

RACE, DRUGS, AND POLICING: UNDERSTANDING DISPARITIES IN DRUG DELIVERY ARRESTS*

KATHERINE BECKETT
KRIS NYROP
LORI PFINGST

Department of Sociology
University of Washington

KEY WORDS: drug markets, drug arrests, racial disparities, racial inequality, policing

This article draws on several unique data sources to assess and explain racial disparity in Seattle's drug delivery arrests. Evidence regarding the racial and ethnic composition of those who deliver any of five serious drugs in that city is compared with the racial and ethnic composition of those arrested for this offense. Our findings indicate that blacks are significantly overrepresented among Seattle's drug delivery arrestees. Several organizational practices explain racial disparity in these arrests: law enforcement's focus on crack offenders, the priority placed on outdoor drug venues, and the geographic concentration of police resources in racially heterogeneous areas. The available evidence further indicates that these practices are not determined by race-neutral factors such as crime rates or community complaints. Our findings thus indicate that race shapes perceptions of who and what constitutes Seattle's drug problem, as well as the organizational response to that problem.

* Partial funding for this research was provided by the Racial Disparity Project. Many thanks to D'Adre Cunningham, Patty Glynn, Lowell Hargens, Steve Herbert, Jay Kadane, John Lamberth, Ross Matsueda, Barbara Reskin, Ray Paternoster, Denise Gottfredson, and several anonymous reviewers for their comments and suggestions, as well as to Joe Kabel, Caleb Banta-Green, and the Seattle Police Department for making data available. Special thanks to Lisa Daugaard, without whom this project would not have been possible. This manuscript was initially submitted and the review process begun under the editorship of Ray Paternoster.

Drug arrests have increased markedly over the past three decades, from just over 450,000 in 1975 to nearly 1.7 million in 2003 (Bureau of Justice Statistics, 2005). The intensification of drug law enforcement has most significantly affected people and communities of color. Between 1980 and 2000, the national black drug arrest rate increased from roughly 6.5 to 29.1 per 1,000 persons, whereas the white drug arrest rate increased only from 3.5 to 4.6 per 1,000 persons (Donziger et al., 1996; U.S. Department of Justice, 2003). Although practices and policies after arrest may also contribute to racial disproportionality in drug-related incarceration, the racial and ethnic composition of drug arrestees clearly impacts the demographic composition of those who serve time for drug law violations.

Exactly how and why blacks and Hispanics experience comparatively high drug arrest rates is the subject of much debate. Scholars adopting a structuralist perspective suggest that blacks and Hispanics are more likely to use and deliver drugs than whites for socioeconomic reasons (see Baumer et al., 1994; Currie, 1994; Duster, 1997; Hagan, 1994); arrest outcomes simply reflect this reality. A related thesis suggests that qualitative differences in offending explain comparatively high drug arrest rates among blacks and Hispanics: Those who sell drugs are more likely than whites to do so in public spaces that are more visible to the police (Blumstein, 1993; Duster, 1997; Goode, 2002; Johnson et al., 1977; Riley, 1997; Sterling, 1997; Tonry, 1995). From a structuralist perspective, then, socioeconomic inequality generates quantitative and qualitative differences in offending behavior across racial and ethnic groups; these differences result in comparatively high drug arrest rates among blacks and Hispanics.

This perspective is sometimes contrasted with the claim that “direct, overt racist motives” on the part of the architects and lieutenants of the drug war explain why blacks and Hispanics are more likely to be arrested for drug crimes (see especially Goode, 2002: 41). But “direct, overt racist motives” are not necessary for race to matter; race may have important effects even in the absence of overt racist motives. Indeed, an emerging body of research on implicit bias suggests that racial stereotypes shape perceptions of the seriousness or dangerousness of particular situations and social problems, particularly when information about those situations is limited. The role of race in these processes is called implicit to differentiate unconscious perceptual processes from more overt and conscious expressions of racial animus (see Sampson and Raudenbush, 2004).

Several studies provide compelling empirical evidence that racial cues have an important impact on assessments of the severity of crime-related

RACE, DRUGS, AND POLICING

107

problems. For example, Lincoln Quillian and Devah Pager (2001) found that the percentage of young black men living in a neighborhood has a strong positive effect on perceptions of crime in that neighborhood, and that this effect exists even after crime and other relevant factors were taken into account. Similarly, Robert Sampson and Stephen Raudenbush (2004) report that resident perceptions of neighborhood disorder are significantly affected by the neighborhood's racial, ethnic, and class composition.

Experimental studies also provide evidence of widespread implicit bias. For example, experimental researchers report that respondents are more likely to incorrectly perceive that (virtual) blacks are holding guns and, as a result, to shoot (virtual) blacks than whites (see Correll et al., 2002; Greenwald, Oakes, and Hoffman, 2003). Another study indicates that when exposed to news stories about crime, 60 percent of the viewers who saw a story with no image of a perpetrator falsely recalled seeing one, and 70 percent of these viewers believed the perpetrator to be African American. The researchers attribute this surprising finding to the familiarity of viewers with a standard crime news "script" that features African American offenders (Gilliam and Iyengar, 2000). Such a script also appears to exist regarding drug users: One study found that over 95 percent of survey respondents pictured an African American when asked to imagine a typical drug user (Burston, Jones, and Robertson-Saunders, 1995).

Theorists of implicit bias suggest that the impact of racial cues on perceptions of crime, disorder, and danger reflects widespread and unconscious reliance on racial stereotypes in cognitive processes. Further, there is evidence that racial stereotypes also exert powerful normative effects. For example, there is evidence that the cultural association of blacks with crime and welfare has enhanced white support for "tough" policy approaches to crime and poverty (Gilliam and Iyengar, 2000; Gilliam, Valentino, and Beckmann, 2002; Iyengar, 1995; Gilens, 1995, 1996; Roberts and Stalans, 1997). That is, members of the public generally prefer "tougher" policy and legal responses when perpetrators are depicted as black. In the context of drugs, this theoretical perspective suggests that ostensibly race-neutral practices and policies (such as the tendency to treat smoked cocaine more harshly than snorted cocaine) may reflect a widespread association of certain substances or practices with racially or ethnically stigmatized groups and, therefore, with danger and criminality (see Beckett, 1997; Duster, 1997; Jenkins, 1999; Lusane, 1991; Manderson, 1997; Musto, 1987; Reinerman and Levine, 1997; Steiner, 2001; Tonry, 1995).

Although support for "get tough" crime and drug policies may also reflect the existence of overt racial prejudice or animus (see Cohn and

17459125, 2006, 1, Downloaded from https://onlinelibrary.wiley.com/doi/10.1111/j.1745-9125.2006.00044.x by Northeastern University, Wiley Online Library on [04/09/2024]. See the Terms and Conditions (https://onlinelibrary.wiley.com/terms-and-conditions) on Wiley Online Library for rules of use; OA articles are governed by the applicable Creative Commons License

Barkan, 2004; Bobo and Johnson, 2004) and other factors, studies documenting implicit bias suggest that unconscious racial stereotypes also shape the perceptions and cognitive processes of the many individuals who exhibit little or no overt racial prejudice. In short, recent studies indicate that racial stereotypes are pervasive and influence a wide range of actors; the main problem is not overtly and intentionally racist actors (though they may exist) but rather the cultural imagery that generates widely held yet unconscious racial and ethnic stereotypes. Although it has not been brought to bear directly on the subject, this body of scholarship implies that drug arrests may not be strictly a function of qualitative and quantitative differences in offense behavior and that race may shape perceptions of drug problems and drug law enforcement practices, albeit in subtle ways.

Our previous study of the role of race in drug possession arrests in Seattle (see Beckett et al., 2005) supports this hypothesis. Specifically, we found that Seattle blacks and Latinos are overrepresented among those arrested for drug possession as compared with the population that uses drugs in habitual and sometimes dangerous ways. This overrepresentation resulted primarily from law enforcement's focus on crack users, a focus that was not explicable in terms of the frequency with which crack is exchanged, any particular association between crack and violence, or public health considerations. In short, we found that the focus on crack offenders, rather than the racial and ethnic composition of those who use serious drugs, was the primary cause of racial disparity in drug possession arrests and that this focus was not explicable in race-neutral terms. However, it is quite possible that the racial composition of those who deliver drugs (in general) will more closely match those who are arrested for doing so. In what follows, we draw on a number of unique data sources to assess these and other explanations of racial disparity in drug delivery arrest rates.¹

METHODOLOGY AND RESEARCH DESIGN

Identifying the racial composition of those who distribute drugs is methodologically quite tricky; few scholars have attempted to do so. However, many researchers have debated whether arrests in general are an accurate measure of unlawful behavior (see Blumstein, 1993; D'Alessio and Stolzenberg, 2003; DeFleur, 1975; Tonry, 1995). These studies suggest that race plays a comparatively small role in arrests for serious offenses such as murder and robbery, but a potentially significant role in the

1. In Washington State, drug delivery includes any knowing physical transfer of a controlled substance to another party (such as sharing or selling drugs) or the facilitation of any knowing transfer of these substances.

RACE, DRUGS, AND POLICING

109

policing of more minor offenses. This is especially true when the illicit behavior is consensual and, as a result, proactive law enforcement techniques are more likely to be used.

These findings suggest that race may play a significant role in drug law enforcement. A few studies have compared drug arrest outcomes with evidence regarding those involved in drug sales and found some (fairly weak) support for the proposition that white drug offenders are less likely to be arrested than nonwhite offenders. However, each of these studies relies on indirect and problematic indicators of involvement in drug distribution. For example, Warner and Coomer (2003) treat neighborhood levels of perceived drug activity as a proxy for actual drug activity and find that perceived drug activity explains approximately half of the neighborhood-level variation in drug arrest rates (leaving open the possibility that the racial composition of the neighborhood may also shape drug law enforcement). However, by treating resident perceptions of neighborhood drug activity as a measure of actual drug activity, this study ignores the possibility that levels of perceived drug activity may be shaped by race. As a result, it may underestimate the role of race in drug law enforcement.

