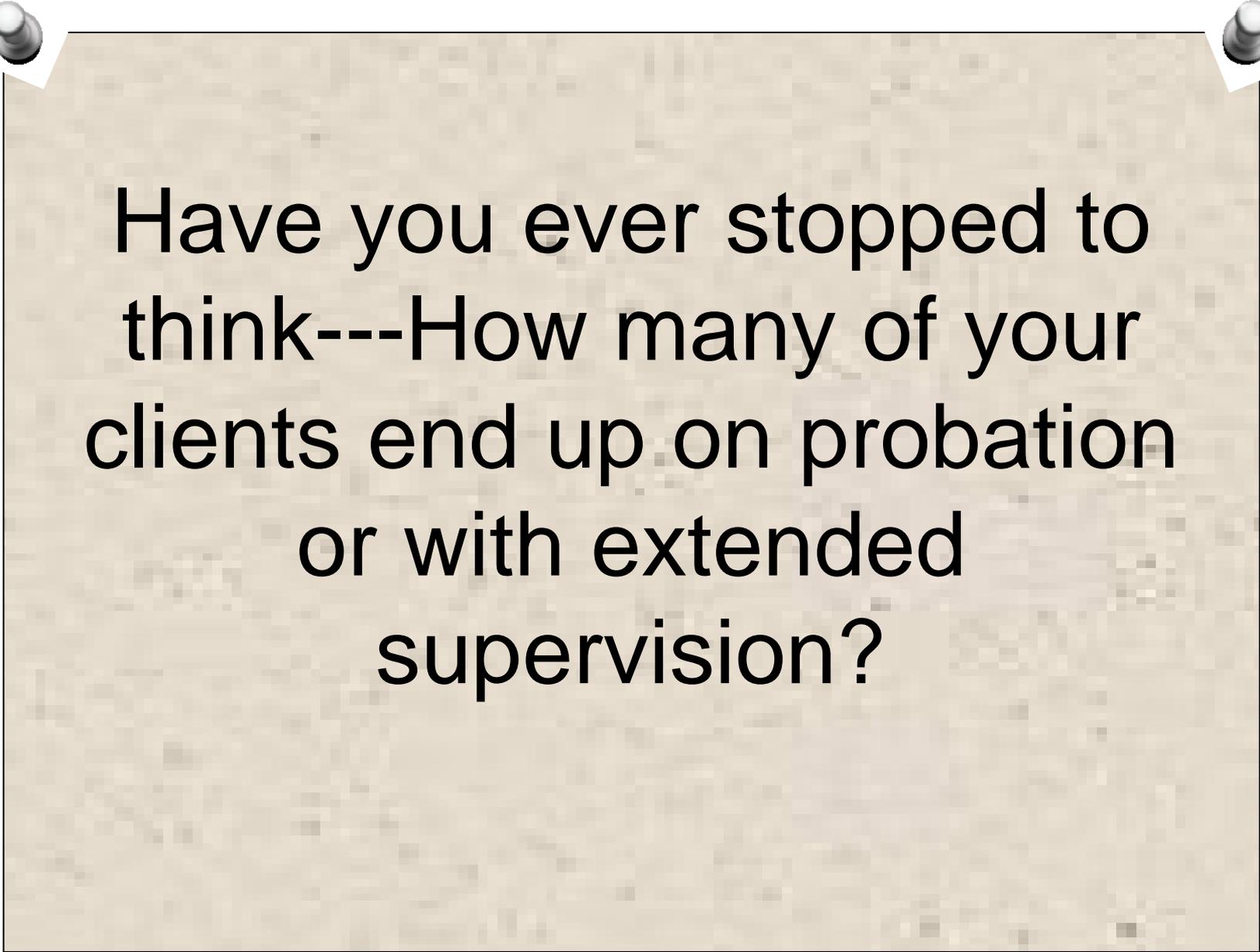


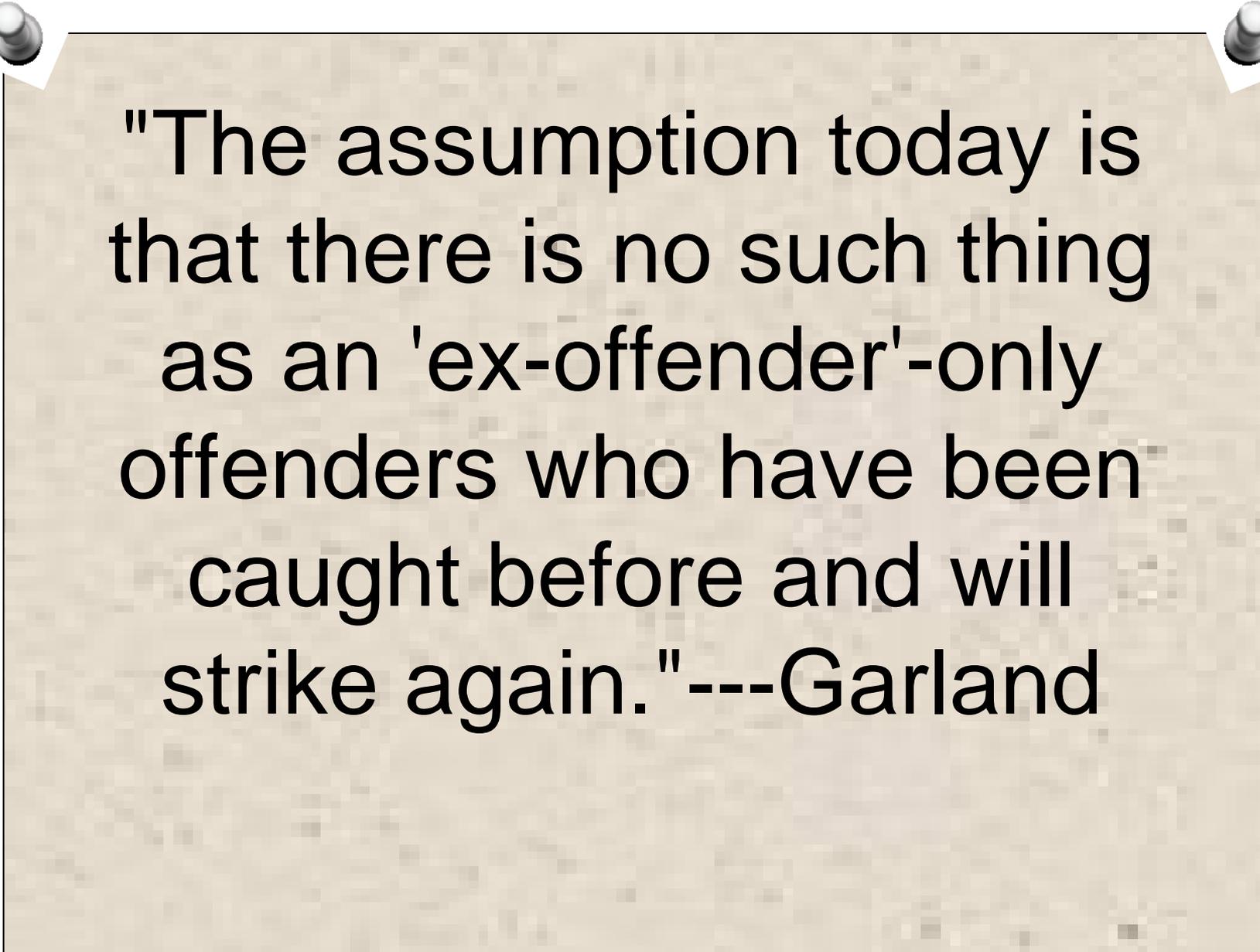


Litigating Race: Revocations

Margaret Johnson
and
Carmen Lassiter



Have you ever stopped to think---How many of your clients end up on probation or with extended supervision?



"The assumption today is that there is no such thing as an 'ex-offender'-only offenders who have been caught before and will strike again."---Garland

