (Milwaukee City or elsewhere), (9) median income in defendant's neighborhood of residence, (10) arresting agency, (11) prosecutor unit, (12) prosecutor gender, (13) prosecutor race, (14) prosecutor average monthly caseload, (15) prosecutor felony caseload, (16) prosecutor violent caseload, (17) prosecutor experience, (18) method of conviction (guilty plea or trial). Results for person offenses also take into account (19) victim race, (20) victim gender, (21) victim age. Results for drug offenses also take into account (22) drug type and (23) whether the offense involved possession or sale/trafficking/manufacturing.

	All Offenses	Person Offenses	Weapons Offenses	Property Offenses	Drug Offenses
White	465 out of 1,000 cases	520	473	400	506
Black	**519** out of 1,000 cases	**570**	**511**	**458**	**534**
Hispanic	447 out of 1,000 cases	469	434	420	494
Number of Cases	8,420	1,712	1,347	2,129	1,370

Note: Results do not include Domestic Violence or Operating while Intoxicated (OWI) charges (results do include other vehicle/driving related offenses).

For **all offenses**, Hispanic defendants were the least likely and Black defendants were the most likely to receive a custodial sentence, after controlling for other defendant and case factors. For every 1,000 cases involving a Hispanic defendant, 447 resulted in a custodial sentence, compared to 519 cases involving Black defendants and 465 cases involving White defendants. This means there were roughly 72 more custodial sentences for every 1,000 cases involving Black defendants than for every 1,000 cases involving Hispanic defendants. These differences were consistent across all offense types.

Person offenses displayed the largest differences across racial/ethnic groups. For every 1,000 person cases involving Hispanic defendants 469 received a custodial sentence, compared to 570 involving Black defendants and 520 involving White defendants. This means there were roughly 101 more custodial sentences for every 1,000 cases involving Black defendants than for every 1,000 cases involving Hispanic defendants.

For **weapon offenses**, custodial sentence rates were not as disparate across racial/ethnic groups. Hispanic defendants remained the least likely (434 out of 1,000 cases) and Black defendants the most likely (511 out of 1,000 cases) to receive a custodial sentence.

For **property offenses**, White defendants were the least likely (400 out of 1,000 cases) and Black defendants were the most likely (458 out of 1,000 cases) to receive a custodial sentence; for every 1,000 cases involving Hispanic defendants, 420 resulted in a custodial sentence.

For **drug offenses**, differences in custodial sentence rates across racial/ethnic groups were the smallest among offense categories. Hispanic defendants were the least likely (494 out of 1,000 cases) and Black defendants were the most likely (534 out of 1,000 cases) to receive a custodial sentence, after controlling for other defendant and case factors; for every 1,000 cases involving Hispanic defendants, roughly 506 resulted in a custodial sentence.

Overall, custodial sentence rates varied markedly across racial/ethnic groups. Black defendants were consistently more likely to receive a custodial sentence than either White or Hispanic defendants for all offense types.

Figure 10: Likelihood of Custodial Sentence 2014-2018, by Defendant Race

Figure 10 represents the expected custodial sentence rates for all felony offenses combined for White, Black, and Hispanic defendants after accounting for defendant and case characteristics. As Figure 10 indicates, expected custodial sentence rates were nearly identical for White and Hispanic defendants between 2014 and 2018; custodial sentence rates for Black defendants remained roughly 7 percentage points higher during this period. Custodial sentence rates for Black and Hispanic defendants decreased between 2014 and 2018. For Black defendants, custodial sentence rates decreased from 57.0% in 2014 to 52.1% in 2018; similarly, custodial sentence rates for Hispanic defendants decreased from 50.0% in 2014 to 45.9% in 2018. Custodial sentence rates for White defendants decreased through 2017, but rose slightly in 2018; by 2018, roughly 48.0% of White defendants received a custodial sentence, up slightly from custodial sentence rates in 2014 (47.4%).

WHITE   BLACK   HISPANIC
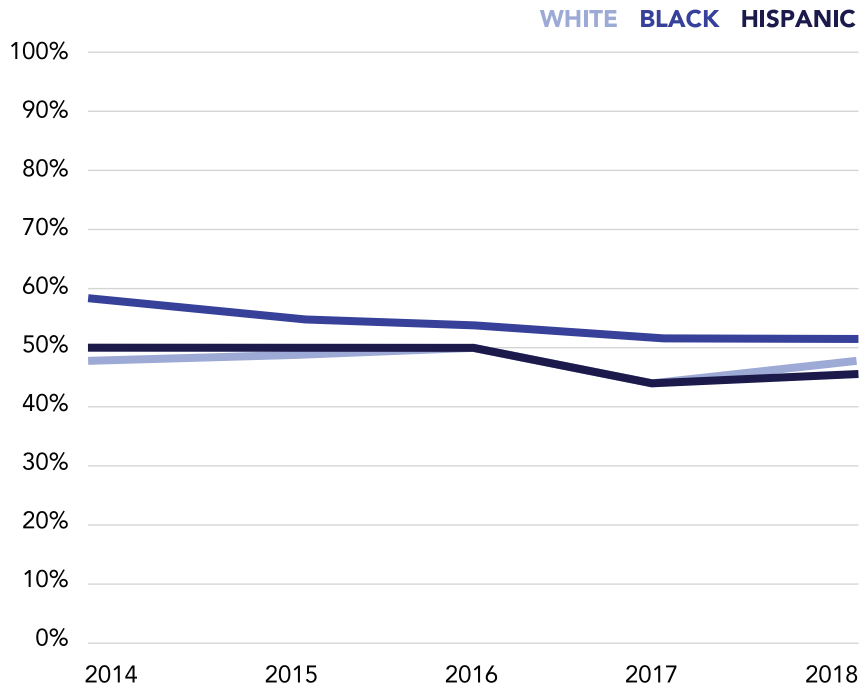
Table 5a: Felony Likelihood of a Custodial Sentence 2017/2018, by Defendant Race

	All Felony Offenses	Person Offenses	Weapons Offenses	Property Offenses	Drug Offenses
White	584 out of 1,000 cases	656	**728**	459	546
Black	**646** out of 1,000 cases	**759**	726	536	**548**
Hispanic	569 out of 1,000 cases	616	666	**550**	474
Number of Cases	4,673	1,224	606	969	1,097

Table 5b: Misdemeanor Likelihood of a Custodial Sentence 2017/2018, by Defendant Race

	All Misdemeanor Offenses	Person Offenses	Weapons Offenses	Property Offenses	Drug Offenses
White	334 out of 1,000 cases	**199**	280	360	393
Black	**365** out of 1,000 cases	173	**347**	**390**	463
Hispanic	304 out of 1,000 cases	103	310	275	**554**
Number of Cases	3,747	488	741	1,160	273

Appendix A
Racial and Ethnic Disparity Dashboards

These dashboards provide the reader with a visual overview of how outcomes for different racial and ethnic groups compare across the five decision points detailed in this report.

Dashboards are broken down by offense type: (1) all offenses, (2) person offenses, (3) weapon offenses, (4) property offenses, and (5) drug offenses.

Differences between Black and White defendants, and between Hispanic and White defendants, are presented as rates per 1,000 cases. These rates take into account the influence of defendant and case factors described in the tables throughout the report. Each bar in the dashboards has three components:

Color - Lighter bars show differences in rates for Black defendants compared to White defendants, while darker bars show differences in rate for Hispanic defendants compared to White defendants.

Number - The number at the end of each bar shows the difference in rates for each outcome. Positive numbers indicate that Black or Hispanic defendants have a higher rate of the outcome than White defendants, while negative numbers indicate Black or Hispanic defendants have a lower rate of the outcome than White defendants.

Direction – The direction of the bar reflects whether Black or Hispanic defendants are more likely or less likely than White defendants to receive a specific outcome.