Using a different approach, Brownsberger (2000) used neighborhood disadvantage as a measure of outdoor drug activity and found that it contributes only modestly to racial disproportionalities in drug delivery arrests. Even after controlling for individual-level (arrestee) disadvantage, significant racial disparities remained: Blacks and Latinos who live in poor neighborhoods were more likely than their white counterparts to be arrested for drug delivery. However, it is not clear whether racial-ethnic differences in offending behavior or racial selectivity in enforcement account for the remainder of the disparity. In addition, Brownsberger's presumption that outdoor drug activity is concentrated in disadvantaged neighborhoods may not be viable. In Seattle, for example, some of the most notorious outdoor drug venues are located in commercial and mixed-use areas, some of which are undergoing gentrification.

Our study relies on two more direct sources of information regarding the racial-ethnic composition of low-level deliverers: Needle exchange survey data and ethnographic observations of two outdoor drug markets. Because we use survey and observational data to assess the racial-ethnic composition of the drug delivering population, our research design does not require us to treat either resident perceptions or neighborhood disadvantage as a measure of the racial composition of those who engage in drug transactions. However, our data provide information only about those at the bottom of the drug distribution system, that is, those who have contact with the customer. Neither the needle exchange survey data nor our observations provide information about the racial composition of

17459125, 2006, 1, Downloaded from https://onlinelibrary.wiley.com/doi/10.1111/j.1745-9125.2006.00044.x by Northeastern University, Wiley Online Library on [04/09/2024]. See the Terms and Conditions (https://onlinelibrary.wiley.com/terms-and-conditions) on Wiley Online Library for rules of use; OA articles are governed by the applicable Creative Commons License

those higher up. Insofar as this system is stratified by race, this may lead us to underestimate white involvement in drug distribution and, as a result, to also underestimate racial disparity in drug arrests.

Our analysis focuses on those who deliver “serious” drugs, that is, controlled substances classified by the state legislature at level 8 or higher of Washington State’s felony sentencing grid: heroin, powder cocaine, crack cocaine, methamphetamine, and ecstasy (MDMA). In what follows, the results of the needle exchange data regarding Seattle’s drug deliverers are compared with Seattle Police Department arrest records. For each drug-specific comparison, we calculate a Z-score to determine whether the observed difference between the racial-ethnic composition of deliverers and delivery arrestees is statistically significant. Next, we consider various explanations of the disparities found and identify three organizational practices that contribute to racial disparity in drug arrests. We then use counterfactual reasoning to evaluate the relative importance of these three organizational factors.² Finally, we evaluate whether the practices that explain black overrepresentation among drug arrestees are explicable in race-neutral terms and consider the implications of our findings for research on implicit bias.

DATA SOURCES

Our analysis draws on several unique data sources to assess whether racially disparate arrest rates reflect quantitative or qualitative differences in offending behavior and to consider alternative explanations of the patterns found. Each of these sources is described below.

SEATTLE NEEDLE EXCHANGE SURVEY

Information regarding the racial-ethnic composition of Seattle’s drug deliverers is derived primarily from the Seattle Needle Exchange Survey. This survey was designed in consultation with Dr. John Lamberth of Temple University³ and was administered by persons hired by Seattle’s

-
2. Although a multivariate regression analysis of the percent of drug delivery arrestees who are black would allow us to quantify the contribution of each of these factors to drug arrest patterns, such an analysis would require controlling for the racial composition of those who deliver serious drugs as a group (as opposed to estimating the composition of those who deliver particular drugs). This, unfortunately, is not possible: A precise measure of the percentage of all drug deliverers who are black, white, or Latino simply does not exist.
 3. Dr. Lamberth, a statistician and professor in the Department of Psychology at Temple University, designed the study that was used to establish racial profiling in traffic stops by the New Jersey State Police (*State of New Jersey v. Pedro Soto*, 324 N.J. Super. 66; 734 A.2d 350; 1996 N.J. Super LEXIS 544l).

RACE, DRUGS, AND POLICING

111

Racial Disparity Project. Over two weeks in April 2002, surveyors were present at five needle exchange sites in Seattle during all hours of operation.⁴ Needle exchangers were asked whether they had already completed the survey. Because they were offered chocolate regardless of whether they had already completed a survey, they had no incentive to complete more than one.

Exchangers were asked to report, among other things, their race-ethnicity, the drug or drugs present in the needle or needles just exchanged, whether they obtained those drugs in Seattle, and the race-ethnicity of the person from whom they had obtained those drugs. Respondents were also asked about “other drugs” (that is, other than those in the needles exchanged) recently obtained. Five hundred eighty-nine surveys were completed by individuals who obtained at least one serious illicit drug in Seattle; these respondents provided information about over 900 drug transactions. This survey thus provides information regarding injecting drug users who exchange needles and those who supply them with both injected and non-injected drugs. However, the vast majority of respondents reported acquiring heroin, cocaine, and/or methamphetamine. The survey provides less information about crack and ecstasy users and the people who distribute them; the results for these drug categories are therefore less reliable than for commonly injected drugs.

In Washington State, drug delivery includes any knowing physical transfer of a controlled substance to another party (such as sharing or selling drugs) or the facilitation of any knowing transfer of these substances. Although the survey does not record whether the purchaser paid cash for the drugs obtained, this distinction is not relevant as any knowing transfer of drugs meets the legal definition of drug delivery, and many of those arrested for delivering drugs in Seattle have no cash or drugs in their possession at the time of their arrest. This data set is characterized by somewhat contradictory biases: There are reasons to believe that it overrepresents poor people, and hence blacks and Hispanics. At the same time, white injecting drug users may be more likely to use needle exchange services, and white needle exchangers were slightly more likely to complete a survey than their counterparts. Each of these biases is described below.

Because nonprescription pharmacy sale of needles is legal in Washington State, it is likely that Seattle intravenous drug users (IDUs) who are able to purchase their needles are less likely than those who cannot purchase needles to utilize needle exchange services. As a result,

4. An additional seventeen surveys were collected by surveyors traveling in a public health van.

the survey probably undercounts middle- and upper-income injecting drug users (who can afford to purchase needles) and, therefore, whites. In addition, several needle exchange surveyors noted that some injecting drug users with “good” jobs hired other injecting drug users to exchange needles for them at public needle exchange sites. To the extent that it exists, this class-based practice may also contribute to an undercount of middle- and upper-class injecting and, therefore white, drug users.⁵

On the other hand, several studies have found that white users are more likely to exchange needles than their black and Latino counterparts (Friedman et al., 1999; Rich et al., 1999). In addition, Davis et al. (2005) report that police intervention and surveillance reduced black and male more than white and female participation in needle exchange programs. In short, there is reason to suspect that white injecting drug users may be more likely to participate in needle exchange programs.

In addition, nonwhite clients were slightly less likely than white to complete a survey. About half (47 percent) of those exchanging needles agreed to do so. The (perceived) race-ethnicity of those who did not was also recorded, allowing us to assess the racial and ethnic differences between the respondents and nonrespondents. Of the exchangers who completed a survey, 70.3 percent were white, 13 percent were black, and 5.4 percent were Latino. Of the 677 nonrespondents, 449 (66.3 percent) were identified as white, 132 (19.5 percent) as black, and 62 (9.2 percent) as Latino. If the nonrespondents are combined with respondents, the proportion of white needle exchangers decreases from 70.3 percent to 68.1 percent, and that of blacks increases from 13 percent to 16.6 percent. The impact of this reporting bias on the results within drug categories is unknown. In sum, although the biases that characterize this data set may, to some extent, negate each other, their existence necessarily limits confidence in our findings.

ETHNOGRAPHIC OBSERVATIONS

Ethnographic observations of two open-air drug markets within Seattle provide an additional source of information about participants in outdoor drug markets. An important supplement to the needle exchange survey data, which undersample ecstasy and crack users, the observations were conducted in the first three months of 2002 to establish the demographic composition of participants in an outdoor drug market located in downtown Seattle and another in the Capitol Hill neighborhood. These areas were chosen because they are well-known to drug users, law

5. According to U.S. census data, 8.5 percent of Seattle’s white population, but 21.6 percent of Seattle’s Latino population and 23 percent Seattle’s black population, had incomes that fell below the federal poverty line in 2000 (Cornelius, 2003).

RACE, DRUGS, AND POLICING

113

enforcement personnel, and business and neighborhood groups as centers of outdoor drug consumption and sales. They are also neighborhoods the investigators know and are known, neighborhoods where their presence attracts neither notice nor suspicion. Whenever possible, we enlisted the aid of other individuals to help interpret our observations. In almost all cases, the drug being sold could be identified because: we were familiar with the individuals involved; a key informant provided us with the information, or the individuals involved approached us and offered to sell us drugs.

The ethnographers carried out observations of these areas on randomized days and times. The core of the downtown market located at 2nd and Pike was observed in two waves of 30 hours each, and the hub of the Capitol Hill market (Broadway and Denny) in one wave of 30 hours and a follow-up of 10 hours, for a total of 100 observation hours. Ethnographers looked for and documented all indications of drug delivery that occurred in these locations and recorded the perceived race-ethnicity and gender of those engaged in transactions, as well as their role in the transaction (whether they purchased drugs, referred a buyer to a seller, or sold drugs). The second two behaviors meet the legal definition of delivery and were therefore coded as such. Additional observations of adjacent areas were conducted to ensure that the demographics of those participating in the markets in each of the two major intersections did not differ from that of those participating in street-level drug activity in the census tract as a whole.

The validity of this kind of “rapid assessment” ethnography depends on experienced observers already familiar with the behavior in question and, preferably, known to and trusted by the people being observed. Typically such work is done in teams, with the ethnographer or ethnographers relying on the assistance of key informants or indigenous experts. In this case, fieldwork was carried out by a trained ethnographer (Kris Nyrop) who has worked with Seattle area substance users since 1988, and two assistants, both of whom are former substance users and who have worked in the field of HIV prevention, treatment, or counseling professionally for more than 3 years. All work for a local nonprofit agency whose mission involves working with injection drug users, other substance users, commercial sex workers, and the homeless. Based on this ongoing work and life experience, each is familiar with local public drug venues and is known and trusted by participants in those venues.

