Trends in Wisconsin Imprisonment 2000-2014: Net Growth by Offense Group and Admission Types

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Abstract

This report examines the mix of offenses and admission types for prison admissions, prison releases, and numbers in prison 2000-2014. Wisconsin imprisonment rates declined slightly after the mid-2000s, but have risen since 2014. A detailed investigation of patterns of movement into and out of prison by offense and admission type (new sentence vs. revocation) shows that the decline after 2007 was small and the seeds of the rebound after 2012 in incarceration were present in the earlier trends. A steep decline in prison admissions for drug sentences and a decline in prison admissions for revocations after 2007 masked continuing slow rises in imprisonment from new commitments for other offenses, especially rape and murder. After 2012, a rise in revocations across offense groups and a rise in new commitments for drug offenses and several other categories of offenses led to a rise in the total imprisonment rate. The patterns by offense and admission type suggest that changes in violent crime rates and in sentence lengths within offense category play relatively little role in these trends. Total imprisonment trends are products of complex processes affecting different groups differently. Policy recommendations emphasize the drug war, sex offenders, and revocations for technical violations as the areas having the largest numerical impact on trends in imprisonment in Wisconsin. An appendix gives additional details about offenses and admission types. The report itself includes seven color graphs which show trends in imprisonment by offense and category of admission and the appendix includes another 22 color graphs that show the trends for each offense and the offense trends by admission type. The graphs attached to the report are printed two to a page. A separate copy of just the graphs printed one to a page for improved legibility is also available. There is also a shorter version without the appendix available.

Update 6/12/17 corrects an incorrect sentence about the proportion of rape offenders who entered on a revocation; includes two new graphs, one on the admission status of those in prison and admitted to prison by offense and another showing the offense mix of those in prison and admitted to prison; and adds tables to the appendix. An available spreadsheet provides the frequency data that are the basis of the graphs and tables.

This report was prompted by a reporter's request that I respond to a *Milwaukee Journal Sentinel* article¹ about Wisconsin's rising prison population which appeared April 29, 2017. This news report was based on an April 2017 report published in the Wisconsin Taxpayer Magazine², published by the Wisconsin Taxpayer Alliance. The WTA report provides a substantial amount of analysis, including summaries of important policies that have affected imprisonment, and is worth reading in its entirety. In brief, it says the recent rise is due to three factors: (1) A rise in

prison admissions, especially for revocations from community supervision, but also new commitments for violent crime. (2) Longer prison terms per crime; (3) A rise in the violent crime rate which (it says) automatically leads to more people going to prison. The first two elements are tied to Truth in Sentencing (TIS), which began on December 31, 1999. TIS eliminated parole and instead gave everyone a two-part fixed sentence of time in prison and time on extended supervision in the community. A revocation from extended supervision can lead to more time in prison up to the full combined sentence length. Time in prison can also be increased by sanctions for behavior in prison. I investigate these trends through 2014 and show that the trends behind the recent increase have been in place since 2012. I also show how different offense groups affected these trends differently.

The first claimed factor in the WTA report, a rise in the violent crime rate, incorrectly assumes that there is a one-to-one correspondence between crime and incarceration. In the 1990s, imprisonment for violent crimes went up steadily while violent crime declined as the ratio of prison admissions to arrests for violent crimes rose steeply. If imprisonment could rise while crime fell, it should not be assumed that imprisonment would necessarily rise when crime rises. Additionally, the “violent” category includes a mix of offenses with different ratios of imprisonment to crime and different ratios of arrest to crime. Murder is a very small share of the crime rate and of prison admissions, but due to long sentence lengths and low rates of release, murderers are a large and steadily growing share of the prison population. Rape is the largest offense category in the prison population, but a small share of the violent crime rate. Numerically, most violent crimes are assaults, but assaults are much less likely to result in prison sentences than other violent crimes and were a declining share of the prison population. “Other violent crimes” is a rising source of imprisonment, but these crimes (primarily reckless endangerment and reckless injury) are not part of the violent crime index.

Looking back in detail at the decline in imprisonment can help to understand the forces already in place that contributed to the recent rise. Using National Corrections Reporting Program (NCRP) data from 2000-2014³, I have generated many graphs that provide different ways of looking at these trends. Looking at the trends from different angles provides a rich composite of what has been happening in Wisconsin’s imprisonment trends and provides some clear directions if the goal is to reduce incarceration.

Stock and Flows: Prison Admissions, Prison Releases, and the Net Number in Prison

As the WTA report stresses, it is important to recognize that the stock of people in prison is a product of the flow of people into prison and the flow of people out of prison. This can be seen by graphs that plot the numbers in prison, prison admissions, prison releases, and the net change (admissions minus releases) on the same graph. Figure 1 plots the total number in prison, prison admissions (both total and broken down by type), prison releases, and the net change (admissions minus releases). The number in prison rose between 2000 and 2007 (except in 2005), fell slightly 2008-2010, and was basically stable 2011-2014. The rise and decline in imprisonment generally followed the rise and decline in admissions, with releases generally having the same pattern as admissions. Figure 1 also makes it clear that the decline in imprisonment after between 2008 and 2012 was very small relative to the total. Table 1 shows the annual percentage change in the prison population. The annual increase in imprisonment

ranged from 1.6 to 2.9 percent every year between 2000 and 2007, except 2005 when there was a decrease of 0.8 percent. The largest annual decreases were -1.7 in 2008 and -1.8 in 2010.

