# A WINDOW OF OPPORTUNITY

## ADDRESSING THE COMPLEXITIES OF THE RELATIONSHIP BETWEEN DRUG ENFORCEMENT AND RACIAL DISPARITY IN SEATTLE

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Is there a relationship between the Seattle Police Department's drug enforcement decisions, strategies, and practices and racial disparity in drug arrest rates and, if so, how could this relationship be addressed?

### Background & Analysis

In recent years, the issue of racial disparity at various stages of the criminal justice process has received an increasing amount of public attention. It is important to understand from the outset that this report is not about looking for racial bias, racial profiling, or intentional discrimination within the Seattle Police Department. Instead, this report seeks to understand how the priorities, constraints, strategies, and tactics of local drug enforcement decisions might be related to racially disparate outcomes.

This report analyzes the patterns of drug use, markets, and enforcement in Seattle. These analyses are based on available data and reports about Seattle Police Department enforcement practices and outcomes (including limited arrest and deployment statistics) as well as a multitude of reports on drug use indicators and prevalence rates. Based on a simple comparison of the racial breakdown of arrests with the breakdown of the general population in Seattle, there is a disparity that is not necessarily explained by drug use prevalence rates. However, no data is available on the racial breakdown of the sellers of narcotics. Given the significant limitations of the available data and our primary goal of understanding how enforcement decisions are made and carried out, the bulk of this report relies on a qualitative analysis based on over thirty interviews conducted with individuals from around Seattle and King County, including representatives from law enforcement, prosecution, defense, members of the judiciary, treatment providers, and individuals representing a number of community perspectives.

## Findings & Recommendations

**Our analysis suggests that there is a relationship between police drug enforcement and racial disparity that is complex and indirect, but not impossible to address.** This relationship does not mean that the police are intentionally targeting persons of color. Instead, drug enforcement practices focus on visible street-level markets, which tend to disproportionately involve persons of color, but are not necessarily reflective of all drug markets in Seattle. There are a number of factors that contribute to this complex relationship:

**The Seattle Police Department's mandate with respect to drug enforcement is unclear.** The Seattle Police Department, like other municipal police agencies around the country, is faced with the unenviable task of utilizing law enforcement resources to address the effects of a multifaceted national problem without a clear mandate or the support they need. The police explain that they are responding to community complaints and concerns, but there are implications to SPD's identification of and response to "community complaints and concerns." It is important to keep in mind that no community has one voice and often, the concerns of the community are far more complex than they are portrayed. Additionally, the geographic distribution of formal narcotics complaints do not necessarily reflect the concentration of drug arrests.

**The response-driven nature of drug enforcement does not necessarily fit the complex realities of drug markets.** SPD recognizes that a significant portion of drug dealing and drug use occurs behind closed doors and out of public view. They also agree that these more private markets fall largely outside the radar of SPD enforcement because their efforts are largely focused on the public use and sale of illicit drugs. But, they suggest community concerns as well as other constraints (i.e., legal factors) limit their ability to enforce against non-public drug markets. This focus on public drug sales, however, is related to a concentration of narcotics arrests in certain areas, particularly in the downtown core, and perhaps with certain drugs, such as crack cocaine. The information-driven response employed by SPD may not be effective in addressing the more private drug markets that exist in other neighborhoods that often involve other drug types.

**SPD enforcement efforts target a limited conception of the harm of drug use and markets.** Crime and other ancillary effects are related to *all* drugs, including those that fall outside of SPD's radar. While drug enforcement since the crack epidemic is often characterized as targeting the violence associated with drug markets, it appears that the violence associated with the crack trade in Seattle has declined significantly and the focus of enforcement is more on the quality of life effects of public drug use and markets.

**The current focus on "sellers" versus "buyers" is problematic.** While the sellers in many of the public drug markets may be disproportionately represented by people of color, the buyers appear to be much more racially diverse. Police drug enforcement is concentrated primarily on those who sell illegal drugs as compared to those who buy them. This disparity is due, in part, to a social conception that dealers are somehow more morally culpable than buyers. The realities of the street-level drug markets, however, suggest that there may be a much finer line between buyers and sellers than the laws reflect. In addition, most law enforcement interviewees readily admit their limited ability to close down open air drug markets; some of the most "popular" hot spots still exist where they were over a decade ago.

**There is an important window of opportunity to address these issues.** Despite the complicated nature of the issues discussed in this report, there are ways to address the relationship between police drug enforcement and racial disparity—policies that could result in less disparate outcomes and perhaps even relieve the police department of what is essentially an impossible mandate. There are a number of groups in Seattle and throughout the state currently working together on these topics and there is a sense that the public and political sentiment is shifting toward a greater openness to change, specifically with respect to drug and drug enforcement policies. Our proposed recommendations include:

- Develop an overall narcotics enforcement strategy that is transparent throughout the Seattle Police Department and to the public.
- Reprioritize drug enforcement efforts so that more attention is paid to those who purchase illegal narcotics instead of focusing primarily on those who sell narcotics.
- Develop performance measurements that allow police administrators and the public to evaluate the effectiveness of narcotics enforcement beyond rates of arrest.
- Reevaluate the consequences of post-arrest policies, which may contribute to racial disparity and the ineffectiveness of current policies.
- Advocate to increase the availability of treatment beds.

- Participate in discussions about harm reduction and decriminalization of certain drugs and activities.
- Conduct an in-depth analysis of narcotics activity, enforcement efforts, and arrest patterns.

# SECTION I. INTRODUCTION

Central Question of this Report[1]:

**Is there a relationship between the Seattle Police Department's drug enforcement decisions, strategies, and practices and racial disparity in drug arrest rates and, if so, how could this relationship be addressed?**

Over the past few years, the discussion of racial disparity within criminal justice has become an increasingly prominent topic of study and discussion around the country. The City of Seattle is no exception. There are a number of groups exploring this topic in Seattle and King County, among them the Racial Disparity Project at the Seattle/King County Public Defender Association (PDA). According to Lisa Daugaard, Public Defender, "The mission of the Racial Disparity Project is to reduce racial disparities in the Seattle/King County criminal justice system, through litigation, public policy advocacy, public education and grassroots organizing together with our clients and their families." In the Fall of 2000, the Racial Disparity Project asked us to analyze the potential relationship between police drug enforcement and racial disparity in Seattle. In December 1999, the Washington State Supreme Court's Minority & Justice Commission had released a report, entitled "The Impact of Race and Ethnicity on Charging and Sentencing Processes for Drug Offenders in Three Counties in Washington State." This report found, "no evidence that race and ethnicity are important factors affecting charging decisions for drug offenders."[2] But the report also suggested "further study should be done of law enforcement practices."[3] For this reason, the Minority & Justice Commission's Report (MJCR) was the stepping off point for our analysis as we attempted to understand how drug enforcement decisions are made in the City of Seattle, whether there is a relationship between drug enforcement and racial disparity in the offender population, and, if so, which policies could help to address this disparity. We wish to make clear that while the Racial Disparity Project originally requested this analysis, we undertook this project with the understanding that unless we could present as comprehensive and unbiased a report as possible, our efforts to address the underlying issues would be futile. We hope we have met that challenge.

[1] The John F. Kennedy School of Government at Harvard University requires all students pursuing a Master in Public Policy degree to complete a Policy Analysis Exercise (equivalent to a Master's Thesis). This report was prepared as part of that process.
[2] Minority & Justice Commission Report, 2.
[3] Minority & Justice Commission Report, 70.

## Background – The Minority & Justice Commission Report

The Minority and Justice report examined the role of race and ethnicity in the case processing and sentencing of felony drug offenders in King, Yakima, and Pierce counties. Specifically, the Commission explored questions of "whether, and how, offenders' race or ethnicity is related to charging decisions, and how those decisions, as well as offenders' race or ethnicity, may affect courts' use of sentencing options for drug offenders, including the use of treatment-based alternatives to standard prison sentences."[4]

The report concluded:

- "Charges are routinely changed between initial filing and conviction, suggesting that the decision-making that occurs prior to sentencing often has a greater impact on the punishment that offenders receive than does the exercise of discretion in sentencing. If there are differences in the way these decisions are made for different racial and ethnic groups, such differences could contribute to sentencing disparities that would be masked by 'legal' factors (i.e., attributed to offending behavior) at the sentencing level" and

- "These changes in the severity of charges are, for the most part, *not* related to race or ethnicity."[5]

However, throughout the Minority & Justice report, the authors note the important role that law enforcement decisions may have on affecting later criminal justice decisions. While sentencing disparities may be explained by "legal factors," many of these legal factors are determined by where arrests are made and how they are made. As the Minority & Justice report points out "Judges can only impose sentences in cases where prosecutors have filed charges, and prosecutors can only file charges in cases that are apprehended by law enforcement…Thus, if differences by race and ethnicity *are* manifested in decisions made by law enforcement, or in the nature of the evidence they provide, these differences will have important ramifications throughout the criminal justice system."[6]

**Our analysis explores this potential relationship between law enforcement practices and racial disparity.**

## The Harm of Racial Disparity

In recent years, the issue of racial disparity at various stages of the criminal justice process has received an increasing amount of public attention. These public discussions, although often difficult, are

[4] Minority & Justice Commission Report, 1.
[5] Refer to Appendix A for more details about the Minority & Justice Commission's report analysis.
[6] Minority & Justice Commission, 43.

extremely important. Criminal *justice* cannot exist without the perception of fairness and justice. Every aspect of the "system" is threatened if significant segments of the population believe that people are treated differently depending on race, social class, place of residence or any other personal characteristic.

The existence and indeed, even the perception of racial disparity, is harmful—both for the individuals who are disproportionately affected as well as for society as a whole. To the extent that racial disparity is the result of racial bias or intentional discrimination, such actions should not, in any way, be tolerated. It is important to understand, however, from the outset, *this report is not about looking for racial bias, racial profiling, or intentional discrimination*. Instead, this report seeks to understand how the priorities, constraints, strategies, and tactics of local drug enforcement decisions might be related to racially disparate outcomes.

Our analysis suggests that there is a relationship between police drug enforcement tactics and racial disparity that is complex and indirect. There are, however, ways to address this disparity—policies that could result in less disparate outcomes and perhaps even relieve the police department of what is essentially an impossible mandate.

**Methodology**

In grappling with the extent of racial disparity and in an attempt to understand and present useful ways to think about these issues, we analyzed available data and reports on Seattle Police Department enforcement practices and outcomes (including arrest and deployment statistics) as well as a multitude of reports on drug use indicators and prevalence rates. It is important to note that there are critical limitations to the quantitative data available, each of which are discussed further in the appropriate sections, and therefore this report includes a limited amount of quantitative analysis. In summary, much of the available data does not report Hispanics/Latinos separately; race and ethnic categories are defined inconsistently; some data is available for the City of Seattle while other data sources present information for the entire King County; some arrest data includes individual arrests while other data includes events resulting in arrest (which could mean more than one individual arrested); and geographic boundaries are not always consistently defined.

Given these limitations and our goal of understanding how enforcement decisions are made and carried out, the bulk of this report relies on a qualitative analysis based on over thirty interviews conducted

with individuals from around Seattle and King County, including representatives from law enforcement, prosecution, defense, members of the judiciary, treatment providers, and individuals representing a number of community perspectives.[7] While our qualitative analysis should not be viewed as exhaustive of all the available perspectives, we hope that we have presented as comprehensive a view of this problem as is possible given the constraints of time and distance placed upon us.

**Structure of Report**

This report is presented in six sections. Section II. explores how racial disparity should be defined and understood. In particular, this section presents some of the many complications involved in determining the extent of disparity with imperfect data on population counts, arrests, convictions, and prevalence of drug use. Section III. presents an analysis of drug use patterns and markets in Seattle. This section conveys some of the important distinctions between drug types as well as highlights the complexity of both usage patterns and the operation of drug markets. Section IV. is an analysis of drug enforcement practices in Seattle. This section presents an overview of narcotics enforcement resources and practices throughout the Seattle Police Department as a whole and within each of the four precincts. The section also explains some of the key ways in which those at the Department describe and understand their role in drug enforcement. Section V. presents our findings based on the analysis in previous sections and additional thoughts and insights from all those that we interviewed. Finally, Section VI. contains our recommendations.

[7] A complete list of interviews is presented in the Sources section.

# SECTION II. DEFINING DISPARITY

One of the problems with discussing potential racial disparity and drug offense is that there are several ways one could define the racial disparity. In this section, we first apply the common definition of disparity: a comparison of the rates of racial or ethnic group representation in the general population with the available data of racial or ethnic group breakdown in drug arrests/convictions. A problem with this approach is that the general population may not be the appropriate comparison group if there are racial and ethnic group differences in the *potential* offending behavior. Therefore, we also compare the racial/ethnic group breakdown of available arrest/conviction data with the estimated racial and ethnic group breakdown of users of illicit drugs (*potential* offenders) drawn from the Department of Alcohol and Substance Abuse Profile of Substance Abuse and Need for Treatment Services in Washington State ("DASA Profile"). We recognize that this comparison is also open to criticism because it does not estimate the sale of narcotics – another *potential* offending behavior. Because neither of these approaches provides a complete picture of the "problem" of racial disparity, a substantial part of our analysis relies on a qualitative analysis of drug use patterns, markets and enforcement practices (discussed in the next two sections).[8]

### Racial Demographics for the City, County, and State

As Table 1 (below) shows: According to the most recent census data,[9] Whites make up 68% of the Seattle population, 73% of the population in King County, and 79% of Washington state's population. African Americans are 8% of Seattle's population, 5% in King County, and 3% in Washington state. The Hispanic population (of any race) represents 5% of Seattle's population, 5.5% in King County, and 7.5% in Washington state. Asian Americans are 13% of the population in Seattle, 11% in King County, and 5% in Washington state. Native Americans are almost 1% of Seattle's population, 0.8% in King County, and 1.4% in Washington state.

[8] Unfortunately, consistent data is not available for the City of Seattle. Much of the data presented here covers all of King County, some focuses specifically on the City, and some covers the entire State of Washington. Such is the nature of data collection.

