



Latino Mass Incarceration in Relation to the “War on Drugs”

By Ricardo Diaz and Dr. John Su

Mass Incarceration in the United States

Of the entire world's prison population **1 in 4**

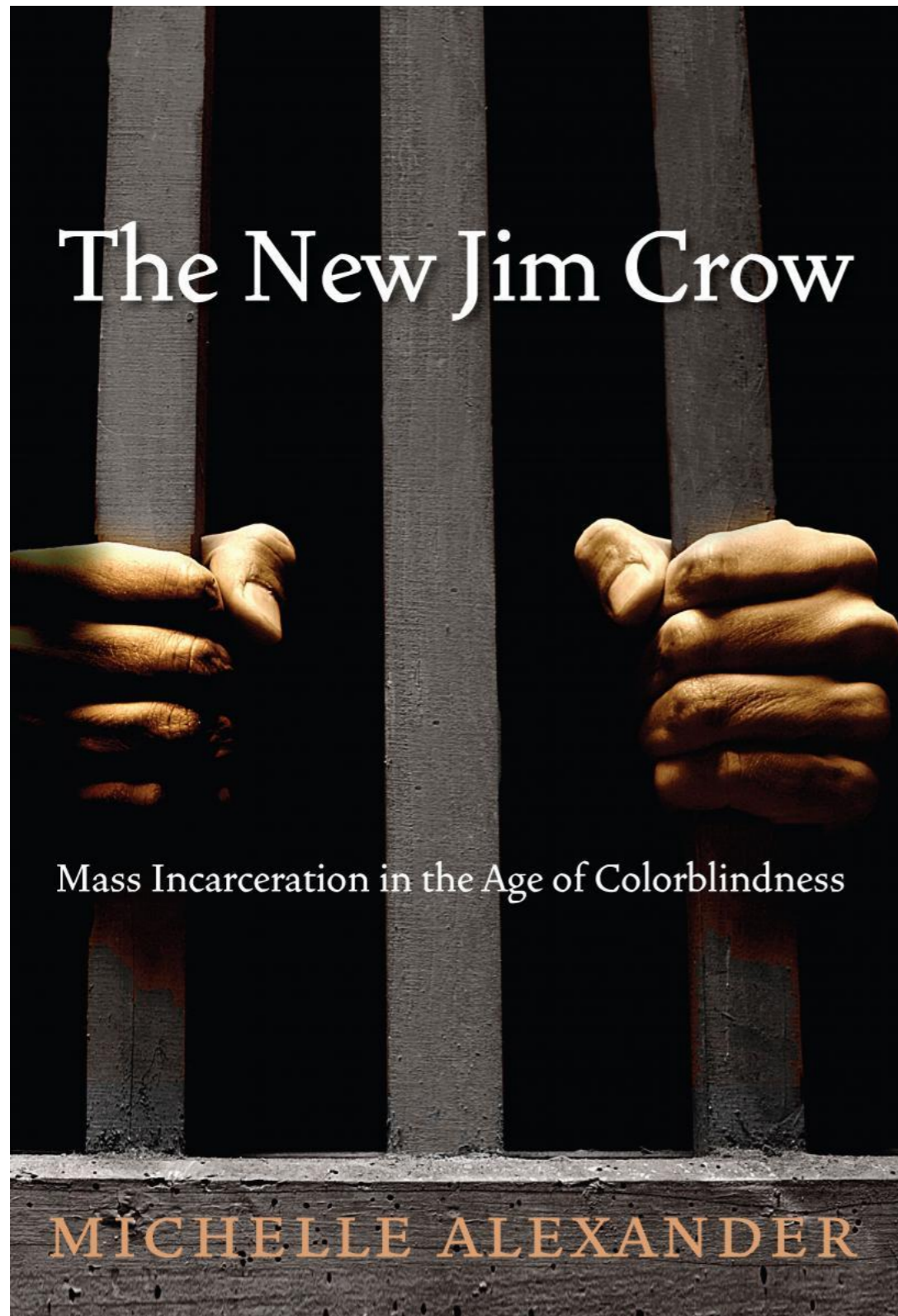


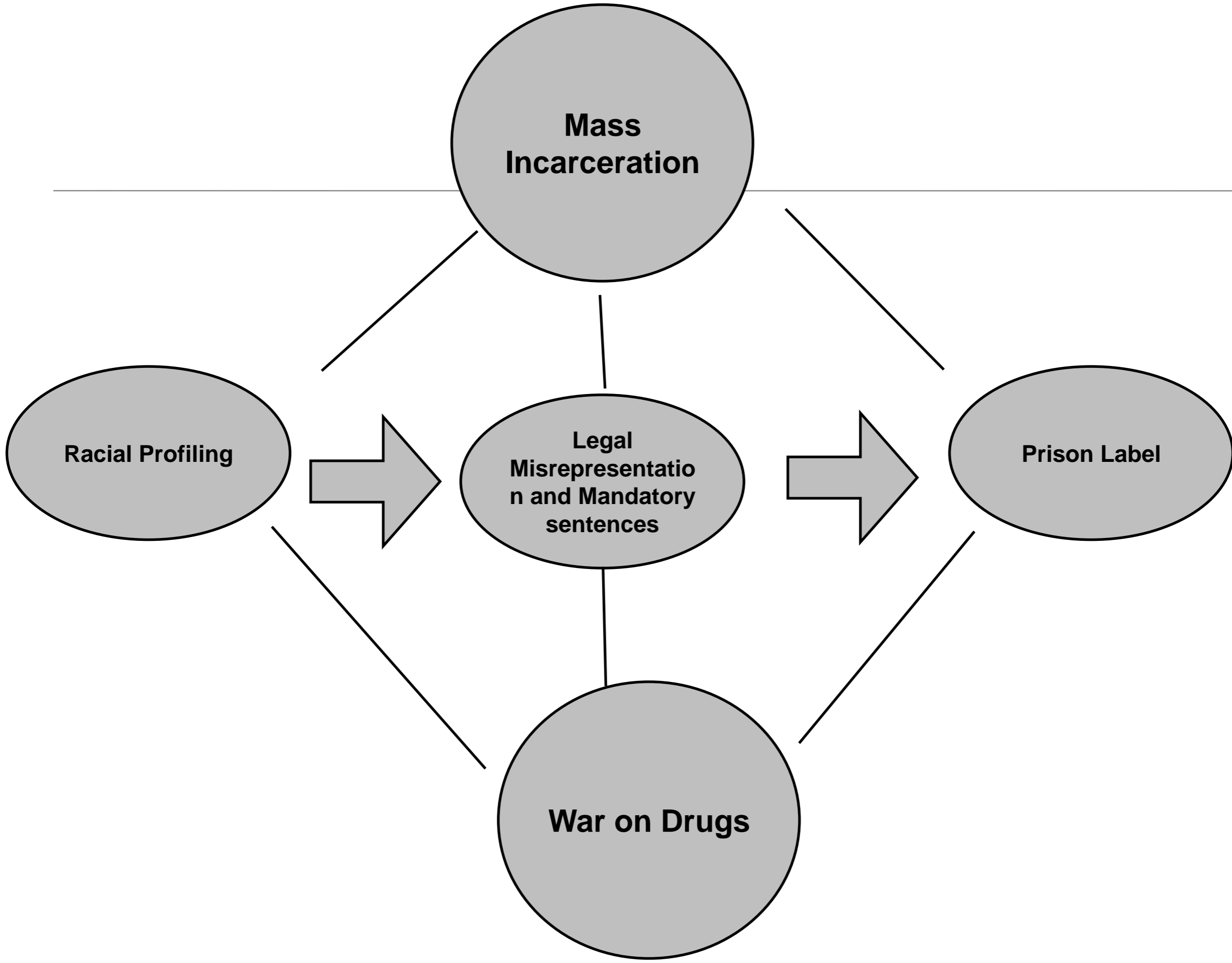
is imprisoned in the land of the free.