People enter prison either directly from a new conviction or through a revocation from community supervision. The NCRP data have a dozen prison admission classifications which I group into three. I classify the variety of prison admission statuses into three groups: (1) New commitment only, no revocation. This is a status in NCRP records. (2) Revocation with new offense. Two groups are combined. One are all the NCRP records whose admission type is listed as combining a revocation with a new sentence. In addition, for inmates re-entering prison with the status “revocation, no new commitment,” I compared the offenses listed in the prior record with the current record, and add people to this group if the record shows an additional offense. In most cases, those with additional offenses also had longer sentences than in the previous record. This augmented category reflects the fact that many people are revoked to prison while awaiting adjudication on a new charge. (3) Revocation only. These are first-entry revocations listed as involving no new commitment and re-entry revocations that both were listed as involving no new sentence and had no additional offense listed in the record and may be considered a strictly-defined “revocation only” group. When breaking numbers in prison or admitted to or released from prison down by admission type, I exclude the small number of “other” admissions for transfers, returns from escape, and the like, as well as those with an unknown admission status.

Figure 2 shows the trend in numbers in prison and numbers admitted to prison by admission type. Only about half of all the people in prison entered on a new conviction; the other half entered on a revocation, either with or without a new offense. For those entering prison, half were entering prison on a revocation with no new offense. The proportion of the three admission types mostly consistent over time except that revocation only admissions raised imprisonment between 2004 & 2008 while new convictions fell. Both new convictions and revocations only rose after 2012.

Offenses

As the WTA report stresses, those who go to prison for more serious crimes stay longer and so account for a higher percentage of people in prison than they do of prison admissions. Although offenders may have more than one offense in their record, I follow the standard practice and categorize each person using the first offense in their record, which is the offense that has the longest sentence (often called the “governing offense”). Figure 3 shows the average percentage across all years 2000-2014 of the offense breakdown of people in prison and admitted to prison in Wisconsin. Rape was the most common offense among those in prison, accounting for 20% of inmates in prison, but it was only 11% of prison admissions. Drug offenses were the most common group at 21% among prison admissions, but the second most common group among those in prison at 15%. Murder was only 2% of prison admissions but 10% of those in prison.

Figure 4 presents the numbers in prison and admitted to prison by offense as stacked graphs to provide a visual impression of the offender mix. All the violent offenses taken together (murder, rape, negligent homicide, assault, and other violent) were 26% of prison admissions and 42% of those in prison in the last three years. If we add in robbery, which is officially counted as a violent offense, the sums are 34% violent for admissions and 53% violent for those in prison.

Burglary is usually classed as a non-violent property offense, but some argue that it is a threatening as robbery; if we include burglary we get 45% of admissions and 63% of those in prison have a serious or threatening offense. Combining drugs and DWI gives us 30% of all admissions and 20% of those in prison for crimes related to substance abuse. The property crimes (larceny, fraud, motor vehicle theft, other property) account for 13% of admissions and 9% of those in prison; if burglary is added to property crimes (as it usually is in official statistics), we get 24% of admissions and 19% of those in prison. Among the remaining group, we note that for 6% of admissions and 4% of those in prison, the governing offense is not a crime in the usual sense, but an offense derived from violating control, including escape or supervision violations or warrants. “Offenses against the family” accounts for 1% of both admissions and those in prison.

The next three graphs plot the numbers in prison, admitted to prison, or released from prison by offense to permit a clearer view of the trends by offense. Figure 5 provides a large view of the legend for the line graphs for the complex figures showing trends in offenses over time and can be helpful as a reference. These trends which show all offenses to the same scale are useful for seeing the magnitude of the offense trends in relation to each other, even though they are difficult to read for the low-frequency offenses. Separate graphs for each offense one at a time (figures B1-B17 in the appendix) can be used to check the trends for specific offenses. In figure 6, numbers in prison, the main trend is the rise in rape and, to a lesser extent, DWI, murder, other violent, and weapons offenders in the population of those in prison, while the number of drug offenders declined steeply. Figure 7 shows the continuing role of drug offenses as the single largest category of offender sent to prison, the steep decline in drug admissions 2007-2012, and the increase in drug admissions in 2013-4. DWI admissions increased 2000-2008, then leveled off. Admissions for murder, other violent and public order offenses also showed upward trends, while admissions for assault, escape, and motor vehicle theft were trending downward. The offense patterns for releases in figure 8 generally follow those of admissions.

Figure 9 shows the annual trends for the net change in the “in prison” counts (i.e. admissions minus releases) by offense. This graph plots the offense-specific trends in the context of the annual total net change (dark red line). When we examine this graph, it is obvious that, for most years, the total net change generally tracked the change in drug offenders. The most important exception is 2006-7, when the number of drug offenders in prison declined (but not as much as in 2005 or 2008) while the numbers rose for other offense groups, especially rape, weapons, and DWI. The years of greatest decline in imprisonment were 2008-2010; the rate of decline lessened after 2010 and the net turned positive, although still small, in 2013. This graph thus suggests that the main factor driving the rise, decline, and new rise in imprisonment is the prosecution of the drug war. The total net change is not always exactly equal to the net change for drugs, but the changes for other offenses tend to be much lower and cancel each other out.