SPD INCIDENT REPORTS

Information regarding the racial-ethnic composition of persons arrested for drug delivery in Seattle is based on Seattle Police Department Incident

17459125, 2006, 1, Downloaded from https://onlinelibrary.wiley.com/doi/10.1111/j.1745-9125.2006.00044.x by Northeastern University, Wiley Online Library on [04/09/2024]. See the Terms and Conditions (https://onlinelibrary.wiley.com/terms-and-conditions) on Wiley Online Library for rules of use; OA articles are governed by the applicable Creative Commons License

Reports. These reports document drug-related police encounters, some of which resulted in arrest, from January 1999 to April 2001. These reports were coded along numerous dimensions, including the crime of arrest, race of arrestee, drug involved, type of operation, precinct, type of location, census tract, and other relevant factors.⁶

Because police officers are not asked to record the ethnicity of the suspect on the incident reports, the percent of white arrestees who are Latino was estimated using Hispanic surname analysis.⁷ That is, a numeric value between 0 and 1 was assigned to all white arrestees in each subcategory (for example, delivery arrestees citywide, cocaine delivery arrestees, and so on). These numeric values are provided by the U.S. Census Bureau and represent the probability that a given surname corresponds to persons who identified as Hispanic-Latino in the 1990 census. For each category analyzed, the mean of these numeric values (for example, .12, or 12 percent) was used to estimate the percent of arrested whites who are Latino. This percentage was then subtracted from the white and added to a separate Latino category.⁸ In what follows, results for drug delivery arrests (as well as arrests for possession with intent to deliver narcotics, a legally equivalent offense) that resulted from any operation type are presented in the text, tables, and figures.

-
6. Many police departments publish or make available data regarding the race, crime of arrest, and drug involved in drug abuse arrests. The SPD does not. Rather, the Incident Reports were made available to attorneys from the Racial Disparity Project as a result of a court ruling in the case of *Johnson v. Washington State*. The coding protocol and selection of coders was agreed upon by both defense attorneys and state prosecutors involved in the case. These data were subsequently made available to the lead author of this study.
 7. This method is described in detail by Word and Perkins (1996), and is now frequently used by social scientists and policy analysts.
 8. This methodology was applied only to whites in order to avoid double-counting people of color, that is, counting black Latinos as black and Latino. It might be objected that the inclusion of black Hispanics in our black category is inflating our results regarding racial disproportionality. Empirically, this is not the case: when we apply the surname analysis to the black arrestees, the results indicate that only 1 percent (18/1773) of the black arrestees is Hispanic. Furthermore, we believe that for theoretical reasons it is appropriate to categorize black Hispanics as black rather than Hispanic in this analysis of drug policing. Specifically, we believe that although ethnicity matters a good deal for Hispanics in a variety of ways and contexts, race—and blackness in particular—functions as a master status (Becker, 1964) in the contemporary United States. Furthermore, blackness has been most central to political and partisan struggles (Omi and Winant, 1996), is most strongly associated with crime and punishment in public discussions of these issues (Beckett, 1997; Russell, 1998), and, at a practical level, is more visible than ethnicity in most policing contexts.

RACE, DRUGS, AND POLICING

115

SETTING

The data sources used in this study are based on patterns found in Seattle, Washington, a mid-sized city with a population of approximately 550,000. Seattle is unique in several important respects. First, according to the 2000 Arrestee Drug Abuse Monitoring (ADAM) survey data, it has one of the four most active drug markets in the country (Taylor et al., 2001), and there is evidence that rates of heroin, methamphetamine, and crack use (respectively) are especially high there. Second, the city is home to a comparatively large white population and small black and Latino populations. Specifically, 70.1 percent of Seattle's residents are white; only 8.4 percent are black, and 5.3 percent are Latinos of any race (U.S. Census Bureau, 2000). Another 13.1 percent are Asian, 1 percent is Native American, and 4.5 percent are multiracial. Finally, Seattle's per capita black drug arrest rate, and the ratio of the black and white drug arrest rates, are comparatively high. Table 1 shows the black and white per capita drug arrest rates and the ratio of the former to the latter for Seattle and the eighteen other midsized cities whose arrest data were included in the Uniform Crime Reports. As these data make evident, racial disparities in drug arrest rates are particularly pronounced.

Table 1. Black and White Drug Arrest Rates and Arrest Rate Ratio (per 1,000)

	(A) Black	(B) White	A/B Ratio
Detroit	10.7	8.7	1.2
El Paso	11.7	6.2	1.9
Boston	12.7	5.8	2.2
Honolulu	4.7	2.1	2.3
San Jose	35.3	14.7	2.4
Denver	29.8	11.7	2.5
Memphis	3.1	1.1	2.9
Oklahoma City	19.4	6.2	3.1
Baltimore	33.6	9.7	3.5
Ft. Worth	26.7	6.6	4.1
Charlotte-Mecklenburg	13.9	3.1	4.5
Nashville	8.6	1.9	4.5
Austin	22.8	4.9	4.6
Indianapolis	15.1	3.2	4.8
Portland	51.3	8.9	5.8
San Francisco	88.3	12.3	7.2
Columbus	6.6	0.8	8.0
Seattle	61.7	5.8	10.7

Note: This measure of racial disparity compares the black and white drug arrest rates for mid-sized U.S. cities that report their data to the FBI. Arrest figures are based on 2000 UCR data, and include those arrested for any type of drug law violation. Population data are taken from the 2000 U.S. Census. Rate for Charlotte-Mecklenburg are based on population estimates for the city of Charlotte and are therefore inflated. Because most Latinos are white, and also likely to be overrepresented in drug arrests, these estimates likely underestimate the disparity between black and non-Hispanic white arrest rates.

ASSESSING RACIAL DISPARITY IN ARRESTS

Perhaps the most pervasive explanation of racially disparate drug arrest rates attributes these disparities to differential levels of involvement in drug delivery. That is, it may be that blacks and Latinos are more likely to be arrested for delivering drugs because they are more likely to or do so more frequently than their white counterparts. Evaluating this hypothesis requires identifying the racial composition of those who deliver drugs.

DRUG DEALER RACE-ETHNICITY

The Seattle Needle Exchange Survey provides information about the race-ethnicity of Seattle needle exchangers and the race-ethnicity of the person or persons from whom they obtain their drugs. Exchangers were asked to identify any drug or drugs recently obtained and the race-ethnicity of the person who provided these substances. The unit of analysis is thus drug transactions: If black drug dealers were delivering the drugs included in the survey more frequently than white dealers, this would be reflected in the survey results.

The 589 exchangers whose surveys were analyzed described 911 instances of heroin, cocaine (of an unspecified form), methamphetamine, crack, or ecstasy delivery. Most (59 percent) of these transactions involved heroin, another 27.9 percent involved cocaine (presumably powder cocaine, though crack is sometimes injected), 9.1 percent involved methamphetamine, 3.5 percent involved crack cocaine, and .7 percent involved ecstasy. As is shown in Table 2, whites were the largest group of heroin, cocaine, methamphetamine, and ecstasy deliverers. Only in the case of crack cocaine did the majority of transactions involve a black drug deliverer.

These findings only partially support the notion that, for socioeconomic reasons, blacks are more involved in delivering narcotics than whites. Compared with the proportion of Seattle residents who are black (8.4 percent), the number of blacks delivering crack and powder cocaine is significant. On the other hand, black involvement in the delivery of methamphetamine, heroin, and ecstasy is less than what would be predicted on the basis of Seattle demographics, and far less than what would be predicted on the basis of the demographics of those who live in poverty. White and Latino involvement in drug delivery also varies significantly by drug category. Whites are more likely to deliver methamphetamines and ecstasy than would be predicted by their representation in the population, and more likely to deliver heroin than would be predicted by their representation among the poor. Conversely,

RACE, DRUGS, AND POLICING

117

whites are less likely to be involved in crack and cocaine transactions than would be expected. Latino involvement in the heroin and powder cocaine markets is quite striking, and appears to reflect the fact that much of the cocaine and heroin available in the Seattle area is imported from Latin America and Mexico (Banta-Green et al., 2001). Asian involvement in delivery of any type of drug is, according to these data, minimal. In short, the racial and ethnic patterns of involvement in drug delivery appear to vary significantly by drug, and are thus not strictly a function of poverty or disadvantage.

Table 2. Seattle Needle Exchange Survey Data

<i>Drug</i>	<i>Race-Ethnicity</i>	<i>Population %</i>	<i>Poor %</i>	<i>Deliverers % - #</i>	
Meth/Stimulants	White	70.1	43.3	81.9	(68/83)
	Black	8.4	15.8	7.2	(6/83)
	Latino	5.3	9.3	4.8	(4/83)
	Asian	13.1	17.3	0	(0/83)
Heroin	White	70.1	43.3	55.1	(256/465)
	Black	8.4	15.8	7.5	(35/465)
	Latino	5.3	9.3	34.8	(162/465)
	Asian	13.1	17.3	0	(2/536)
Cocaine	White	70.1	43.3	34.6	(88/254)
	Black	8.4	15.8	29.5	(75/254)
	Latino	5.3	9.3	34.3	(87/254)
	Asian	13.1	17.3	0	(1/254)
Crack/Cocaine	White	70.1	43.3	40.6	(13/32)
	Black	8.4	15.8	46.9	(15/32)
	Latino	5.3	9.3	6.5	(2/32)
	Asian	13.1	17.3	0	(0/32)
Ecstasy	White	70.1	43.3	83.3	(5/6)
	Black	8.4	15.8	0	(0/6)
	Latino	5.3	9.3	0	(0/6)
	Asian	13.1	17.3	16.6	(1/6)

Notes: Percentages may not add to 100 due to rounding. Seattle population and poverty figures are 2000 data and are based on U.S. Census Bureau. Seattle needle exchange data were collected in early 2002 and are based on the total number of legible responses from respondents who acquired their drugs in Seattle. Arrest data were provided by the SPD and include data regarding persons arrested by the SPD for drug delivery between January 1999 and April 2001.