The Numbers

- According to the American Civil Liberties Union (ACLU):
 - The US Prison Population rose 700% from 1970 to 2005 a rate far outpacing the general population growth and crime.
 - 1 in every 106 white males age 18 or older is incarcerated
 - 1 in every 15 Black Males age 18 or older is incarcerated

The New Jim Crow





**Mass
Incarceration**

Racial Profiling

**Legal
Misrepresentatio
n and Mandatory
sentences**

Prison Label

War on Drugs

War On Drugs

- Officially started with Nixon
- Roots date back to the anti-opium drug laws in 1875
- Political Strategy to win votes
- Ford and Carter were neutral
- Reagan administration 1981-89
 - Military involvement
 - Anti-drug abuse Act
 - ONDCP
 - First Lady
 - DARE, “Just Say No”



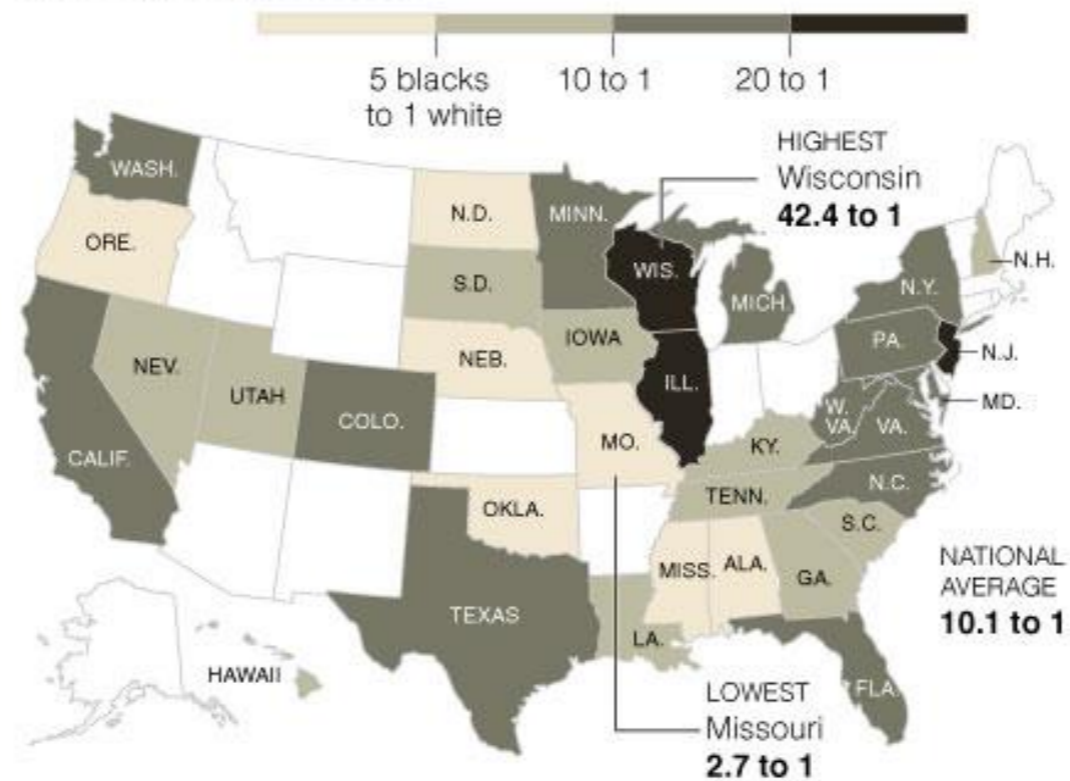
Drug Control at the State Level

- Drug control has been the responsibility of the State and the federal government only just recently intervened with the policies that accompanied the “War on Drugs”
- Jim Crow laws were on state level and Civil Rights policies were federal
 - Reason why they were so hard to abolish

Why Wisconsin?