[9] Refer to Appendix B for information on the most recent census data available for Seattle, King County, and Washington State.

**Table 1. Census Data for Seattle, King County, and Washington State, 2000.**

| Race/Ethnicity | City of Seattle | King County | State of Washington |
|---|---|---|---|
| **White** | 67.9% | 73.4% | 78.9% |
| **Black/African American** | 8.3% | 5.3% | 3.1% |
| **American Indian/Alaska Native** | 0.9% | 0.8% | 1.4% |
| **Asian** | 13.0% | 10.7% | 5.4% |
| **Native Hawaiian/Pacific Islander** | 0.5% | 0.5% | 0.4% |
| **Other Race** | 0.3% | 0.3% | 0.2% |
| **Two or More Races** | 3.9% | 3.5% | 3.0% |
| **Hispanic/Latino (any race)** | 5.3% | 5.5% | 7.5% |

Source: U.S. Census Bureau, Census 2000 Redistricting Data

## Disparity: A Comparison of the Arrested/Convicted Population with the General Population

An analysis of Seattle Police Department 1999 adult narcotics arrest data (Table 2 below) suggests that citywide, approximately 57% of adult drug arrestees were Black; 39% were White, 3% were Asian, and almost 2% were Native American.[10]

**Table 2. SPD Adult Drug Arrests by Precinct by Race[11]**

| Race | North Precinct | South Precinct | East Precinct | West Precinct | Citywide |
|---|---|---|---|---|---|
| **White** | 59.8% | 26.7% | 31.5% | 39.3% | 38.7% |
| **Black** | 36.9% | 65.4% | 63.9% | 56.7% | 56.7% |
| **Asian** | 2.2% | 6.8% | 3.4% | 1.8% | 3.0% |
| **Native American** | 1.1% | 1.0% | 1.2% | 2.2% | 1.6% |
| **Total** | 100% | 100% | 100% | 100% | 100.0% |

Source: SPD Data, 1999, provided by ACLU-WA.

Given that African Americans represent only 8% of Seattle's population, these estimates suggest that African Americans are over-represented in adult drug arrests citywide and within each precinct, compared to their representation in the general population. Whites (68% of Seattle's population) are under-represented in adult drug arrests, particularly in the South, East, and West precincts. Asian Americans are likewise underrepresented in drug arrests. Only Native Americans seem to be proportionately represented relative to their representation in the overall population (although the total

[10] Refer to Appendix C for further details on Adult Drug Arrests by Precinct by Race. Data provided by ACLU-Washington.

[11] Hispanic/Latino is not reported as a racial category.

population is only about 5,000 individuals). [12] Unfortunately, data cannot be compared for Hispanics because they are not represented as a separate category in the SPD data.

While we are primarily interested in understanding the racial disparity in arrests for the purposes of this report, we include in our analysis available conviction information because detailed information about racial disparity by drug was not available in the arrest data and because conviction rates remain an important factor in discussions of racial disparity. [13] The Office of the King County Prosecutor collects conviction data through a system called PROMIS (Prosecutor's Management Information System).[14] Based on this data (Tables 3 & 4 below), which is available only for heroin and marijuana, African Americans are over-represented among heroin convictions (ranging from 44-59% of the heroin-related convictions) with respect to their overall representation in King County (5% of the County population). Whites are under-represented in felony heroin convictions (ranging from 40-53% of the heroin-related convictions) with respect to their representation in the overall County population (73% of the County population). As was true for arrest data, Asian Americans are also under-represented; only Native Americans are represented in relative proportion to their representation in the general population.

**Table 3. Seattle-King County Felony Heroin Convictions**

| Convictions for Heroin-Related Offenses | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| **Year** | **White** | | **African American** | | **Native American** | | **Asian American** | | **Total** |
| | **No.** | **%** | **No.** | **%** | **No.** | **%** | **No.** | **%** | **No.** |
| **1992** | 660 | 42 | 891 | 56 | 19 | 1 | 9 | <1 | 1579 |
| **1993** | 706 | 47 | 743 | 49 | 26 | 2 | 32 | 2 | 1501 |
| **1994** | 452 | 40 | 676 | 59 | 9 | <1 | 5 | <1 | 1142 |
| **1995** | 549 | 42 | 717 | 55 | 13 | 1 | 16 | 1 | 1295 |
| **1996** | 495 | 43 | 633 | 55 | 13 | 1 | 20 | 2 | 1161 |
| **1997** | 382 | 53 | 318 | 44 | 13 | 2 | 14 | 2 | 727 |
| **1998** | 562 | 43 | 720 | 54 | 16 | 1 | 28 | 2 | 1326 |
| **1999*** | 561 | 42 | 719 | 54 | 17 | 1 | 28 | 2 | 1325 |

Source: King County PROMIS System, 1992-1999. Cited in CEWG Report, December 1999, p. 262.
*1999 data through September 1999.

[12] Refer to Section IV. for a brief discussion of the racial breakdown for each precinct. Unfortunately, the most recent census data is not yet available at this level. In general, residents of the North Precinct are predominately White; the South Precinct consists of some areas in which the residents are predominately White and other areas in which there are relatively large African American and Asian populations; the East and West Precincts likewise have areas that are predominately White and other areas with large African American populations.

[13] We requested a copy of all narcotics-related incident reports where a physical arrest was made (arrest records), but these records were not available at the time of this report. In the Recommendation Section of the report, we discuss the need for an in-depth analysis of these records once they are made available.

[14] Unfortunately, conviction data relies on county information because felony cases are prosecuted through the Office of the King County Prosecutor.

It is interesting to note the very different findings for felony marijuana convictions (Table 4 below). While African Americans may be slightly over-represented in felony marijuana convictions (ranging from 7-14% of the convictions) given that they represent only 5% of the King County population, the percentages are far more proportionate than the heroin convictions or arrest data for African Americans. In fact, the data suggests that White Americans may be over-represented in felony marijuana convictions (81-88% of the convictions but only 68% of the County population). This, however, may be because the conviction data includes a much broader definition of "White" than the census data.[15]

**Table 4. Seattle-King County Felony Marijuana Convictions**

| Convictions for Felony Marijuana Offenses | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| **Year** | **White** | | **African American** | | **Native American** | | **Asian American** | | **Total** |
| | **No.** | **%** | **No.** | **%** | **No.** | **%** | **No.** | **%** | **No.** |
| **1992** | 213 | 88 | 24 | 10 | 3 | 1 | 1 | <1 | 241 |
| **1993** | 138 | 87 | 17 | 11 | 1 | 1 | 2 | 1 | 158 |
| **1994** | 167 | 81 | 29 | 14 | 4 | 2 | 5 | 2 | 205 |
| **1995** | 107 | 82 | 18 | 14 | 2 | 2 | 3 | 2 | 130 |
| **1996** | 69 | 83 | 11 | 13 | 1 | 1 | 2 | 2 | 83 |
| **1997** | 126 | 88 | 14 | 10 | 0 | 0 | 3 | 2 | 143 |
| **1998** | 97 | 87 | 8 | 7 | 0 | 0 | 7 | 6 | 112 |
| **1999*** | 119 | 86 | 10 | 7 | 0 | 0 | 9 | 7 | 138 |

Source: CEWG Report, December 1999.
Felony convictions involve growing/dealing marijuana or possession of more than 40 grams.
*1999 data through September 1999.

Based on the available arrest data, there appears to be a disparity between the breakdown of arrests and racial/ethnic breakdown of the Seattle population. (Unfortunately, we cannot include Hispanics in this comparison because they are not counted as a separate category in either data set.) While suggestive information about particular drugs can be drawn from the felony conviction data, it is difficult to make any conclusions because of data limitations, including the unavailability of cocaine conviction data and the fact that felony conviction data is countywide.[16]

[15] The Census 2000 data presented here counts Hispanic/Latino and those who recorded more than one race as separate categories.
[16] Seattle represents approximately 32% of the King County population. See Appendix B for Census Data information.

In addition, a potential criticism of comparing the demographics of arrests and convictions with the demographics of the general population is that behavioral patterns of drug activity may be different for individual racial or ethnic groups and that this difference may account for the overrepresentation of some groups in the drug offender population.

**Disparity: A Comparison of the Arrested/Convicted Population with "Potential Offenders"**

Ideally, in order to understand the extent of racial disparity within the context of narcotics enforcement and convictions, we would want to know: What is the racial/ethnic breakdown of all illegal narcotics activity compared to the racial/ethnic breakdown of the arrested/convicted population?

Unfortunately, this analysis, as simple as it may appear, is much more complicated, primarily because we cannot know the actual breakdown of all illegal narcotics activity. For this reason, we use estimates of drug use and abuse from the DASA Profile to suggest a *potential* offender population that could be used as a comparison population for purposes of defining racial disparity. We recognize from the outset that information about drug use suggests a racial/ethnic breakdown of who is using and therefore buying drugs, but does not necessarily provide insight into the racial/ethnic breakdown of who is selling.[17] Therefore we supplement this section with the qualitative analysis in the next two sections.

***DASA Profile Data***

In 1993-94, the Washington State Department of Social & Human Services, Division of Alcohol and Substance Abuse, conducted the Washington Needs Assessment Household Survey (WANAHS) to determine prevalence rates of drug use and abuse for all illicit drugs, marijuana, cocaine and stimulants throughout the Washington State population.[18] The DASA profile used the results of the WANAHS to estimate the number of cases of drug use for different racial/ethnic groups in Washington State and each of its counties.[19]

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[17] There has been little empirical analysis on the racial and ethnic breakdown of the "selling" of drugs. According to one study of arrested drug users published by the National Institute of Justice and the Office of National Drug Control Policy in 1997, "white drug users were more likely than black drug users to report using a main source [and] respondents were more likely to report using a main source who was of their own racial or ethnic background, regardless of the drug considered." Jack Riley, "Crack, Powder Cocaine, and Heroin: Drug Purchase and Use Patterns in Six U.S. Cities," p.1. (1997)

[18] Unfortunately, the DASA Profile fails to make any estimates of heroin use broken down by race/ethnicity. According to the researcher who authored the DASA Profile, Charles Holzer III, PhD, there are no estimates of heroin use because of problems obtaining an adequate sample size.

[19] For a brief description of the DASA Profile methodology and how the WANAHS was used to estimate lifetime use and past twelve-month use of illicit drugs for King County in 1998, see Appendix D. Unfortunately, the survey does not define "stimulants." The common definition of stimulant includes methamphetamine, but individuals responding to a question about "stimulant" use may have included other drugs.

The WANAHS suggests that in King County, Whites reported higher lifetime rates of use for marijuana, cocaine and stimulants than African Americans. However, African Americans reported higher rates of more recent use (30 days) than whites for marijuana and cocaine, but not stimulants.[20] Estimates of more recent use are important in estimating the *potential* offender population because it seems more likely that these drug users will be actively engaged in the current drug market. Table 5, below, presents the estimated rates of use in the past thirty days, by drug type for the racial/ethnic groups in King County reported in the DASA profile. In order to make these estimates more relevant for understanding issues of disparity, the table also presents our calculations of the percent of total estimated cases of drug use for each racial/ethnic group by drug for King County in 1998 taken from the DASA Profile.[21]

**Table 5. Estimated Rates of Use in Past Thirty Days and Percentages of "Cases" of Drug Use by Race/Ethnicity and Drug, King County, 1998.**

| | Any Illicit Drug | | Cocaine | | Stimulants | | Marijuana | |
|---|---|---|---|---|---|---|---|---|
| | Rate* | Calculated^ % of "Cases" | Rate | Calculated % of "Cases" | Rate | Calculated % of "Cases" | Rate | Calculated % of "Cases" |
| **White** | 5.26 | 87 | 0.49 | 77 | 0.82 | 79 | 5.15 | 88 |
| **African American** | 7.76 | 7 | 0.70 | 6 | 1.03 | 6 | 7.11 | 7 |
| **Asian American** | 1.22 | 2 | 0.59 | 11 | 0.90 | 10 | 1.09 | 2 |
| **Native American** | 8.17 | 2 | 0.70 | 1 | 0.97 | 1 | 7.64 | 2 |
| **Hispanic** | 2.85 | 2 | 0.73 | 4 | 1.03 | 4 | 1.98 | 1 |

Source: Profile of Substance Abuse and Need for Treatment Services in King County (DASA Profile), 1999.
*Prevalence rate calculated from WANAHS Survey results and adjusted for certain demographic variables other than race as described in the methodology outlined in Appendix D.
^ Our calculations of percent of "cases" are based on DASA Profile estimated number of "cases" by racial/ethnic group. Due to rounding errors, percentages may not sum to 100%.

Based on their reported rates of use of illicit drugs in the past 30 days from the WANAHS, whites made up an estimated 77% of cocaine users, 79% of estimated stimulants users, and 88% of estimated marijuana users. African Americans made up an estimated 6% of cocaine users, 6% of estimated stimulants users, and 7% of estimated marijuana users. Asian Americans made up an estimated 11% of

[20] This relationship between lifetime and more recent use is consistent with the National Household Survey of Drug Abuse conducted by the federal government. These results can be found at http://www.samhsa.gov.oas/NHSDA/1999
[21] While the rates of use for each demographic group are helpful, the DASA Profile multiplies these rates by estimates of the population for each racial group in order to estimate the number of "cases" of drug use in each racial/ethnic group. This estimate of cases is more relevant to our analysis, because the rate alone does not provide an accurate estimate of the *potential* offending population. For example, although Native Americans have a higher estimated rate of recent use of most illicit drug types than other racial/ethnic groups, one would not expect to see a significant percentage of the offending population made up of this racial group given their relatively low numbers in the general population.

cocaine users, 10% of estimated stimulants users, and 2% of estimated marijuana users and Hispanics made up an estimated 4% of cocaine users, 4% of stimulants users and 1% of marijuana users.

