

Executive Summary

RACE AND DRUG LAW ENFORCEMENT IN SEATTLE

Report prepared for the ACLU Drug Law Reform Project and
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EXECUTIVE SUMMARY

Seattle has one of the highest rates of racial disparity in drug arrests in the United States. According to Seattle Police Department (SPD) arrest figures, the total black drug arrest rate was more than 13 times higher than the white drug arrest rate in 2006. Blacks were more than 21 times more likely to be arrested for selling serious drugs¹ than whites in 2005-2006. This rate of disparity is surpassed by only one of the other 38 comparably sized cities in the nation for which data are available. Evidence of high levels of racial disparity in Seattle's drug arrests has been clear and consistent over time.

"Race and Drug Law Enforcement in Seattle" examines several data sources – many new – and reveals the primary cause of Seattle's persistent pattern of racial disparity in drug arrests.

KEY FINDINGS

- ▶ Whites are the majority of sellers and users of serious drugs in Seattle.
- ▶ Although blacks comprise only 8 percent of Seattle's population, and a minority of drug users and sellers, they comprise 67 percent of those arrested for delivery of a serious drug in 2005-2006.
- ▶ The racial disparities documented could be a function of discriminatory policing and/or of the SPD's apparent concentration on crack cocaine. Assuming that SPD's practices are not intentionally discriminatory, the data suggest that SPD's apparent focus on crack cocaine – to the near exclusion of heroin, powder cocaine, methamphetamine, and MDMA (Ecstasy) – is the primary cause of racial disparity in Seattle's drug arrests.

Nearly three-fourths of those arrested for delivery of a serious drug in 2005-2006 were arrested for delivering crack cocaine. Of those arrested for delivering crack cocaine, 73.4 percent were black. By contrast, fewer than 20 percent of those arrested for other serious drugs were black.

- ▶ The over-representation of crack cocaine offenders among drug arrestees does not appear to be a function of race-neutral policy considerations, such as frequency of use or sale, public health and safety concerns, or civilian complaints.
- ▶ Powder cocaine and Ecstasy are the most widely used serious drugs in Seattle. Drug treatment admissions most commonly involve heroin abuse, and those arrested for crack cocaine offenses were *least* likely to possess a dangerous weapon at the time of arrest.

Black/White Arrest Rate Ratio, Sale of Serious Drugs, Mid-Sized U.S. Cities (2006)

1. Minneapolis, MN (71.06)
2. **Seattle, WA (21.30)**
3. Austin, TX (20.39)
4. Portland, OR (16.21)
5. Aurora, CO (11.74)
6. Pittsburgh, PA (11.51)
7. Columbus, OH (10.18)
8. Fort Worth, TX (10.09)
9. Baltimore, MD (10.02)
10. San Francisco, CA (9.43)
11. St. Louis, MO (9.30)
12. Milwaukee, WI (9.30)
13. Kansas City, MO (8.74)
14. Oklahoma City, OK (8.57)
15. Omaha, NE (8.31)
16. Nashville, TN (8.26)
17. Raleigh, NC (8.21)
18. Denver, CO (7.48)
19. Oakland, CA (6.90)
20. Virginia Beach, VA (6.38)
21. Mesa, AZ (6.15)
22. Colorado Springs, CO (5.76)
23. Cleveland, OH (5.61)
24. Memphis, TN (5.11)
25. Albuquerque, NM (4.90)
26. Long Beach, CA (4.83)
27. Wichita, KS (4.67)
28. Sacramento, CA (4.61)
29. Tulsa, OK (4.58)
30. Louisville, KY (4.46)
31. Boston, MA (4.29)
32. Atlanta, GA (4.27)
33. Arlington, TX (3.94)
34. San Jose, CA (3.71)
35. Tucson, AZ (3.23)
36. El Paso, TX (2.98)
37. Santa Ana, CA (1.77)
38. Fresno, CA (1.66)
39. Anaheim, CA (1.56)

¹ In this study, "serious drugs" include all controlled substances other than marijuana.

WHITE: THE COLOR OF SEATTLE'S DRUG MARKET

Data from multiple sources support the conclusion that whites are a majority of those who use and deliver all serious illegal drugs, with the possible exception of crack cocaine, in Seattle. These data sources include surveys of public school students, needle exchange clients, and the general Seattle population; mortality data; drug treatment admission data; and an observational study of two outdoor Seattle drug markets.

SUMMARY OF DATA PERTAINING TO RACIAL AND ETHNIC COMPOSITION OF SEATTLE USERS AND DELIVERERS OF ALL SERIOUS DRUGS					
	White	Black/ African American	Latino/ Hispanic	American Indian/ Alaska Native	Asian
Seattle Serious Drug Users					
SAMHSA Survey (Seattle Residents)	63.9%	NR	NR	NR	NR
Seattle Public School Students	49.6%	18.7%	10%	NR	13.4%
Public Drug Treatment Admittees	53.1%	27.8%	9.7%	2.4%	1.7%
Needle Exchange Survey	67.7%	11%	4.4%	7.9%	.2%
Ethnographic Observations- Downtown and Capitol Hill	59.8%	28.2%	7.3%	3.1%	.8%
Seattle Serious Drug Deliverers					
SAMHSA Survey (Seattle Residents)*	76.1%	NR	NR	NR	NR
Needle Exchange Survey	52.7%	14.3%	24.7%	1.6%	1.1%
Ethnographic Observations- Downtown and Capitol Hill	56.8%	28.2%	12%	.8%	.8%

*Notes: The SAMHSA survey results pertaining to sales also include those who sold marijuana in the past month. "NR" indicates that the results were not reported by federal data collectors due to small sample sizes.