Racial Disparity in Drug Sentencing

A study reveals that drug law enforcement in the United States produces disproportionate rates of black incarceration. Below, the ratios between the rates at which blacks and whites are sent to prison for drug offenses. Rates are calculated per 100,000 residents of each race. Figures are for 2003.



States that did not report to the National Corrections Reporting Program in 2003.

Source: Human Rights Watch

THE NEW YORK TIMES

Government statistics

- I consulted the five major databases:
 - Bureau of Justice Statistics(BJS)
 - The United States Census Bureau
 - The Wisconsin State Department of Corrections (D.O.C.)
 - The State Legislative Fiscal Bureau
 - The Source Book of Federal Sentencing





BJS & Census



- The BJS offers five major sub-databases that include
 - Arrest Data Analysis Tool
 - FBI Uniform Crime Reports(UCR)
 - Federal Criminal Case Processing Statistics(FCCPS)
 - The National victimization analysis tool(NCVS)
 - The Prisoner Recidivism Analysis Tool
 - The Census



Wisconsin D.O.C.

- Reported that :
 - Males 53% were White, 43% were Black, 3% were American Indian or American Native, and 1% were Asian or Pacific Islander.
 - Females they reported 65% were White, 29% were Black, 5% were American Indian or American Native, and finally 1% were Asian or Pacific Islander.
 - Of all of these totals they reported 9% were of “Hispanic Origin”