Interestingly, based on the DASA Profile, the over-representation of African Americans in the percentage of estimated cases of recent use of cocaine use (6%) relative to their representation in the population parallels the estimates of their over-representation for other drugs. Unfortunately, the DASA Profile fails to distinguish between crack versus flake/powder cocaine use. Since both treatment providers and those in law enforcement suggest that crack cocaine is more prevalent in the African American community and that it is more frequently used by those addicted to it than flake or powder cocaine (discussed in Section II), this could potentially result in more contacts with law enforcement that are not captured by estimates of the *potential* offending population from the DASA Profile. The DASA Profile estimates of Asian American cocaine and stimulant use may also suggest an area for further analysis, given the lack of mention of this pattern of use by treatment providers or law enforcement.

Unfortunately, based on the limitations of arrest data (no break-down by type of drug and no Hispanic data), conviction data (King County data and no racial/ethnic breakdown of cocaine related convictions) and Profile data (no estimates of heroin "cases"), it is not possible to provide a definitive answer to the question of potential disparities between racial/ethnic groups by drug type.[22] However, when analyzing the racial/ethnic breakdown of the *potential* offending population, there seems to be little evidence to suggest that the differences in prevalence rates could account for the overall racial disparity in drug arrests relative to the racial/ethnic group breakdown in the general population.

[22] The racial/ethnic breakdown of marijuana use in the DASA Profile does seem to more closely parallel the racial/ethnic breakdown of felony convictions for marijuana, particularly in recent years. See Table 4 above.

# SECTION III. ANALYSIS OF DRUG USE PATTERNS AND MARKETS

This section provides an overview of drug use patterns and markets in Seattle. The information presented includes epidemiological trends from the local Community Epidemiology Work Group Report (CEWG Report), an expanded discussion of the institutional indicators used in the CEWG report, and information gathered through interviews with treatment providers, local law enforcement, and community members.

## The Overall Picture

The National Institute of Drug Abuse (NIDA) sponsors a biannual report, published by the Community Epidemiology Work Group (CEWG Report) which details epidemiological trends in drug use and drug markets in Seattle. According to this CEWG report, the most prevalent illicit drugs available in Seattle are marijuana, heroin and cocaine; recently, there have been increases in the use of methamphetamines and other club/designer drugs such as MDMA ("ecstasy").[23] While the report does not provide estimates of prevalence of use for specific drugs by race and ethnicity, interviews with several treatment providers who author the report support the general conclusions drawn from the DASA Profile (discussed in the previous section) that overall illicit drug use and abuse cuts across all races, with higher prevalence for specific types of drugs for some racial or ethnic groups. These interviews also suggest that although it is easiest to think about drug use and markets in Seattle by drug type, it is important to point out differences in use and markets by neighborhood/geographic area or by type of sale (i.e. public versus private).

### *Heroin*

Both Kris Nyrop, (Executive Director, Street Outreach Services, a treatment provider located in Downtown Seattle) and Steve Freng, (Manager, Prevention/Treatment for the federally funded Northwest High Intensity Drug Trafficking Area, HIDTA) suggest that the majority of heroin users in Seattle are white. Nyrop also suggests that heroin use increased dramatically between 1990 and 2000 and that the vast majority of this increase was among whites. According to Nyrop, while overall whites make up a majority of heroin users, African Americans and people of color make up a majority of the addicted population that seek social services Downtown (and on a much smaller scale in Rainier Valley) and White use predominates on Capitol Hill and in the North End of the city: "In our agency, 72% are people of color - 38% Black, 25% Latino and 13% Native American. The largest needle exchange site

is next door. The second largest needle exchange is on Capitol Hill. Most of the people they see (98% are white), they're not buying on the street for the most part, but more in households or arranged pager purchasing. The third largest needle exchange is in the U. District and 99% of the people they see are white, younger, and working class."

Nyrop's characterizations of the different drug markets for heroin in different geographic locations are supported by law enforcement observations. Officer Minor (East Precinct) suggests that heroin sales are concentrated in businesses like coffee shops and restaurants in the Broadway corridor and Little Saigon, and rely less on street sales and more on a network of known sellers. Sergeant Harris states that heroin use in the North Precinct is concentrated in the residential areas west of the I-5 Freeway, and patrol officers interviewed in this precinct suggest that much of the use and sales in the North End takes place in residences and businesses in the Ballard neighborhood.[24]

According to Ron Jackson (Director, Evergreen Treatment Services and one of the authors of the CEWG report), the majority of heroin users in Seattle and King County are white although "African Americans consistently make up approximately 15-18% of our treatment cohort." Jackson suggests that Asian Americans tend not to seek treatment for heroin or opiate addiction (although recently there has been an increase in Southeast Asian immigrants seeking treatment) and Hispanics and Native Americans represent about 2-3% of the treatment population. Jackson's estimates reflect the data provided by the Department of Social and Health Services' TARGET system (TARGET data), a statewide database of public alcohol/drug treatment activity.[25] According to TARGET data, for 1998, Whites made up 70%, African Americans 21%, Asian Americans 1.5%, Native Americans 3.5% and Hispanics 5% of methadone treatment clients in King County.[26]

Other than arrests/convictions for heroin, the only criminal justice institutional indicator of prevalence of heroin use comes from the results of an ongoing study of arrested King County adults, called the Arrestee Drug Abuse Monitoring (ADAM) study. Although the external validity of this study could be

[23] CEWG Reports, December 1999, May 2000 and December 2000.
[24] Refer to discussion about racial breakdown of each precinct in Section IV. The Ballard area is predominately white.
[25] As with other institutional indicators, TARGET data is affected by selection or referral biases because eligibility for services is dependent on public funding.
[26] See Appendix E. TARGET data reported in the DASA Profile, 1999. Additional statewide TARGET data for public heroin treatment admissions is also provided for 1996-2000 in this Appendix. This data shows that Whites consistently make up the 75-78% of public heroin treatment admissions statewide, while African Americans consistently make up 11% of public heroin treatment admissions over this time period.

affected by referral bias related to law enforcement deployment decisions, results from the study's first five quarters indicate that, despite the overrepresentation of African Americans in conviction data relative to their population, White arrestees had slightly higher opiate-positive results (18.1% for men, 21% for women) than African American arrestees (14.6% for men, 16.5% for women).[27]

Other institutional indicators support the conclusion that Whites predominate in the use of heroin. According to Drug Abuse Warning Network (DAWN) data collected and analyzed for the Seattle metropolitan area, Whites made up 24% of emergency department drug mentions and African Americans made up 4%.[28] Similarly, according to data from the King County Medical Examiner's Office, Whites make up 83% of the overdoses attributed to heroin in King County from 1997-1999, while African Americans make up 12% of overdose deaths in this time period.[29] Jackson (Evergreen Treatment Services) suggests that this statistic seems particularly relevant to the discussion of disparity, "it's white guys in their thirties who are dying, but it's black guys who are going to jail."

### *Cocaine / Crack*

Interviews provided little specific information into the use patterns of cocaine HCL (flake or powder) that would supplement information available from survey data. According to Freng, "Cocaine HCL continues to come into the state in powder form, and continues to be sold at all levels of the marketplace." However, law enforcement seems to have little contact with low-level powder users or sellers. Officer Minor of the East Precinct suggests that some flake cocaine is sold at specific hot spot locations (1st and Madison), but according to Sergeant Harris, much of the sales in the North Precinct take place in private residences or through known connections outside of the public view.

Available institutional data indicators of cocaine use in King County are similar to the results for heroin, in that Whites make up the 22% and African Americans 9% of emergency department drug mentions in the Seattle metropolitan area.[30] Also, according to the King County Medical Examiner,

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[27] ADAM Study results, reported in the CEWG Report, December 2000. This study, formerly named the Drug Use Forecasting (DUF) study, relies on voluntarily provided urine samples from arrestees. Therefore the ADAM study suffers from both potential referral practice related to law enforcement practices as well as selection bias associated with a voluntary provided sample.

[28] See Appendix E. Institutional Indicators. DAWN Data on Emergency Department Drug Mentions. The majority of mentions did not report the race/ethnicity of the individual.

[29] See Appendix E. Institutional Indicators. Data collected by the King County Medical Examiner, and provided by L. David Murphy of North Rehabilitation Facility, a member of the CEWG.

[30] See Appendix E. Institutional Indicators. DAWN Data on Emergency Department Drug Mentions.

Whites made up a majority (72%) of reported cocaine overdose deaths for the period 1997-1999, compared to the 23% of cocaine overdose deaths reported as African American.[31]

Both Kris Nyrop and Steve Freng suggest that African Americans predominate in the use of crack cocaine. Freng states that compared to other drugs, "crack cocaine is a bit of an anomaly…It's predominantly African American in commerce and use…[and] its almost exclusively downtown." Nyrop agrees that in the last ten years minority use of crack cocaine has increased in the Downtown core, Pioneer Square and Belltown areas. However, he adds the caveat, "I don't know whether what I see is because of where I sit."

While there seems to be a consensus amongst both law enforcement and treatment providers that African Americans predominate in crack cocaine use, there is also agreement that there is a population of white crack users who come into Seattle primarily to purchase crack cocaine for private consumption at known "hot spots." According to Lieutenant Whalen of the South Precinct, "Some people, including white people, from outlying areas come into the downtown and they certainly can come to the South Precinct. There's a lot of opportunity because of the major thoroughfares." In the North Precinct, the primary "hot spot" is at 85th and Aurora (Highway 99), a thoroughfare to the northern suburbs.[32] Officer Minor makes a similar observation about the pattern of buyers in the East Precinct, "We've conducted several buy-bust and reverse buy operations and through the data retrieved we were able to determine that a majority of the people arrested come from outside the Central Area, places like Bellevue, Renton, and other communities outside Seattle. The suspects arrested are multiracial. On one reverse buy we conducted, about three quarters of the buyers were white Americans."

***Marijuana***

There is consensus that marijuana is the most prevalent of the illicit drugs used in Seattle. According to the CEWG Report, the majority of marijuana sales take place in private residences or known "coffee bar" locations throughout Seattle. Freng describes the market as "somebody who knows somebody." According to Nyrop, "the marijuana market is fairly incidental - school venues, a fairly good-sized bar and house trade. Most of it is commercially grown - the high grade stuff."

[31] Refer to Appendix E.

[32] Law enforcement suggests, however, that these drug markets are also connected to vice activities that occur in the inexpensive motels located in this neighborhood.

The only significant street trade of marijuana seems to be located in the U-District, although according to Sergeant Harris of the North Precinct, "It's not college students buying it. It's people from outlying areas coming in for a dime bag. College students know where to buy on campus."[33]

### *Stimulants / Club Drugs*

Both amphetamine and methamphetamine (commonly know as "meth," "crystal," "crank" or "speed") fall into the category of illicit drugs known as stimulants. According to both treatment providers and law enforcement, whites make up the overwhelming share of the users of these drugs. However, there also seems also to be agreement that methamphetamine use and/or manufacture has not reached the same levels in Seattle as in other areas of the state.[34] According to Chief Kerlikowske, "We still haven't seen anything near what they've seen in nearby areas in terms of overdoses, ER visits, lab seizures." Judge Trickey of the King County Drug Court, suggests that because there has been a proliferation of methamphetamine labs in Pierce County and in south King County, "it's starting to work its way up here."

Methamphetamine along with MDMA ("ecstasy") and other "designer drugs" have been categorized as "club drugs" because of their popularity in nightclubs and raves. According to the CEWG report, these drugs are also increasingly used recreationally outside of the club scene. Law enforcement suggests that although there is very little street trade, markets for these drugs exist at the clubs and raves themselves. However, according to law enforcement interviews, there seems to be some residence-based sales in the North and South Precincts (that are difficult to detect) as well as increased use and sales along the Broadway corridor section of Capitol Hill.

## Complexity of Drug Use Patterns and Markets

The discussion of drug use patterns and markets with treatment providers and law enforcement highlight the complexity of both usage patterns and the operation of drug markets.

### *"Street Level" Versus "Low-Level" Sales*

Law enforcement and treatment providers both agree that higher levels of drug trafficking organizations are, by and large, not African American, and that Hispanics are increasingly involved at higher levels of the distribution system. However, the law enforcement perception, supported in part

[33] The University of Washington has its own Police Department.
[34] See Appendix E for statewide treatment statistics for stimulants from 1996-2000.

by treatment provider descriptions, is that "street sales" of drugs (particularly crack cocaine) are overwhelmingly African American. In addition, according to both law enforcement and treatment providers, some "street level" activity is also controlled by Hispanic and Asian gangs associated with various "hot spots" throughout the city.

As evidenced, however, by the treatment provider and the CEWG report descriptions of the drug markets for heroin, flake cocaine, marijuana and stimulants/club drugs, this perception fails to account for the significant volume of transactions that do not take place on street corners or in known "hot spots." Therefore, it may be inappropriate to conflate the descriptive terms "street sales" and "low-level" sales of illicit drugs, given that there are low-level dealers for non-street markets as well.

***Public Versus Private Drug Markets***

The reasons for public versus private use and sale of drugs are also complicated. The nature of addiction to certain types of drugs may result in more public use and transactions. According to Sergeant Harris, "The social environment around each of the drugs makes a difference. People who use heroin and rock [crack] have no concept of anything but their next hit. For heroin they go to the same person. They do not go shopping around. For rock, they'll go anywhere they can get it." The nature of addiction to heroin and crack supports the consensus amongst those interviewed that some, but not all, of the public or street-level drug markets involve a large percentage of users or addicts. According to Sergeant Harris, "the street-level dealers are all addicts or the vast majority of them are [and] the people who do the hook ups, and the clucks [facilitators] are all addicted." Judge Trickey agrees, "There is a very fine line [between sellers and dealers], my anecdotal conclusion is that almost everybody I see who is either a possessor or a cluck or even some of the dealers, what they're doing is selling to support their habit."

Bob Boruchowitz (Director, Public Defender Association) suggests that reasons for public sale are also related to larger structural race and class issues: "crack cocaine is used mostly by poor people…if poor people don't have private clubs or fancy restaurants to meet in…they hang out in parks, on the street, in the bus station." City Attorney Mark Sidran agrees with the possibility that abatement policies focused on crack cocaine houses in the Central District and Raineer Valley may have resulted in more public use of crack cocaine in other parts of the city "If you have a crack house and you close it down, you don't end the traffic. The market simply moves to someplace where the business can continue." Zero-tolerance policies that exist in federal housing projects may create more public drug use by

evicting those found in possession or selling illicit drugs. In contrast, higher income individuals can use and sell drugs out of their homes where they are less likely to be detected. As Sidran says, "We only know about problems that surface as a problem for the community. Private behavior, because it's private, isn't something the community knows about."