2017 All Offenses
Differences in Outcomes
Compared to White Defendants

Black Defendants
Hispanic Defendants

0

INITIATION

CASE CHARGED
-3
19

CHARGE CHANGE AT CHARGING

CHARGE INCREASE
15
12

CHARGE REDUCED
-2
-1

DISPOSITION

DEFERRAL
-29
-23

DISMISSAL
12
2

CHARGE CHANGE AT CONVICTION

CHARGE REDUCED
6
1

SENTENCING

CUSTODIAL SENTENCE
68
-8
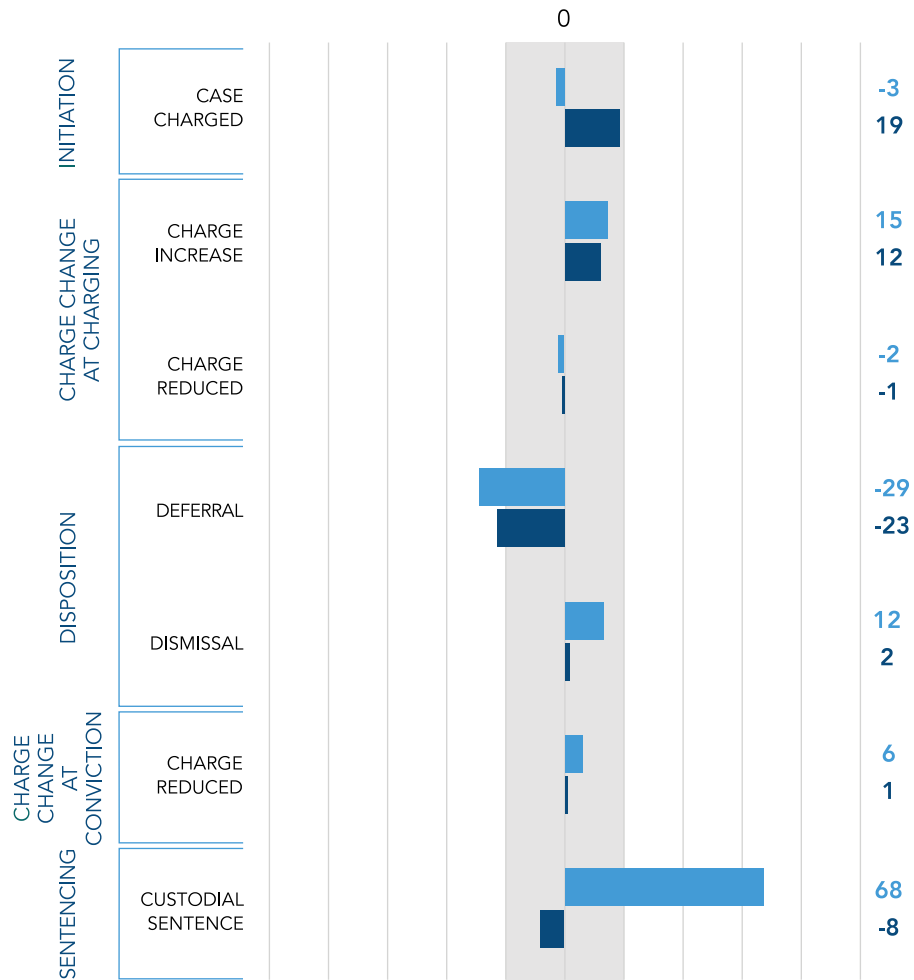
Values that fall within the gray band have a minimal difference in outcomes across groups of +20 out of 1000 cases.

2018 All Offenses
Differences in Outcomes
Compared to White Defendants

Black Defendants
Hispanic Defendants

0

		Black	Hispanic
INITIATION	CASE CHARGED	1	33
CHARGE CHANGE AT CHARGING	CHARGE INCREASE	11	6
	CHARGE REDUCED	-17	0
DISPOSITION	DEFERRAL	-39	-23
	DISMISSAL	33	23
CHARGE CHANGE AT CONVICTION	CHARGE REDUCED	8	29
SENTENCING	CUSTODIAL SENTENCE	40	-22
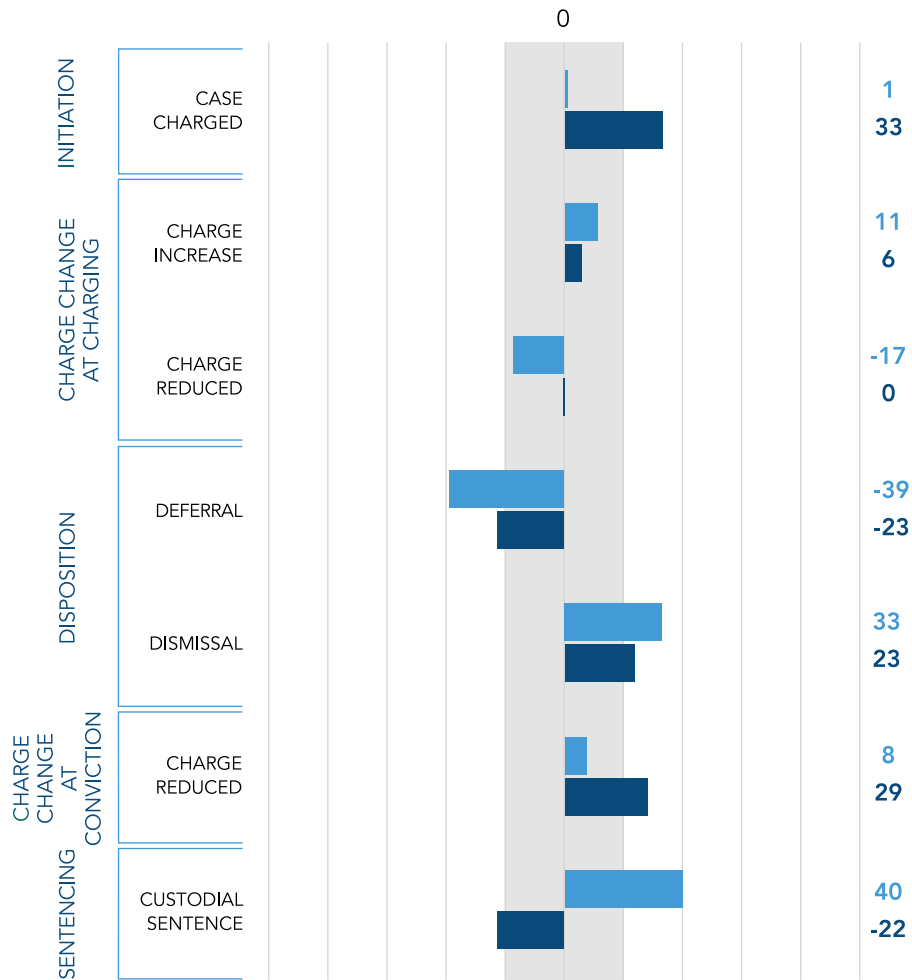
Values that fall within
the gray band have
a minimal difference
in outcomes across
groups of +20 out of
1000 cases.

2017 Person Offenses
Differences in Outcomes
Compared to White Defendants

■ Black Defendants
■ Hispanic Defendants

0

		Black	Hispanic
INITIATION	CASE CHARGED	46	7
CHARGE CHANGE AT CHARGING	CHARGE INCREASE	-5	14
	CHARGE REDUCED	-57	-61
DISPOSITION	DEFERRAL	-18	-19
	DISMISSAL	47	56
CHARGE CHANGE AT CONVICTION	CHARGE REDUCED	24	13
SENTENCING	CUSTODIAL SENTENCE	83	-105
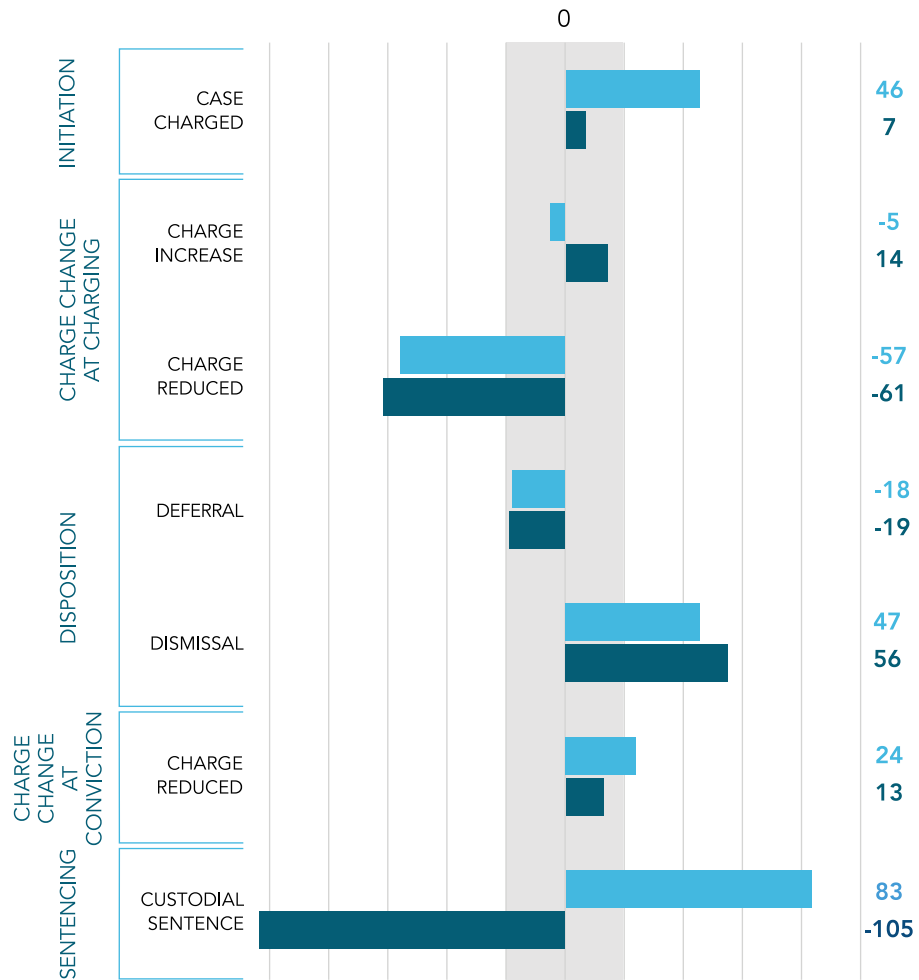
Values that fall within the gray band have a minimal difference in outcomes across groups of +20 out of 1000 cases.