Higher rates of needle exchange survey nonparticipation among blacks and Latinos likely reflect the perception that law enforcement's attention is directed at those populations. However, there is no apparent reason to suspect that the race-ethnicity of the person from whom needle

exchangers obtain their drugs would influence exchangers' willingness to complete a survey. If nonrespondents (whose race-ethnicity was recorded) are included in the analysis, and we assume that the same user-dealer relationships exists for respondents and nonrespondents, the estimate of the racial composition of those involved in heroin, methamphetamine, and ecstasy delivery changes very little. For example, if we combine survey respondents and nonrespondents and assume that each have the same user-dealer relationships, the proportion of heroin transactions estimated to involve black drug dealers increases by approximately two-tenths of 1 percent. However, because black cocaine users were more likely to report obtaining their drugs from a black cocaine dealer, the survey results regarding cocaine and crack delivery shown in Table 2 probably underestimate black involvement by a more substantial margin. Although Latinos were also less likely than whites to complete a survey, the fact that very few needle exchange clients were identified as Latino means that this difference has far less impact on the results.

In sum, the results of the Seattle Needle Exchange Survey indicate that a majority of heroin, methamphetamine, and ecstasy transactions, and a slight plurality of powder cocaine transactions, involve a white drug dealer. A substantial minority of the heroin and cocaine transactions involved Latino deliverers. The only drug for which blacks comprise a plurality (46 percent) of dealers was crack cocaine, although racial differences in surveytaking mean that this figure may underestimate black involvement in crack distribution. It is therefore reasonable to assume that a majority of crack transactions involve a black crack dealer. Insofar as a variety of data sources indicate that most of Seattle's methamphetamine, heroin, and powder cocaine users are white and that a majority of its crack users are black (see Beckett et al., 2005), these results are consistent with previous research showing that most drug users obtain their drugs from someone of the same race-ethnicity (see Hunt, 1990; Riley, 1997).

DRUG DELIVERY ARRESTS

From January 1999 to April 2001, the Seattle Police Department (SPD) made 2,786 arrests for the delivery of the five drugs under consideration here. Blacks comprised 64.2 percent of those arrested for delivering one of the five serious drugs under consideration here; another 14.1 percent involved Latinos; and 17.4 percent of those arrested were white. For all drugs other than crack, whites comprised the largest group of arrestees. Most (79 percent) of those arrested for delivering crack cocaine were black. Because the SPD made 2,018 arrests for crack delivery, but only 138 for methamphetamine, ecstasy and powder cocaine combined during the period in question, nearly two-thirds (64.2 percent) of those arrested for delivering one of the five narcotics included in this

RACE, DRUGS, AND POLICING

119

analysis were black. It is thus clear that the SPD's focus on crack cocaine—the drug that is most likely to be used and exchanged by blacks—is an important cause of racially disparate drug delivery arrest rates in Seattle (see Table 3). These results thus provide further evidence that law enforcement's focus on crack offenders may be an important cause of racial disparity in drug arrests (see also Beckett et al., 2005).

Table 3. Statistical Significance of Racial and Ethnic Differences between Populations

<i>Drug</i>	<i>Race-Ethnicity</i>	<i>Arrestees</i>	<i>Deliverers</i>	<i>Arrestees – Deliverers</i>	<i>Z-score</i>
Heroin	Black	15.5% (65/420)	7.5% (35/465)	8	3.7*
	Latino	36.2% (152/420)	34.8% (162/465)	1.6	.42
	White	43.1% (181/420)	55% (256/465)	-11.9	-3.6*
Meth	Black	17.2% (5/29)	7.2% (6/83)	10	1.32
	Latino	13.8% (4/29)	4.8% (4/83)	9	1.32
	White	70% (20/29)	80.7% (67/83)	-10.7	-1.22
Crack-Cocaine	Black	79% (1,595/2,018)	46.9% (15/32)	32.1	3.63*
	Latino	8.1% (163/2,018)	6.5% (2/32)	1.6	.42
	White	8.6% (174/2,018)	40.6% (13/32)	-32	-3.68*

*Indicates a statistically significant disparity ($Z > 2$).

It is also notable that blacks were the majority of those arrested both outdoors (66.2 percent) and indoors (51.9 percent). In fact, arrests involving suspected black dealers outnumbered arrests involving suspected white dealers by nearly two to one (110 versus 56). Thus, although law enforcement's focus on outside venues may contribute to racial disparity in Seattle's drug arrests, these data suggest that blacks are overrepresented among those arrested indoors as well.

Comparison of the survey results and the arrest data indicate that blacks are overrepresented among heroin, methamphetamine, and crack arrestees. For example, 7.5 percent of the heroin deliveries reported by needle exchangers involved a black dealer, yet 15.5 percent of those arrested were black. Conversely, whites are underrepresented among

17459125, 2006, 1, Downloaded from https://onlinelibrary.wiley.com/doi/10.1111/j.1745-9125.2006.00044.x by Northeastern University, Wiley Online Library on [04/09/2024]. See the Terms and Conditions (https://onlinelibrary.wiley.com/terms-and-conditions) on Wiley Online Library for rules of use; OA articles are governed by the applicable Creative Commons License

heroin delivery arrestees as compared with the needle exchange survey results. The same pattern exists in the case of methamphetamine and, on an even larger scale, crack cocaine (although racial differences in needle exchange survey response rates probably led to an undercount of black crack deliverers).

The statistical significance of these disparities is evaluated by assessing the likelihood that the observed racial-ethnic difference in samples from these two populations is attributable to chance. To find this probability, we calculated a Z-score for each comparison. Z-scores of 2 or greater mean that there is at most a 5-percent chance of observing a given difference in the sample proportions if in fact there is no difference between the population proportions. Z-scores of 4 or more mean that there is at most a .01-percent chance of observing a given difference in sample proportions if in fact there is no difference between the population proportions. Because it is not clear whether reports of unspecified “cocaine” use involved powder cocaine or crack, the results regarding cocaine (unless specified as crack) are not included in these comparisons.

The Z-score shown in Table 3 shows that the likelihood that blacks are equally likely to be heroin deliverers and heroin delivery arrestees is extremely small ($Z=3.7$). The over-representation of blacks among crack arrestees and the underrepresentation of whites among heroin and crack delivery arrestees are also statistically significant. Disparities in methamphetamine arrests did not reach statistically significant levels, presumably because of the smaller numbers of transactions reported in the needle exchange survey and the very small number of methamphetamine arrestees. The Z-scores assessing the overrepresentation of Latinos among arrestees are in the expected direction, but do not reach statistically significant levels.

These comparisons are consistent with comparisons of the racial composition of drug delivery arrestees and our ethnographic observations of drug transactions, which indicate that black drug deliverers are overrepresented among those arrested in both racially diverse and predominantly white outdoor settings. Downtown, 38 percent of the drug transactions observed involved black drug deliverers and 39 percent involved white dealers, but 58.6 percent of those arrested for drug delivery in that census tract were black and 20.8 percent were white. Similarly, fewer than 4 percent of all Capitol Hill drug deliveries involved a black drug deliverer and 94 percent involved a white dealer, yet 32 percent of the drug delivery arrests in this area involved black suspects; only 57 percent involved white suspects. Thus, law enforcement’s focus on crack offenders is one of several causes of racial disparity in drug delivery arrests.

RACE, DRUGS, AND POLICING

121

EXPLAINING RACIAL DISPARITY IN ARRESTS

The evidence presented thus far indicates that although a majority of drug transactions involving the five serious drugs under consideration here involve a white drug dealer, 64 percent of those arrested for drug delivery in Seattle from January 1999 to April 2001 were black. The evidence also indicates that law enforcement's focus on crack offenders—to the exclusion of those who deliver other drugs such as heroin and methamphetamine—is an important cause of the overrepresentation of blacks and underrepresentation of whites in Seattle drug delivery arrests. At the same time, there is evidence that blacks are overrepresented among other drug categories as well. In what follows, two other possible causes of racial disparity are explored below: differential access to private space (in the context of the law enforcement's general focus on outdoor drug venues) and law enforcement's focus on outdoor drug venues in the racially diverse downtown area.

DIFFERENTIAL ACCESS TO PRIVATE SPACE

The idea that differential access to private space shapes the likelihood that deviant behavior will be detected has a long pedigree in the sociological literature (see Chambliss and Seidman, 1971; Stinchcombe, 1963). According to this argument, socioeconomic (and hence racial-ethnic) groups possess different levels of access to private space. As a result, the (disproportionately nonwhite) poor are more likely to engage in deviant behavior outdoors; those who engage in illicit conduct in public places are more visible to the police and therefore more likely to be arrested.

This argument sometimes rests on the assumption that law enforcement's proclivity to focus on outdoor drug venues is a (racially neutral) organizational or legal necessity due to the “volume productivity” associated with outdoor busts (Goode, 2002: 43; see also Stuntz, 1998; but see Duster, 1997). The evidence from Seattle indicates that this assumption is unwarranted. Each buy-bust arrest consumed approximately seven officer hours. SPD buy-bust operations yielded an average of .1 grams of drugs and 30 cents (in funds recovered) per officer hour spent on the operation. On average, these arrests resulted in the seizure of .8 grams of narcotics and \$2.04. Search warrant arrests involved an average of eleven officer hours per arrest. However, search warrant arrests yielded an average of 29 grams of drugs and \$289 per officer hour invested. Indoor arrests yielded, on average, 57.9 grams of narcotics and \$853 (see also Beckett et al., 2005). Despite this, over 68 percent of Seattle's serious drug delivery arrests were the result of buy-bust operations; only 7.6 percent occurred indoors.