For these reasons, class issues combined with the nature of addiction might lead to both public *use* and *sale* of drugs. According to treatment providers this is especially true for the population that both uses and sells drugs in the Downtown core area, which is made up of long-term addicts who may have no regular source of income to purchase their drugs and no private residence in which to use their drugs. According to Nyrop, "Up on Capitol Hill, the users will say, 'I won't go downtown - then you know that you're at the end of the line.'"

Public drug sales are also fueled by the fact that the "users" or "buyers" come from outside the neighborhood and need to be able to locate the "seller" conveniently. As Judge Halpert of the King County Superior Court suggests, "It's the same reason neighborhoods get a reputation for prostitution. Once you know where you can buy drugs it perpetuates." Lieutenant Olson of the North Precinct agrees, "The buyers come from all over. Like every major city, people know where to go for drugs."

# SECTION IV. ANALYSIS OF SEATTLE POLICE DEPARTMENT DRUG ENFORCEMENT

This section discusses the role of narcotics enforcement within the Seattle Police Department and explores the ways in which enforcement decisions are made and carried out at a citywide level and in each of the precincts. The information provided here is based on interviews with officials from of all levels of law enforcement, with some additional information provided by outside agencies and community representatives.

### Narcotics Arrests Represent a Significant & Increasing Percentage of Total Arrests

In 1999, adult narcotics violations represented almost 15% of the total adult arrests made by the Seattle Police Department. The percentage of narcotics arrests to total arrests has increased steadily since 1990 when narcotics violations were 6.8% of total arrests. For the most part, this increase is due to the fact that there has been a significant decrease in total arrests (from 52,380 in 1990 to 25,963 in 1999) while narcotics violations have not decreased, but have fluctuated between 3,200 and 4,200 with a slight trend upwards in recent years.[35] According to Jim Pryor (Captain, Narcotics Section), there are 4,253 narcotics arrests for 2000 in their database.

### Narcotics Resources at Seattle Police Department

Responsibility for narcotics enforcement permeates squads and units throughout the Department. Essentially, SPD has what Chief Kerlikowske calls "three screens or tiers," each of which he suggests focus on a different level of narcotics distribution.[36] SPD is currently undertaking an Asset Allocation Review, which should be useful in helping to understand how resources, throughout the department, are devoted to narcotics enforcement. Captain Pryor of the Narcotics Section predicts that the study will show "a number of units who devote considerable time to drug enforcement. For example, the Gang Unit—it's hard to work with kids on the street and not work on drugs. The ACT teams spend a significant amount of time on drug enforcement. I would not be surprised to see narcotics overlays throughout."

[35] Refer to Appendix F, data compiled from SPD Annual Reports 1990-1999.
[36] At the time of this report, detailed analysis about narcotics arrests was not available. Refer to the Recommendations for a discussion on the need for an in-depth analysis of annual narcotics arrests.

### *Joint Operations with Federal Agencies*

The "first tier" of enforcement primarily includes detectives who are involved in joint operations with federal agencies and task forces. While this tier concentrates on the higher levels of the drug distribution networks, it represents a relatively smaller aspect of SPD's narcotics resources. According to Jerry Adams (Manager, Investigative Support Unit, High Intensity Drug Trafficking Area) SPD has three people working full-time out of HIDTA, a federal agency that coordinates regional drug enforcement activity. In addition, the narcotics unit is frequently involved in joint operations with federal agencies on investigations and activities targeting upper levels of distribution networks.

### *Narcotics Section*

The "second tier" of enforcement, according to Chief Kerlikowske, is the Narcotics Section at SPD. The Narcotics Section, which falls under the Investigations Bureau, has a total of five squads with approximately 1 sergeant and 5-6 detectives each. Three of these squads are referred to as "proactive squads"—one squad focuses on supporting the precincts with street level enforcement and the other two focus on mid-upper level narcotics enforcement. Of the remaining two squads, one concentrates on abatement forfeiture and the other on in-custody arrest (following up on investigations following arrest, etc.). According to Jim Pryor, (Captain, Narcotics Section), "In addition to dedicating one of our proactive squads to precinct support, the section, as a whole, supports the precincts whenever possible. Our primary mission, however, is to conduct mid to upper level narcotics investigations."

### *Precinct Level Enforcement*[37]

Most of the narcotics-related arrests in Seattle are generated out of precinct level enforcement. Seattle Police Department is divided into four precincts: North, South, East, and West. While any officer at the precinct level might be involved in a narcotics arrest, there are at least three elements to precinct responsibilities: anti-crime teams (ACT), community police teams (CPT), and patrol. With the exception of the ACT teams, which periodically work with the Narcotics Section to target mid to upper level interdiction efforts, almost all of the precinct level enforcement focuses on street level drug dealing. According to Lieutenant Olson (North Precinct), "Most of our work is on the street-level. Pryor [at Narcotics] deals with the second level and higher. We deal with the street-level and occasionally the next level above the street-dealers. We don't have the resources to go much higher."

[37] This section is in no way intended to present a comprehensive overview of precinct-level enforcement, but instead to provide a generalized summary of narcotics-related responsibilities as they were presented to us throughout our interviews.

Anti-Crime Teams (ACT): Emphasis placed on narcotics enforcement by the Anti-Crime Teams seems to vary from precinct to precinct. In some precincts, such as the West, ACT teams reportedly spend most of their time on narcotics enforcement, while in other precincts they may focus more on other issues. The ACT teams have been around since the mid-late 1980's. They were established, in large part, in response to the crack epidemic and the need for undercover teams to focus narcotics enforcement. In addition to carrying out undercover operations, ACT teams work on developing relationships and following up with confidential informants. Each precinct has 6 authorized positions for ACT functions. In addition to these budgeted positions, each precinct commander has the option of assigning additional patrol officers to these functions on an "on-loan" basis. According to our interviews in each precinct, the North Precinct has a day and night ACT team; the South Precinct has at least one night ACT team; the East Precinct has at least one ACT team, and the West just added a second ACT team.

CPT: In general, community police teams are responsible for working with the community on identifying and helping to solve neighborhood problems. As such, CPTs tend to focus less on direct enforcement, although, again, this may vary by precinct or officer. Furthermore, the role of CPT in helping to identify neighborhood concerns over drug dealing and possible areas/individuals for enforcement or investigation was mentioned frequently. Each precinct has the following number of budgeted, authorized positions: North Precinct has 9 CPT officers; South has 15; the East has 10; and the West has 6.

Patrol: While a significant percentage of narcotics arrests may be generated out of patrol, this is due, for the most part, to the mere size of patrol as a portion of total personnel. In general, patrol officers have neither the time nor responsibility for developing narcotics strategies. Patrol officers respond to calls for service or activities they observe while on patrol (on-view). As Lieutenant Sylve of the East Precinct pointed out, "It depends on the unit, but the mission of the patrol officer is not primarily narcotics. They have to deal with 911. That is patrol's mission. There is a place within the scheme for police officer input, as resources. But, when you get into investigations, I don't think it's patrol's responsibility."

In addition to the resources discussed above, most of the precincts receive additional grant funding from outside sources, which can be used to supplement operations. For example, the West Precinct,

receives funds from the downtown business community to support its operations. Since 1993, the East Precinct has received federal Weed & Seed funding and more recently, the South Precinct has also received Weed & Seed monies. Although current Weed & Seed funding is much lower than the original grants, it provides additional funding for special projects and is often used to cover overtime costs for special emphasis operations. The Office of the Inspector General has also provided funding to deal with crime in public housing. [38]

## A Brief Overview of Seattle's Four Police Precincts

### *North Precinct*

The North Precinct includes all areas north of the ship canal. Geographically, this is the largest precinct in Seattle.[39] Last year, about 15% of the incidents that resulted in a narcotics arrest occurred in the North Precinct.[40] Based on an analysis of Seattle Police Department data on adult drug arrests, the racial breakdown of arrests in the North Precinct in 1999 was approximately 60% White, 37% Black, 2% Asian, and 1% Native American.[41]

According to Lieutenant Olson (North Precinct, Operations) and Sergeant Harris (North Precinct, ACT), the ACT team does most of the drug enforcement in the North Precinct. Sergeant Harris says, "A lot of the time, we go out in plain clothes. We set up in a vehicle and watch—do see-pops [drug dealing is observed by an officer]. We look for narcotics transactions. Or we do buy-busts [plain-clothes officers make undercover purchases of narcotics] where we do an exchange for drugs and then take down the seller…Reverse stings [plain-clothes officers conduct undercover sales of narcotics]—we don't do very often. We don't have the drugs to do them. Narcotics is really the only team that can do that. They're complicated to organize and risky—they can get away with the money or with the drugs. It's a great tool, but if they get away with the drugs, the public is not too happy about cops selling drugs…We probably do more see-pops because we don't have to involve undercover buyers. When we do them, we usually do them in conjunction with another team. About once a month we do a joint

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[38] The funding sources discussed here do not necessarily represent all supplemental funding available to SPD. These are the sources that were mentioned by Lieutenant Sylve and Officer Minor (East Precinct), Lieutenant Whalen (South Precinct), and Lieutenant Olson (North Precinct).

[39] According to 1990 census data (Sub-Area Profiles), the North Precinct includes the sub-areas Ballard, Lake Union, North, Northeast, and Northwest. Combined, the racial breakdown of these areas in 1990 was as follows: 87% white, 2% black, 1% American Indian, 8% Asian, 1% other, and 3% Hispanic (of any race). Changes that have occurred since 1990 are obviously not recorded in this data. Unfortunately, updated 2000 census data is not yet available for the sub-area level.

[40] Refer to Appendix G for details on Narcotics-Related Incidents that Resulted in Arrest, 2000. Data compiled by Detective Christi Robbin, SPD Crime Analysis Unit.

[41] Refer to Appendix C for details on SPD Adult Drug Arrests by Precinct By Race. Data provided by ACLU-Washington.

operation with the Narcotics Section." On average, Lieutenant Olson estimates that they do about four buy busts a month in the North Precinct, but that most narcotics arrests are generated by on-views.

### *South Precinct*

The South Precinct is the second largest precinct in Seattle geographically. It includes West Seattle, Duwamish, and Rainier Valley.[42] Last year, about 13.5% of the incidents that resulted in a narcotics arrest occurred in the South Precinct.[43] Based on an analysis of Seattle Police Department data on adult drug arrests, the racial breakdown of arrests in the South Precinct in 1999 was approximately 27% White, 65% Black, 7% Asian, and 1% Native American.[44]

According to Lieutenant Whalen of the South Precinct, "To enforce in the South Precinct we have to set up in cars and drive down the street looking for drug dealers." Other officers commented that narcotics enforcement in the South Precinct is more difficult than downtown because the neighborhood is not as dense and it is not as easy for officers to set up observation posts. It was suggested, however, by at least one officer in the South Precinct that traffic stops may generate a significant portion of narcotics arrests in the area. Lieutenant Whalen estimates that about two or three buy-bust operations are conducted every month in the South Precinct, but that most narcotics arrests are generated by patrol officers through search-incident-to-arrest, through search incident to an investigation or 911 call, or through an on-view situation.

### *East Precinct*

The East Precinct is one of the smallest and most condensed precincts in Seattle, which includes both Capitol Hill and the Central Area.[45] Last year, close to 17% of the incidents that resulted in a narcotics

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[42] According to 1990 census data (Sub-Area Profiles), the South Precinct includes the sub-areas West Seattle, Duwamish, and Southeast. (Sub-areas do not perfectly match precinct boundaries.) In 1990, the racial breakdown of West Seattle was as follows: 83% white, 5% black, 2% American Indian, 9% Asian, 2% other, and 4% Hispanic (of any race). The breakdown for Duwamish and Southeast combined was: 34% white, 28% black, 2% American Indian, 34% Asian, 2% other, and 5% Hispanic (of any race).

[43] Refer to Appendix G for details on Narcotics-Related Incidents that Resulted in Arrest, 2000. Data compiled by Detective Christi Robbin, SPD Crime Analysis Unit.

[44] Refer to Appendix C for details on SPD Adult Drug Arrests by Precinct By Race. Data provided by ACLU-Washington.

[45] According to 1990 census data (Sub-Area Profiles), the East Precinct includes the sub-areas Capitol Hill and Central. (Sub-areas do not perfectly match precinct boundaries.) In 1990, the racial breakdown of Capitol Hill was as follows: 81% white, 10% black, 2% American Indian, 5% Asian, 1% other, and 4% Hispanic (of any race). The breakdown for Central was: 40% white, 47% black, 1% American Indian, 10% Asian, 2% other, and 4% Hispanic (of any race).

arrest occurred in the East Precinct.[46] Based on an analysis of Seattle Police Department data, the racial breakdown of drug arrests in the East Precinct in 1999 was approximately 32% White, 64% Black, 3% Asian, and 1% Native American.[47]

According to Lieutenant Sylve and Officer Minor of the East Precinct, "In terms of street sales, the distribution is different [in Capitol Hill and the Central Area]. In the Central Area, street narcotic sales are done through simple networking. Crack usage has been more noticeable on the street in the Central Area while heroin has a stronghold in what is known as the Capitol Hill community and in parts of a community known as Little Saigon. In these areas the drug trafficking is more complicated for an officer to infiltrate because more of the dealing is not done on the street level. In the early 90's the Central Area had a history for violent crime and heavy street drug dealing. If we move them from one corner, they keep on moving and deal from another corner. In the Capitol Hill community, there is more of a process to the drug dealing. The dealing is done in the businesses like coffee shops and restaurants. There is not as much dealing on the streets. The investigations and operations [in Capitol Hill] have to go several layers in to get at the source of the dealing." According to Lieutenant Sylve and Officer Minor, narcotics arrests in the East Precinct are generated through a variety of operations: 15 buy-bust operations were conducted last year, 35 search warrants were served, 14 order-up/take-down operations [undercover officers or confidential informants make arrangements to purchase narcotics] were conducted in addition to arrests generated from on-views by patrol officers.