BLACK: THE COLOR OF SEATTLE'S DRUG ARRESTEES

Despite evidence that the majority of those who use and deliver serious drugs in Seattle are white, the majority of those arrested for delivering a serious drug in Seattle are black. Moreover, blacks are over-represented among drug arrestees to a greater degree than in all but one other mid-sized U.S. city for which data are available.

Although the city population is 8 percent black, two-thirds (67 percent) of those arrested in Seattle for delivery of a serious drug in a four-month sample of 2005–2006 arrests were black. The black drug arrest rate for delivery of a serious drug (that is, narcotics other than marijuana) is more than 21 times higher than the white arrest rate for the same crime.

If Seattle's white drug arrest rate were equivalent to the black drug arrest rate, more than 26,000 white people would have been arrested for a drug law violation in Seattle in 2006. This number is nearly seven times the *total* number of Seattle drug arrests.

THE FOCUS ON CRACK: THE CAUSE OF SEATTLE'S EXTRAORDINARY RACIAL DISPARITY IN DRUG ARRESTS

The data indicate that either the focus on black suspects leads to the predominance of crack cocaine deliverers among arrestees, or that a focus on crack cocaine deliverers leads to an over-representation of blacks among delivery arrestees. Assuming that the SPD is not engaging in discrimination or racial profiling, the data suggest that the primary cause of racial disparity in Seattle's drug law enforcement is SPD's focus on crack cocaine – to the virtual exclusion of other serious drugs like heroin, powder cocaine, Ecstasy and methamphetamine. Nearly three fourths (74.1 percent) of all planned arrests for delivery of a drug other than marijuana involved crack cocaine, a pattern that has remained constant over time.

Nearly three-fourths (73.4 percent) of those arrested for delivering crack cocaine in 2005-2006 were black. By contrast, fewer than 20 percent of those arrested for delivering another serious drug were black. The focus on crack cocaine thus results in high levels of racial disparity in Seattle drug arrests.



Source: Seattle Police Department incident reports. Note: In 2005-2006, another 7.1 percent of all purposeful drug delivery arrests involving serious drugs involved crack cocaine and another serious drug.

This analysis also indicates that alternate explanations for Seattle’s pattern of racial disparity are not supported by the data. Here are some of the commonly-held assumptions that fail to withstand scrutiny:

► ***Racial Disparity in Drug Arrests Is Not a Function of Race Differences in Involvement in Drug Delivery.***

As noted previously, multiple data sources indicate that the majority of those who use and sell serious drugs in Seattle are white. Yet the majority of those arrested for delivering a serious drug are black. Moreover, blacks and whites selling serious drugs outdoors are not equally likely to be arrested. Blacks delivering drugs downtown are 13.6 times more likely to be arrested than whites engaging in the same behavior in the same geographic area. Blacks are also over-represented by a statistically significant margin among those arrested in the Capitol Hill and University District neighborhoods.

► ***SPD’s Focus on Outdoor Drug Markets Does Not Explain Racial Disparity in Drug Arrests.***

Most blacks who are arrested for delivering serious drugs are arrested outdoors. However, most of those arrested indoors are also black.

► ***Racial Disproportionality in Drug Arrests Does Not Stem from Concentration of Drug Law Enforcement Resources in the Downtown Area of Seattle.***

Blacks are over-represented among drug delivery arrestees across the city. If all other practices and priorities were held constant and drug delivery arrests took place only in the four precincts other than the West Precinct, arrest data indicate that 61.3 percent of those arrested for delivering serious drugs would still be black. In this scenario, the black arrest rate remains 17 times greater than the white arrest rate.

RACIAL FAIRNESS: WHY THE SPD'S FOCUS ON CRACK COCAINE WARRANTS SERIOUS RECONSIDERATION

This study finds that there are no race-neutral reasons for focusing investigative and enforcement resources on crack cocaine. Multiple data sources indicate that the conventional wisdom about crack cocaine is incorrect:

► ***The Apparent Focus on Crack Cocaine Is Not a Function of the Frequency with which Crack Cocaine Is Exchanged.***

The available data indicate that more Seattle residents are admitted to public drug treatment programs for heroin addiction than for crack cocaine abuse. Heroin users also report making more frequent purchases than crack cocaine users. The frequency with which crack cocaine is exchanged, thus, does not explain the over-representation of crack cocaine among Seattle drug arrestees.

► ***The Apparent Focus on Crack Cocaine Does Not Reflect Resident Complaints About Narcotics Activity.***

There is little geographic correspondence between the areas identified by civilian complainants and the places where planned drug delivery arrests occur. Beyond this, most complainants do not identify the drug involved, and most complaints do not appear to result in arrest.

► ***The Apparent Focus on Crack Cocaine Does Not Reflect Public Health Considerations.***

Although crack cocaine use poses health risks, other serious drugs – especially heroin and other opiates – also pose health risks and are more likely to be associated with infectious disease and drug-related mortality in Seattle.

► ***The Apparent Focus on Crack Cocaine Does Not Reflect Public Safety Considerations***

Among Seattle serious drug arrestees, those involved with crack cocaine were *least* likely to have a dangerous weapon in their possession at the time of their arrest.

CONCLUSION

The data indicate that the focus on crack cocaine is the primary cause of high levels of racial disproportionality in Seattle drug delivery arrests. Although colorblind on its face, the focus on crack cocaine does not appear to be a result of race-neutral considerations and continues to produce an extraordinarily high degree of racial disparity in Seattle drug arrests. The consistency of Seattle's arrest pattern over time suggests that the SPD has been unwilling to alter the practices that produce an unusually high degree of racial disproportionality in its drug arrests.

Although racial disproportionality in drug arrests is a concern across the nation, the over-representation of blacks among drug arrestees is specially pronounced in Seattle. These findings warrant close and careful attention from policymakers.