17459125, 2006, 1, Downloaded from https://onlinelibrary.wiley.com/doi/10.1111/j.1745-9125.2006.00044.x by Northeastern University, Wiley Online Library on [04/09/2024]. See the Terms and Conditions (https://onlinelibrary.wiley.com/terms-and-conditions) on Wiley Online Library for rules of use; OA articles are governed by the applicable Creative Commons License

The question of volume productivity notwithstanding, our data provide some evidence that law enforcement's focus on outdoor drug venues does contribute to racial disparity in drug arrests. Whites comprised a larger share of those arrested for drug delivery indoors than outdoors (25.9 percent versus 15.8 percent); blacks comprised a larger share of those arrested outdoors than indoors (66 percent vs. 51.9 percent). However, the general focus on outdoor drug markets is by no means the sole or primary cause of racial disparity in drug delivery arrests. As has been noted, our data indicate that blacks comprise a smaller share of those who deliver serious drugs other than crack than whites, yet twice as many black as white persons were arrested for drug delivery indoors. Thus, even if Seattle law enforcement concentrated on indoor venues, and other priorities were unchanged, significant racial disparities would remain. In short, the focus on outdoor drug activity does exacerbate racial disparities in drug delivery arrests, but blacks are also overrepresented among those represented indoors. In addition, our findings indicate that outdoor drug markets are not treated alike.

FOCUS ON RACIALLY DIVERSE DOWNTOWN MARKETS

In the ethnographic component of our study, we observed hundreds of outdoor drug transactions in the predominantly white Capitol Hill area; only 4 percent of these drug transactions observed involved a black drug deliverer.⁹ However, despite much visible drug activity in the area, only 28 persons were arrested for delivery of serious drugs in the census tracts encompassing this area during the period under investigation. By contrast, 724 delivery arrests were made in census tract 81, which encompasses the central part of the racially heterogeneous downtown drug market.

Local law enforcement thus made more than twenty-five times more drug delivery arrests in the census tract encompassing this racially diverse downtown than in the census tracts encompassing the predominantly white Capitol Hill drug market. Although more drug activity was observed downtown than in the Capitol Hill area, the magnitude of the downtown drug market does not appear to explain the difference between the arrest rates in the two areas. We observed roughly 2.6 deliveries per hour in the Capitol Hill area and 11.5 per hour downtown. Thus, observed drug deliveries in the downtown market outnumbered those in Capitol Hill by a ratio of 4.4 to 1. However, downtown delivery arrests outnumbered Capitol Hill's by a ratio of more than 25 to 1.

9. These observations are consistent with the results of the needle exchange survey: 87 percent of the drug transactions reported by those who exchanged needles in Capitol Hill involved a white drug source; 5 percent of these transactions involved a black drug deliverer.

RACE, DRUGS, AND POLICING

123

In sum, the evidence indicates that given law enforcement's concentration on outdoor drug venues, (class-based) differences in access to private space exacerbate racial disparity. On the other hand, this pattern is a relatively minor source of racially disparate arrest outcomes, for several reasons. First, blacks arrested indoors outnumber whites by a ratio of more than 2 to 1, despite evidence of substantial white involvement in the delivery of methamphetamine, ecstasy, and heroin and, ostensibly, their greater access to private spaces. Second, there is evidence that the focus on outdoor venues is selective: Racially diverse outdoor drug venues located downtown receive far more attention than do predominantly white outdoor drug markets. Finally, blacks appear to be overrepresented, and whites underrepresented, among those arrested in both racially mixed and predominantly white outdoor drug venues.

Table 4 provides some sense of the relative importance of the focus on outdoor venues in general, the focus on downtown area, and the focus on crack offenders. The implicit logic here is counterfactual. That is, we ask what the impact is of removing outdoor arrests, downtown arrests, and crack arrests on the racial composition of drug arrestees. The results of this thought experiment clearly indicate that the focus on crack offenders and the concentration of police resources in the downtown area are the most significant causes of racial disparity in Seattle's drug arrests. In what follows, we consider various race-neutral explanations for these organizational patterns.

Table 4. Racial Composition of Drug Delivery Arrestees (in percentages)

	<i>Outdoor</i>	<i>Indoor</i>	<i>Downtown</i>	<i>Not Downtown</i>	<i>Crack</i>	<i>Not Crack</i>
Black	66	51.9	69.7	48.7	79	28.2
Latino	16.9	19.7	20.7	16.2	8.1	24.8
White	15.8	25.9	15.9	28.2	8.6	42.4

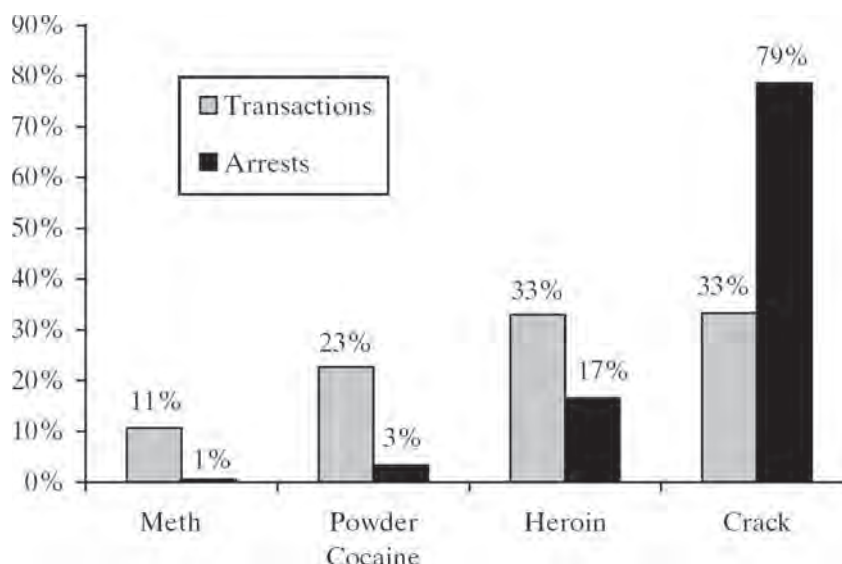
UNDERSTANDING FOCUS ON CRACK

Some analysts have argued that racially disparate drug arrest rates reflect the fact that crack is purchased more frequently, and is more likely to be exchanged outdoors, than other drugs (see Riley, 1997; Sterling, 1997). This conjecture was not supported in our previous study of Seattle's drug market: Drug possession arrests corresponded little, if at all, to the comparative frequency of transactions involving crack, heroin, methamphetamine and powder cocaine (Beckett et al., 2005).¹⁰ Similarly,

10. Estimates of the relative frequency of crack and other drug transactions is based on local ADAM data regarding the frequency and location of drug acquisitions, as

comparison of the estimated frequency of drug transactions by drug type with drug delivery arrests suggests little correspondence between the two (see Figure 1). For example, methamphetamine was involved in an estimated 10.7 percent of outdoor transactions involving one of these four drugs, yet only 1.1 percent of corresponding SPD drug delivery arrests involved methamphetamine. Similarly, the corresponding percentages for powder cocaine are estimated at 22.7 percent and 3.8 percent, and for heroin at 33 percent and 16.4 percent. Thus, powder cocaine, methamphetamine, and heroin are all under-represented in delivery arrests as compared to the distribution of outdoor drug transactions. By contrast, crack cocaine is dramatically overrepresented in these arrests: an estimated 33.3 percent of all drug transactions in Seattle involving one of these four drugs involved crack, yet the vast majority (78.7 percent) of delivery arrests involving these four drugs involved that particular substance.

Figure 1. Drug Delivery Arrests vs. Outdoor Drug Transactions



Note: The percentages shown refer to the estimated proportion of past-month transactions and arrests involving each of the four drugs identified.

well as the estimated number of users of each substance. See Beckett et al. (2005: 430–432) for a more detailed description of this methodology and the data sources used.

RACE, DRUGS, AND POLICING

125

Two additional observations provide further support for the claim that drug delivery arrests do not mirror the distribution of drug transactions. First, 48.2 percent of all *indoor* drug delivery arrests involving a serious drug involved crack cocaine. By contrast, our estimates suggest that approximately 25 percent of the indoor drug transactions involving one of these four drugs involve crack. Second, the downtown drug market that is the site of so many drug arrests is, according to our ethnographic data, dominated by heroin rather than crack. Nonetheless, of those arrested for delivering serious drugs downtown, 62.2 percent were arrested for crack delivery; 30 percent were arrested for delivering heroin. Our observational data provide no evidence that outdoor crack transactions are any more or less visible than outdoor transactions involving other drugs. Thus, neither the prevalence of crack use, nor the frequency or visibility of its delivery, nor even the geographic concentration of police attention to the downtown area appear to explain the preponderance of crack deliverers among indoor and outdoor drug delivery arrestees in Seattle.

It is conceivable that any association of the crack market with an unusual degree of violence might explain law enforcement's focus on crack.¹¹ Although the crack trade has been associated with high levels of systemic violence¹² in some cities during certain periods (Blumstein, 1995; Brownstein et al., 1992; Goldstein et al., 1989), local police officials note that this association does not appear in Seattle during the period in question (see Klement and Siggins, 2001: 37). More generally, there is evidence that the association between the crack market and systemic violence in the 1980s and early 1990s may have been a function of the novelty of the drug and heightened instability of the drug market (Blumstein, 1995; Taylor and Brownstein, 2003). Seattle Police Department Anti-Crime Teams (ACT) records identifying weapons seized in the course of narcotics operations are consistent with this contention.

-
11. This logic is contestable, however. Even if there is more violence associated with the crack trade than with other drug markets, many of those involved in that trade do not resort to violence, and many therefore argue that a more individualized approach to the problem of violence is warranted (USSC, 2002). Second, insofar as most of the violence associated with illegal drugs is a function of the illegal and hence unregulated nature of the markets for those drugs, the violence may be better understood as a consequence of criminal law than a feature of the drugs themselves. Finally, although some studies have found that aggressive drug enforcement can reduce violence (National Institute of Justice, 1995; Sherman, Shaw, and Rogan, 1995), other studies have found that intensified anti-drug enforcement efforts may actually increase the violence associated with the drug trade (Montalvo-Barbot, 1997; Brownstein, 1990; Shepard and Blackley, 2005; Sherman, 1995).
 12. Systemic violence results from the illegal and unregulated nature of the drug trade rather than the psychotropic effects of the drug (see Goldstein et al., 1989).