### *West Precinct*

The West Precinct includes most of the downtown area as well as the residential areas of Queen Anne and Magnolia.[48] These neighborhoods within the precinct are very different demographically, although the downtown core has been changing over the past ten years. Traditionally, the downtown has been the location of much of the city's social service agencies. Many interviewees commented on the more

[46] Refer to Appendix G for details on Narcotics-Related Incidents that Resulted in Arrest, 2000. Data compiled by Detective Christi Robbin, SPD Crime Analysis Unit.
[47] Refer to Appendix C for details on SPD Adult Drug Arrests by Precinct By Race. Data provided by ACLU-Washington.
[48] According to the 1990 census (Sub-Area Profiles), the West Precinct includes the sub-areas of Downtown and Queen Anne/Magnolia area. (Sub-areas do not perfectly match precinct boundaries.) In 1990, the racial breakdown of Queen Anne/Magnolia was as follows: 92% white, 2% black, 5% Asian, less than 1% other, and 3% Hispanic (of any race). The racial breakdown of Downtown was: 71% white, 11% black, 3% American Indian, 13% Asian, 2% other, and 6% Hispanic (of any race). See discussion in text about the "gentrification" of this area.

recent influx of higher income people buying condos in the area.[49] According to Chief Kerlikowske, "We have a unique downtown. We have industry, retail, convention center, government, residential (and they're building enough for 25,000 more in the downtown core), and entertainment. At one time the downtown was a very unattractive place to be. Now, that's changed. But, it doesn't take a lot of fear and issues of violence to change people's attitudes about downtown. When you make a decision about where to live or put your office, you think about this…Investors have put a lot of money in Pioneer Square and 300 new employees just started working there, yet it's also where we have the most social services, chronic inebriates, homeless, etc. Fear can make a difference."

Last year, over 54% of the incidents that generated a narcotics arrest occurred in the West Precinct.[50] Based on an analysis of Seattle Police Department data on adult drug arrests, the racial breakdown in the West Precinct of arrests in 1999 was approximately 40% White, 57% Black, almost 2% Asian, and 2% Native American.[51]

According to Lieutenant Evenson (West Precinct, Operations), this is because "this is known as the place to go in Seattle for drugs." Lieutenant Evenson claims that the high volume of narcotics arrests in the West Precinct requires them to "supplement the narcotics sections. There are not enough people to deal with the problem." Apparently, according to Lieutenant Evenson, both the day and night ACT teams "focus almost exclusively on narcotics." He estimates that they do at least 15 buy-busts a month. (This is much more than other precincts discussed.) "Other ACT teams deal more with other issues. They don't have the activity that we have. To have any impact on it, we have to do that many—as soon as we move them out, more move in." Several interviewees, including Lieutenant Whalen who used to work in the West Precinct, described narcotics enforcement downtown "like shooting fish in a barrel." Lieutenant Evenson also explained that CPT and patrol may assist with buy-busts (each of which regularly involves a minimum of 10-12 officers, lasts for about 2-3 hours, and results in about 6-10 arrests). Other precincts reported that they almost always get assistance from the Narcotics Section for buy-busts, but the West Precinct appears to conduct more on their own. Although, according to Evenson, they do occasionally work with Narcotics, both because they are highly skilled and because

[49] According to a *Seattle Times* article (3/24/01) about the release of census data and the increase in Seattle's population, "While people settled all over the city, the hottest neighborhoods were downtown in Belltown/Denny Regrade and the International District, as well as north of the Ship Canal, in Bitter Lake and Haller Lake."
[50] Refer to Appendix G for details on Narcotics-Related Incidents that Resulted in Arrest, 2000. Data compiled by Detective Christi Robbin, SPD Crime Analysis Unit.
[51] Refer to Appendix C for details on SPD Adult Drug Arrests by Precinct By Race. Data provided by ACLU-Washington.

they [Narcotics Section] have more African American undercover officers. (Aside from one African American male on the night team and one white female on the day team, the other ACT officers in the West Precinct are white males.) In addition to buy-bust operations, the West Precinct also uses see-pops, which require less resources, on-view (when an officer observes a narcotics deal), and occasionally reverse buy-busts, which Evenson says they "try to do every couple of months."

## SPD Explanation of Narcotics Enforcement Practices[52]

### *SPD Narcotics Enforcement is Response-Driven*

Despite the significant amount of time and resources spent on narcotics, SPD does not appear to have an overarching strategy or plan for narcotics enforcement. Instead, SPD uses a variety of tactics and operations to respond to what they perceive as their mandate. Consistently, interviewees reported that narcotics enforcement is driven by community complaints and concerns and/or they go where the information leads them. As a result, SPD's narcotics enforcement focuses primarily on outdoor public drug dealing, which is more visible to the police, and may be more likely to result in citizen complaints.

### *Responding to Community Complaints and Concerns*

Sergeant Harris in the North Precinct described SPD's mandate in words that reflected what other precincts suggested: "Our mission is to take care of the issues that come to our attention. We are complaint-driven. We're just trying to keep a lid on it. We try to impact the areas where we know it's happening so people who are making complaints can see a difference and can live their lives without fear. The dope dealers think they're not causing fear, but a lot of people are afraid. My goal is to get them out." Likewise, Bob Scales (Assistant Director for Public Safety, City of Seattle) says "Again, it comes from the community. I think the reason the police department devotes a considerable amount of their resources to drug enforcement operations is because of concerns within the community. The police are not doing buy-bust operations in areas where there are no drug dealers on the street and no complaints from the community. The focus is on those areas where the community has identified a visible problem and they are asking the police for help to combat that problem." Assistant Chief John Diaz describes, "That's the box we're in. Were we targeting certain neighborhoods that are experiencing serious problems with drug dealing and violence? Yes, but it was at the request of the

[52] The complexities of this discussion are explored further in the Findings Section.

neighborhood. Resources are based on calls for service. Some of the wealthier areas get less police service. That's probably different than it would have been thirty years ago."

### *The Role of Gentrification*

Gentrification in certain areas of the city, particularly in the downtown area and Central District, is creating pressure for SPD to address the public drug dealing in those areas. For example, when asked how much gentrification was a part of the "community concerns" in the West Precinct, Lieutenant Evenson acknowledged "that is part of it." As Judge Michael Trickey pointed out, "Because the business people feel that the intensity of the drug trafficking keeps people from wanting to come into restaurants and from wanting to be downtown, it really interferes with their ability to conduct business. If you went and talked to the Pioneer Square business people, they are really intense about not wanting it in front of their businesses. I think they could care less what the ethnicity of the people are, they just don't want the drug trafficking outside of their businesses or in the downtown area. It's the same thing in Bell Town with the merchants and there are a lot of residents up there now. They have been all over the police to use their ACT teams to arrest those people and keep them off the street."

### *"We Go Where the Information Takes Us"*

Representatives from the Police Department repeatedly made it clear that in addition to responding to community complaints and calls or incidents they observe, they follow the information gained through investigations. Because patrol officers have little time for ongoing investigative work, most of the investigations are carried out by the Narcotics Section and, to varying degrees, the ACT teams in each precinct.

Captain Pryor described that in the Narcotics Section, "We prioritize our investigations based on the quality of the information and the anticipated outcomes of each case." He went on to explain "an investigation that has the potential of resulting in the arrest of multiple suspects and impacting the availability of drugs in the community is a high priority. If you talked to other Narcotics Sections, I would be surprised if they didn't operate in somewhat of a similar fashion—in terms of being information-driven. All of our investigations involve at least one common element—they involve people engaged in illegal activity. It's difficult to conceive of operating a unit that would pass up good information for the sake of targeting a selective population." Chief Kerlikowske pointed out "You go where the information takes you and you go where the complaints and the problems are most visible and where you're going to be able to prosecute those cases."

### *SPD Tactics Focus on Street Drug Markets*

Given SPD's perceived mandate to respond to community complaints and concerns about public drug dealing, their focus is on arresting street drug dealers who sell in public spaces. The police are among the first to recognize that while these tactics may be limited in their effectiveness in terms of drug interdiction, they address the public concerns. This was discussed by each of the four precincts:

In the South Precinct, Lieutenant Whalen said, "I remember when I was first in the South Precinct, typically when we made a buy on a corner, for the rest of the night that street was quiet. So, even though we haven't won the war—far from it, we're keeping it down to a dull roar. We ensured the neighborhoods, we wouldn't let it become a free-fire zone and we haven't. That's about the best we ever did."

In the East Precinct, Lieutenant Sylve commented, "Look at our mission. If it is interdiction then we have not been effective. We have limited resources to address the many concerns, so for that reason and many others the problems continue to exist. But, if success is some semblance of order, we are effective. Our mission is to deal with emergencies and street-level problems. Beyond that, we are reactive."

Lieutenant Olson, in the North Precinct, claimed, "Success is there, but not ultimately if success means having it go away. We hear from the community, 'During the hours you're working, we feel safer because we know you're working on it.' Sometimes, we're successful in getting it off the street, but that doesn't mean they're not moving indoors where they're harder to detect. We want to create an environment where people can work and live without fear. But, realistically, really we're only displacing it. For every person we arrest, another one steps in. The key to getting the addiction problem resolved is education and immediate treatment opportunities. That's how we're going to fix it."

And, for the West Precinct, Lieutenant Evenson said, "We are effective with what resources we have to throw at it. If you gauge by community feedback, we've noticed a decrease in certain areas. But, I think it's just a drop in the bucket personally. It's a monster you can't control. We're doing the best we can with what we have. We make an impact in certain areas at certain times and it seems to shift somewhere else."

### *Resource Constraints*

SPD recognizes that their tactics exclude a potentially significant portion of the drug markets in Seattle. They suggest these limitations are due to resource constraints—it is more timely and costly to go beyond the public street dealing. Chief Kerlikowske suggested, "It [SPD strategy] comes from informants and complaints. In the condos, there could be as much cocaine use as in certain street corners of downtown, but often it's more difficult—if not impossible—to get. Those are difficult cases to make and we are driven by those other sources. There are less complaints and less overdoses. We end up going to the hot spots. If we had additional time and resources for our detectives, we could institute a more comprehensive system in terms of identifying targets and not just going where the opportunity is. Yes, you could and should do that."

However, it is important to note, that many police officials, including Chief Kerlikowske were not necessarily in favor in increasing police drug enforcement resources. Many of them realize that no matter how many resources we put into drug enforcement, there is a limit to how effective it will be. Chief Kerlikowske noted, "I'd rather support providing more support for probation and treatment than supporting more police officers and more arrests."

# SECTION V. FINDINGS

At the start of this report we posed the question:

**Is there a relationship between the Seattle Police Department's drug enforcement decisions, strategies and practices and the racial disparity in drug arrest rates and, if so, how could this relationship be addressed?**

**Based on the analysis presented in this report, we conclude that there does appear to be a relationship between SPD enforcement decisions, strategies and practices and racial disparity that is complex and indirect, but not impossible to address.**

As stated from the outset, this report was not about looking for racial bias or intentional discrimination. Our analysis suggests, however, that there are a variety of factors that contribute to the complex and indirect relationship between drug enforcement practices and racial disparity. This section draws upon our analysis in previous sections, as well as on the additional thoughts and observations of those interviewed, to describe each of these factors in more detail. The next section presents our recommendations to address these findings.

### Finding 1. The Seattle Police Department's mandate with respect to drug enforcement is unclear.

The Seattle Police Department, like other municipal police agencies around the country, is faced with the unenviable task of utilizing law enforcement resources to address the effects of a multifaceted national problem without a clear mandate or the support they need. Perhaps better than anyone else, the police recognize their limitations. According to Chief Kerlikowske, "Disproportionality is a huge issue, but not just for criminal justice. Still, there is a clear concern in some African American communities that the government gives tacit approval for drug dealing to go on in certain neighborhoods. You do have to be concerned. Most of us in law enforcement and those enforcing drug laws believe they are protecting citizens, reducing violence, restoring neighborhoods and businesses. But, drug enforcement that relies on the criminal justice system without adequate prevention and treatment programs is a difficult trap."

***There are complicated implications of SPD's identification of and response to "community complaints and concerns."***

Throughout interviews, representatives from the Police Department characterized their mandate as responding to community complaints and concerns. For example, many officers at the precinct level echoed the sentiments of Sergeant Harris (North Precinct) who suggested that they had little control over their mandate, "I arrest people because it's against the law. It's our mandate. Even in Seattle, people want drug dealers off the street."

One of the problems in analyzing the appropriateness of SPD's response to these complaints and concerns is that it is difficult to track where the complaints come from. Narcotics Activity Reports (NAR) are filed when a citizen calls to report narcotics activity. But, it is unclear whether every drug-related call or (non-call) complaint is filed as a NAR. An analysis of NARs filed last year shows that 39% of the reports were filed in the South Precinct; 25% were filed in the North Precinct; 24% were filed in the East Precinct; and 12.5% were filed in the West Precinct.[53] If these NARs suggest levels of community concern with narcotics activity, the arrest rates for each precinct do not seem to reflect these patterns.[54] For example, earlier analysis showed that about 50% of all narcotics arrests (more than any other precinct) occurred in the West Precinct, but only 12.5% of the narcotics activity reports (less than any other precinct) were filed there.[55]

In addition to the more formal Narcotics Activity Reports, police also base their perception of community complaints and concerns on input from various community groups and their own observations of what is happening on the street. As Officer Minor (East Precinct) explains, "We did and still do meet regularly with members of the community in different organized forums: block watches, business watch, community councils, ethnic councils, advisory boards and several other groups. It is through the meetings that we get to hear the voices of concern about what is happening in the communities. We seek input from those groups to assist in partnering with SPD and other city agencies to address the issue of public safety."

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[53] In addition, the SPD Annual Reports from 1990-1999 show that "citizen narcotics complaints" actually decreased over time, from 5,721 complaints in 1989 to 2,002 in 1996. Refer to Appendix I. Citizens Narcotics Complaints & Narcotics Activity Reports.