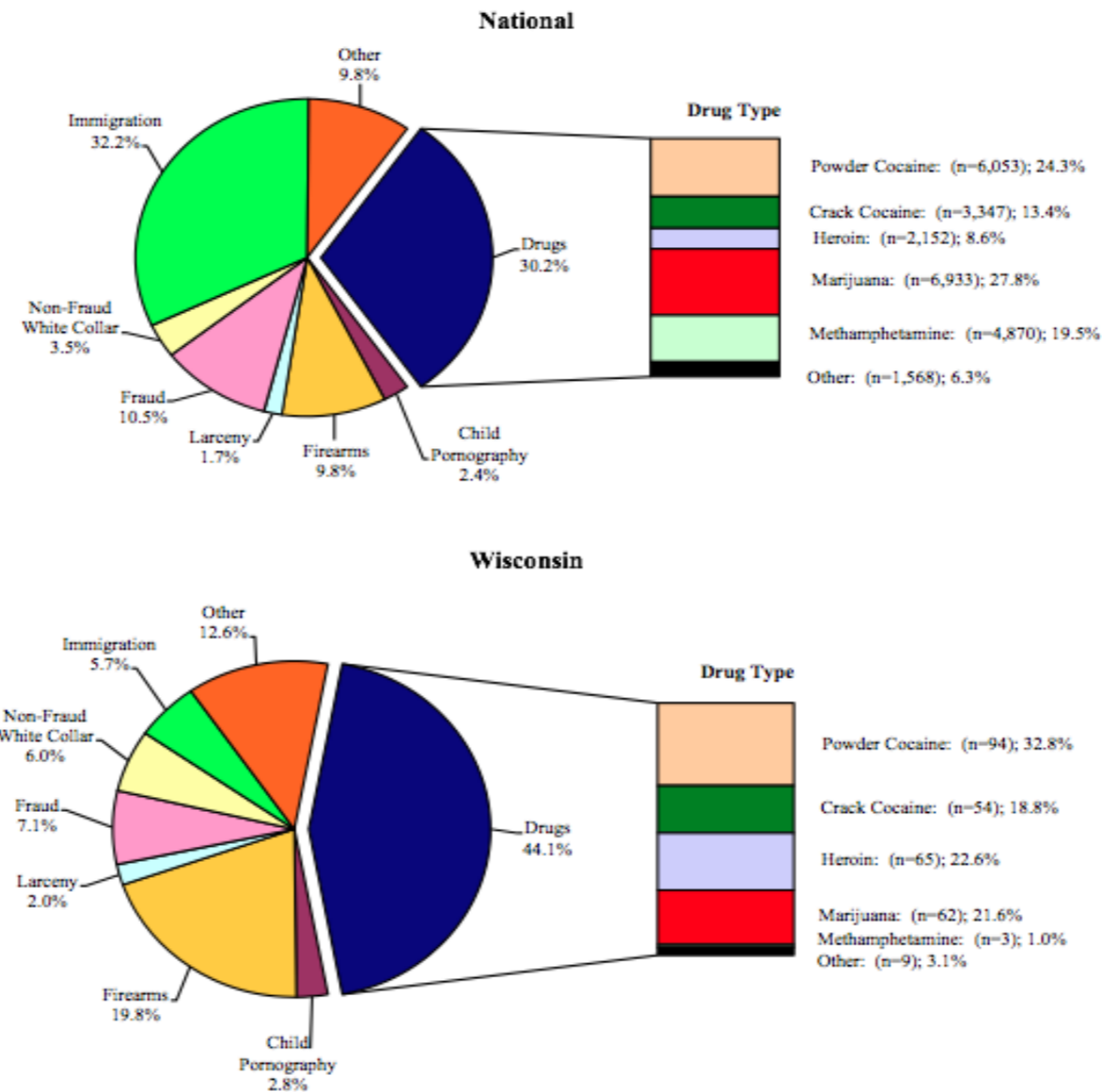
Wisconsin Fiscal Paper

EXHIBIT B Race and Ethnicity	Exhibit B-1 July 1, 2012, Prison Population				Exhibit B-2 2011-12 Prison Admissions				Exhibit B-3 2011-12 Prison Releases			
	Male	% of Total	Female	% of Total	Male	% of Total	Female	% of Total	Male	% of Total	Female	% of Total
White	9,485	44.2%	770	61.9%	4,524	38.2%	557	56.3%	4,399	37.5%	537	55.5%
Black	9,196	42.8	339	27.3	6,140	51.8	318	32.1	6,108	52.0	304	31.4
Hispanic	1,955	9.1	56	4.5	827	7.0	40	4.0	852	7.3	49	5.1
Native American	588	2.7	66	5.3	272	2.3	64	6.5	289	2.5	69	7.1
Asian	209	1.0	11	0.9	76	0.6	8	0.8	71	0.6	5	0.5
No Data	37	0.2	1	0.1	14	0.1	3	0.3	20	0.2	3	0.3
Total	21,466	100.0%	1,243	100.0%	11,853	100.0%	990	100.0%	11,739	100.0%	967	100.0%



Federal Sentencing Commission

Figure A
OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2012



¹ Of the 26,560 drug cases, 1,637 were excluded from the drug type analysis due to one of the following reasons: cases sentenced under §2D1.11 involving a listed chemical (255) and cases missing drug type (1,382).
 Of the 292 drug cases from the State of Wisconsin, five were excluded from the drug type analysis due to one of the following reasons: cases sentenced under §2D1.11 involving a listed chemical (3) and cases missing drug type (2).

² The Non-Fraud White Collar category includes the following offense types: embezzlement, forgery/counterfeiting, bribery, money laundering, and tax.