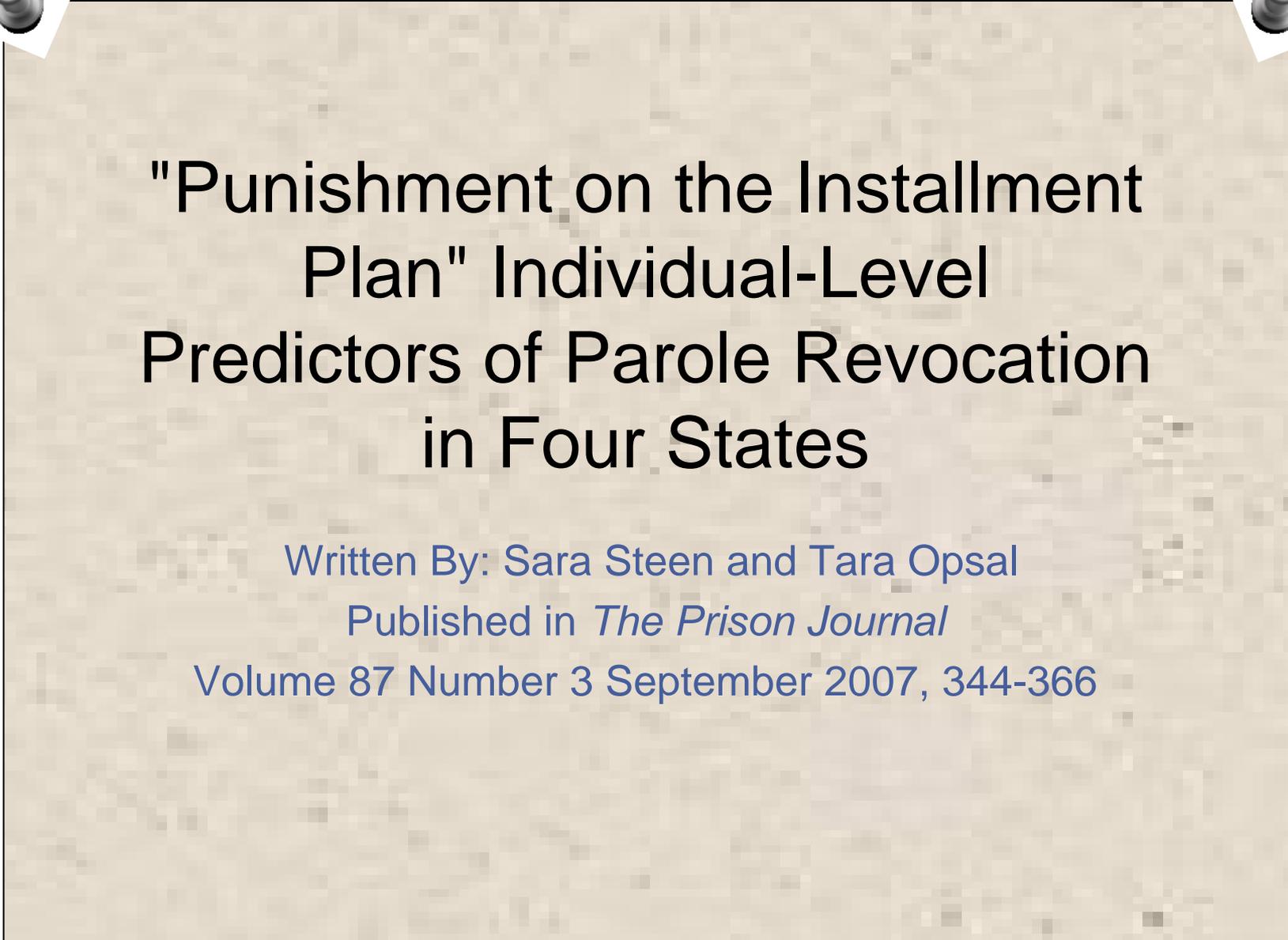
Why Look at Revocations

- Probation officers have discretion in making the decision whether to seek revocation.
- The hearings are closed to the public.
- The Administrative Law Judges are not elected officials.
- The burden of proof is lower.
- Hearsay is allowed.
- They trigger the possibility of incarceration.



Why Look at Social Science Data

- The findings may support one's felt experience.
- It is healthy to see beyond the legal research field.
- It is necessary to show a disparity for an equal protection claim.
- It looks at trends on a larger scale than an individual client.
- Numbers can be persuasive once you get past the initial fear.



"Punishment on the Installment
Plan" Individual-Level
Predictors of Parole Revocation
in Four States

Written By: Sara Steen and Tara Opsal

Published in *The Prison Journal*

Volume 87 Number 3 September 2007, 344-366

Study Design

- Specifically looks at parole revocations
- Looked at both technical violations and new offenses
- Sample consists of individuals exiting parole in Kentucky, Michigan, New York, and Utah in 2000
- Used data from National Corrections Reporting Program
- Used multinomial logistic regression

Study Findings

- Race has a significant impact on the likelihood of revocation.
- Supports argument that gender and race act in concert to significantly impact the treatment of minorities.
- there is a higher likelihood of revocation for Blacks with no priors compared to Whites rather than than a higher likelihood of revocation for White offenders with no priors compared to similar Blacks