17459125, 2006, 1, Downloaded from https://onlinelibrary.wiley.com/doi/10.1111/1365-9125.300600044 by Northeastern University, Wiley Online Library on [04/09/2024]. See the Terms and Conditions (https://onlinelibrary.wiley.com/terms-and-conditions) on Wiley Online Library for rules of use; OA articles are governed by the applicable Creative Commons License

Indeed, we found that crack arrests are less, not more, likely to involve gun seizure by the SPD than narcotics arrests involving other drugs (see Beckett et al., 2005). Thus, it does not appear that the focus on crack reflects any particular public safety issues associated with the crack trade.

EXPLAINING FOCUS ON DOWNTOWN AREA

As we have seen, the concentration of police resources downtown (and the comparative tolerance of indoor drug activity and predominantly white outdoor drug markets) also contributes to racial disparity in drug arrests. Two race-neutral factors might explain the focus on the downtown area: the geographic distribution of crime and resident complaints.

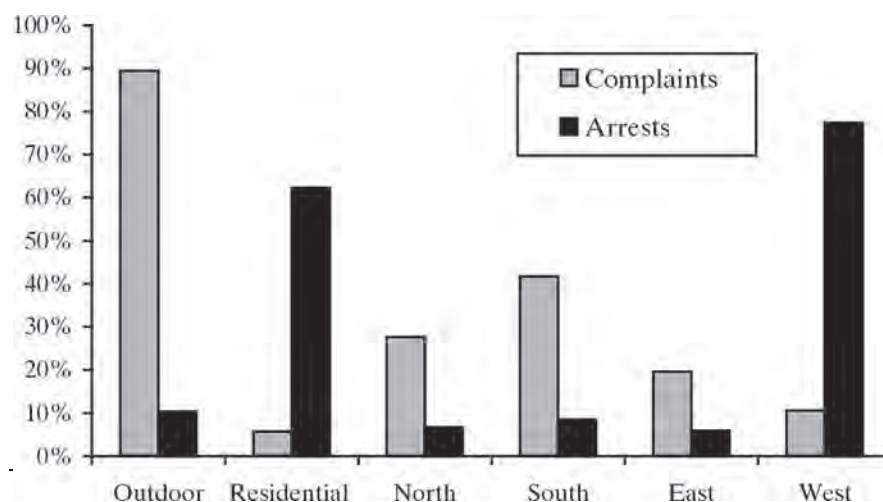
CITIZEN COMPLAINTS

When asked to explain drug law enforcement patterns in Seattle, police officials suggest that SPD deployment decisions are driven primarily by public complaints (see Klement and Siggins, 2001: 26). This conjecture is consistent with the rhetoric of community policing, which calls for greater citizen input into law enforcement priorities. However, analysis of available Seattle Police Department records of citizen complaints regarding suspected narcotics activities (Narcotics Activity Reports, or NARs) indicates that the location and geographic distribution of arrests is inconsistent with citizen concern. In particular, citizen complainants are much more likely to report suspected narcotics activity in residences (63 percent) than in open-air markets (10 percent). In addition, the precinct that is the least likely to be identified as the site of suspected drug activity in citizen complaints (the West Precinct) conducts significantly more drug arrests than the other precincts (see Figure 2).

In short, the concentration of organizational resources that enable the SPD to conduct so many narcotics operations in the West Precinct appears not to correspond to the geographic distribution of citizen complaints as measured by the NARs. It is conceivable that analysis of 911 call data or other indicators of public concern about drug activity would affect this conclusion. NARs, however, are the only measure of citizen complaint that have been made available; this conjecture therefore cannot be empirically assessed. It is also possible that the SPD is responding to more diffuse concerns about the economic vibrancy of the downtown area by concentrating law enforcement resources downtown. Indeed, many observers have linked the focus on the downtown area to gentrification and concerns about the economic vitality of the downtown area, which is increasingly reliant upon tourism and the retail sector (see Klement and Siggins, 2001: 25, 27). Even if the focus on the downtown area is a response to public complaints not captured by the NARs, however, our

data indicate that blacks are overrepresented among drug delivery arrestees relative to those who deliver drugs in downtown outdoor drug markets.

Figure 2. Seattle Drug Delivery Arrests vs. Citizen Complaints, 1999–2001



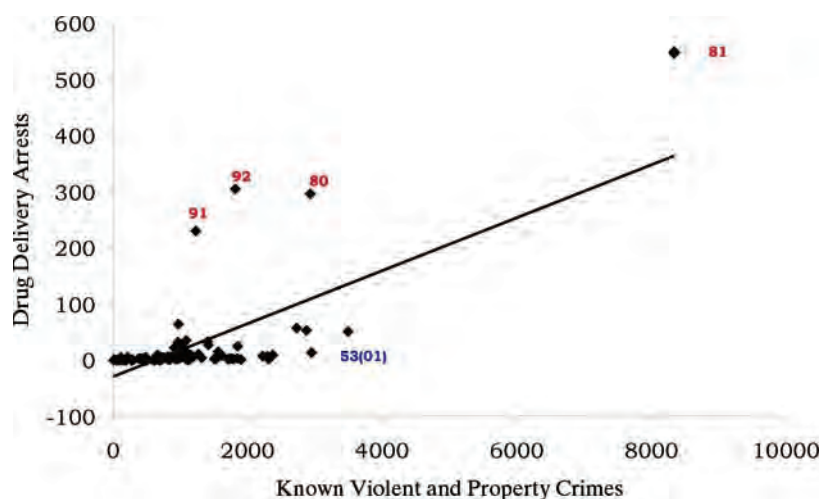
CRIME

Another explanation for the focus on the downtown area suggests that the concentration of drug enforcement downtown is a function of crime rates. That is, it may be that the allocation of drug enforcement resources is commensurate with the severity of the crime problem in particular neighborhoods. A regression analysis of the correlation between crimes known to the police and drug arrests by census tract partially supports this hypothesis ($r^2=.488$). However, if census tract 81 (the downtown tract with the largest number of arrests, and a clear outlier) is removed from the analysis, the percentage of the variation in drug arrests explained by known crimes decreases to 16 percent ($r^2=.16$). The results are nearly identical if property and violent crimes are analyzed separately.

The regression line does a particularly poor job of predicting the relationship between crimes known to the police and drug delivery arrests in census tracts 80, 81, 91, 92, and 53(01). For example, in Figure 3, the slope of the regression line suggests that where there are approximately 3000 crimes known to police, we would expect approximately 100 arrests for drug delivery. Yet in census tract 80, where approximately 3,000 crimes were known to police, there were approximately 300 arrests—three times

what we would expect given the patterns in arrests across the city as a whole.

Figure 3. Correlation of Crimes Known to the Police and Drug Delivery Arrests



To measure whether an observation is significantly different from its predicted value, we standardized the residuals by calculating a Z-score. The results indicate that the racially diverse downtown tracts (80 and 81, $Z = 4.04$ and 3.98 respectively) and the gentrifying area on the south side of downtown known as Pioneer Square (census tracts 91 and 92, $Z = 4.34$ and 5.37 respectively) are significantly “overpoliced” relative to crime rates. Notably, over 70 percent of all arrests for delivery of serious drugs occurred in one of these four census tracts. Underpolicing only reached conventional levels of statistical significance in census tract 53(01), the University District ($Z = -2.09$), characterized by a predominantly white outdoor drug market.¹³ However, several other tracts, including those that encompass the predominantly white Capitol Hill drug market, are also somewhat underpoliced. In short, the available evidence indicates that the allocation of enforcement resources is not explicable in terms of either crime rates or community complaints.

13. Although we did not conduct ethnographic research in the University District, the needle exchange data, anecdotal evidence, and our collective experiences in the area indicate that the drug market in the area during the period in questions was predominantly white.

DISCUSSION AND CONCLUSION

This article draws on a number of data sources to identify the extent and causes of racial disparity in Seattle's drug delivery arrests. There are several important limitations to this study. First, Seattle is unique in several important respects, and these findings, like those of any case study, may not be replicated in other cities. In addition, assessing the race/ethnicity of those who engage in drug delivery and the relative frequency of drug transactions is, as a result of the illicit nature of the drug activity, inherently difficult, and the data sources relied upon here possess a number of important limitations.

Nonetheless, our analysis relies upon multiple data sources that tell a consistent story about the extent and causes of racial disparity in Seattle's drug arrests. Our findings indicate that the majority of those who deliver methamphetamine, ecstasy, powder cocaine, and heroin in Seattle are white; blacks are the majority of those who deliver only one drug: crack. Yet 64 percent of those arrested for delivering one of these five drugs is black. This disparity appears to be the result of three main organizational factors. First, the focus on crack offenders is an important cause of racial disparity in drug arrests (see also Beckett et al., 2005). Second, we find that the focus on outdoor drug activity does exacerbate racial disparity, but that blacks are also overrepresented among indoor arrestees. And, third, outdoor drug markets are not treated alike: Predominantly white outdoor drug markets receive far less attention than racially diverse markets located downtown. It thus appears that the geographic concentration of law enforcement resources is a significant cause of racial disparity.

Our data also indicate that each of the organizational factors that contribute to racial disparity is difficult to explain in race-neutral terms. The focus on crack offenders, for example, does not appear to be a function of the frequency of crack exchanges relative to other serious drugs, public safety issues, or public health concerns (see Beckett et al., 2005). Outdoor buy-bust operations are associated with far less pay-off than indoor drug arrests per officer hour invested, and there is evidence that blacks and whites selling drugs outdoors in the same geographic area are not equally likely to be arrested. Finally, the concentration of enforcement activity in the racially diverse downtown area (and the comparative tolerance of drug activity in predominantly white outdoor spaces and indoor spaces) does not appear to be a function of either citizen complaints or crime rates. The overrepresentation of blacks and underrepresentation of whites among those arrested for delivering illegal narcotics does not appear to be explicable in race-neutral terms.

