



WISCONSIN POLICY FORUM

Contact: Mark Sommerhauser, Communications Director & Researcher
(608) 982-0324 or msommerhauser@wispolicyforum.org

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Impairment to Imprisonment: Drunk Driving Incarceration Soars in Wisconsin

Increased prison admissions, tougher sentencing penalties are among the contributing factors

The number of people incarcerated in Wisconsin state prisons for intoxicated driving offenses hit a record high in 2024 and stayed elevated in 2025, a new [Wisconsin Policy Forum report](#) finds.

The state's long-term rise in incarceration for operating while intoxicated (OWI) was influenced by increasingly tough penalties for the most serious cases, as well as increasing prison admissions for new offenses. As of December 2025, a total of 2,750 adults were incarcerated in state prisons for OWI offenses, enough to fill Wisconsin's two largest prisons.

Although slightly below the record high of 2,899 in 2024, this remained among the highest levels on record. It also excludes those incarcerated in local jails for lesser OWI offenses. These are among the key findings from the Forum's extensive analysis of state and national data, as well as a detailed review of statutes in Wisconsin and neighboring states.

We find that one key contributor to the long-term OWI incarceration increase is policy changes that have increased penalties for fourth and subsequent OWI offenses. As a result, Wisconsin's penalties are now more severe than most neighboring states for the most serious OWI convictions, even as they are generally less severe for initial OWI convictions.

Increase occurred in two stages

Wisconsin's OWI prison population has increased more than four-fold since 2000, which we first noted in our April report, "[Cross Examination.](#)" Our new report finds the increase in Wisconsin's OWI prison population occurred in two stages. The first was from 2000 through 2009, potentially influenced by the 2003 reduction in the legal maximum blood alcohol concentration from 0.10% to 0.08%. The population plateaued in the 2010s, then increased sharply again during the early 2020s, potentially due in part to changes in behavior and a backlog of OWI cases in the court system.

In 2023, a record 1,313 adults were admitted to Wisconsin prisons for OWI offenses. While admissions were down slightly in 2024, that year had the second-highest number and rate of OWI prison admissions in data extending back to 2000. OWI admissions were down again in 2025, suggesting that they may now be trending downward.

Racial disparities, more women incarcerated

As the overall prison population has remained relatively constant over the past two decades, those with OWI convictions make up an increasing share. In 2000, just 3.3% of the state's prison population was incarcerated for an OWI conviction. That share peaked at 12.7% in 2023, and in 2025 it remained very elevated by historic standards: 11.8%.

Notably, the largest increase in OWI incarceration has been among adults 55 and older. Since 2010, the per capita incarceration rate for adults 55 and older has more than tripled.

The racial makeup of those incarcerated for OWIs in Wisconsin has also shifted, and as of 2024, Black and American Indian adults were over-represented in Wisconsin prisons for these convictions relative to their share of the population. Whereas Black residents used to be incarcerated for OWI at a rate similar to their white peers, the OWI incarceration rate for the state's Black population is now double the rate for the white population.

Women also account for a small but growing share of those incarcerated for OWI offenses. In 2000, women made up 6.4% of Wisconsinites incarcerated for an OWI, but by 2025 that had grown to 11.4%, even as the female share of the total prison population remained constant.

Possible contributing factors

It's reasonable to wonder if changes in alcohol use may account, at least in part, for rising OWI incarceration. Data show that in 2024, fewer Wisconsinites used alcohol overall and many of those who did drink had decreased their usage compared to a decade ago. However, this decline has been uneven. Those who use alcohol frequently drink significantly more than before.

The data show that binge drinking, or the consumption of four-to-five alcoholic drinks or more, is trending up, and Wisconsinites use alcohol and binge drink at higher rates than national averages. Wisconsin women drink much more on average than they did in the past, which may be a factor in the rising proportion of women incarcerated for OWI offenses.

By some measures, Wisconsin performs worse than average for drunk driving crash fatalities. In 2023, Wisconsin crash fatalities involving a drunk driver made up 31% of total crash fatalities, above the national proportion of 29%. Other indicators are less discouraging. Since 2021, there has been a national spike in fatality rates for both alcohol-involved and total crashes that has affected all of our neighboring states. However, Wisconsin's rates have remained consistent with pre-pandemic levels, and its rates for both types of crashes are comparable to other nearby states.

Conclusion

The report offers a range of measures that state and local officials could consider to address intoxicated driving in Wisconsin without further bolstering incarceration. They include increasing funding for OWI courts; improving access to substance abuse programs; increasing alcohol taxes; increasing transportation options, especially in rural areas, for people who have been drinking; or making more data available to local law enforcement to help them work with alcohol retailers to reduce OWI offenses.

The state could also cap the density of alcohol sales permits or licenses, provide funding to local municipalities to conduct alcohol age compliance checks, reduce the days or hours during which retailers could sell alcohol, or further reduce the legal blood alcohol content limit.

The Forum acknowledges some of these measures would be politically fraught and challenging to implement, or carry significant financial or economic costs. However, the report concludes, "not acting on this issue carries its own costs." [Click here](#) to read the report.

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