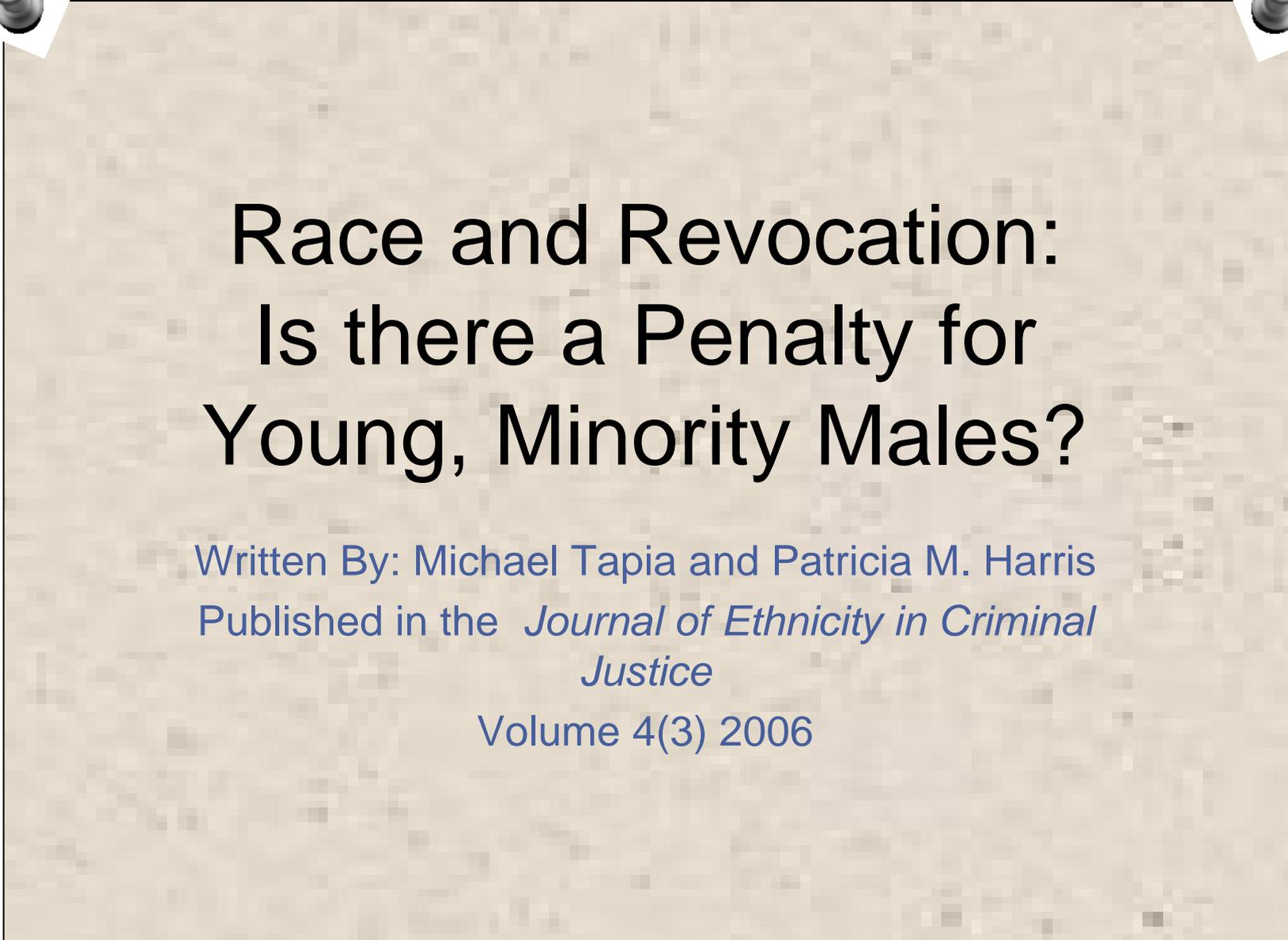
Study Evaluation

Opportunities

- geographical diversity
- one of the first studies to look at incarcerated individuals

Challenges

- study is exploratory due to a data set that did not allow for control of potentially significant variables
- overly broad aggregate



Race and Revocation: Is there a Penalty for Young, Minority Males?

Written By: Michael Tapia and Patricia M. Harris
Published in the *Journal of Ethnicity in Criminal
Justice*

Volume 4(3) 2006

Study Design

- explored revocation of community supervision
- sampled large cohort of subjects sentenced to felony probation in a large south central state
- used multivariate logistic regression
- dependent variable is revocation in 3 years
- independent variable's gender, race, age and employment
- specifically controlled for criminal history and violation severity, and other commonly recognized risk factors

Study Findings

- The study does find that harsher penalties attach for individuals who are young, black and male.
- Hispanics fared no differently than whites.
- Employment was not credited as much for young black males.
- Employed black males received harsher treatment than unemployed white counterparts.

Study Evaluation

Opportunities

- specifically looked at Hispanics
- looks at interaction between race, gender and age

Challenges

- not local
- sample entered probation in October 1993 so it is older data



The 2008/ 2009 Study of Probation and Parole Revocation

Prepared for the Wisconsin Department of
Corrections

June 2009

Kit Van Stelle and Janae Goodrich

University of Wisconsin Population Health Institute

Study Design

- looked at revocation of both probation and parole
- conducted between April 1, 2008 and March 31, 2009
- included adult offenders under any form of community supervision who were admitted to prison without a new sentence between January 1, 2003 and December 31, 2007

Study Findings

- Consistent with the results of other efforts examining disparities, the data revealed that a higher proportion of blacks than whites are admitted to prison with no new sentence.
- Based on the entire supervision population, a larger proportion of blacks than whites were revoked and admitted to prison with no new violation in all regions. The disparity was greatest in Milwaukee County.

Study Evaluation

Opportunities

- specific to WI
- recommends limited rules
- recommends following
 - Governor's Commission
 - Justice Reinvestment Initiative

Challenges

- dated study
- Recommendations were vague
 - Were changes made?
 - Did they have the desired effect?



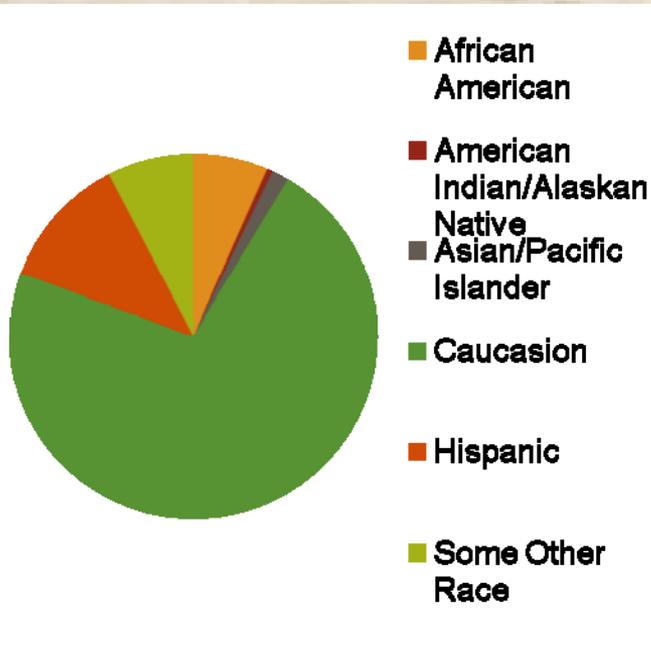
Disparate Treatment among Supervised Individuals through Revocations