The question thus becomes how to understand the role of race in the development and implementation of law enforcement's antidrug efforts.

Although it is difficult to rule out racial animus as a factor in Seattle's antidrug efforts, we believe that each of these three organizational practices is more likely to reflect implicit racial bias: the unconscious impact of race on official perceptions of who and what constitutes Seattle's drug problem. This interpretation is based, in part, on evidence that police officers and officials are simply less likely to perceive whites who are involved in illicit drug activity as drug offenders. For example, police officers interviewed about the downtown drug market did not mention a significant and overwhelmingly white market for illegal prescription drugs that operates alongside the crack market (Klement and Siggins, 2001). Similarly, a police officer responsible for the predominantly white Capitol Hill area reported that "heroin sales are concentrated in businesses like coffee shops and restaurants... and rely less on street sales and more on a network of known sellers (quoted in Klement and Siggins, 2001: 13). However, we were able to observe hundreds of outdoor heroin transactions in that area in a fairly short period, the vast majority of which involved white users and dealers. Although indoor drug sales may outnumber outdoor sales in this area, there is clearly significant outdoor drug activity that overwhelmingly involves whites and that appears to be largely invisible to law enforcement.¹⁴

This interpretation of the role of race in drug law enforcement is consistent with research indicating implicit bias is quite widespread and that perceptions of crime-related problems are shaped by racial cues (Correll et al., 2002; Greenwald, Oakes, and Hoffman, 2003; Gilliam and Iyengar, 2000; Quillian and Pager, 2001; Sampson and Raudenbush, 2004), even among persons who do not harbor strongly prejudiced views. This appears to be quite true in the context of drugs as well. Indeed, the widespread racial typification of drug offenders as racialized "others" has deep historical roots and was intensified by the diffusion of potent cultural images of dangerous black crack offenders (see Beckett et al., 2005). These images appear to have had a powerful impact on popular perceptions of potential drug offenders, and, as a result, law enforcement practices in Seattle. For example, the Anti-Crime Teams, which conduct the vast majority of drug busts in Seattle, were created in the 1980s in response to the crack "epidemic" (Klement and Siggins, 2001). ACT officers continue to enact this organizational charge, nearly two decades later, in the course of their daily activities.

At the very least, this study suggests that blacks are substantially overrepresented among those arrested for drug delivery in Seattle and that

14. Indeed, the ethnographer involved in this study did not anticipate observing so many outdoor drug transactions in the Capitol Hill area, and was quite surprised by his results.

the organizational practices that produce this outcome are difficult to explain in race-neutral terms. Evidence of racial disparity in drug law enforcement need not, in and of itself, lead to the conclusion that the drug war must end: If convinced by the evidence presented here, some would likely advocate a more racially equitable war on drugs. But the fact that white drug users and sellers have been so protected from the threat of detection and sanction, that race has been central to drug wars of the past (Kennedy, 2003), and that the majority of those swept up in drug wars past and present inhabit the very lowest levels of the illegal drug industry, raises a host of crucial questions. Why has our society been willing to impose this set of policies so disproportionately on people of color? Are we willing to incur the political and financial costs of imposing this set of policies in all communities where people use and deliver illegal drugs? If not, perhaps the time has come to consider the possibility that these policies are not the most appropriate, efficacious and humane way of responding to those enmeshed in drug markets after all.

REFERENCES

- Austin, Roy L., and Mark D. Allen. 2000. Racial disparity in arrest rates as an explanation of racial disparity in commitment to Pennsylvania's prisons. *Journal of Research in Crime and Delinquency* 37(2):200–221.
- Banta-Green, Caleb, Ellen Silverman, Susan Kingston, Michael Hanrahan, Steve Freng, T. Ron Jackson, Kris Nyrop, Arnold F. Wrede, Mark McBride, Ann Forbes, Joe Kabel, Hanne Thiede, Richard Harruff, and Greg Hewett. 2001. Seattle: Recent drug abuse trends in Seattle-King County Area. In *Proceedings of the Community Epidemiology Work Group*, vol. II. NIH Publication No. 03-5110A. Bethesda, MD: National Institutes of Health, National Institute on Drug Abuse. http://www.drugabuse.gov/PDF/CEWG/Vol2_602.pdf.
- Baumer, Eric. 1994. Poverty, crack, and crime: A cross-city analysis. *Journal of Research in Crime and Delinquency* 31:311–327.
- Becker, Howard, ed. 1964. *The Other Side: Perspectives on Deviance*. New York: Free Press.
- Beckett, Katherine. 1997. *Making Crime Pay*. New York: Oxford University Press.
- Beckett, Katherine, Kris Nyrop, Lori Pfingst, and Melissa Bowen. 2005. Drug use, drug arrests, and the question of race: Lessons from Seattle. *Social Problems* 52(3) (August):419–441.
- Blumstein, Alfred. 1993. Racial disproportionality of U.S. prison populations revisited. *University of Colorado Law Review* 64:743–760.

- Blumstein, Alfred. 1995. Youth violence, guns, and the illicit-drug industry. *Journal of Criminal Law & Criminology* 86:10–29.
- Bobo, Lawrence D., and Devon Johnson. 2004. A taste for punishment: Black and white American's views on the death penalty and the war on drugs. *Du Bois Review* 1(1):151–180.
- Brownsberger, William N. 2000. Race matters: Disproportionality of incarceration for drug dealing in Massachusetts. *Journal of Drug Issues* 30(2):345–374.
- Brownstein, Henry H., H.R.S. Baxi, Paul J. Goldstein, and Patrick J. Ryan. 1992. The relationship of drugs, drug trafficking, and drug traffickers to homicide. *Journal of Crime and Justice* 15:25–44.
- Brubaker, Rogers, Mara Lovemen, and Peter Stamatov. 2004. Ethnicity as cognition. *Theory & Society* 33:31–64.
- Bureau of Justice Statistics. 2005. *Total Estimated Drug Law Violation Arrests in the United States, 1980–2003*. Washington, DC: U.S. Department of Justice, Office of Justice Programs. <http://www.ojp.usdoj.gov/bjs/dcf/tables/arrtot.htm>.
- Burr, Angela. 1987. Chasing the dragon: Heroin misuse, delinquency and crime in the context of south London culture. *The British Journal of Criminology* 27:333–357.
- Burston, B. W., B. Jones, and P. Robertson-Saunders. 1995. Drug use and African-Americans: Myth versus reality. *Journal of Alcohol and Drug Education* 40(2):19–39.
- Chambliss, William J., and Richard Seidman. 1971. *Law, Order and Power*. Reading, MA: Addison-Wesley.
- Cohn, Steven F., and Steven E. Barkan. 2004. Racial prejudice and public attitudes about the punishment of criminals. In Robin Miller and Sandra Browning (eds.), *For the Common Good: a Critical Examination of Law and Social Control*. Durham, NC: Carolina Academic Press.
- Cornelius, Diana. 2003. *Demographic snapshots: Seattle poverty rates vary widely*. Seattle, WA: Department of Planning and Development. http://www.ci.seattle.wa.us/DCLU/demographics/snapshots/poverty_december2003.pdf.
- Correll, Joshua, Bernadette Park, Charles Judd, and Bernd Wittenbrink. 2002. The police officer's dilemma: Using ethnicity to disambiguate potentially threatening individuals. *Journal of Personality and Social Psychology* 56:5–18.
- Crutchfield, Robert, George S. Bridges, and Susan R. Pitchford. 1994. Analytical and aggregation biases in analysis of imprisonment:

RACE, DRUGS, AND POLICING

133

- Reconciling discrepancies in studies of racial disparity. *Journal of Research in Crime and Delinquency* 31(2):166–182.
- Currie, Elliott. 1994. *Reckoning: Drugs, the Cities, and the American Future*. New York: Hill and Wang.
- Davis, Corey S., Scott Burris, Julie Kraut-Becher, Kevin G. Lynch, and David Metzger. 2005. Effects of an intensive street-level police intervention on syringe exchange program use in Philadelphia, PA. *American Journal of Public Health* 95(2):233–236.
- D'Alessio, Stewart J., and Lisa Stolzenberg. 2003. Race and the probability of arrest. *Social Forces* 81(4):1381–1397.
- DeFleur, Lois B. 1975. Biasing influences on drug arrest records: Implications for deviance research. *American Sociological Review* 40:88–103.
- Donziger, Steven R., ed. 1996. *The Real War on Crime: The Report of the National Criminal Justice Commission*. New York: HarperPerennial.
- Duster, Troy. 1997. Pattern, purpose and race in the drug war. In Craig Reinerman and Harry Levine (eds.), *Crack in America: Demon Drugs and Social Justice*. Berkeley: University of California Press.
- Friedman, Samuel R., Tim F. Chapman, Theresa E. Perlis, Russell Rockwell, Denise Paone, Jo L. Sotheran, and Don C. Des Jarlais. 1999. Similarities and differences by race/ethnicity in changes of HIV seroprevalence and related behaviors among drug injectors in New York City, 1991–1996. *Journal of Acquired Immune Deficiency Syndromes* 22(1)(September):82–91.
- Gilens, Martin. 1995. Racial attitudes and opposition to welfare. *The Journal of Politics* 57(4):994–1014.
- Gilens, Martin. 1996. 'Race coding' and white opposition to welfare. *American Political Science Review* 90(3):593–604.
- Gilliam, Franklin D., Jr., and Shanto Iyengar. 2000. Prime suspects: The influence of local television news on the viewing public. *American Journal of Political Science* 44:560–573.
- Gilliam, Franklin D., Jr., Nicholas Valentino, and Matthew N. Beckmann. 2002. Where you live and what you watch: The impact of racial proximity and local television news on attitudes about race and crime. *Political Research Quarterly* 55(4):755–787.
- Goldstein, Paul J., Henry Brownstein, Patrick J. Ryan, and Patricia A. Bellucci. 1997. Crack and homicide in New York City: A case study in the epidemiology of violence. In Craig Reinerman and Harry G. Levine