2018 Person Offenses
Differences in Outcomes
Compared to White Defendants

Black Defendants
Hispanic Defendants

0

INITIATION

CASE
CHARGED
40
21

CHARGE CHANGE AT CHARGING

CHARGE
INCREASE
43
43

CHARGE
REDUCED
-73
-84

DISPOSITION

DEFERRAL
-16
-14

DISMISSAL
60
65

CHARGE CHANGE AT CONVICTION

CHARGE
REDUCED
10
22

SENTENCING

CUSTODIAL
SENTENCE
19
8
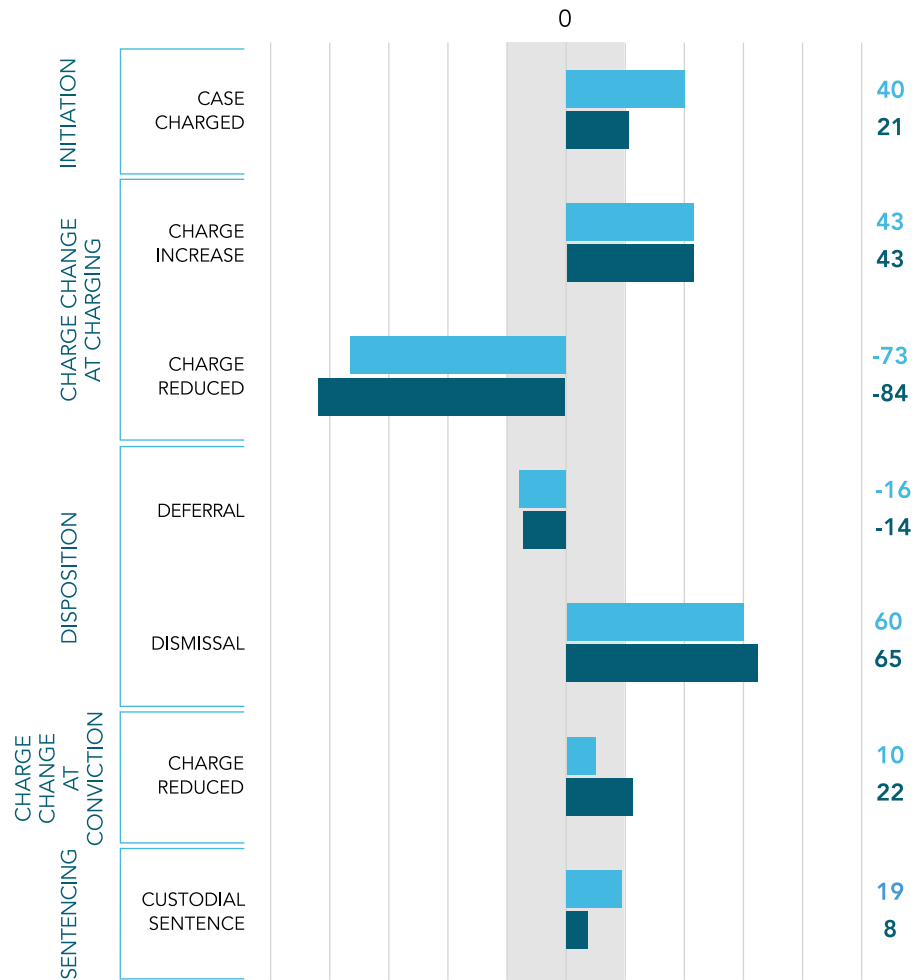
Values that fall within
the gray band have
a minimal difference
in outcomes across
groups of +20 out of
1000 cases.

2017 Weapon Offenses
Differences in Outcomes
Compared to White Defendants

Black Defendants
Hispanic Defendants

0

INITIATION

CASE CHARGED
- 29
- 108

CHARGE CHANGE AT CHARGING

CHARGE INCREASE
- 11
- 52

CHARGE REDUCED
- -73
- -19

DISPOSITION

DEFERRAL
- 0
- 0

DISMISSAL
- -28
- -102

CHARGE CHANGE AT CONVICTION

CHARGE REDUCED
- -9
- 38

SENTENCING

CUSTODIAL SENTENCE
- 47
- -34
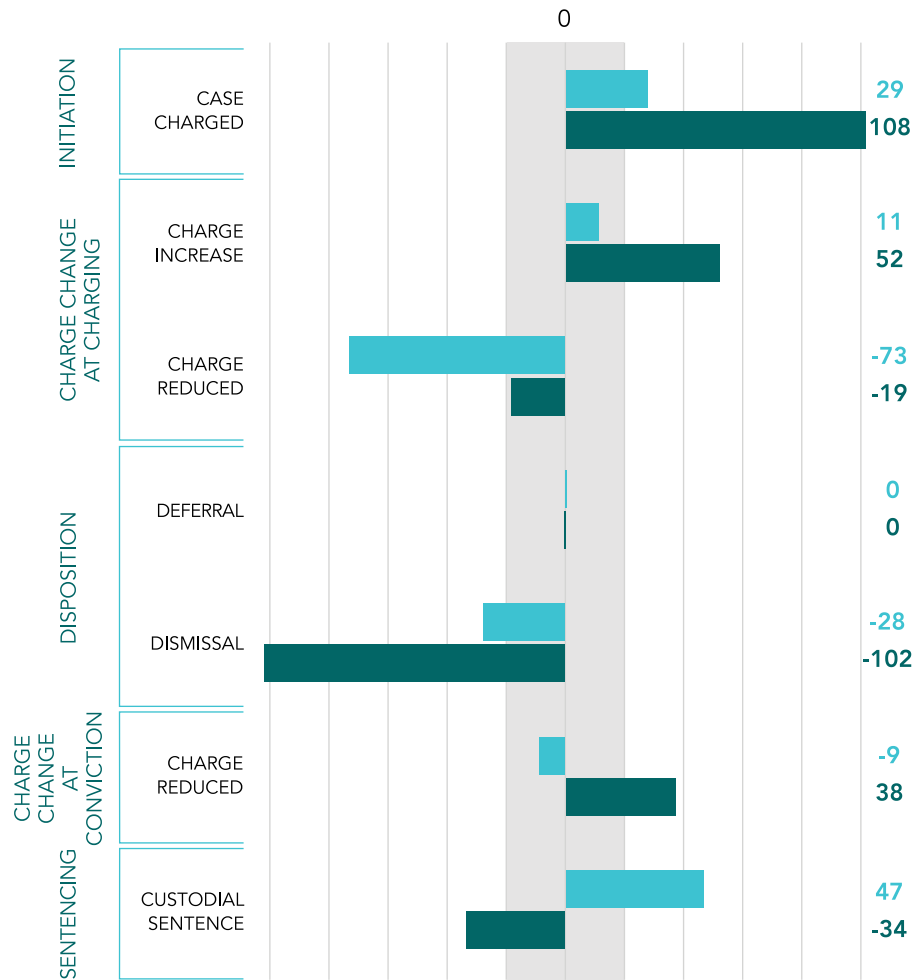
Values that fall within the gray band have a minimal difference in outcomes across groups of +20 out of 1000 cases.