[54] This disjunct between the number of NARs and arrests in the Precincts suggests the need for further analysis. This is addressed in Section VI. Recommendations.

[55] See discussion of West Precinct in Section IV.

As Walter Atkinson, an original member of the East Precinct Weed & Seed Community Advisory Committee, says, "When the police make a statement about what the community wants, you need to look closely at it. Yes, the community would like drug dealing to be eliminated, but is the community asking you to crack down on African Americans solely?" It is important to keep in mind that no community has one voice and often, the concerns of the community are far more complicated than they are portrayed. Reverend Walden, of Mothers for Police Accountability who is a long-time Central District resident, suggests, "The question of 'who speaks for the community' is such a racist statement. Nobody asks who speaks for the white community. We are not a monolithic community."[56]

In addition, as discussed in Section IV, gentrification of certain areas, particularly in the downtown core and the Central Area, may be placing additional pressure on the police to enforce against street-level markets, as more high-income individuals move into these neighborhoods. According to Kris Nyrop, a significant part of the tension over gentrification stems from the fact that historically downtown was the primary location for social services in Seattle and there is a considerable population of low-income people of color who live Downtown. It is not clear that the community concerns as perceived by the Police Department reflect the priorities of the two different communities who both live Downtown.[57] The tensions over gentrification in the Central Area are slightly different. Some community members feel that as a result of gentrification, many former residents have had to leave the community because of the increased costs of living in the area. According to Atkinson, "We have in many ways become a victim of our own success."

**Finding 2. The response-driven nature of drug enforcement does not fit the complex realities of drug markets.**

The SPD recognizes that a significant portion of drug dealing and drug use occurs behind closed doors and out of public view. They also agree that these markets fall largely outside the radar of SPD enforcement because efforts are largely focused on public use and sale of illicit drugs. Assistant Chief Clark Kimerer (SPD, Chief of Staff) states, "We're lucky if 10 to 20% of the narcotics arrests are outside of the street level." As described in Section III, for a multitude of complicated social and economic reasons, the users and sellers in the public street-level markets seem to be disproportionately

[56] For a discussion of the politics surrounding community policing strategies and the tension over the implementation of Weed & Seed in the East Precinct, see "The Politics of Community Policing: The Case of Seattle" by Wilson Edward Reed.
[57] If the West Precinct is receiving additional funds from the downtown business community, as was suggested in the interviews, then this may also effect the perception of community concerns.

represented by people of color. To the extent that the less-public drug markets for heroin, methamphetamines, and flake cocaine are more likely to involve whites and those at higher socio-economic levels (as suggested by the descriptions of drug markets in Section III) there is significantly less enforcement pressure on these private sellers and users.

***SPD rationale for enforcement is focused on public markets.***

Interviews with law enforcement suggest a number of rationales for focusing on public drug markets. For example, Chief Kerlikowske suggests that the reduced focus on private use and markets is related to SPD's mandate of responding to concerns and complaints, "We know there are lots of homes where drug dealing goes on. If 15 people a day show up, you'll get complaints, but if only 10 people show up a day or if the house is isolated, you may not get those complaints."

Additionally, Chief Kerlikowske points out that legally, it is much more difficult to enforce against private activity; "Enforcement on the street needs less resources; it's less dangerous to police personnel than going into a house undercover or obtaining search warrants and there is less possibility of losing cases because it's an on-view case. Otherwise, you have to worry about informant credibility, etc." Lieutenant Olson (North Precinct) pointed out, "There are legal issues around home busts. We have an obligation not to jump to a conclusion. We need to protect everyone's civil rights. We have to do that objectively and thoroughly—morally and legally. We're not going to jump in and kick down your door just because your neighbor says you're selling drugs."[58]

***The focus on public drug sales results in a concentration of narcotics arrests in certain areas and for certain drugs.***

Throughout our interviews, law enforcement suggested that narcotics-related efforts are directed at the most visible street-level activity. Despite the recognition that drug use and dealing is occurring throughout Seattle, as mentioned previously, more narcotics arrests are made in the downtown core than anywhere else in Seattle. As Kris Nyrop described in Section III, many of the buyers and sellers in the open-air drug market located Downtown are low-income addicts who are predominantly people of

[58]Based on the overview of enforcement (described in Section IV), the service of search warrants and civil abatement falls primarily within the purview of the Narcotics Section. Limited data available from SPD Annual Reports suggests that the number of narcotics search warrants decreased annually from 598 in 1988 to 238 in 1996 (the last year for which this data was reported in the Annual Report.). See Appendix J. Further analysis would be useful to determine why search warrant activity has decreased while arrests have remained almost constant. Similarly, analysis of abatement enforcement could determine whether the application of this strategy is applied appropriately for all drugs and in all neighborhoods.

color. Because of the location of this market, the combination of poverty and addiction, and easy accessibility and anonymity, drug market activity here is arguably the most visible in Seattle.

Both Nyrop (Street Outreach Services) and Lieutenant Whalen (South Precinct), referred to street-level enforcement activity in the Downtown core as "shooting fish in a barrel." Nyrop adds, "The street trade is visible. It gets people upset and it's the easiest. That's what they focus on." As discussed in Section IV, the West Precinct conducts about 15 buy-busts/month, which is considerably more than any other precinct. Former Seattle Police Norm Chief Stamper adds, "It is so much easier for the police to enforce drug laws in communities of color—socially, economically, demographically, even topographically. This leads to a disproportionate number of people of color being arrested."[59]

These concerted efforts in certain public markets may also relate to an overrepresentation of cocaine within conviction data.[60] When asked which drugs seem to appear the most in front of her in the Superior Court, Judge Halpert reported, "Certainly crack. I would estimate 60% crack cocaine. I'm not sure I've seen any powder cocaine, maybe one or two cases. Heroin. Somewhat less meth than I would expect. One or two cases of ecstasy." When asked if cocaine represented 60 to70% of the drug problem in Seattle, Sergeant Barden (Narcotics Section) answered, "It's reflective of where we spend our time….It's probably not 70% of the street drugs, maybe closer to 50% and heroin is probably about 35%. But, cocaine markets are more easily investigated." When asked which drugs they focus most on, Sergeant Harris (North Precinct) said, "I would say probably rock [cocaine] because it's most available and most visible. Not for any other reason. It's just what we deal with. It's what we get most of. Cocaine, in general, I should say because it often comes in flake form too."

***SPD's information-driven approach limits their scope of drug interdiction.***

Most of the narcotics investigative work is done by the Narcotics Section or the ACT teams in each of the precincts. These efforts seek to develop and generate "bigger fish" or "Mr. Big." Much of the investigation that occurs at the Seattle Police Department involves developing relationships with confidential informants in order to obtain information on those higher up on the trafficking

[59] As discussed in Section II, conviction data shows that approximately 50% (or higher) of the heroin convictions are African American, despite almost unanimous anecdotal agreement that the heroin market is predominantly White. One possible explanation for this disparity, that would require further geographical analysis of arrests by drug, could be the focus on public markets downtown.

[60] An in-depth analysis (see Recommendations) needs to be conducted to determine the percentage of arrests that are cocaine-related, but conviction rates and anecdotal information suggest that the percentages are high (i.e. Minority & Justice report estimates over 70% of the felony drug convictions in King County involve cocaine ).

organizational chart. Many of these informants have been arrested for narcotics activity and offered a chance to "work off" their case by working for the police as confidential informants. This pool of informants may be limited by the concentration of arrests within certain visible street level markets. According to Assistant Chief Kimerer (Chief of Staff, SPD), "It's a pretty limited population we're dealing with. We don't get a lot of confidential informants outside of the street level." These individuals may be unable to provide information on those higher up in the trafficking network. Jerry Adams (Manager, Investigative Support Unit, High Intensity Drug Trafficking Area) says, "If you take all of the arrests by SPD and look at the race of the informants, I would bet close to a paycheck that 85% or more of the informants are black. It's the path of least resistance - the investigations are driven by informants. The informants are addicts. So the strategy is driven by drug addicts for whom it is okay to snitch on someone to get out of a beef."

This information-driven response may not be effective in addressing the more private drug markets that exist in other neighborhoods and/or that often involve other drug types. Sergeant Barden (Narcotics Section) supports the observation that this information-gathering strategy might lead to a skewed distribution of investigations for different drugs: "Information probably comes to light more readily in the cocaine scene than in the heroin scene. There are also ethnic and language barriers to investigating heroin. 'Meth' is difficult to investigate because it has such devastating effects on the user. There are massive amounts of information that we can't follow-up on because the confidential informants are so irresponsible and so unable to convey information. Instead of beating your heads against the wall and wishing you could go get a 'meth' lab, you go get cocaine." While Federal enforcement activity may be targeted at the higher levels of these drug markets, significant portions of the lower-level markets for certain drug types might go undetected. It is important to recognize that this limited concentration of arrests in public markets may serve to fuel the common misperception that most low-level dealers of illicit drugs are African American, when in fact much low-level dealing goes on undetected.

**Finding 3. SPD enforcement efforts target a limited conception of the harm of drug use and markets.**

No one we interviewed suggested that SPD drug enforcement practices were designed to win the "War on Drugs." However, many suggested that SPD enforcement was designed to address some of the harmful, ancillary effects of drug use and markets. Norm Maleng, King County Prosecuting Attorney, exemplifies this view: "Look at the studies: crime has gone down. I don't disagree with the idea that

part of this is economics and demography, but when you focus in on drugs as a crime against neighborhoods, Seattle has never lost a neighborhood to drug dealers." Our analysis suggests that by focusing on street-level drug use and markets, SPD enforcement targets a limited conception of this harm by not focusing on the ancillary effects of private drug use and markets. Our analysis also suggests that while drug enforcement since the crack epidemic is often characterized as targeting the violence associated with drug markets, it appears that the violence associated with the crack trade in Seattle has declined significantly and the focus of enforcement is more on the quality of life effects of public drug use and markets.

***Crime and other ancillary effects are related to all drugs.***

Most interviewees suggested that all types of narcotics use and markets are related to other crime. According to Sergeant Harris (North Precinct), "My view is that narcotics are involved in 90% of every other crime. They're doing it to buy or they're on narcotics when they're doing it. It's all intertwined. You can't separate it out. It's everything else—theft, burglary, homicide—they're all related to drugs, if you ask me." Although addressing the street-level drug markets may address some of these ancillary effects of the crack cocaine (and to a lesser extent heroin) markets, current enforcement priorities do not necessarily address the ancillary effects of less public markets, specifically the private markets for heroin and methamphetamines. According to Steve Freng (HIDTA), "Meth is even more violent. People get crazy. But, the market is through acquaintances. Meth users are too paranoid. They are not reliant on the street retail paradigm. They steal from each other and from their neighbors. They steal mail, conduct mail fraud, steal welfare checks or social security checks. There is completely random bizarre property-related and violent crime." Similarly, according to patrol officers in the North Precinct, much of their burglary activity could be attributed to heroin and other drug use more hidden from the public eye.

To the extent that drug enforcement is seen as a coercive way to get people into treatment, the lack of a focus on non-street markets limits the effectiveness of this approach. Chief Kerlikowske pointed out "As much as people want to say that we need more treatment and more focus on treatment, some people will never go into treatment. Arrest is often a gateway into treatment."[61] However, the current

[61] However, it is important to note that currently, only individuals arrested for possession of 2.5 grams or less of a controlled substance are eligible for drug court. Since, the majority of narcotics arrests in Seattle appear to be for delivery or intent to deliver, most of the arrestees are not eligible for the treatment alternative provided through drug court. This will be addressed in the Section VI. Recommendations.

focus on street-level activity might also limit this "public health" approach to public users of certain drugs. As Judge Halpert suggests, "I have questions about the criminal justice system being the public health authority. If the justification is to help people become more productive, then there should be greater emphasis on controlling meth."

***Drug-related violence has decreased significantly.***

Assistant Chief Diaz points out, controlling violence remains a critical issue for police resources. "For two years, I've gone to every homicide. It seems that you usually see a Latino or African American lying there dead. In a perfect world, I would focus on the violence piece of this and put more money towards the treatment of that problem." In general, however, there seems to be a widespread recognition that the violence associated with drug markets was never as extreme in Seattle as it was in other cities and that to a large extent, the violence that did exist at the height of the crack epidemic has largely subsided.[62] Chief Kerlikowske says, "Even when we had drive-by shootings and turf wars, maybe it wasn't as violent as it was in other cities, but this is a very transient community; people come and go. I would agree that the level of violence is different, even looking at heroin dealing here is more passive." Steve Freng (HIDTA) concurs, "Seattle was never as violent as elsewhere. There has not been a significant level of violence associated with crack. Trafficking here, in general, is not as violent." While in the past, enforcement may have been more focused on the violence associated with drug markets, as Chief Kerlikowske suggests, at the present time it appears that "It's more a quality of life issue than violence."

***The focus of drug enforcement is more on quality of life effects.***

Most police feel that street-level enforcement is an important way to address quality-of-life issues given their limited ability to address the other harms associated with drug sales and use. Chief Kerlikowske recognizes, "It's pretty difficult to separate the other associated crimes—the nexus of drug dealing. I think most police administrators would agree that this is much more of a public health and social policy problem. We're trying to improve the quality of life for people on the street. They shouldn't have to walk around the block to avoid the drug dealing or they shouldn't have to not get into the 'mom and pop' store because of the drug dealers in front of the store. And often times you end up seizing firearms and getting those off the street."

[62] According to Lt. Whalen and several others interviewed, much of the violent activity in the late 80's/early 90's was generated by California gangs entering the Seattle drug markets. Whalen suggested that many of these individuals were targeted by the U.S. Attorney, resulting in their incarceration in federal prison.

Many of those interviewed suggest that the focus on quality of life issues arises from community complaints and concerns, as well as from other social and political pressures. City Attorney Mark Sidran suggests: "It's common sense. If you see a hooker on a corner and you are going by with your kids or you see a junkie dropping a syringe on the ground that you have to walk by, you have a different attitude than if someone has a call girl in a hotel room or someone is buying drugs in a yuppie restaurant. It's the difference between a late-stage alcoholic sleeping on a bench and the guy who drinks at home. The harm to the individual is the same. The harm to the community is not."