Two years do not constitute a trend and I do not have more recent data, but figure 10 hones in on 2012-2014 to see which offenses were involved in the uptick at the end of the series. Murder continued to add to the prison population; weapons charges and “other violent” also exhibited rises in 2014, and drugs returned to net positive in 2014. On the other hand, the numbers for robbery and rape declined, and the net contributions were negative for other serious

offenses, including assault, burglary, negligent manslaughter and DWI. In short, the 2014 uptick shows no evidence of any systematic effect of crimes that go into the violent crime index.

The appendix and figures A1-A6 show how the trends by offense vary across prison admission type. They show a steady increase in the number in prison on a new conviction for rape or murder and a decrease and then rise in being in prison on a new conviction for drug charges. Among those in prison on a revocation with no new sentence, the largest offense groups are (in order) rape, drugs, burglary and robbery. New prison admissions for drugs declined steeply but drug offenses are still the lead source of prison admissions, followed by DWI and rape. For those admitted on revocations, the dominant offenses are drugs, followed by burglary and rape.

Sentence Length and Time Served

The WTA report also discusses sentence lengths and the time spent in prison due to Truth in Sentencing. Since 2000, a Wisconsin prison sentence includes two parts, minimum time in prison and time on extended supervision. After the minimum time in prison (which may be extended due to sanctions imposed by the prison system), an offender is on community supervision for the rest of the term. A person can be returned to prison at any point during the period of extended supervision. The terms “sentence length” and “time served” do not mean the same thing. The sentence length is recorded in corrections records as the amount of time in prison an offender is due to spend due to a judge’s sentence, plus any adjustments that have been made due to additional offenses, including those that occurred in prison. Time served is the total amount of time the person spends inside prison, and can be calculated as a person exits prison, or as the elapsed time between prison entry and the date of calculation, or as the sum of all spells in prison across a person’s life.

Statisticians in the Department of Corrections devote considerable work to using sentence lengths and revocation rates to predict future numbers in prison. An investigation into trends in sentence length and time served is beyond the scope of this report. Some simple explorations indicated that sentence lengths among those newly committed to prison were generally declining somewhat across the period for most offense groups, with drugs being an exception with modestly rising sentence lengths, while sentence lengths among those entering prison on a revocation were increasing. It should be kept in mind that the data I examined begin in 2000, so comparisons with the pre-TIS era are not available.

The average sentence length for all prisoners can rise because the mix of offenses changes. The steep decline in drug sentences for low-level dealing, which were generally short, would change the average across the whole prison. But the average sentence length for a given offense at a new commitment does not appear to be a significant source of rising imprisonment. Revocations back into prison from extended supervision can increase the amount of time a person spends in prison for an offense, and my explorations do indicate a rise in the sentence lengths recorded for those revoked, but it is important to separate revocations from initial sentence lengths at initial commitment as sources of imprisonment, as these are generated through different decision processes by different systems. Sentences are set by prosecutors and judges, while revocations are controlled by the Department of Corrections.

Revocations, Offense Types, and Churning

Figure 11 shows how there is a different mix of offense and admission types among those in prison and those admitted to prison. For all offenses, the proportion who entered prison on a new conviction only is higher among those in prison than those entering prison; conversely, the proportion entering on a revocation with no new sentence is always higher among those admitted each year than among those in prison each year. However, offenses vary in how large this difference is. The more serious offenses that carry longer sentences generally have a higher mix of new convictions versus revocations for both those in prison in each year and those admitted to prison in each year. The gap is especially large for rape, where most those in prison each year are serving their initial sentence on a new commitment while most rape offenders who enter prison each year are revoked with no new sentence. Robbery and other property crimes show similar patterns. After people serve a period of imprisonment for their initial sentence, they are released to extended supervision in the community, where they are at risk of revocation. Spells in prison are generally much shorter for a revocation than for a new sentence, so revocations from extended supervision can lead to the same offender entering, exiting, and re-entering prison repeatedly with no new offense.

A quirk in Wisconsin's Truth in Sentencing law increases the possibility of "churning" in and out of prison via revocation.⁴ A Wisconsin sentence has a total length that is divided into two parts, imprisonment and extended supervision in the community. If a person is revoked, the maximum time spent inside prison is the sum of these two. So, for example, a person who is sentenced to five years in and five years on extended supervision will spend a maximum of 10 years in prison on that sentence (assuming they commit no new offense) even if revoked from community supervision. However, if a person is revoked, when they are released again, the clock starts over on the extended supervision time (up to the original total sentence length). This rule puts people who are revoked at longer and therefore greater risk for further revocations due to lengthening the period of extended supervision.

Policy Implications

The main lesson of this exercise is that imprisonment patterns are complex. Simply looking at totals can disguise the patterns underneath the totals. Scaling back the drug war did have a big impact on imprisonment rates. If this had not happened, there would be many more prisoners than there are now. The rise-fall-rise in imprisonment largely tracked the rise-fall-rise in drug offenses as a source of imprisonment. But other sources of imprisonment were continuing to put upward pressure on the system. These include the accumulation of offenders with very long sentences, especially murders and rapists, as well as the churning of people through the system in revocations. They also include rising incarceration rates for new offenses, including rises in DWI but also the "other violent" category and weapons charges. After 2012, the decline in imprisonment reversed as these longstanding upward trends continued and as new commitments for drug sentences rose along with revocation-only admissions across most offense groups.