2018 Weapon Offenses
Differences in Outcomes
Compared to White Defendants

Black Defendants
Hispanic Defendants

0

		Black	Hispanic
INITIATION	CASE CHARGED	35	67
CHARGE CHANGE AT CHARGING	CHARGE INCREASE	3	13
	CHARGE REDUCED	-49	-97
DISPOSITION	DEFERRAL	0	0
	DISMISSAL	106	6
CHARGE CHANGE AT CONVICTION	CHARGE REDUCED	11	58
SENTENCING	CUSTODIAL SENTENCE	44	-65
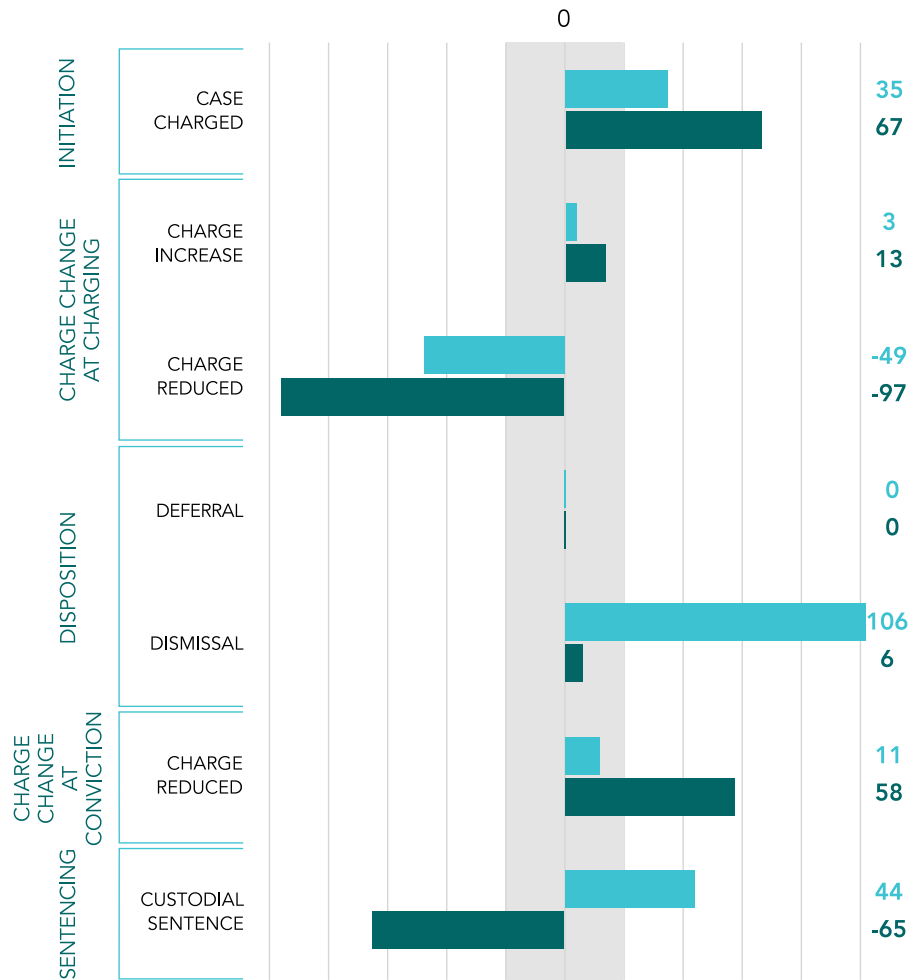
Values that fall within
the gray band have
a minimal difference
in outcomes across
groups of +20 out of
1000 cases.

2017 Property Offenses
Differences in Outcomes
Compared to White Defendants

Legend:
- Black Defendants
- Hispanic Defendants

0

INITIATION

CASE CHARGED
-21
26

CHARGE CHANGE AT CHARGING

CHARGE INCREASE
28
40

CHARGE REDUCED
31
5

DISPOSITION

DEFERRAL
20
-50

DISMISSAL
-28
21

CHARGE CHANGE AT CONVICTION

CHARGE REDUCED
18
9

SENTENCING

CUSTODIAL SENTENCE
73
113

Values that fall within the gray band have a minimal difference in outcomes across groups of +20 out of 1000 cases.

45

2018 Property Offenses
Differences in Outcomes
Compared to White Defendants
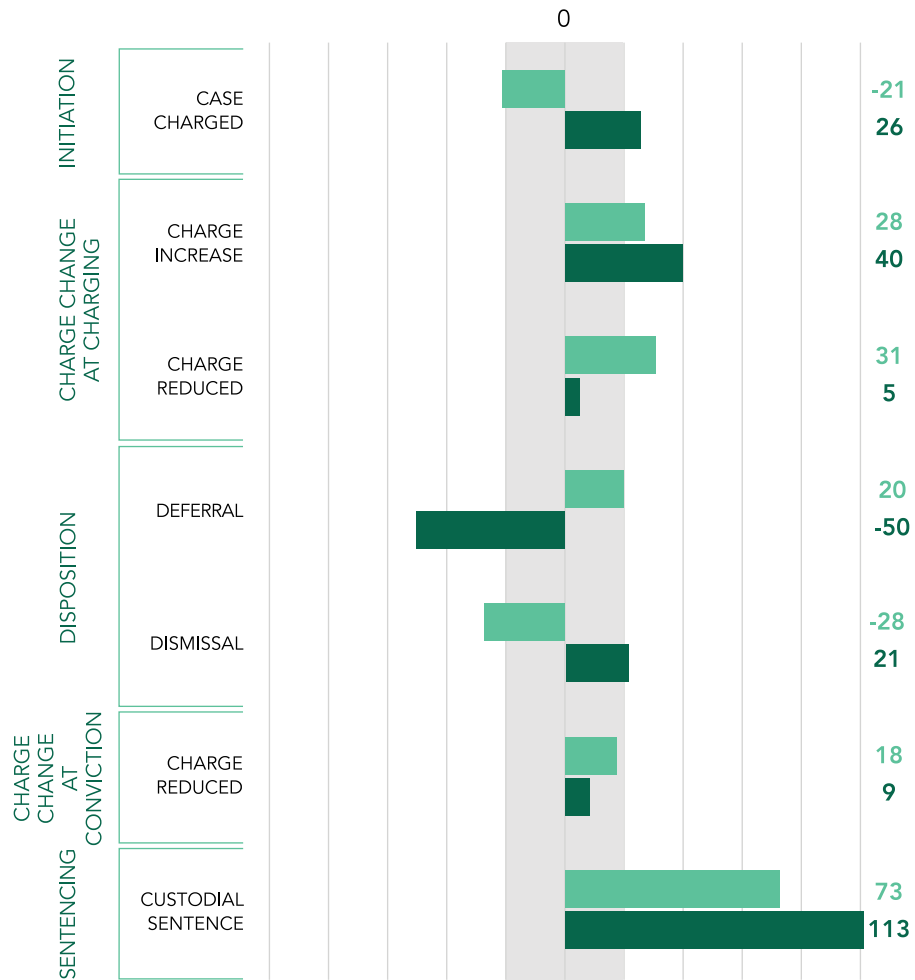
		Black	Hispanic
INITIATION	CASE CHARGED	-10	29
CHARGE CHANGE AT CHARGING	CHARGE INCREASE	31	18
	CHARGE REDUCED	47	11
DISPOSITION	DEFERRAL	-27	-62
	DISMISSAL	29	13
CHARGE CHANGE AT CONVICTION	CHARGE REDUCED	-12	11
SENTENCING	CUSTODIAL SENTENCE	49	-60
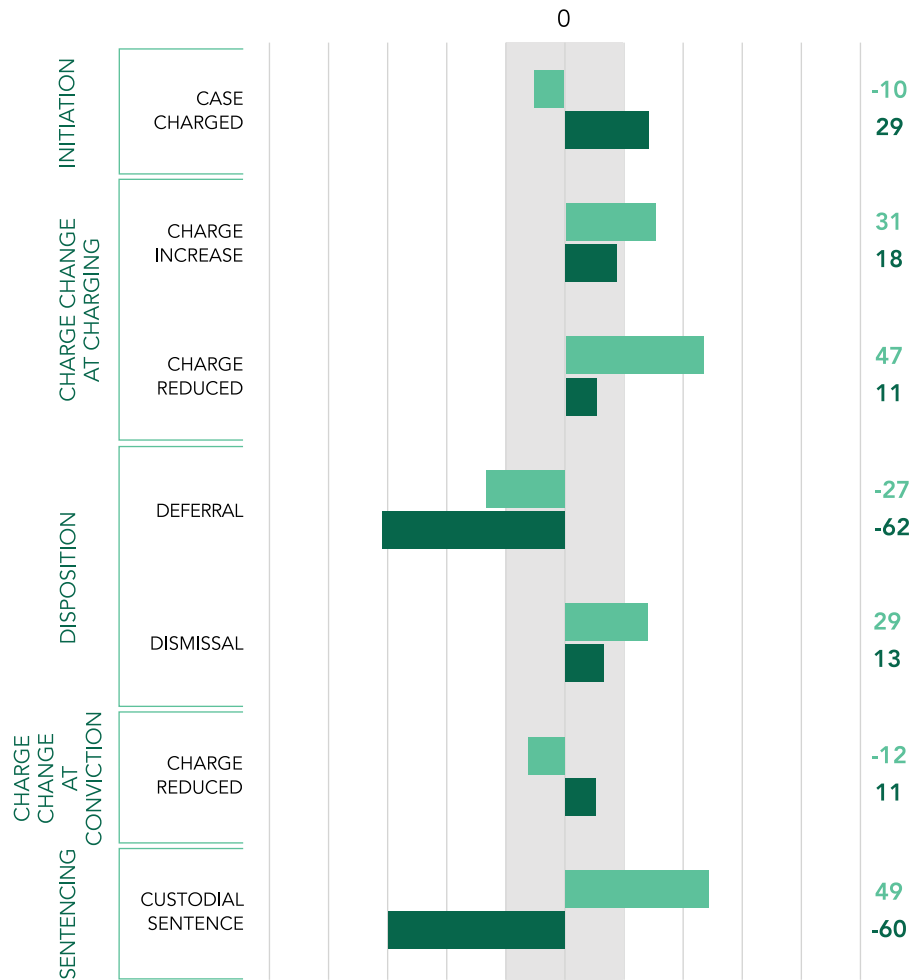
Values that fall within the gray band have a minimal difference in outcomes across groups of +20 out of 1000 cases.