While the police and other public officials suggest that enforcement is directed at improving quality of life issues, the consequences of arrest and conviction do not necessarily reflect this perceived mandate. Also, other enforcement strategies that do not necessarily rely on narcotics arrests might be able to address these issues.[63]

**Finding 4. The current focus on "sellers" versus "buyers" is problematic.**

As described in Section III, while the sellers in many of the public drug markets were disproportionately people of color, the buyers were more racially diverse. Steve Freng suggests, "The buyers are predominately white for all drugs, and particularly for heroin. But, possession is not a priority." As Section IV suggests, while the police occasionally conduct reverse buys, they do so with far less frequency than buy-busts or other undercover operations designed to arrest drug dealers. Many police officers suggested that the reasons for the relative infrequency of this particular tactic were the practical and ethical problems associated with the police "selling drugs." However, several police officers interviewed, including the current and former Chief suggested that they were not foreclosed to the possibility of greater use of the tactic.[64] While the enforcement focus on the "seller" may also reflect public conceptions about the moral culpability of these individuals, the realities of the drug markets sometimes suggest otherwise. The focus on the "sellers" also seems to be ineffective at reducing drug use and drug market activity in Seattle.

***The moral culpability of "sellers" is not so clear.***

Police drug enforcement disproportionately targets those who sell illegal drugs as compared to those who buy them. This disparity is due, in part, to a social conception that the dealers are somehow more

[63] See Section VI. Recommendations.
[64] See Section VI. Recommendations.

morally culpable than the buyers. Dealing (delivery, possession with intent to deliver) is considered a more serious crime, subject to far more stringent penalties than possession. However, the realities of the drug markets suggest that there may be a much finer line between the two than the laws reflect.

The dealers receiving the bulk of enforcement attention are low-level dealers who are not key-players within the distribution scheme. Furthermore, many of these low-level dealers, particularly Downtown where a majority of the buy-busts are occurring, are selling drugs to support their own addiction. Bob Boruchowitz (Director, Public Defender Association) suggests that the public perception of "the image of the drug dealer with the gold chain around his neck, hanging around the school hooking kids on heroin" is not reflective of the reality of "the two-bit seller who is just trying to get his next fix." These street dealers, however, when arrested for delivery are not eligible for drug court, whereas they would be if they were arrested on a day when they were buying and not selling.[65] Even for those who are not supporting an addiction, there are other social and economic factors to consider. Council Member Larry Gossett suggests, "People are so desperate and resource-less. They're so desperate to make a few dollars that they are willing to take a risk…there are social, economic reasons why its done more out in the open compared to whites."

Another factor to consider with respect to the moral culpability of selling drugs is that it can be viewed as a consensual crime. Boruchowitz suggests that this method of enforcement mirrors the problems of enforcement targeted at the prostitutes and not the johns, in that it punishes one act while overlooking the other—when both are illegal: "They [the police] don't arrest the customer very often. It's easier to arrest the prostitute…I think that if the buyers [of drugs] were more afraid of getting caught, it would be a tougher market for the sellers."

***Current drug enforcement practices have not been effective in closing down open air markets.*** Since at least the introduction of crack cocaine in the 1980's, the Seattle Police Department has focused a significant amount of resource and attention towards illegal narcotics enforcement. With the exception of efforts, particularly, in the late 1980's and early 1990's to close down crack houses, most of these resources have been expended on public drug dealing. SPD has made over 3,000 narcotics arrests every year since 1990, with numbers closer to 4,000 in some years. Despite these efforts, some of the most "popular" hot spots still exist where they were over a decade ago.

[65] See Section VI. Recommendations.

As discussed in Section IV, most law enforcement interviewees readily admitted the ineffectiveness of police tactics in closing down drug markets, but pointed out that their role is really something different. As Lieutenant Olson pointed out, "Success is there, but not ultimately if success means having it go away…realistically, really we're only displacing it."[66] There was a repeated perception among police officers that displacement occurs. Steve Freng, suggests "It's more a matter of displacement among blocks than neighborhoods. For example, it will go from 2nd and Pike to 3rd and Pike. I don't know that they feel they could clear those corners so completely and for long enough." One police officer, who described the patrol job as "herding sheep" from one street corner to the next, echoed this view.

As Kris Nyrop points out, much of this ineffectiveness is due to the public mandate issues discussed earlier. "Police drug enforcement is like squeezing a balloon. I feel sympathy for them. They are charged with an exercise in utter futility. Within their confines, I'm not sure anyone could give a better plan for what they're doing. A lot of the drug use is off of their radar screen or they're not going to pay attention to it because it is off everyone else's radar screen."

Council Member Larry Gossett voices the concern that this level of effectiveness has come with considerable human costs; "They are incarcerating more people than ever and people are spending long periods of time in prison while drug abuse continues to rise in the US. I don't see the usefulness or effectiveness of the current drug laws. I don't see any meaningful solutions being found using these same ingredients."

**Finding 5. There is an important window of opportunity to address these issues.**

This is a promising time to approach the topics related to this report. Currently, there are a number of efforts underway to address potential racial disparity and there is a considerable amount of discussion and innovative thinking going on in Seattle and in Washington State on issues related to drug policies. While there may be disagreements over the details, there is an increasingly widespread recognition that current laws, policies, and practices may need reevaluating. Our interviews suggest that there is much more common ground on these issues than might appear to an outside (or inside) observer.

Based on our discussions, the Seattle Police Department recognizes the limitations of enforcement to address these multi-faceted social problems. They repeatedly expressed an openness to new ideas and a

[66] Excerpted from full quote in Section IV.

concern about the issues we discussed. The Prosecuting Attorney, Norm Maleng, has recently proposed changing some of the criteria for Drug Court eligibility. The Public Defender Association is currently working with the Police Department and others on related juvenile issues. There are a number of groups, including a King County Bar Association Task Force, working hard to address these questions and to implement policy changes.

It also appears that public and political sentiment may be shifting towards a greater willingness to consider new ideas and approaches. Drug and crime policies are complicated, but there seems to be increasing recognition that the existing approaches to these issues come with considerable costs. For these reasons, we believe that in the current climate change might be possible.

# SECTION VI. RECOMMENDATIONS

These recommendations are designed to answer the second part of the central question:

**How should the relationship between police drug enforcement and racial disparity be addressed?**

In order to answer that question, the recommendations address: the racial disparity that currently exists in relationship to Seattle Police Department drug enforcement practices, the impact of this disparity on communities throughout the city, and the perception of racial disparity within many of these communities.

The first three recommendations focus specifically on actions that should be taken by the Seattle Police Department. In recognition of the fact that this is a multifaceted issue, over which the police can have only limited responsibility and control, the next three recommendations look beyond the role of law enforcement in recognition of the need to understand and address other laws and policies. The final recommendation addresses the pressing need for further analysis of the patterns and results of current drug enforcement practices and policies in Seattle.

As previously described, there is an important window of opportunity for addressing these issues right now. Discussions about racial disparity are on the minds of many. There is a sense that even those who have previously taken a hard-lined "tough on crime" approach may be open to considering other alternatives.

Our recommendations are based on an analysis of available data and input from the many people interviewed. While not every interview included a discussion of potential recommendations, many of the suggestions herein were discussed with a number of people. (Some of their thoughts are included in this section.) While the opinions expressed throughout this paper represent a variety of voices, there may be more common ground on this issue than many people realize. These recommendations, we hope, are reflective of existing constraints, but useful for taking discussions and actions about racial disparity and drug enforcement at least one step further.

**Recommendation 1. Develop an overall narcotics enforcement strategy that is transparent throughout the Seattle Police Department and to the public.**

As discussed throughout, the response-driven nature of current narcotics enforcement practices results in a concentration on low-level street dealers. A comprehensive strategy to address the overall patterns of drug markets should be developed to:

***Incorporate community participation along with input from all levels of narcotics enforcement.*** To the extent that narcotics enforcement seeks to address community complaints and concerns, community participation must play a central role in designing a comprehensive strategy that incorporates problem-solving and enforcement efforts. It is imperative that a multitude of community perspectives be included—not just the voices of those who *want* to work with the police.

***State the goals and objectives of SPD narcotics enforcement.*** These should be clear throughout the Department and to the public. The extent to which narcotics enforcement is intended to get at other ancillary effects such as general quality of life issues should be transparent.

***Establish priorities for each of these goals that are reflected through resource allocation.*** The amount of time and resources spent on narcotics enforcement should not be entirely response-driven; it should be reflective of publicly recognized departmental priorities.

***Prioritize prevention and problem-solving approaches.*** Patrol officers, in particular, should not feel that their narcotics enforcement efforts are simply about "shooting fish in a barrel," "playing cat and mouse," or "herding sheep." Instead, their knowledge about drug markets (public and private) should be used to develop strategies to prevent crime and address community concerns that do not rely on making arrests or moving people around at the street level.

***Ensure that enforcement efforts are more appropriately aligned with drug market realities in Seattle.*** This may mean shifting towards more intensive strategies to interdict heroin, methamphetamine, and "club drug" markets. These efforts should include an evaluation of the police resources necessary to address these markets (i.e., appropriate language skills, reliable confidential informants for different markets, etc.) To the extent that federal agencies and task forces can assist with this, their cooperation should be solicited.

*"We need to get rid of the term community policing and call it community governing."*
– Assistant Chief Diaz

*"The community must have trust in law enforcement to do the right thing…It's a community-wide effort. The city, state, local, and federal agencies have to work with the community. It has to be a collaborative effort. It can't be the police by themselves. The police have to understand this and be willing to work with the community."*
- Walter Atkinson, Original Member, East Precinct Weed & Seed Community Advisory Committee

**Recommendation 2. Reprioritize drug enforcement efforts so that more attention is paid to those who purchase illegal narcotics instead of focusing primarily on those who sell narcotics.**

SPD should reallocate resources to focus more attention towards the buyers of illegal drugs through the use of reverse buy operations and other targeted enforcement and prevention strategies. Given the recognition that individuals who purchase illegal narcotics in open-air markets tend to be more racially and economically diverse than the sellers, this shift in priority would represent a significant step towards addressing the racial disparity in narcotics arrests.

**In addition to addressing the inequities of racial disparity, concerted and consistent strategies targeted at buyers in open-air markets:**

***Could eliminate open-air markets.*** Current narcotics efforts have been relatively ineffective in eliminating some of the most prominent "hot spots" around the city, particularly in the downtown core. Highly publicized reverse buy and undercover operations as well as other tactics intended to create a credible message that illegal narcotics purchasing will not be permitted may prevent buyers from frequenting these public markets. (With a strategically designed plan, a credible public message, and consistent follow-through from SPD, these markets could be affected with less reliance on arrests.);

*"People go to buy drugs where they feel comfortable and people sell drugs where they feel comfortable."*
- Lieutenant Dan Whelan, South Precinct

***Could make treatment available for street-level dealers who sell narcotics to support their own addiction.*** Currently, individuals arrested for delivery or intent to deliver are not eligible for Drug Court. If these individuals (who both sell and use drugs) are arrested for possession, instead of delivery, they will have access to drug treatment through the option of Drug Court.

*I'm not opposed to a public perception that we are increasing reverse buy-busts—if it keeps people from coming into Seattle to buy; I'm not opposed to that.* - Chief Kerlikowske.

**Recommendation 3. Develop performance measurements that allow police administrators and the public to evaluate effectiveness of narcotics enforcement beyond rates of arrest.**

As most interviewees recognized, arrest rates are limited in their ability to measure the effectiveness of narcotics enforcement. While SPD does not rely solely on arrest rates as an evaluation tool, it is not clear how many other measurements they have devised.

**Performance measurements should:**

***Incorporate input from precinct residents and outside agencies.*** This participation should be included to help with the design, implementation and ongoing evaluation of measurement tools in order to incorporate the wide-range complexities of community complaints and concerns.

***Provide a comprehensive overview of all narcotics enforcement tactics and operations in each of the four precincts***. This would provide a citywide analysis of the allocation of narcotics resources, enforcement efforts, and levels of effectiveness by geography.

***Track the results of SPD follow-up on each Narcotic Activity Report.*** This could help SPD and the public gain a better understanding of the "quantity" and "quality" of calls/reports in each precinct; to allow for an analysis of police response by precinct; to identify potentially under-investigated markets; and to gauge the levels of community concerns and police response.

***Acknowledge and report on the effectiveness of problem-solving activities.*** Prevention efforts should be incorporated and measured as a part of the overall narcotics strategy.

***Monitor interdiction efforts more appropriately.*** Arrests and interdiction efforts should be tracked in terms of quantity of drugs involved and number and level of narcotics organizations disrupted. This might prioritize quality of arrest (relevant to interdiction priorities) over quantity.

**Recommendation 4. Reevaluate the consequences of post-arrest policies, which may contribute to racial disparity and the ineffectiveness of current policies.**

It should be recognized, at the charging, sentencing, and conviction levels, that part of the rationale for enforcement is to address quality of life issues, and that the individuals who come into the "system" on drug charges are not necessarily reflective of the total drug offending population. The consequences and effectiveness of these post-arrest phases should be reevaluated.

**Appropriate changes should include:**

***Expanding the eligibility for Drug Court.***[67] An expanded definition of the eligibility for Drug Court to include facilitators and certain levels of dealers would make treatment available to them. County Prosecutor Norm Maleng has already begun efforts to include facilitators within the eligibility criteria.

***Expanding the definition of treatment recognized by Drug Court.*** By identifying alternatives to incarceration (beyond drug treatment), Drug Court could provide appropriate interventions for low-level street dealers who do not need drug treatment, but for whom incarceration is not effective either.

***Placing greater emphasis on quantity of narcotics and place within the distribution network at the charging/sentencing phase***. The consequences of a drug conviction should be reflective of these factors instead of on the sometimes blurred distinction between buyer and seller.

**Recommendation 5. Advocate to increase the availability of treatment beds.**

To the extent that drug abuse is a public health issue and not an enforcement problem, it should be approached as such. Law enforcement interviewees commented frequently on their frustrations with having to apply enforcement efforts because no other alternatives were available. Drug treatment should be made available on demand.