- (eds.), *Crack in America: Demon Drugs and Social Justice*. Berkeley: University of California Press.
- Goode, Erich. 2002. Drug arrests at the millennium. *Society* 39(5):41–45.
- Greenwald, Anthony G., Mark A. Oakes, and Hunter G. Hoffman. 2003. Targets of discrimination: Effects of race on responses to weapon holders. *Journal of Experimental Social Psychology* 39:399–405.
- Hagan, John. 1994. *Crime and Disrepute*. Thousand Oaks, CA: Pine Forge Press.
- Hagedorn, John M. 1994. Homeboys, dope fiends, legitis, and new jacks. *Criminology* 32(2):197–219.
- Hall, Stuart. 1980. Race, articulation and societies structured in dominance. In *Sociological Theories: Race and Colonialism*. Paris: UNESCO.
- Hunt, Dana E. 1990. Drugs and consensual crimes: Drug dealing and prostitution. In Michael Tonry and James Q. Wilson (eds.), *Drugs and Crime*. Chicago: University of Chicago Press.
- Iyengar, Shanto. 1995. Effects of framing on attributions of responsibility for crime and terrorism. In R.V. Erickson (ed.), *Crime and the Media*. Aldershot, UK: Dartmouth.
- Jenkins, Philip. 1999. *Synthetic Panics: The Symbolic Politics of Designer Drugs*. New York: New York University Press.
- Johnson, Weldon T., Robert E. Peterson, and Edward Wells. 1977. Arrest probabilities for marijuana users as indicators of selective law enforcement. *American Journal of Sociology* 83(3):681–699.
- Kennedy, Joseph E. 2003. Drug wars in black and white. *Law and Contemporary Problems* 66(3):153–182.
- Klement, Tal, and Elizabeth Siggins. 2001. *A Window of Opportunity: Addressing the Complexities of the Relationship between Drug Enforcement and Racial Disparity in Seattle*. Seattle, WA: The Defender Association. <http://www.defender.org/racial-disparity.html>.
- Lambert, Elizabeth Y., Rebecca S. Ashery, and Richard H. Needle. 1995. *Qualitative Methods in Drug Abuse and HIV Research*. NIDA Research Monograph 157. Bethesda, MD: National Institutes of Health, National Institute on Drug Abuse.
- Lu, Natalie T., Bruce G. Taylor, and Jack K. Riley. 2001. The validity of adult arrestee self-reports of crack cocaine use. *American Journal of Drug and Alcohol Abuse* 27(3):399–419.
- Lusane, Clarence. 1991. *Pipe Dream Blues: Racism and the War on Drugs*. Boston, MA: South End Press.

RACE, DRUGS, AND POLICING

135

- Manderson, Desmond. 1997. Substances as symbols: Race rhetoric and the tropes of Australian drug history. *Social & Legal Studies* 6(3):383-400.
- Montalvo-Barbot, Alfredo. 1997. Crime in Puerto Rico: Drug trafficking, money laundering, and the poor. *Crime & Delinquency* 43(4):533-548.
- Morris, Aldon. 1996. What's race got to do with it? *Contemporary Sociology* 25(3):309-313.
- Musto, David F. 1987. *The American Disease: Origins of Narcotics Control*. Oxford: Oxford University Press.
- National Institute of Justice. 1995. *Community Policing Strategies*. Washington, DC: U.S. Department of Justice, Office of Justice Programs. <http://www.ncjrs.org/pdffiles/cpstrat.pdf>.
- Omi, Michael, and Howard Winant. 1986. *Racial Formation in the United States: From the 1960s to the 1980s*. New York: Routledge and Kegan Paul.
- Quillian, Lincoln, and Devah Pager. 2001. Black neighbors, higher crime? The role of racial stereotypes in evaluations of neighborhood crime. *American Journal of Sociology* 107(3):717-767.
- Reinarman, Craig, and Harry G. Levine. 1997. *Crack in America: Demon Drugs and Social Justice*. Berkeley: University of California Press.
- Rich, Josiah, Larkin Strong, Christopher Towe, and Michelle McKenzie. 1999. Obstacles to needle exchange participation in Rhode Island. *Journal of Acquired Immune Deficiencies* 21(5):396-400.
- Riley, Jack K. 1997. *Crack, Powder Cocaine, and Heroin: Purchase and Use Patterns in Six Cities*. Washington, DC: U.S. Department of Justice, National Institute of Justice and Office of National Drug Control Policy.
- Roberts, Julian V., and Loretta J. Stalans. 1997. *Public Opinion, Crime, and Criminal Justice*. Boulder, CO: Westview Press.
- Russell, Katheryn. 1998. *The Color of Crime: Racial Hoaxes, White Fear, Black Protectionism, Police Harassment, and Other Macroaggressions*. New York: New York University Press.
- Sampson, Robert J., and Stephen W. Raudenbush. 2004. Seeing disorder: Neighborhood stigma and the social construction of broken windows. *Social Psychology Quarterly* 67(4):319-342.
- Shepard, Edward M., and Paul Blackley. 2005. Drug enforcement and crime: Recent evidence from New York State. *Social Science Quarterly* 86(2)(June):323-342.
- Sherman, Lawrence. 1995. The police. In James Q. Wilson and Joan Petersilia (eds.), *Crime*. San Francisco: ICS Press.

17459125, 2006, 1, Downloaded from https://onlinelibrary.wiley.com/doi/10.1111/j.1745-9125.2006.00044.x by Northeastern University, Wiley Online Library on [04/09/2024]. See the Terms and Conditions (https://onlinelibrary.wiley.com/terms-and-conditions) on Wiley Online Library for rules of use; OA articles are governed by the applicable Creative Commons License

- Sherman, Lawrence, James Shaw, and Dennis P. Rogan. 1995. *The Kansas City Gun Experiment*. Washington, DC: U.S. Department of Justice, Office of Justice Programs, National Institute of Justice.
- Steiner, Benjaim D. 2001. The consciousness of crime and punishment: Reflections on identity politics and lawmaking in the War on Drugs. *Studies in Law, Politics and Society* 23:185-212.
- Sterling, Eric E. 1997. Drug policy: A smorgasbord of conundrums spiced by emotions around children and violence. *Valproraio Law Review* 32(2):597-645.
- Stinchcombe, Arthur. 1963. Institutions of privacy in the determination of police administrative practices. *American Journal of Sociology* 69:150-60.
- Stuntz, William J. 1998. Race, class and drugs. *Columbia Law Review* 98:1795-1842.
- Substance Abuse and Mental Health Services Administration (SAMHSA). 2001. *Summary of Findings from the 2000 National Household Survey on Drug Abuse*. DHHS Publication No. SMA 01-3549. Rockville, MD: U.S. Government Printing Office.
- Taylor, Bruce, and Henry H. Brownstein. 2003. Toward the operationalization of drug market stability. *Journal of Drug Issues* 33(1):73-98.
- Taylor, Bruce G., Nora Fitzgerald, Dana Hunt, Judy A. Reardon, and Henry Brownstein. 2001. *2000 Findings on Drug Use and Drug Markets: Adult Male Arrestees*. Washington, DC: U.S. Department of Justice, Office of Justice Programs.
- Tonry, Michael. 1995. *Malign Neglect: Race, Crime, and Punishment in America*. New York: Oxford University Press.
- U.S. Census Bureau. 2000. *Profile of General Demographic Characteristics: Washington*. Census 2000 Summary File (SF-1). Table DP-1. Washington, DC: U.S. Government Printing Office. http://factfinder.census.gov/servlet/QTTable?_bm=y&-geo_id=04000US53&-qr_name=DEC_2000_SF1_U_DP1&-ds_name=DEC_2000_SF1_U.
- U.S. Sentencing Commission (USSC). 2002. *Report to Congress: Cocaine and Federal Sentencing Policy*. Washington, DC: U.S. Sentencing Commission. http://www.ussc.gov/r_congress/02crack/2002crackrpt.htm
- Warner, Barbara D., and Brandi Wilson Coomer. 2003. Neighborhood drug arrest rates: Are they a meaningful indicator of drug activity? A research note. *Journal of Research in Crime and Delinquency* 40(2): 123-138.

RACE, DRUGS, AND POLICING

137

Word, David L., and R. Colby Perkins, Jr. 1996. *Building a Spanish surname list for the 1990s—A new approach to an old problem*. Washington, DC: U.S. Bureau of the Census, Population Division.

Katherine Beckett is an associate professor in the Department of Sociology and the Law, Societies & Justice Program at the University of Washington in Seattle. Her research focuses on the culture and politics of crime-related social problems, with a particular emphasis on the role of race. Her recent articles have appeared in *Social Problems*, *Law & Society Review*, and the *American Journal of Sociology*. She is author of *Making Crime Pay* (Oxford University Press 1997) and, with Theodore Sasson, of *The Politics of Injustice* (Sage Publications 2004).

Kris Nyrop is ABD in anthropology at the University of Washington, and is currently the director of *Street Outreach Services* in Seattle. His research interests include harm reduction, the epidemiology of drug use, and drug policy reform. Kris is a co-author, with Katherine Beckett, Lori Pfingst, and Melissa Bowen, of a recently published analysis of the role of race in drug possession arrests (*Social Problems*, August 2005).

Lori Pfingst is a graduate student in the Sociology Department at the University of Washington and research associate at Washington Kids Count. Her research focuses on the intersection of public health and crime-related problems. Lori is a co-author with Katherine Beckett, Kris Nyrop, and Melissa Bowen of a recently published analysis of the role of race in drug possession arrests (*Social Problems*, August 2005).

17459125, 2006, 1, Downloaded from https://onlinelibrary.wiley.com/doi/10.1111/j.1745-9125.2006.00044.x by Northeastern University, Wiley Online Library on [04/09/2024]. See the Terms and Conditions (https://onlinelibrary.wiley.com/terms-and-conditions) on Wiley Online Library for rules of use; OA articles are governed by the applicable Creative Commons License