2017 Drug Offenses
Differences in Outcomes Compared to White Defendants

Black Defendants
Hispanic Defendants

0

		Black	Hispanic
INITIATION	CASE CHARGED	-47	-9
CHARGE CHANGE AT CHARGING	CHARGE INCREASE	11	59
	CHARGE REDUCED	84	60
DISPOSITION	DEFERRAL	-55	-20
	DISMISSAL	25	0
CHARGE CHANGE AT CONVICTION	CHARGE REDUCED	31	54
SENTENCING	CUSTODIAL SENTENCE	17	31

Values that fall within the gray band have a minimal difference in outcomes across groups of +20 out of 1000 cases.

47

2018 Drug Offenses
Differences in Outcomes
Compared to White Defendants

■ Black Defendants
■ Hispanic Defendants

0

INITIATION

CASE CHARGED
-56
-43

CHARGE CHANGE AT CHARGING

CHARGE INCREASE
35
31

CHARGE REDUCED
40
36

DISPOSITION

DEFERRAL
-36
-64

DISMISSAL
32
35

CHARGE CHANGE AT CONVICTION

CHARGE REDUCED
23
-11

SENTENCING

CUSTODIAL SENTENCE
22
-49
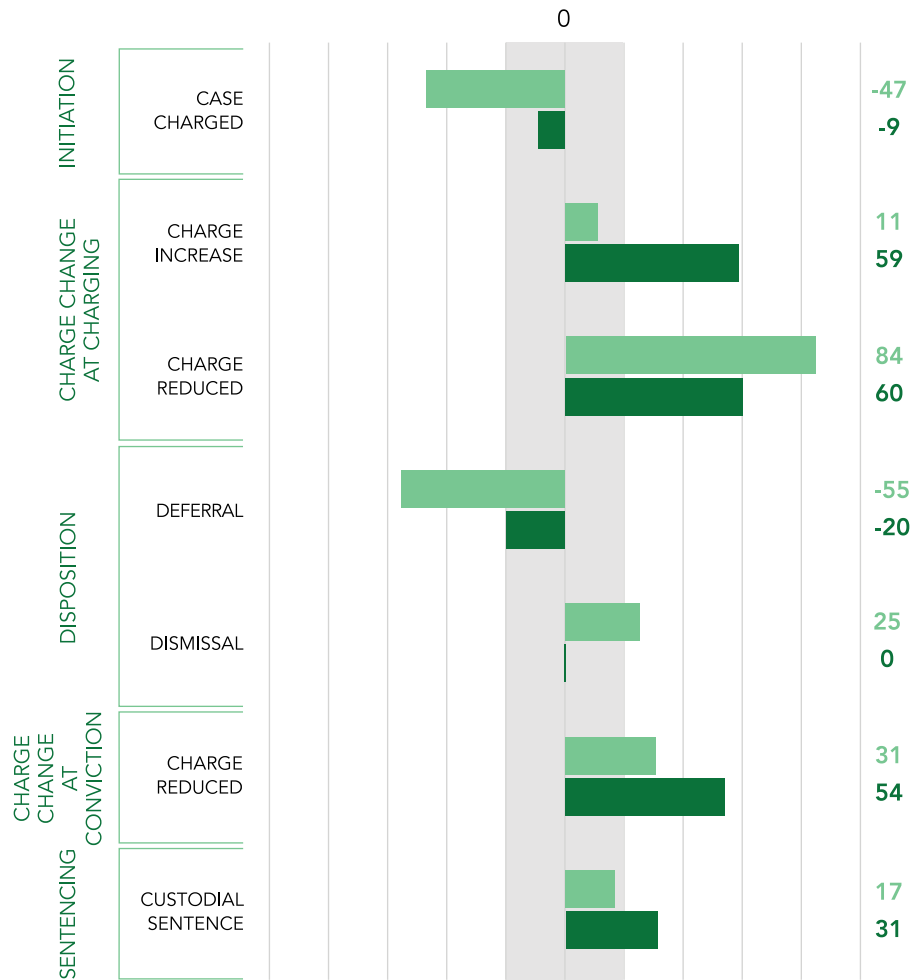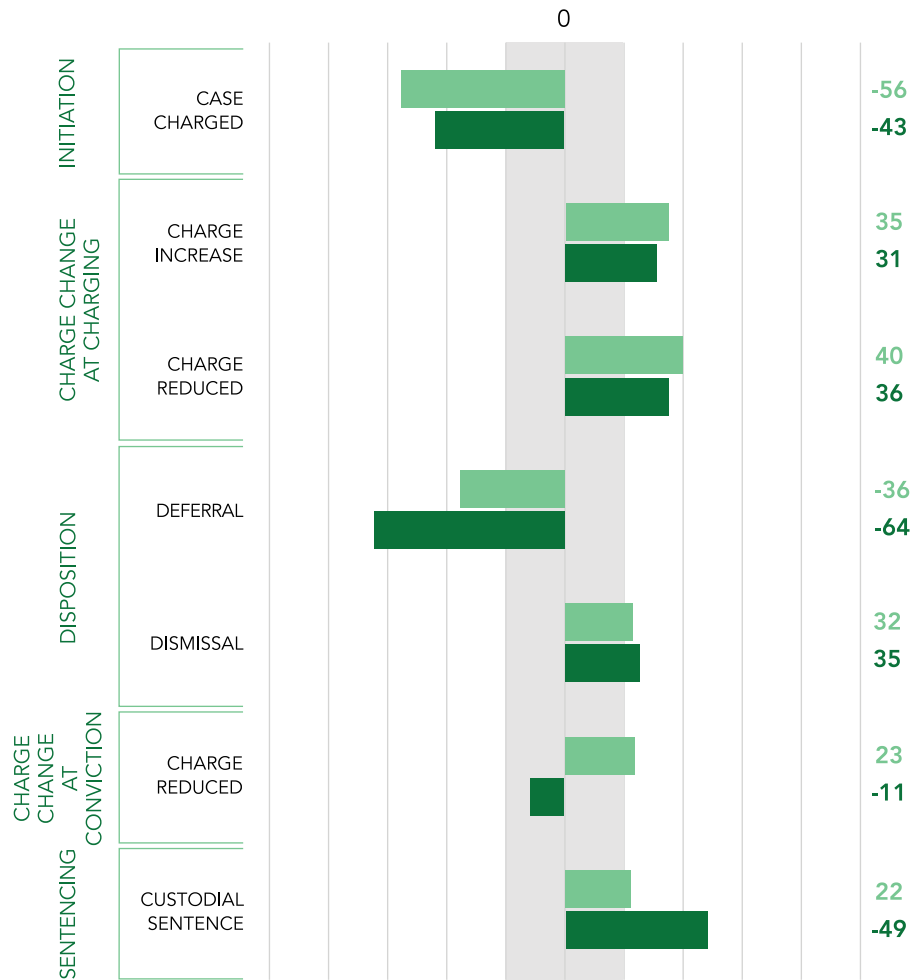
Values that fall within the gray band have a minimal difference in outcomes across groups of +20 out of 1000 cases.