Substance abuse. Even after the steep decline in drug offense imprisonment, drugs remain the second most frequent source of imprisonment and the first most frequent source of prison admissions. DWI is also a significant source of imprisonment, especially for Whites.

Developing and adequately funding alternate community-based forms of treatment for substance addictions is much less expensive in the long run than incarcerating people for addiction crimes. The only way to pull the profit out of the illegal drug dealing business is to reduce the demand for illegal substances. Strict drunk-driving penalties may reduce the actual incidence of drunk driving among those who are not alcohol addicts, but addiction treatment as well as alternate sources of transportation are important tools for addressing the underlying sources of the problem.

Sex offenders. Rapists are the single largest group of offenders in prison and the second most common group entering prison. New commitments for rape rose steadily 2000-2014 and most sex offenders in prison had entered on a new commitment and were serving their first term, but most sex offenders who entered prison in each year were entering on a revocation with no new offense. This pattern happens because sex offenders, once they get out, seem likely to have high rates of crimeless revocations and relatively short stays in prison for revocations, so they can exit and enter prison repeatedly. Sex offenders are supervised under an especially stringent set of conditions that make revocations more common. Directly addressing the underlying causes of rape in what some refer to as the “rape culture,” a larger cultural context that demeans women and condones male violence against women, could be an important approach to reducing the actual incidence of rape. The supervision restrictions placed on sex offenders should also be revisited to determine whether they affect re-offending or merely increase the chances of revocation.

Revocations. Only 49% of the people in prison in 2014 entered on a new commitment; 51% were revoked. A full 29% entered on a revocation with no new offense in the record, using a stringent criterion that included looking for offenses added after admission. This proportion declined from 32% in 2008 but showed a slight uptick after 2012. A concerted policy of reducing the use of incarceration for violations of the terms of supervision could have a large impact on overall imprisonment rates. Among those entering prison on a revocation with no new offense 2012-2014, 19% were drug offenders, 14% burglars, 13% sex offenders, 9% DWI, 8% robbers, 7% charged with escape or comparable offenses, 6% other violent offenses, 5% each fraud, assault, larceny and the balance less frequent offenses. Closely examining the reintegration needs, challenges, and supervision rules for each group of offenders as well as providing incentives to probation and parole officers to keep offenders out of prison could reduce the space taken in prison for people who have no new offense after exiting prison. There is evidence that revocations without new offenses does not reduce and can increase the risk that someone will re-offend⁵. Changing the rule so that a revocation does not restart the extended supervision clock would also help this problem.

A bill was recently introduced in the Wisconsin legislature to require revocation for everyone charged with a new crime before any conviction for the offense.⁶ The language of the bill uses the word “crime” without modification, which would apply to misdemeanors like petty shoplifting or littering. The Department of Corrections predicts that such a requirement would increase imprisonment and raise costs substantially.⁷ My own inspection of NCRP records revealed that many people who were classified as entering prison with no new offense did have an offense added to their record, which presumably occurred because they were revoked before

adjudication on the new offense was completed. This implies that anticipatory revocation is occurring often already in cases in which the probation/parole officer believes this is warranted.

Revisiting releases. Letting people out of prison is an important part of reducing imprisonment rates. Truth in Sentencing removed the possibility of parole, which reduced a person's time in prison if they exhibited good behavior and signs of rehabilitation. Some people are still in prison who were sentenced before 2000 whose sentences were made under the old law that permits parole, but granting parole and letting people out has been subject to political pressures. There is no discretion for early release for anyone sentenced after 2000, but one policy option is to revisit the question of Truth in Sentencing. Many criminal justice professionals believe that discretionary release aids rehabilitation and reentry because there is an optimum point when an offender is ready to change and build a new life, and incarceration beyond that point embitters a person and harms reentry.

There is growing concern about aging offenders, many of them murderers who are serving life sentences without parole, and others serving long sentences for other crimes. It is becoming increasingly expensive to house them, and many present no danger to society. Releasing them when they are weak and ill could be humanitarian, but could also be inhumane, if they lack access to medical care or stable housing outside the prison system.

Conclusion

The data make it clear that the main factors affecting changes in the numbers in prison between 2002 and 2014 were sentences and revocations of drug offenders. At the same time, a detailed look at the specific offense categories for those in prison as well as those entering and leaving prison calls attention to the heterogeneity of the prison population in terms of the nature of their offense, the amount of time they will spend in prison, and their likelihood of churning in and out of prison through release and revocation.

This report does not disaggregate by race. I know from my own prior work that the racial disparity in imprisonment for drug offenses dropped markedly in the 2000s but remains high, and that drunk driving is especially common among Whites and American Indians. Milwaukee sends more people to prison than any other county, especially so for Blacks, and thus dominates prison statistics, especially for Blacks. But Milwaukee's trends are often different from the rest of the state. Further work should disaggregate these trends by race and region as part of investigating the specific policies that contribute to the overall state trends.