KENOSHA COUNTY vs. BROWN
COUNTY

POPULATION DEMOGRAPHICS

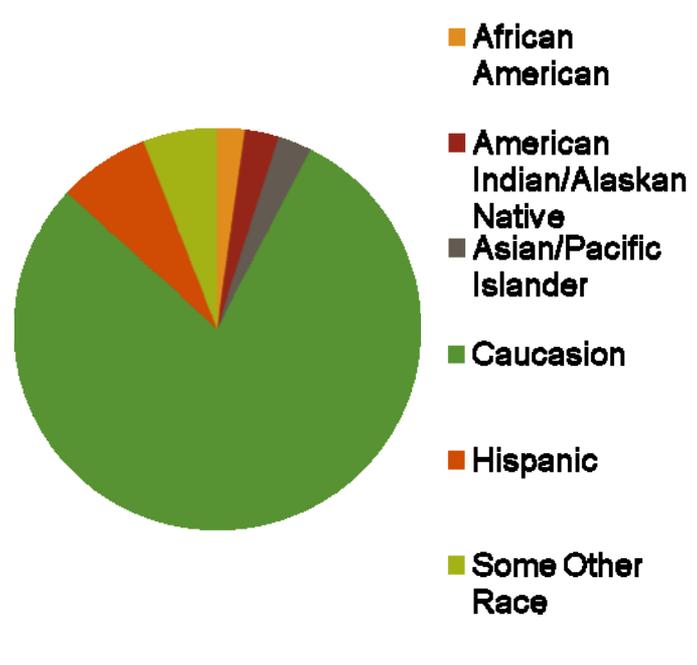
KENOSHA COUNTY

• Racial/Ethnic

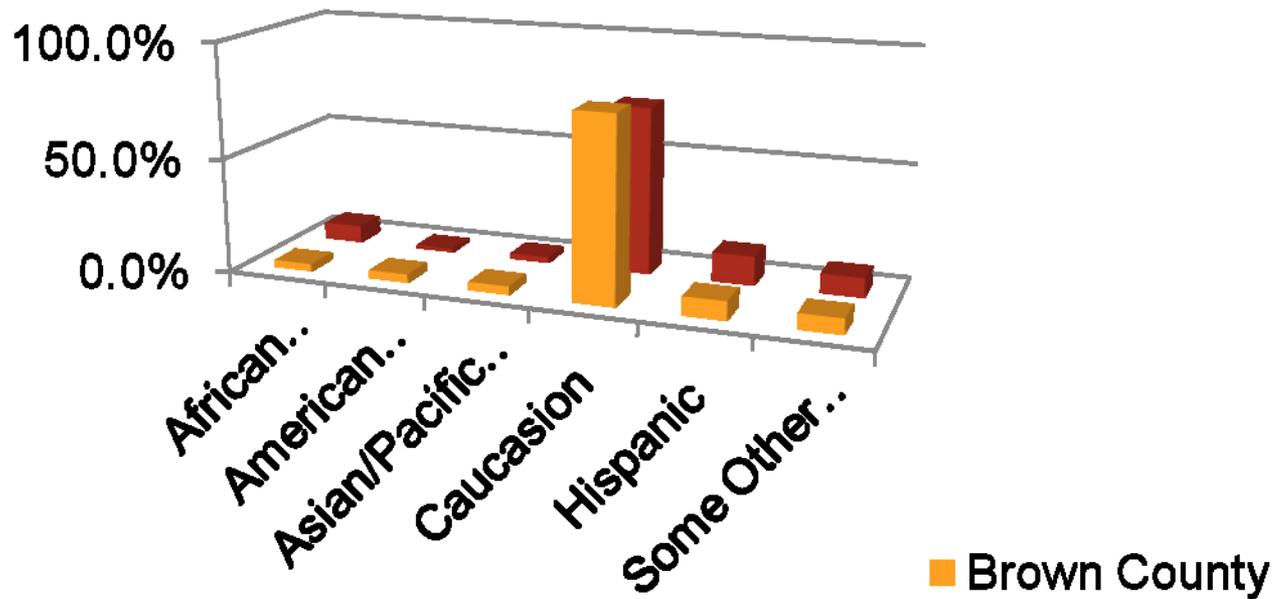


BROWN COUNTY

• Racial/Ethnic



Population Kenosha vs. Brown County



Total Number of Probationers/Parolees/ES Individuals in Brown County

Probationers = 296

Parolees = 6