Appendix B
Descriptive Statistics

Table 1: Descriptive Statistics for Cases Presented for Charging	All Cases	Defendant Race				Offense Severity	
		White	Black	Hispanic	Other Race	Misdemeanors	Felonies
TOTAL CASES	N=54,832	N=8,766	N=21,011	N=2,863	N=444	N=47,712	N=9,753
CHARGING DECISION							
Case not charged	54.8%	49.1%	57.5%	50.4%	48.9%	60.7%	47.3%
Case charged	45.2%	50.9%	42.5%	49.6%	51.1%	39.3%	52.7%
DEFENDANT INFORMATION							
White	22.2%	n/a	n/a	n/a	n/a	24.1%	19.9%
Black	66.5%	n/a	n/a	n/a	n/a	63.4%	70.7%
Hispanic	9.7%	n/a	n/a	n/a	n/a	11.1%	9.7%
Other Race	1.4%	n/a	n/a	n/a	n/a	1.5%	1.4%
Missing	0.1%	n/a	n/a	n/a	n/a	0.1%	0.1%
Female	20.9%	27.2%	19.7%	14.9%	21.1%	23.3%	17.8%
Male	79.1%	72.8%	80.3%	85.1%	78.9%	76.7%	82.2%
Age (mean years)	32.1	35.1	31.2	31.3	32.7	33.0	30.9
In custody at charging	52.6%	49.2%	54.2%	49.4%	52.6%	44.8%	62.7%
Milwaukee city resident	78.7%	45.9%	89.8%	79.4%	66.5%	78.1%	79.3%
Suburban Milwaukee resident	12.6%	37.0%	3.9%	15.1%	22.2%	14.3%	10.5%
Wisconsin resident	7.4%	15.2%	5.2%	4.4%	10.4%	6.8%	8.2%
Other state resident	1.3%	1.9%	1.1%	2.2%	0.9%	0.7%	2.0%
Neigh. median income	$37,568	$51,174	$32,896	$37,383	$44,521	$38,005	$37,043
Number of prior cases	3.0	2.9	3.1	2.2	2.2	2.8	3.1

Table 1: Descriptive Statistics for Cases Brought for Filing *Continued*

	All Cases	Defendant Race				Offense Severity	
		White	Black	Hispanic	Other Race	Misdemeanors	Felonies
OFFENSE INFORMATION							
Class A	0.6%	0.3%	0.8%	0.6%	0.5%	n/a	1.4%
Class B	0.9%	0.6%	0.8%	1.9%	1.2%	n/a	2.1%
Class C	4.4%	3.1%	4.8%	4.3%	4.9%	n/a	10.0%
Class D	1.0%	0.6%	1.2%	0.9%	1.3%	n/a	2.4%
Class E	2.7%	1.6%	3.3%	1.6%	1.8%	n/a	6.2%
Class F	5.2%	4.0%	5.8%	4.3%	4.7%	n/a	11.9%
Class G	5.8%	3.5%	6.9%	3.5%	4.0%	n/a	13.2%
Class H	11.4%	11.3%	11.8%	9.2%	10.1%	n/a	26.2%
Class I	11.6%	14.0%	11.1%	9.7%	13.7%	n/a	26.6%
Class A misdemeanor	33.0%	27.4%	35.3%	30.8%	29.2%	58.7%	n/a
Class B misdemeanor	9.5%	10.1%	9.3%	9.1%	9.5%	16.9%	n/a
Class C misdemeanor	13.7%	23.4%	8.9%	24.0%	19.2%	24.4%	n/a
Person	37.6%	27.6%	41.0	35.9%	33.9%	37.9%	37.1%
Property	13.6%	15.3%	13.6%	9.2%	9.3%	11.6%	16.1%
Drugs	9.2%	11.9%	8.4%	8.3%	9.3%	2.7%	17.5%
Weapons	6.7%	2.7%	8.5%	4.2%	6.5%	5.8%	7.8%
Public order/other	21.4%	21.6%	21.6%	19.7%	23.1%	25.2%	16.6%
OWI/Vehicle	11.6%	20.9%	6.9%	22.6%	17.8%	16.7%	4.9%
No. of charges (mean)	1.6	1.6	1.6	1.5	1.3	1.3	1.9
Gun-related case	11.0%	4.0%	13.9%	7.4%	6.5%	5.6%	17.8%
CASE INFORMATION							
Arrest by non-MPD	31.4%	61.0%	20.3%	37.5%	46.6%	32.2%	30.4%
Arrest by MPD	68.6%	39.0%	79.7%	62.5%	53.4%	67.8%	69.6%
General crime pros. unit	50.5%	58.7%	46.5%	49.4%	48.9%	52.9%	45.2%
Specialized pros. unit	49.5%	41.3%	53.5%	50.6%	51.1%	47.1%	54.8%
Prosecutor female	39.5%	36.1%	40.8%	38.9%	37.8%	35.4%	44.8%
Prosecutor male	59.4%	62.8%	58.2%	59.9%	60.7%	63.4%	54.4%
Prosecutor sex missing	1.0%	1.1%	1.0%	1.2%	1.5%	1.2%	0.8%
Prosecutor White	76.7%	78.9%	75.5%	78.3%	79.8%	76.1%	77.4%
Prosecutor Black/Hisp.	7.7%	7.4%	8.0%	6.8%	6.4%	7.9%	7.5%
Pros. race missing	15.6%	13.7%	16.3%	14.9%	13.8%	15.9%	15.1%
Pros. monthly caseload (mean)	34.0	33.9	30.1	32.7	34.0	41.2	24.9
Disposed 2017	49.9%	50.8%	50.0%	47.8%	49.0%	50.1%	49.6%
Disposed 2018	50.1%	49.2%	50.0%	52.2%	51.0%	49.9%	50.4%

Table 2: Descriptive Statistics for Cases Charging	All Cases	Defendant Race				Offense Severity	
		White	Black	Hispanic	Other Race	Misdemeanors	Felonies
TOTAL CASES	N=22,771	N=6,204	N=15,501	N=2,642	N=399	N=12,132	N=12,639
CHARGING DECISION							
Case not charged	15.1%	12.4%	16.8%	11.5%	13.5%	3.4%	26.2%
Case charged	78.8%	83.1%	76.3%	82.9%	83.0%	90.0%	68.1%
Increased	6.1%	4.5%	6.9%	5.6%	3.5%	6.6%	5.6%
DEFENDANT INFORMATION							
White	25.0%	n/a	n/a	n/a	n/a	29.6%	20.7%
Black	62.6%	n/a	n/a	n/a	n/a	55.4%	69.6%
Hispanic	10.7%	n/a	n/a	n/a	n/a	13.2%	8.2%
Other Race	1.6%	n/a	n/a	n/a	n/a	1.7%	1.5%
Missing	0.1%	n/a	n/a	n/a	n/a	0.1%	0.1%
Female	17.6%	24.1%	15.9%	11.7%	18.0%	19.8%	15.4%
Male	82.4%	75.9%	84.1%	88.3%	82.0%	80.2%	84.6%
Age (mean years)	32.1	35.1	30.9	31.5	32.2	33.3	30.9
In custody at charging	57.6%	49.4%	62.4%	48.5%	54.5%	42.5%	72.0%
Milwaukee city resident	75.5%	42.1%	88.7%	77.6%	65.8%	72.6%	78.2%
Suburban Milwaukee resident	14.5%	38.1%	4.4%	16.7%	22.4%	17.7%	11.5%
Wisconsin resident	8.6%	17.9%	5.4%	4.6%	11.3%	9.0%	8.2%
Other state resident	1.5%	1.9%	1.4%	1.1%	0.5%	0.7%	2.2%
Neigh. median income	$38,738	$52,204	$33,296	$38,033	$45,309	$40,018	$37,534
Number of prior cases	3.8	3.7	4.0	2.9	2.9	3.8	3.8