ENDNOTES

¹ <http://www.jsonline.com/story/news/local/wisconsin/2017/04/29/wisconsin-prison-population-hit-record-soon/100944740/>

² “Inside Wisconsin Corrections,” Wisconsin Taxpayer Magazine, Volume 85 No. 4, April 2017. <http://wistax.org/publication/inside-wisconsin-corrections>.

³ The National Corrections Reporting Program is a voluntary data collection program in which US states submit individual-level records of prison admissions and exits to the Bureau of Justice Statistics, which has contracted with Abt Associates to compile the data into a format accessible to researchers. These data are restricted and require completion of human subject protocols and confidentiality assurances for access. The data for Wisconsin were submitted to the NCRP from Wisconsin Department of Corrections records. The NCRP data file is available from ICPSR, file number 36373. <https://www.icpsr.umich.edu/icpsrweb/ICPSR/studies/36373> Analysis of these data was conducted by the author.

⁴ I consulted with a DOC representative to be sure I understood this rule correctly. There is very little publicly-available explanation of the rule, although I had heard of the issue from prisoner advocates, and I was told that even some people working for DOC in administrative positions do not fully understand the rule.

⁵ See Health Impact Partners, “Excessive Revocations: The Health Impacts of Locking People Up Without a New Conviction in Wisconsin” available from <http://sentback.org/>. This source cites academic research addressing the topic, including research on the harmful consequences for employment and housing of even short periods of incarceration.

⁶ See <http://docs.legis.wisconsin.gov/2017/related/proposals/ab94> for the text of the bill which uses the phrase “charged with a crime” without any modification.

⁷ See Molly Beck, “Estimate: \$149M increase in spending to send parolees back to jail after new charge,” *Wisconsin State Journal*, May 28, 2017. Available at: http://host.madison.com/wsj/news/local/govt-and-politics/estimate-m-increase-in-spending-to-send-parolees-back-to/article_6b070937-295a-5977-8f26-96599d72b3e8.html

TABLES

Table 1. Percentage change in Wisconsin prison population by year, all offenses, all admission types.

Year	Percent Change
2000	2.8
2001	3.9
2002	2.8
2003	2.2
2004	1.6
2005	-0.8
2006	3.2
2007	1.2
2008	-1.7
2009	-0.9
2010	-1.8
2011	-0.2
2012	-0.6
2013	0.3
2014	0.5

Figure 1

Unknown admission types are included in totals for releases, net change and number in prison.

Source: National Corrections Reporting Program, Wisconsin Only

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Figure 2

All Offenses, Mix of Admission Types

Source: National Corrections Reporting Program, Wisconsin Only

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Figure 3

Percentage of those in prison and of prison admissions in each offense group
Wisconsin 2000-2014 average, all admission types.

Source: National Corrections Reporting Program, Wisconsin Only

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Figure 4

Offense Mix, all admission types

Source: National Corrections Reporting Program, Wisconsin Only

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Figure 5

Legend for Offense Line Graphs

Source: National Corrections Reporting Program, Wisconsin Only

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Figure 6

Source: National Corrections Reporting Program, Wisconsin Only

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Figure 7

Source: National Corrections Reporting Program, Wisconsin Only

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Figure 8

Source: National Corrections Reporting Program, Wisconsin Only

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Figure 9

Figure 10

Figure 11

Percent of admission types within offense for in prison and prison admissions
Wisconsin 2012-2014 average

Source: National Corrections Reporting Program, Wisconsin Only

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APPENDIX

Trends in prison counts and prison admissions by admission type

Figures A1-A6 permit investigation of the interaction of offense and admission type. In figure A1, which shows the number in prison for a new conviction (excluding those who have been revoked), the number in prison on a new conviction for rape and murder shows a steady increase, while the number in prison on a new drug conviction shows a decrease 2005-2012 then a rise. DWI and Other Violent also show rises. Robbery is the third largest group in prison on a new conviction with a largely stable and slightly declining trend. Figure A2 shows the numbers in prison in the mixed admission category that combines revocation with a new sentence. The number in this category in prison decline after 2007 for most offenses, with murder being an exception. Drugs, then rape, burglary, and robbery are the largest offense groups. Figure A3 shows the offense mix for revocation only, using the strict criterion that combines “no new sentence” in the NCRP admission type plus no new offense listed in the record. Among those revoked on technical violations, rape heads the graph after drug offender revocations began declining in 2008. Rape, drugs, burglary and robbery are the largest offenses for those revoked on technical violations, followed by DWI, Other violent, and escape. Rape and especially drug offenders showed declines in admissions for technical violations, along with motor vehicle theft and assault, while entries on violations for other offenses were more stable.

Looking at prison admissions, figure A4 shows both the steep decline in new commitments for drug offenses as well as their continuing importance as a source of prison admissions. New convictions for DWI rose in the 2000s to put it in second place and competing with drugs; rape is the third most frequent offense in prison admission, showing a slight upward trend. The trends in prison admissions for other offenses were generally relatively stable. Figure A5 shows prison admissions for the mixed category revocation with a new offense. Admission for drug offenses dominate this category: they rose steeply in the early 2000s, then declined after 2008. Most of the other offenses similarly showed a rise through 2008 and then either stability or a modest decline after 2008. Figure A6 shows that prison admissions for revocation only are also dominated by drug offenders and, again, showed a steep rise through 2007, then a steep decline. Burglary and rape are the next most common categories for revocation-only admissions, with numbers that rose modestly through 2008 and declined modestly after. Revocations for other offenses similarly were stable or declining after 2008. Many offenses show an uptick in revocation admissions after 2012.