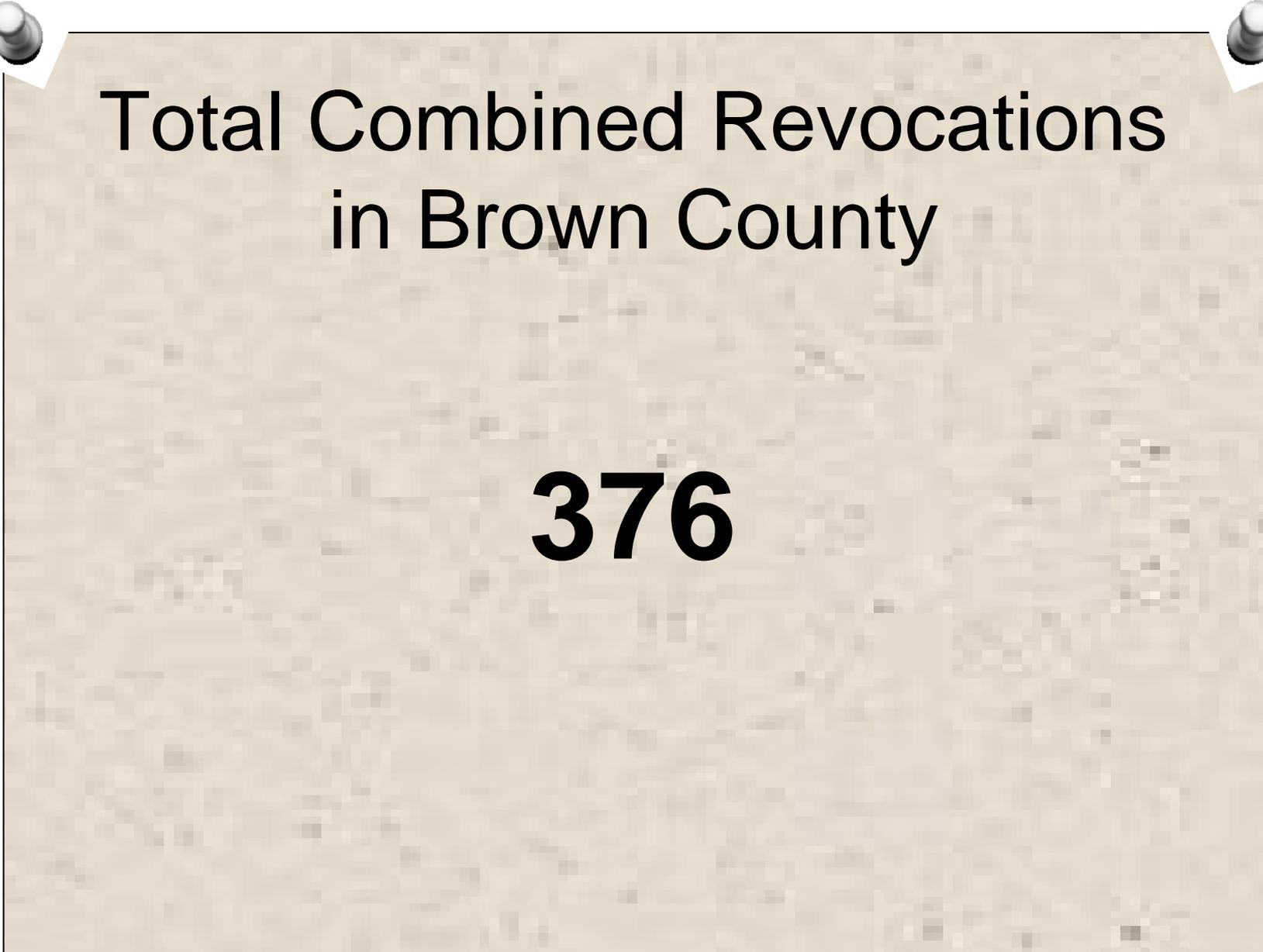
ES = 74

Total Number of Probationers/Parolees/ES individuals in Kenosha County

Probationers = 136

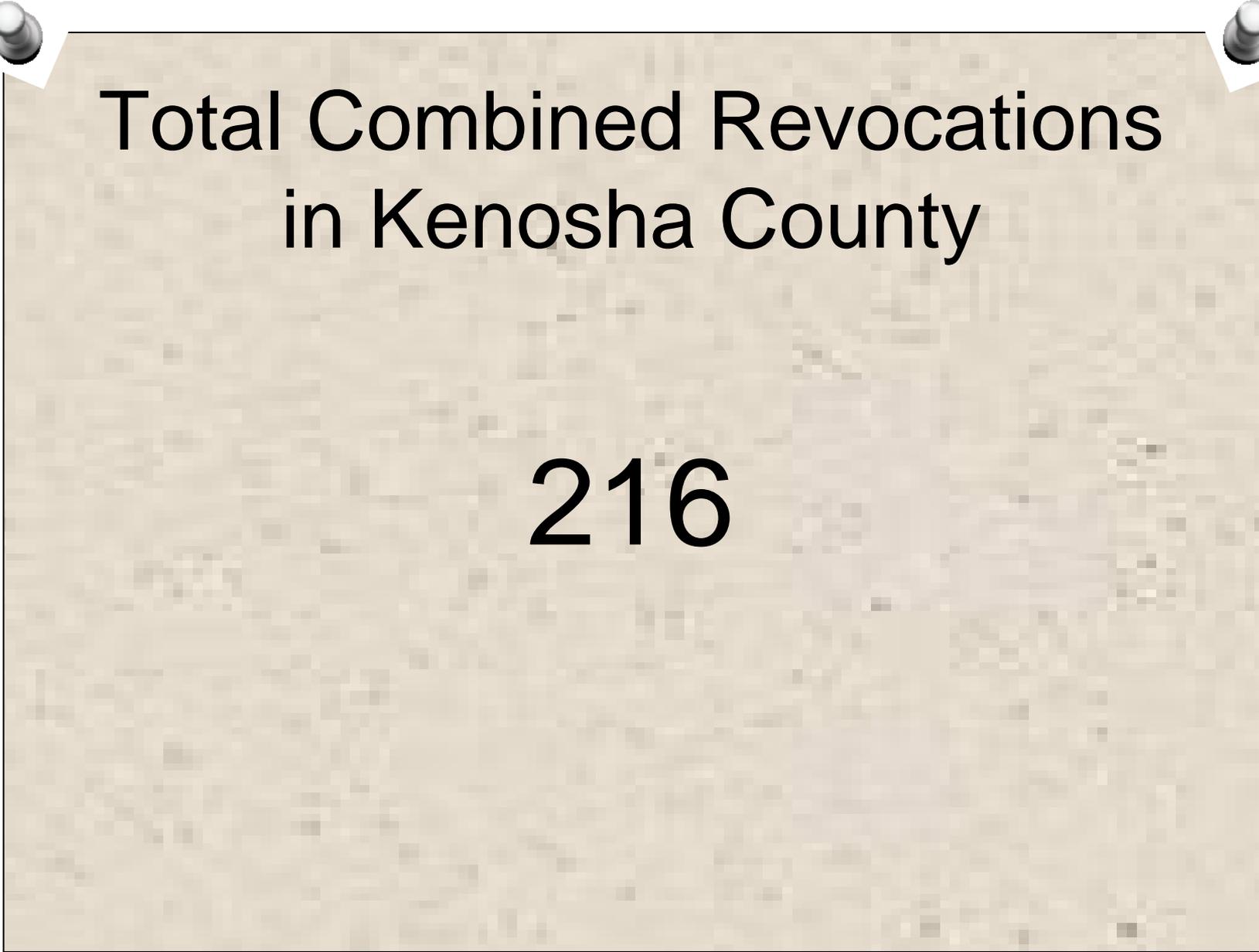
Parolees = 14

ES = 66



Total Combined Revocations
in Brown County

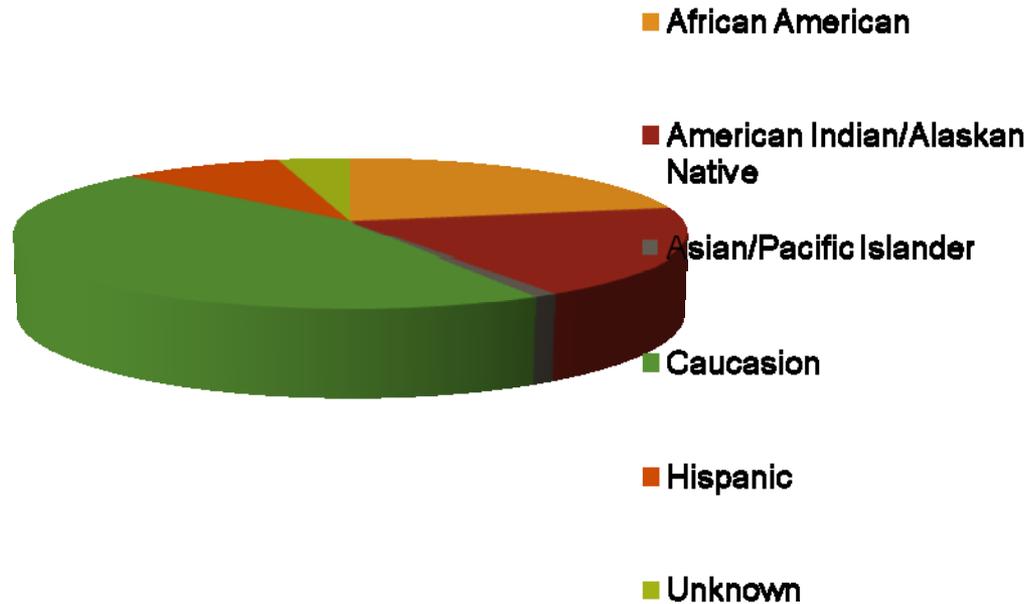
376



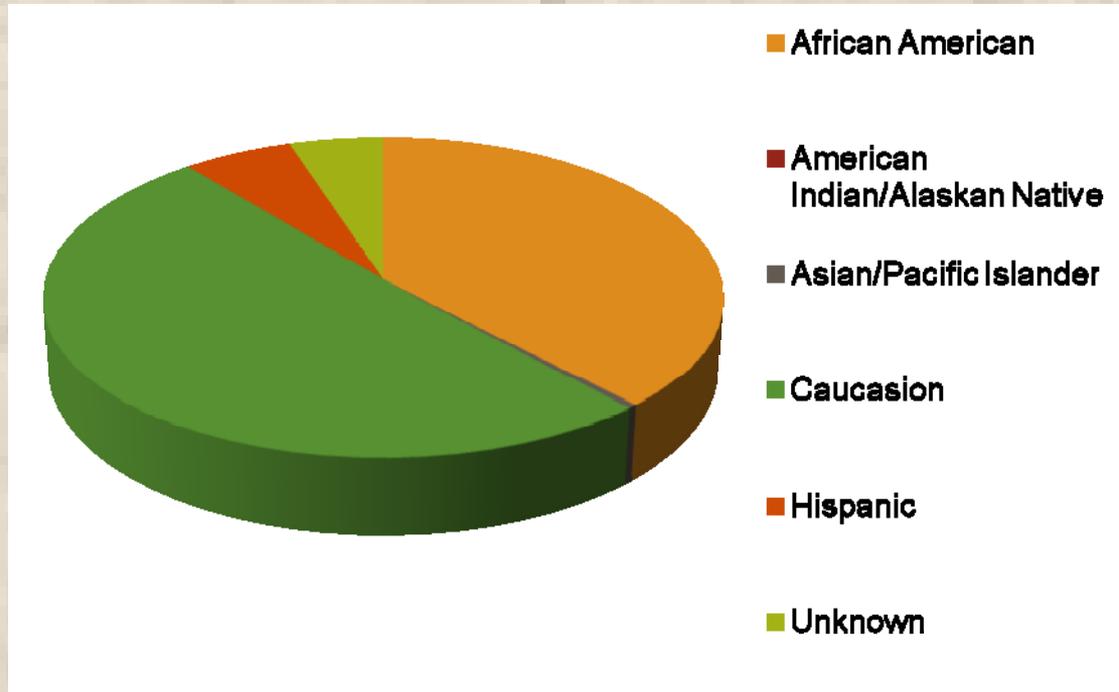
**Total Combined Revocations
in Kenosha County**

