

Wisconsin DOC classifies as violent many more offenses than does the FBI

State needs better crime data to get an accurate picture of who's incarcerated here and why

By JULIE GRACE | September 2, 2020

In 2019, 18% of people sent to a state prison in Wisconsin committed what the FBI defines as a violent crime: murder, nonnegligent manslaughter, forcible rape, robbery or aggravated assault.

The rest, 82% of a total of 9,128 people, were found guilty of lesser offenses that the FBI does not classify as violent under its [Uniform Crime Reporting](#) (UCR) data collection program.

The percentages vary dramatically from those used by the Wisconsin [Department of Corrections](#) (DOC) and sometimes cited by politicians or policymakers concerned that inherently violent individuals will reoffend. According to the DOC's definition, about a third of 2019 prison admissions were for violent offenses, and 67% of all inmates in a Wisconsin prison today are there for a violent offense.

The state's definition of violent crime encompasses the FBI offenses and many others, including driving while intoxicated and causing injury or death, pointing a firearm at a person, causing great bodily harm without intent and threatening use of force.

To get a better sense of what "violent" crimes that people are convicted of in Wisconsin, the Badger Institute partnered with [Court Data Technologies](#) of Madison. Using the same hierarchy of crimes that the DOC uses, we filtered and counted only the most serious charge in each case. If there were two charges under the same crime category or level of "violence," we determined the more severe crime based on the higher felony — or in some cases, misdemeanor — classification.

Our analysis determined that 3,542 people were sentenced to prison in 2019 for crimes the state designates as violent.¹ This corresponds to the number reported by the DOC. Of this group, only 1,666 were sentenced for offenses that the FBI defines as violent:

- Murder and nonnegligent manslaughter: 120
- Negligent manslaughter: 140
- Forcible rape: 498
- Robbery: 384
- Aggravated assault: 524

Those convicted of violent crimes usually serve longer sentences than do nonviolent offenders. So, at any given time, more than 18% of the prison population is composed of people who were at some point convicted of a violent offense as defined by the FBI. The DOC — using its own, broader definition of violent crimes — puts that figure at 67%.

But the Badger Institute analysis of statutes determined that many of the individuals deemed violent by the DOC — more than 1,800 in 2019 alone — committed crimes that the FBI classifies differently.

For instance:

- One of the most charged violent crimes as defined by the DOC was fleeing an officer and causing harm. There were 88 such offenses in our data.
- Half of the 10 most-charged violent crimes according to the DOC are not considered violent by the FBI's classification. These include first-degree (197) and second-degree (323) recklessly endangering safety, battery (121) and battery or threat to a judge, prosecutor or law enforcement officer (121) and false imprisonment (92).
- Other crimes that the DOC defines as violent but the FBI does not include stalking, reckless use of a firearm, intimidating a witness or threatening harm.
- Second OWI offenses that result in injury are classified as violent by the state but don't fall into the same category for the FBI. There were 32 such offenses in our data.

All told, 483 people were convicted of crimes in which the most serious offense was related to contact with the criminal justice system. These offenses include crimes such as witness or victim intimidation, fleeing or eluding a police officer and causing harm, threatening a witness or battery by prisoners. Additionally, 152 people were convicted of crimes related to drug or alcohol abuse.

The state defines as violent many individuals who did not actually commit a violent act.

Still, there are some inherently violent crimes that the FBI does not classify as such, for instance, certain child abuse statutes or certain charges of battery.

The state needs better criminal justice data to present information like this to the public. Wisconsin should adopt a model similar to Florida's, where [detailed information](#) on convictions is reported. Florida reports over 100 different types of offenses. Wisconsin reports just four: violent, property, drug and public order offenses.

The state should work to implement [better data](#) and reporting standards. Until we have better data on who is incarcerated in Wisconsin's prisons and why, efforts to implement smart and safe reforms will be hamstrung.

Julie Grace is a Badger Institute policy analyst.

¹ This number is slightly lower than the DOC's count of violent prison admissions in 2019 (3,820). That is likely because some (though few) statutes can be violent in some instances and another category in other instances, depending on case by case circumstances. The DOC also categorizes based on case details, while the Badger Institute conducted its search based on statute numbers and descriptions.