Table 4

RACE OF OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2012

PRIMARY OFFENSE	TOTAL	WHITE		BLACK		HISPANIC		OTHER	
		N	%	N	%	N	%	N	%
TOTAL	75,894	20,847	27.5	15,516	20.4	36,713	48.4	2,818	3.7
Murder	64	22	34.4	15	23.4	6	9.4	21	32.8
Manslaughter	50	2	4.0	1	2.0	3	6.0	44	88.0
Kidnapping/Hostage Taking	49	12	24.5	11	22.4	20	40.8	6	12.2
Sexual Abuse	428	171	40.0	55	12.9	38	8.9	164	38.3
Assault	640	170	26.6	80	12.5	106	16.6	284	44.4
Robbery	843	402	47.7	340	40.3	67	7.9	34	4.0
Arson	47	26	55.3	10	21.3	3	6.4	8	17.0
Drugs - Trafficking	24,540	6,354	25.9	6,138	25.0	11,426	46.6	622	2.5
Drugs - Communication Facility	371	96	25.9	135	36.4	120	32.3	20	5.4
Drugs - Simple Possession	234	114	48.7	56	23.9	52	22.2	12	5.1
Piracary	8,032	2,230	27.8	3,834	47.6	1,736	21.6	232	2.9
Burglary/B&E	42	7	16.7	8	19.0	3	7.1	24	57.1
Auto Theft	60	18	30.0	13	21.7	28	46.7	1	1.7
Larceny	1,128	563	49.9	329	29.2	141	12.5	95	8.4
Fraud	7,513	3,482	46.3	2,271	30.2	1,269	16.9	491	6.5
Embezzlement	309	186	60.2	55	17.8	26	8.4	42	13.6
Forgery/Counterfeiting	865	357	41.3	381	44.0	97	11.2	30	3.5
Bribery	221	103	46.6	48	21.7	42	19.0	28	12.7
Tax	594	349	58.8	129	21.7	68	11.4	48	8.1
Money Laundering	805	299	37.1	120	14.9	345	42.9	41	5.1
Racketeering/Extortion	907	326	35.9	310	34.2	225	24.8	46	5.1
Gambling/Lottery	43	36	83.7	3	7.0	2	4.7	2	4.7
Civil Rights	52	30	57.7	12	23.1	7	13.5	3	5.8
Immigration	22,635	2,156	9.5	337	1.5	19,999	88.4	143	0.6
Child Pornography	2,010	1,759	87.5	64	3.2	166	8.3	21	1.0
Prison Offenses	386	93	24.1	153	39.6	115	29.8	25	6.5
Administration of Justice Offenses	1,272	601	47.2	290	22.8	268	21.1	113	8.9
Environmental/Wildlife	138	96	69.6	4	2.9	6	4.3	32	23.2
National Defense	112	32	28.6	7	6.3	56	50.0	17	15.2
Antitrust	15	3	20.0	0	0.0	2	13.3	10	66.7
Food & Drug	53	37	69.8	3	5.7	10	18.9	3	5.7
Other Miscellaneous Offenses	1,416	707	49.9	304	21.5	261	18.4	144	10.2

¹ Of the 84,173 cases, 8,279 were excluded due to missing information on offender's race. Descriptions of variables used in this table are provided in Appendix A.

Media Coverage



- The New York Times

- *“A Country of Inmates”*

- *“More than 60 percent of the United States’ prisoners are black or Hispanic, though these groups comprise less than 30 percent of the population”*

- The Nation

- *“ ...Grossly disproportionate incarceration of people of color”*

- Milwaukee Journal Sentinel

- *The Zimmerman verdict: It's time to wake the hell up*

- *“...the so-called War on Drugs used for the mass incarceration of black men”*

- *Mass incarceration of black males must stop*

Results

- White Black Binary in American legal system
- Underrepresentation of Latino/a populations
 - Tom Romero
 - *Hernandez v Texas 1954*
 - *Discrimination on ethnic and class level*
 - *Keyes vs School District No. 1 1973*
 - *Denver, Colorado*
- Black is representative of all minorities

Limitations and Implications for Future Research

- Latino/a are a diverse group
- Insufficient Data
 - How do we acquire it?



Acknowledgements

- Professor Kali Murray
- Professor Dr. Wheelock
- McNair Scholars Program
- My Mentor Dr. John Su