Examining Specific Offenses

The rank order of offenses by the number of people in prison for them is roughly: rape, drugs, murder, robbery, burglary, other violent, DWI and then a collection of other offenses. Different kinds of offenses show different patterns and it is worth examining them in more detail. Use of the blanket term “violent” obscures the quite different patterns for different offenses. The graphs in figures B1-B17 show the total numbers in prison, admitted, released, and the total net change. The graphs also show admissions broken out by type to highlight the mixture of new convictions and revocations in the population of prisoners for that offense. Releases are shown as negative numbers for clarity. The net change (admissions minus releases) is a red line centered at zero. The scale of these graphs varies between offenses. A wide gap between the number in

prison and the number of admissions will be seen when offenses entail long sentences, while a narrower gap will be seen for offenses that carry shorter sentences. A large net change in the graph is relative to the total in prison for that offense.

Murder (figure B1). Murder is a relatively rare crime and a small source of prison admissions, but murderers spend a very long time in prison and thus murders are a large share of those in prison. Due to long sentences, the gap between admission numbers and number in prison is very large. Most prison entries for murder are new commitments. New commitments for murder were rising after 2007 and the stock of people in prison for murder was also rising every year.

Negligent manslaughter (figure B2) is a very rare crime and a small source of prison admission that showed a slight downward trend.

Rape (figure B3). With the decline of the drug war, forcible rape has become the single largest offense category among those in prison, and is one of the major categories in prison admissions. Prison entry on a revocation with no new offense is more common than entry on a new sentence. New commitments for rape rose after 2009 but were balanced by declines in revocation so the total population in prison was relatively stable, showing a small decline in the last year of the series.

Assault (figure B4) is the most common offense in the violent crime index but does not usually draw a prison sentence. Numbers in prison for assault declined largely due to a decline in revocations while new commitments held steady.

Other violent offenses (figure B5) were rising as a source of numbers in prison. New commitments were rising but revocations accounted for the bulk of the admissions. Looking back at the large number of specific statute numbers that are grouped into the “other violent” category, the largest groups are reckless endangerment (40%), physical abuse of a child (14%), reckless injury (10%), false imprisonment (kidnapping) (10%), and strangulation (4%). Among the other 20%, there are many specific statute numbers, many of which probably also fall into these main groups but were formatted differently. It may be worth investigating in more detail exactly what kinds of cases are being charged and sentenced to prison in this broad category. These “other violent” offenses are not included in the violent crime index.

Robbery (figure B6) is usually classified as a violent crime, but it also has a property motive and frequently shows a different pattern from personal assaults. Overall, robbery was the third most common category of offense for people in prison and the fourth most common source of new prison sentences. Armed robbery can draw sentences of 20 years or more. The trends in both prison admissions and numbers in prison were relatively steady between 2000 and 2014, with a decrease in 2014 due to fewer new commitments and more releases.

Burglary (figure B7) is classified as a nonviolent crime although some argue that breaking into premises is a threatening act that can lead to violence if the offender is confronted. Burglars are the fifth most common offender group in prison and were especially common among those entering prison on revocations; the large majority of burglars enter prison on

revocations, not new sentences. Prison admissions and numbers in prison for burglary were relatively stable during this period.

Larceny (figure B8) is the largest category of property offenses and the largest category of crime overall, but is a small proportion of the prison population because theft is usually not punished by imprisonment. Most people who enter prison for larceny have revocations rather than new sentences. The number in prison for larceny declined before 2008 then rose again due to parallel trends in admissions for both new sentences and revocations.

Motor vehicle theft (figure B9) declined steeply as a source of imprisonment between 2000 and 2014, due to a drop in both new commitments and revocations. The large majority of people who entered prison for motor vehicle theft entered on a revocation.

Fraud (figure B10) shows a similar pattern to motor vehicle theft: a decline in prison admissions and a preponderance of revocations rather than new commitments

Other property offenses (figure B11) showed a similar pattern to the other property crimes with declines in admissions, especially on revocations, through most of the period and then, like larceny, a rise at the end of the period due to a rise in admissions for new convictions and revocations. This heterogeneous category of offenses showed a marked rise in new convictions in 2013-4.

Drugs (figure B12). Drug offenses are the largest single source of prison admissions and the second largest group for those in prison. The growth, decline, and regrowth in the prison population tracked the rise, decline, and resurgence of prison admissions for drug offenses. The numbers in prison for drug offenses began declining in 2005 as new convictions began to decline; admissions for revocations kept going up until 2007, then began declining. There has been a post-2012 uptick in new convictions for drug offenses that led to a net increase in drug offenders in prison in 2014, for the first time since 2004. Other work, including my own, has stressed the extreme racial disparity of the drug war, and my own analyses have shown that both the rise and decline in imprisonment for drugs was focused on African Americans. White drug sentences continued to rise after Black drug sentences began to fall.