216

Revocations By Race/Ethnicity in Brown County



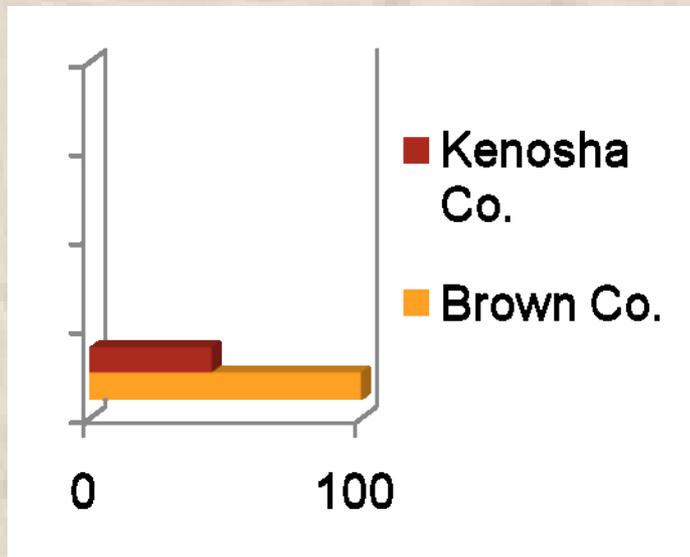
Revocations by Race/Ethnicity in Kenosha County



Comparison Between Counties

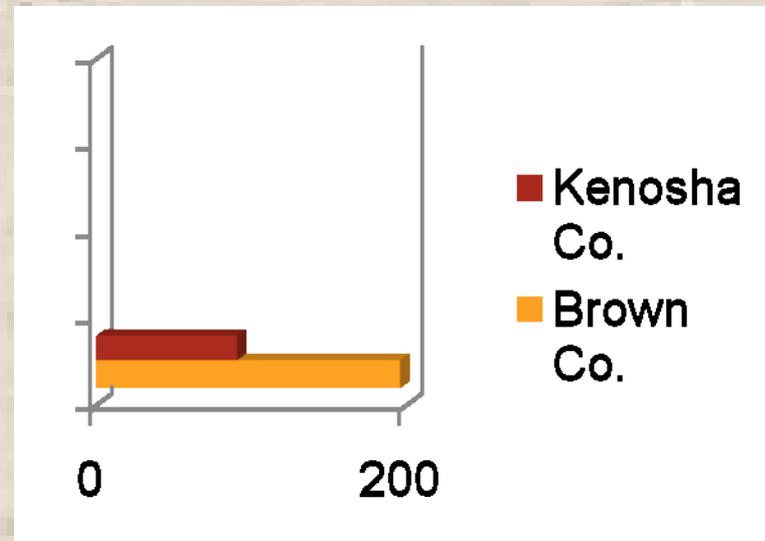
Imposed and Stayed Sentences

- Probation



Withheld Sentences

- Probation



So what do I do with this?

- At sentencing, try to limit your client's risk through the rules. Wis. Stat. 302.113(7)-- the Department of Corrections cannot set any rule that is a contradiction of the court order.
- listen to your gut
- look at data in your area
- look for opportunities to share the research
- contact the Racial Disparity Practice Team to explore further litigation options



Thank you!

Any Comments or Questions?