Table 2: Descriptive Statistics for Cases Charging *Continued*	All Cases	Defendant Race				Offense Severity	
		White	Black	Hispanic	Other Race	Misdemeanors	Felonies
OFFENSE INFORMATION							
Class A	0.9%	0.3%	1.1%	0.6%	0.8%	n/a	1.7%
Class B	1.0%	0.7%	1.0%	2.0%	1.5%	n/a	2.0%
Class C	4.9%	2.8%	5.8%	4.5%	6.0%	n/a	9.7%
Class D	1.5%	0.8%	1.9%	1.2%	2.3%	n/a	3.0%
Class E	3.4%	1.8%	4.2%	2.0%	2.0%	n/a	6.6%
Class F	6.6%	4.6%	7.6%	4.7%	5.8%	n/a	12.8%
Class G	7.5%	4.2%	9.5%	4.1%	4.3%	n/a	14.7%
Class H	12.1%	11.9%	12.5%	10.1%	10.5%	n/a	23.7%
Class I	13.1%	14.9%	12.9%	10.1%	14.3%	n/a	25.8%
Class A misdemeanor	24.0%	19.9%	26.4%	20.7%	19.0%	49.1%	n/a
Class B misdemeanor	3.6%	3.6%	3.7%	2.9%	4.0%	7.4%	n/a
Class C misdemeanor	21.3%	34.4%	13.2%	36.9%	29.6%	43.5%	n/a
Person	26.9%	17.7%	30.8%	25.4%	26.1%	22.3%	31.3%
Property	13.8%	15.1%	14.0%	9.8%	9.5%	12.1%	15.3%
Drugs	11.2%	11.8%	11.4%	8.5%	9.0%	2.3%	19.7%
Weapons	8.3%	3.0%	11.2%	4.6%	5.3%	8.7%	8.0%
Public order/other	17.6%	15.8%	18.9%	14.5%	16.8%	16.7%	18.5%
OWI/Vehicle	22.2%	36.6%	13.6%	37.2%	33.3%	37.9%	7.0%
No. of charges (mean)	1.9	1.8	1.9	1.8	1.9	1.5	2.3
Gun-related case	13.8%	4.3%	18.7%	8.3%	8.3%	7.3%	20.0%
CASE INFORMATION							
Arrest by non-MPD	41.4%	68.9%	28.9%	48.3%	55.9%	47.6%	35.5%
Arrest by MPD	58.6%	31.1%	71.1%	51.7%	44.1%	52.4%	64.5%
General crime pros. unit	57.8%	68.2%	53.1%	60.9%	58.1%	68.4%	47.6%
Specialized pros. unit	42.2%	31.8%	46.9%	39.1%	41.9%	31.6%	52.4%
Prosecutor female	38.2%	33.0%	40.6%	36.9%	35.6%	32.0%	44.2%
Prosecutor male	61.3%	66.5%	58.9%	62.7%	63.9%	67.4%	55.4%
Prosecutor sex missing	0.5%	0.5%	0.5%	0.3%	0.5%	0.5%	0.4%
Prosecutor White	81.6%	84.7%	79.8%	84.3%	86.2%	73.6%	79.7%
Prosecutor Black/Hisp.	6.5%	5.7%	7.1%	4.8%	4.3%	5.8%	7.2%
Pros. race missing	11.9%	9.6%	13.1%	10.9%	9.5%	10.6%	13.1%
Pros. monthly caseload (mean)	28.0	28.4	27.9	27.8	28.3	32.9	23.4
Disposed 2017	51.4%	53.1%	51.4%	47.6%	49.6%	51.5%	51.3%
Disposed 2018	48.6%	46.9%	48.6%	52.4%	50.4%	48.5%	48.7%

Table 3: Descriptive Statistics for Cases Disposed	All Cases	Defendant Race				Offense Severity	
		White	Black	Hispanic	Other Race	Misdemeanors	Felonies
TOTAL CASES	N=21,197	N=6,182	N=13,546	N=1,090	N=320	N=11,548	N=9,649
DISPOSITION							
Dismissed by prosecutor	17.0%	17.7%	16.2%	20.4%	23.1%	18.8%	14.7%
Dismissed by admin. order	10.1%	5.1%	12.7%	8.4%	6.6%	12.5%	7.3%
Deferred prosecution	6.7%	12.1%	4.5%	4.0%	6.3%	6.4%	7.0%
Plea/trial	66.2%	65.2%	66.6%	67.2%	64.1%	62.2%	71.0%
DEFENDANT INFORMATION							
White	29.2%	n/a	n/a	n/a	n/a	33.5%	24.2%
Black	63.9%	n/a	n/a	n/a	n/a	58.3%	70.3%
Hispanic	5.1%	n/a	n/a	n/a	n/a	6.0%	4.1%
Other Race	1.5%	n/a	n/a	n/a	n/a	1.9%	1.1%
Missing	0.3%	n/a	n/a	n/a	n/a	0.3%	0.3%
Female	16.7%	21.6%	14.7%	11.9%	22.2%	20.1%	12.5%
Male	83.3%	78.4%	85.3%	88.1%	77.8%	79.9%	87.5%
Age (mean years)	31.6	34.2	30.4	31.2	32.7	32.3	30.6
In custody at charging	60.7%	54.5%	64.8%	48.8%	50.6%	51.4%	72.0%
Milwaukee city resident	75.3%	47.1%	88.4%	74.7%	66.3%	73.3%	77.8%
Suburban Milwaukee resident	14.2%	34.5%	4.4%	19.5%	20.6%	17.0%	10.8%
Wisconsin resident	9.0%	16.8%	5.7%	4.8%	11.7%	9.0%	8.9%
Other state resident	1.5%	1.6%	1.4%	1.0%	1.3%	0.7%	2.4%
Neigh. median income	$38,800	$50,289	$33,366	$39,123	$45,940	$39,859	$37,516
Number of prior cases	4.0	3.8	4.1	3.3	3.0	3.9	4.1

Table 3: Descriptive Statistics for Cases Disposed *Continued*	All Cases	Defendant Race				Offense Severity	
		White	Black	Hispanic	Other Race	Misdemeanors	Felonies
OFFENSE INFORMATION							
Class A	0.3%	0.1%	0.4%	0.3%	0.0%	n/a	1.6%
Class B	0.9%	0.8%	0.9%	2.0%	0.9%	n/a	2.1%
Class C	4.0%	2.4%	4.8%	3.6%	2.2%	n/a	8.8%
Class D	1.6%	1.1%	1.8%	1.7%	1.3%	n/a	3.4%
Class E	2.7%	1.3%	3.4%	2.0%	1.3%	n/a	5.8%
Class F	4.7%	3.3%	5.6%	3.3%	2.8%	n/a	10.4%
Class G	8.0%	4.1%	10.1%	5.0%	3.4%	n/a	17.6%
Class H	10.9%	10.4%	11.3%	9.3%	8.4%	n/a	24.0%
Class I	12.4%	14.1%	11.9%	9.1%	11.9%	n/a	27.2%
Class A misdemeanor	31.2%	27.5%	33.7%	24.3%	22.5%	57.3%	n/a
Class B misdemeanor	4.7%	4.8%	4.8%	2.6%	6.9%	8.6%	n/a
Class C misdemeanor	18.6%	30.0%	11.4%	37.0%	38.4%	34.0%	n/a
Person	25.0%	17.9%	28.5%	23.4%	22.0%	22.0%	28.7%
Property	16.1%	17.4%	16.1%	10.7%	8.8%	17.2%	14.8%
Drugs	10.8%	12.5%	10.3%	8.8%	7.9%	4.2%	18.8%
Weapons	9.0%	3.6%	11.9%	5.1%	3.8%	8.5%	9.6%
Public order/other	20.7%	18.0%	22.5%	14.7%	19.5%	21.0%	20.4%
OWI/Vehicle	18.4%	30.6%	10.8%	37.2%	38.1%	27.2%	7.7%
No. of charges (mean)	1.8	1.7	1.9	1.8	1.7	1.6	2.1
Gun-related case	15.6%	6.0%	20.8%	8.6%	4.8%	9.2%	23.3%
CASE INFORMATION							
Arrest by non-MPD	40.1%	64.1%	27.7%	53.0%	61.3%	44.8%	34.5%
Arrest by MPD	59.9%	35.9%	72.3%	47.0%	38.7%	55.2%	65.5%
General crime pros. unit	53.6%	60.8%	50.0%	55.5%	59.0%	63.0%	42.2%
Specialized pros. unit	46.4%	39.2%	50.0%	44.5%	41.0%	37.0%	57.8%
Prosecutor female	32.9%	29.8%	34.3%	35.7%	25.0%	26.5%	40.6%
Prosecutor male	58.0%	59.5%	57.4%	55.0%	63.1%	57.6%	58.4%
Prosecutor sex missing	9.1%	10.7%	8.3%	9.3%	11.9%	15.9%	1.0%
Prosecutor White	73.7%	73.3%	74.0%	73.0%	70.9%	70.0%	77.9%
Prosecutor Black/Hisp.	4.7%	3.6%	5.2%	4.7%	4.3%	2.9%	6.8%
Pros. race missing	21.6%	23.1%	20.8%	22.3%	26.3%	27.1%	15.3%
Pros. monthly caseload (mean)	28.8	32.2	26.9	33.1	32.7	36.3	19.8
Non-Public defender	53.9%	57.4%	51.1%	65.9%	65.7%	49.5%	59.1%
Public defender	46.1%	42.6%	48.9%	34.1%	34.3%	50.5%	40.9%
Case involves attorney withdrawal	27.9%	23.7%	30.0%	26.0%	22.7%	20.0%	37.2%
Disposed 2017	50.8%	51.9%	50.4%	50.3%	50.6%	51.7%	49.9%
Disposed 2018	49.2%	48.1%	49.6%	49.7%	49.4%	48.3%	50.1%