DWI (figure B13). Drunk driving has risen to be the second most common source of a new prison commitment and is a growing share of people in prison. Total prison admissions and the numbers in prison for DWI grew steadily through 2008, then leveled off as releases balanced admissions. A higher proportion of DWI prison admissions are for new convictions rather than revocations, compared to most other offense groups. The 2016 change in the law that can be expected to increase DWI imprisonment does not show up in these data (which end in 2014). My own analysis shows that DWI is an especially important source of prison admissions for White people and American Indians, while very few Black people are convicted of DWI.

Public order offenses (figure B14) generally do not draw prison sentences and are a small share of the total, but the data show a steep rise after 2003 in new commitments to prison on public order offenses and a concomitant rise in the number in prison on a new commitment for a

public order offense. It may be worth investigating just which offenses are leading to prison sentences.

Weapons (figure B15). Weapons charges are classified as public order offenses. Imprisonment on weapons charges has been growing steeply due to a rise in new sentences as well as revocations. Although admissions are balanced by releases in some years, weapons charges are moving up the ranks in accounting for numbers in prison, including a large net change in 2014. It is my understanding that prosecutors may view this crackdown on weapons as a tool for addressing issues of violent crime. My own analyses (not shown) indicate that the clear majority of people incarcerated on weapons charges are Black and this offense category has very high racial disparity ratios.

Escape (figure B16). Quite a few people who are in prison have as their governing offense escape or violation of terms of supervision or some other category that is not a primary crime but an offense against the terms of social control. These derived offenses account for more people in prison than for assault or weapons charges or larceny or fraud or other smaller offense categories. Most of the people for whom this is the governing offense entered prison on a revocation. This offense category remained relative stable across the period.

Family (figure B17). The last offense category, which accounts for few prisoners, is “offenses against the family.” The large majority of these were revocation-only admissions that fell after 2007. This small category is distinguished only because it does not belong with any of the others.

Supplemental materials

- A. Documentation is available for download. This includes:
 - 1. Spreadsheet `Wisconsin_Prison_Data_NCRP_Oliver_2017-6_formatted.xlsx` which includes a data pages with frequency counts and several formatted percentage tables.
 - 2. Zip file of Stata `.do` files that document creation of the frequency counts from NCRP data.
- B. Alternate versions of the paper.

Appendix Tables

Table A1. In Prison: Offense Mixture by Year.

Percentage Breakout of Offenses for those In Prison in each year															
Offense	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Murder	10	9	10	9	9	10	10	10	10	10	11	11	11	12	12
Negligent Manslaughter	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Rape	18	18	18	18	18	19	19	19	20	21	21	21	22	22	21
Assault	5	5	5	5	4	4	4	4	4	4	4	3	3	3	3
Other violent offenses	7	7	6	6	6	6	6	6	7	7	7	7	7	7	8
Weapons violations	2	2	2	2	2	2	3	3	3	3	3	3	3	3	3
Public order offenses	1	0	0	0	0	1	1	1	1	1	1	1	1	1	1
Robbery	12	12	12	11	11	12	12	11	12	12	12	12	12	12	11
Burglary	11	11	10	10	9	9	9	9	9	9	9	9	10	9	9
Drugs	15	15	17	18	18	17	17	16	15	14	13	13	12	12	12
Drunk driving	2	2	3	4	5	5	5	5	6	7	7	7	7	7	7
Larceny	4	4	3	3	3	3	3	2	2	2	2	2	2	3	3
Motor Vehicle Theft	3	3	3	3	2	2	2	2	1	1	1	1	1	1	1
Fraud	5	4	4	4	4	4	4	4	4	3	3	3	3	3	3
Other property offenses	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Family offenses	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Escape & other court offenses	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4

Column percentages. Sums less than 100% are due to excluding the small number of “other” and unknown offenses. Zero percent is less than .5%.

Table A2. Prison Admissions: Offense Mixture by Year.

	Percentage Breakout of Offenses for Prison Admissions in each year														
Offense	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Murder	2	2	2	2	1	2	2	2	2	2	2	2	2	2	2
Negligent Manslaughter	1	1	1	1	1	1	1	1	1	0	0	1	0	1	0
Rape	10	9	11	10	11	11	12	11	11	13	12	13	12	12	12
Assault	7	7	6	6	6	6	6	6	6	6	5	5	5	5	5
Other violent offenses	6	6	6	6	6	6	6	6	6	7	7	8	7	7	7
Weapons violations	3	3	2	3	3	3	4	4	4	4	4	4	3	3	4
Public order offenses	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Robbery	8	8	8	7	8	7	7	7	8	8	8	9	8	9	8
Burglary	11	12	10	11	10	11	10	10	10	11	11	12	12	12	12
Drugs	21	22	24	25	25	24	23	22	21	19	20	18	18	18	19
Drunk driving	3	4	5	6	7	7	8	8	10	11	11	11	12	11	11
Larceny	6	6	5	4	5	4	4	4	3	4	4	4	4	4	4
Motor Vehicle Theft	5	5	4	4	4	3	3	3	2	2	2	1	1	1	1
Fraud	6	5	6	5	5	6	6	6	5	5	4	5	5	4	4
Other property offenses	2	2	1	1	1	1	1	1	1	1	1	1	1	1	1
Family offenses	1	2	1	2	1	2	2	2	2	1	1	1	1	1	1
Escape & other court offenses	7	7	6	6	6	6	6	7	7	6	7	6	6	6	6

Column percentages. Sums less than 100% are due to excluding the small number of “other” and unknown offenses. Zero percent is less than .5%.