Table 4: Descriptive Statistics for Cases Convicted and Sentenced	All Cases	Defendant Race				Offense Severity	
		White	Black	Hispanic	Other Race	Misdemeanors	Felonies
TOTAL CASES	N=13,805	N=3,995	N=8,835	N=724	N=204	N=7,131	N=6,674
DISPOSITION CHARGE CHANGE							
Reduced	10.0%	8.5%	10.9%	8.4%	8.3%	7.2%	13.0%
No change	90.0%	91.5%	89.1%	91.6%	91.7%	92.8%	87.0%
SENTENCE							
Non-custodial sentence	48.1%	49.9%	47.2%	47.5%	48.7%	57.0%	38.4%
Custodial sentence	51.9%	50.1%	52.8%	52.5%	51.3%	43.0%	61.6%
DEFENDANT INFORMATION							
White	28.9%	n/a	n/a	n/a	n/a	34.8%	22.9%
Black	64.0%	n/a	n/a	n/a	n/a	57.1%	71.2%
Hispanic	5.2%	n/a	n/a	n/a	n/a	6.0%	4.5%
Other Race	1.5%	n/a	n/a	n/a	n/a	1.9%	1.1%
Missing	0.3%	n/a	n/a	n/a	n/a	0.3%	0.3%
Female	15.5%	20.2%	13.7%	10.1%	18.1%	20.3%	10.3%
Male	84.5%	79.8%	86.3%	89.9%	81.9%	79.7%	89.7%
Age (mean years)	31.5	34.6	30.0	31.5	32.1	32.5	30.4
In custody at charging	64.4%	57.0%	68.9%	53.1%	53.2%	55.9%	73.6%
Milwaukee city resident	74.8%	46.3%	88.1%	73.1%	64.5%	71.4%	78.6%
Suburban Milwaukee resident	14.3%	34.3%	4.6%	20.3%	21.2%	17.6%	10.6%
Wisconsin resident	9.6%	17.9%	6.0%	5.4%	13.8%	10.2%	8.9%
Other state resident	1.3%	1.5%	1.3%	1.1%	0.5%	0.8%	1.9%
Neigh. median income	$38,874	$50,561	$33,365	$39,553	$46,679	$40,554	$37,054
Number of prior cases	3.9	3.9	4.1	3.3	3.0	3.8	4.1

Table 4: Descriptive Statistics for Cases Convicted and Sentenced *Continued*	All Cases	Defendant Race				Offense Severity	
		White	Black	Hispanic	Other Race	Misdemeanors	Felonies
OFFENSE INFORMATION							
Class A	0.3%	0.2%	0.4%	0.4%	0.0%	n/a	0.7%
Class B	1.0%	1.0%	0.8%	2.2%	1.0%	n/a	2.0%
Class C	4.4%	2.9%	5.2%	4.1%	2.5%	n/a	9.2%
Class D	2.0%	1.6%	2.2%	2.3%	2.0%	n/a	4.2%
Class E	3.5%	1.7%	4.4%	2.3%	1.5%	n/a	7.1%
Class F	5.5%	3.8%	6.4%	4.0%	3.4%	n/a	11.4%
Class G	9.6%	5.3%	12.0%	6.2%	3.9%	n/a	19.9%
Class H	11.3%	11.7%	11.3%	9.4%	11.3%	n/a	23.4%
Class I	10.7%	10.1%	11.1%	10.1%	9.8%	n/a	22.1%
Class A misdemeanor	30.5%	28.4%	32.1%	23.5%	23.5%	59.0%	n/a
Class B misdemeanor	3.9%	4.4%	3.9%	1.5%	5.4%	7.6%	n/a
Class C misdemeanor	17.3%	29.1%	10.2%	33.8%	35.8%	33.4%	n/a
Person	23.2%	18.8%	25.4%	21.1%	22.8%	18.5%	28.4%
Property	17.4%	18.4%	17.6%	12.0%	9.4%	18.7%	16.1%
Drugs	10.6%	8.2%	11.8%	9.9%	7.4%	3.6%	18.1%
Weapons	10.7%	4.6%	14.0%	6.3%	5.0%	10.9%	10.5%
Public order/other	18.9%	16.7%	20.4%	14.1%	15.3%	20.8%	16.9%
OWI/Vehicle	19.2%	33.3%	10.8%	36.5%	40.1%	27.5%	10.1%
No. of charges (mean)	2.0	1.9	2.0	2.0	1.7	1.7	2.2
Gun-related case	18.3%	7.4%	24.1%	9.8%	5.4%	11.3%	25.7%
CASE INFORMATION							
Arrest by non-MPD	41.4%	64.7%	29.2%	56.2%	63.5%	47.4%	35.0%
Arrest by MPD	58.6%	35.3%	70.8%	43.8%	36.5%	52.6%	65.0%
General crime pros. unit	55.6%	64.2%	51.6%	56.9%	57.6%	67.7%	42.5%
Specialized pros. unit	44.4%	35.8%	48.4%	43.1%	42.4%	32.3%	57.5%
Prosecutor female	36.0%	34.2%	36.8%	37.8%	29.9%	29.0%	43.4%
Prosecutor male	55.9%	55.4%	56.3%	53.6%	58.8%	55.5%	56.3%
Prosecutor sex missing	8.1%	10.4%	7.0%	8.6%	11.3%	15.5%	0.3%
Prosecutor White	73.3%	71.1%	74.3%	72.5%	73.0%	68.3%	78.4%
Prosecutor Black/Hisp.	5.1%	4.0%	5.6%	5.2%	3.9%	2.9%	7.4%
Pros. race missing	21.7%	24.9%	20.1%	22.2%	23.0%	28.8%	14.2%
Pros. monthly caseload (mean)	28.2	31.9	26.2	32.7	31.7	36.9	18.9
Non-Public defender	55.6%	60.3%	52.1%	67.5%	69.6%	51.3%	60.1%
Public defender	44.4%	39.7%	47.9%	32.5%	30.4%	48.7%	39.9%
Case involves attorney withdrawal	30.1%	23.9%	33.2%	27.6%	23.5%	20.0%	40.5%
Disposed 2017	52.4%	53.1%	52.2%	52.5%	51.0%	54.7%	50.2%
Disposed 2018	47.6%	46.9%	47.8%	47.5%	49.0%	45.3%	49.8%

Appendix C
Most Common Person, Weapons, Property, and Drug Charges Referred for Charging, 2017-2018

Person offenses:

1. §940.19 & §940.20 Battery (3,468 cases, excluding domestic violence cases)
2. §943.32 Robbery (1,508 cases)
3. §948.03 Physical abuse of a child (1,202 cases)
4. §940.225 Sexual assault (739 cases)
5. §948.02 Sexual assault of a child (659 cases)

Weapons offenses:

1. §941.29 Possession of a firearm (1,394 cases)
2. §941.23 Carrying a concealed weapon (960 cases)
3. §941.20 Endangering safety by use of a dangerous weapon (887 cases)

Property offenses:

1. §943.50 Retail theft (1,366 cases)
2. §943.23 Operating a vehicle without owner's consent (1,357 cases)
3. §943.20 Theft (1,091 cases)
4. §943.10 Burglary (1,027 cases)
5. §943.01 Damage to property (805 cases)

Drug offenses:

1. §961.41 (1m) Possession with intent to manufacture, distribute, or deliver (2,196 cases)
2. §961.41 (3g) Possession (2,082 cases)
3. §961.41 (1) Manufacture, distribution, or delivery (458 cases)
4. §961.42 Maintaining a place for drug use (110 cases)
5. §961.573 Possession of drug paraphernalia (57 cases)

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Florida International University is classified by Carnegie as a R1: Doctoral Universities - Highest Research Activity and recognized as a Carnegie engaged university. It is a public research university with colleges and schools that offers 196 bachelor's, master's and doctoral programs in fields such as engineering, computer science, international relations, architecture, law and medicine. This project is housed in the Department of Criminology and Criminal Justice and the Center for the Administration of Justice, which are part of the Steven J. Green School of International and Public Affairs.

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Loyola University Chicago, a private university founded in 1870 as St. Ignatius College, is one of the nation's largest Jesuit, Catholic Universities and the only one located in Chicago. Recognizing Loyola's excellence in education, *U.S. News and World Report* has ranked Loyola consistently among the top "national universities" in its annual publications. Loyola is among a select group of universities recognized for community service and engagement by prestigious national organizations like the Carnegie Foundation and the Corporation for National and Community Service.