Table A3. Prison Releases: Offense Mixture by Year.

	Percentage Breakout of Offenses for Prison Releases in each year														
Offense	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Murder	1	1	1	1	1	1	1	1	1	1	1	2	1	2	2
Negligent Manslaughter	1	1	1	1	1	1	1	1	1	1	1	1	0	1	1
Rape	8	9	9	10	10	10	10	10	10	11	11	12	12	12	13
Assault	8	7	7	7	6	6	6	6	6	6	6	5	5	5	5
Other violent offenses	7	7	7	6	6	6	6	6	6	6	6	7	7	7	7
Weapons violations	2	2	2	3	2	3	3	3	4	4	4	4	4	4	3
Public order offenses	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Robbery	8	8	8	8	7	7	7	7	7	8	8	8	9	9	9
Burglary	12	12	12	11	12	10	11	10	10	11	11	11	11	12	12
Drugs	23	21	22	23	24	26	25	24	23	21	21	20	19	18	18
Drunk driving	1	2	3	4	5	7	7	8	8	9	11	11	11	11	11
Larceny	7	7	6	5	5	5	4	4	4	3	4	3	4	4	4
Motor Vehicle Theft	5	6	5	4	5	4	4	4	3	3	2	2	2	1	1
Fraud	6	6	6	6	6	6	6	6	6	6	5	5	5	4	4
Other property offenses	2	2	2	2	1	1	1	1	1	1	1	1	1	1	1
Family offenses	2	1	1	1	2	1	1	2	2	2	2	1	1	1	1
Escape & other court offenses	8	8	7	7	6	6	6	6	7	7	7	6	6	6	6

Column percentages. Sums less than 100% are due to excluding the small number of “other” and unknown offenses. Zero percent is less than .5%.

Table A4. Percentage of Admission Types for Those In Prison and Admitted to Prison

	In Prison				Prison Admissions		
	New Only	Rev. + New	Rev Only		New Only	Rev. + New	Rev Only
2000	46	18	33		32	16	51
2001	47	19	32		33	19	48
2002	49	20	30		35	21	45
2003	49	21	29		33	22	45
2004	48	22	28		31	24	45
2005	46	23	30		26	24	50
2006	44	24	31		25	24	51
2007	43	24	32		23	23	53
2008	44	25	30		26	27	47
2009	43	25	30		26	27	48
2010	45	25	30		30	24	46
2011	46	24	29		31	24	45
2012	47	24	29		32	24	44
2013	48	23	29		31	23	46
2014	49	22	29		33	22	45

“New Only” is new conviction only; “Rev. + New” is revocation plus a new offense, including offenses added after admission; “Rev Only” is revocation only. Percentages sum in rows within “in prison” and “prison admissions.”

Figure A1

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Figure A7

Figure A8

Figure A9

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Figure B1

Unknown admission types are included in totals for releases, net change and number in prison.

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Figure B2

Unknown admission types are included in totals for releases, net change and number in prison.

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Figure B5

Unknown admission types are included in totals for releases, net change and number in prison.

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Figure B6

Unknown admission types are included in totals for releases, net change and number in prison.

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Unknown admission types are included in totals for releases, net change and number in prison.

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Figure B8

Unknown admission types are included in totals for releases, net change and number in prison.

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Figure B9

Motor Vehicle Theft: total in prison, admissions, releases, and net growth.
Admissions by type of admission.

Unknown admission types are included in totals for releases, net change and number in prison.

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Figure B10

Fraud: total in prison, admissions, releases, and net growth.
Admissions by type of admission.

Unknown admission types are included in totals for releases, net change and number in prison.

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Figure B11

Other property offenses: total in prison, admissions, releases, and net growth.
Admissions by type of admission.

Unknown admission types are included in totals for releases, net change and number in prison.

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Figure B12

Drugs: total in prison, admissions, releases, and net growth.
Admissions by type of admission.

Unknown admission types are included in totals for releases, net change and number in prison.

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Figure B13

Public order offenses: total in prison, admissions, releases, and net growth.
Admissions by type of admission.

Unknown admission types are included in totals for releases, net change and number in prison.

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Figure B14

Drunk driving: total in prison, admissions, releases, and net growth.
Admissions by type of admission.

Unknown admission types are included in totals for releases, net change and number in prison.

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Figure B15

Escape & other court offenses: total in prison, admissions, releases, and net growth.
Admissions by type of admission.

Unknown admission types are included in totals for releases, net change and number in prison.

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Figure B16

Family offenses: total in prison, admissions, releases, and net growth.
Admissions by type of admission.

Unknown admission types are included in totals for releases, net change and number in prison.

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Figure B17

Weapons violations: total in prison, admissions, releases, and net growth.
Admissions by type of admission.

Unknown admission types are included in totals for releases, net change and number in prison.