*"We'll encounter someone who says if they could get into treatment, they'd go right now, but they can't get in. It's a 90 day wait. What's going to happen in those 90 days? They could be victimized or victimize someone else. In two days, they might not feel the same way about getting treatment. We're failing those people that so desperately need help. We can enforce, but we've failed miserably at treating people and educating youth."* - Lieutenant Olson, North Precinct

[67] Refer to Appendix H for a brief overview of Drug Court eligibility.

**Recommendation 6. Participate in discussions about harm reduction and decriminalization of certain drugs and activities.**

Regardless of whether or not decriminalization is an appropriate solution (we are not sure if it is), there are important elements to this discussion that warrant further thought. In addition, there is a significant amount of energy and thought around these issues that should be capitalized upon.

**In particular, discussions should focus on:**

***Promoting appropriate harm reduction strategies***. These discussions should focus on addressing the safety and public health issues of drug use and abuse.

***Promoting changes in current drug policies and identifying alternatives to incarceration***. These discussions should focus around current policies that are resulting in record numbers of people incarcerated for non-violent drug offenses.

***Analyzing the potential consequences of decriminalizing narcotics offenses.*** As many interviewees suggested, the potential social, medical, and economic consequences of decriminalization efforts need to be thought out carefully.

***Creating other viable economic opportunities for those who currently rely on an illegal drug market for economic self-sufficiency.*** To the extent that low-level dealers, particularly street dealers, are dependent on the narcotics trade for economic reasons, other more viable and legal alternatives should be created.

*"Before we try legalization, let's try treatment on demand first."*

-Ron Jackson, Director, Evergreen Treatment Services

*"I favor the decriminalization of drugs. Our efforts to interdict have been a catastrophic failure from a moral, medical, and financial perspective—unfortunately, not yet from a political perspective…That said, I believe in narcotics enforcement as long as it's on the books…Drug use and abuse is a medical problem. I believe responsibility for changing drug laws rests with the people. Police Chiefs who feel the way I do ought to speak up."*

- Norm Stamper, Former Seattle Police Chief

**Recommendation 7. Conduct an in-depth analysis of narcotics activity, enforcement efforts, and arrest patterns.**

Narcotics offenses are not considered Part I offenses, as defined by the FBI and, therefore, are not tracked for reporting purposes in the same way that SPD tracks Part I offenses. Our efforts to understand and analyze drug enforcement have been significantly constrained by this limitation as well.

The following information should be tracked from annual narcotics incident reports: location of incident, race[68] and age of individual involved, type and quantity of narcotics involved, reason for police response (NAR report, 911 call, on-view, undercover investigation, search incident to arrest, etc.), unit/squad involved in incident, result of police response (physical arrest, citation, assistance rendered, etc.).[69]

**A complete analysis of narcotics-related activities, enforcement, and arrests should:**

***Identify the connection between community complaints/concerns and enforcement efforts.***

***Identify significant patterns in narcotics activity and enforcement responses.***

***Identify the ancillary effects and reported acts of violent crime related to drug markets and drug-related offences in each of the four precincts.***

**A comprehensive analysis of this sort could help to:**

***Provide useful tools for SPD and others by identifying key patterns in narcotics activity, including market features, population of buyers and sellers, extent of displacement, etc.***

***More fully explain the relationship between police drug enforcement practices and racial disparity.***

***Address public concerns about racial disparity by making police operations more transparent and providing an accurate point of reference for future discussions.***

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[68] It is extremely important that Hispanics be reported as a separate category and not, as they frequently are, reported within the "White" category.

[69] It is important to note that this data is already recorded by police officers on their incident reports. This recommendation is not intended to create more paperwork for individual officers, but to highlight the need for someone to *analyze* the information that is already being collected. In addition, due to recent legislation, SPD will be required to track data on traffic stops. The City of Seattle's Office of Public Safety is currently in the process of determining data collection requirements for traffic stops. Efforts should be made to ensure that the information collected for traffic stops includes the information discussed here and that, to the extent appropriate, the data collected for traffic stops, is collected for other non-traffic stops as well.

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**Interviews**

Jerry Adams
Manager, Investigative Support Unit, Northwest High Intensity Drug Trafficking Area

Walter Atkinson
Original Member, Weed & Seed Community Advisory Committee, East Precinct

Sergeant Eric Barden
Narcotics Section, Seattle Police Department

Bob Boruchowitz
Director, Public Defender Association, Seattle/King County

Chief Fabienne Brooks
Chief, Criminal Investigations Division, King County Sheriff's Office

Assistant Chief John Diaz
Operations Bureau, Seattle Police Department

Lieutenant Mark Evenson
West Precinct, Seattle Police Department

Steve Freng
Manager, Prevention/Treatment, Northwest High Intensity Drug Trafficking Area

Larry Gossett
Metropolitan King County Councilmember, District Ten

Judge Helen Halpert
Judge of the Superior Court, King County

Sergeant Doug Harris
North Precinct Patrol, Anti-Crime Team (ACT), Seattle Police Department

Ron Jackson
Director, Evergreen Treatment Services

Chief Gil Kerlikowske
Chief of Police, Seattle Police Department

Assistant Chief Clark Kimerer
Chief of Staff, Seattle Police Department

Norm Maleng
King County Prosecuting Attorney

Officer Victor Minor
Community Police Team, East Precinct Patrol, Seattle Police Department

Kris Nyrop
Executive Director, Street Outreach Services (SOS)

Lieutenant Marc Olson
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Assistant Chief John Pirak
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Norm Stamper
Former Chief of Police, Seattle Police Department

Lieutenant Ron Sylve
Operations, Weed Coordinator, East Precinct, Seattle Police Department

Sergeant Roger Thompson
Drug Enforcement Unit, King County Sheriff's Office

Judge Michael Trickey
Judge of the Superior Court, King County (Drug Court)

Harriet Walden
Mothers for Police Accountability

Lieutenant Daniel Whalen
South Precinct, Seattle Police Department

# APPENDIX A. Analysis from Washington State Minority & Justice Commission Report

In December 1999, the Washington State Minority & Justice Commission released a report entitled, "The Impact of Race and Ethnicity on Charging and Sentencing Processes for Drug Offenders in Three Counties in Washington State." This report examined the role of race and ethnicity in the case processing and sentencing of felony drug offenders in King, Yakima, and Pierce counties. Specifically, the Commission explored questions of "whether, and how, offenders' race or ethnicity is related to charging decisions, and how those decisions, as well as offenders' race or ethnicity, may affect courts' use of sentencing options for drug offenders, including the use of treatment-based alternatives to standard prison sentences" (p. 1).

**Overview of Figure 1. (below)**

According to the Minority & Justice Commission report, an analysis of randomly sampled felony drug convictions in King County showed that 53.9 percent of the convicted offenders were black; 24.5 percent were white; and 21.6 percent were Hispanic. (The percentage of white convictions was significantly lower in King County than Pierce or Yakima Counties, which were 69.7 and 40.9 percent white respectively.) In over 70 percent (73.5 percent) of the King County convictions, cocaine was involved. Heroin was involved in 26.5 percent of the convictions; marijuana in 8.8 percent; and methamphetamine in 5.8 percent. (Both cocaine and heroin were significantly higher in King County than in the other two counties and methamphetamine was significantly lower.) Over 77 percent of those convicted in King County were arrested with "small" amounts of drugs. Twelve percent had "medium" amounts and 10 percent had "large" amounts.

The report also looked at the type of arrest that led to each conviction: 44.1 percent of the arrests in King County were pursuant to a buy-bust operation (compared to 3.2 percent in Yakima and 7.1 percent in Pierce). The second most frequent type of arrest (23.5 percent) was made based on officer observations. Active investigations led to 12.7 percent of the arrests; routine stop and searches were responsible for 11.8 percent, and 7.8 percent were "other" arrests. Apparently, the type of arrest remains important throughout the sentencing process. For example, "offenders arrested in undercover buy-bust operations were more likely to be charged, and convicted, on the most serious charge" (p. 69). The authors comment on this:

"While we would not expect the circumstances of the arrest to have any inherent relationship to charging decisions, interviews with prosecutors and public defenders suggest at least two explanations for that relationship. First, the arrest reasons and circumstances may be related to the strength and evidence in a case. For example, delivery, or intent to deliver, may be more easily established and proved, when police officers participate in a drug delivery, than when drugs and evidence of intent are discovered subsequent to a traffic stop or some other encounter….Second, interviews with prosecutors and public defenders also suggested that charging decisions, in some cases, are influenced by the importance on those cases by local law enforcement." (p. 63).

**Figure 1. Bivariate County Level Analysis of Demographics, Drug Types, Arrest Characteristics and Charging Practices (based on 294 White, Black, and Hispanic offenders, n varies slightly because of missing data).**

| | King County | Yakima County | Pierce County |
|---|---|---|---|
| **Race** | | | |
| **% White**** | 24.5 | 40.9 | 69.7 |
| **% Black** | 53.9 | 6.5 | 25.3 |
| **% Hispanic** | 21.6 | 52.7 | 5.1 |
| **Sex** | | | |
| **% Female** | 25.5 | 16.1 | 27.3 |
| **% Male** | 74.5 | 83.9 | 72.7 |
| **Drugs Involved** | | | |
| **% Marijuana** | 8.8 | 17.2 | 16.2 |
| **% Cocaine**** | 73.5 | 55.9 | 38.4 |
| **% Methamphetamine**** | 5.8 | 38.7 | 50.5 |
| **% Heroin*** | 26.5 | 12.9 | 15.2 |
| **Drug Quantity** | | | |
| **% Small** | 77.8 | 66.9 | 64.2 |
| **% Medium** | 12.1 | 17.0 | 14.8 |
| **% Large** | 10.1 | 17.0 | 21.0 |
| **Arrests Pursuant to** | | | |
| **% Active Investigation **** | 12.7 | 28.0 | 25.3 |
| **% Buy/Bust Operation** | 44.1 | 3.2 | 7.1 |
| **% Routine Stop-Search** | 11.8 | 40.9 | 40.4 |
| **% Officer Observed** | 23.5 | 5.4 | 9.1 |
| **% Other** | 7.8 | 22.6 | 18.2 |
| **Primary Arresting Offense** | | | |
| **% Possession/Other** | 21.6 | 63.4 | 58.6 |
| **% Delivery** | 78.4 | 36.6 | 41.4 |
| **Primary Charged Offense** | | | |
| **% Possession/Other** | 39.2 | 72.0 | 64.6 |
| **% Delivery** | 60.8 | 28.0 | 35.4 |
| **% Multiple Counts** | 5.9 | 25.8 | 49.5 |

Source: Minority & Justice Commission Report. Excerpted from Table 2, p. 74.

* Statistically significant difference across counties, Chi-square $p<.05$

** Statistically significant difference across counties, Chi-square $p<.01$

**Overview of Figure 2. (below)**

Unfortunately, the Minority & Justice report only presents data by race and ethnicity for all three counties combined. Nevertheless, there are some interesting trends to note. For instance, over 80% of the convictions for black offenders involved cocaine, 10.5% involved heroin, under 5% involved marijuana, and just over 3% involved methamphetamine. The percentage breakdowns were somewhat similar for Hispanics except that the percentages for heroin and methamphetamine were higher (71% cocaine; 30% heroin; over 15% methamphetamine; and over 11% marijuana). For white offenders, the breakdown was very different. Over 58% of white convictions involved methamphetamine; 29.5% involved cocaine; over 20% involved marijuana; and 16.7% involved heroin.

With respect to the type of arrest leading to conviction, the report's analysis found that blacks were more likely to have been arrested as the result of a buy-bust operations (over 38% of the black convictions) compared to just over 3% for white convictions and almost 20% of the Hispanic convictions. In contrast, white convictions were most likely to be the result of a routine stop and search (over 40% of the white convictions) compared to about 19% of the black convictions and 26% of the Hispanic convictions. Hispanic convictions were most likely the result of an active investigation (over 27%) just followed by the routine stop and search. While over 22% of the white convictions were the result of an ongoing investigation, this was one of the least likely forms of arrest for the black offenders (15%).

In addition, it is interesting to note that over 70% of the black offenders were convicted for delivery, compared to about 58% of the Hispanic offenders, and only 37% of the white offenders.

**Figure 2. Analysis by Race and Ethnicity: Demographics, Drug Types, Arrest Characteristics and Charging Practices. All Three Counties. (based on 294 White, Black, and Hispanic offenders, n varies slightly because of missing data).**

| | White | Black | Hispanic |
|---|---|---|---|
| **Sex** | | | |
| **% Female**** | 29.5 | 27.9 | 6.6 |
| **% Male** | 70.5 | 72.1 | 93.4 |
| **Drugs Involved** | | | |
| **% Marijuana**** | 21.2 | 4.7 | 11.8 |
| **% Cocaine**** | 29.5 | 83.7 | 71.1 |
| **% Methamphetamine**** | 58.3 | 3.5 | 15.8 |
| **% Heroin**** | 16.7 | 10.5 | 30.3 |
| **Drug Quantity** | | | |
| **% Small*** | 70.8 | 80.3 | 56.9 |
| **% Medium** | 14.2 | 9.2 | 20.8 |
| **% Large** | 15.0 | 10.5 | 22.2 |
| **Arrests Pursuant to** | | | |
| **% Active Investigation **** | 22.7 | 15.1 | 27.6 |
| **% Buy/Bust Operation** | 3.3 | 38.4 | 19.7 |
| **% Routine Stop-Search** | 40.9 | 18.6 | 26.3 |
| **% Officer Observed** | 9.1 | 16.3 | 15.8 |
| **% Other** | 22.0 | 11.6 | 10.5 |
| **Primary Arresting Offense** | | | |
| **% Possession/Other**** | 62.9 | 27.9 | 42.1 |
| **% Delivery** | 37.1 | 72.1 | 57.9 |
| **Primary Charged Offense** | | | |
| **% Possession/Other**** | 69.7 | 45.3 | 52.6 |
| **% Delivery** | 30.3 | 54.7 | 47.4 |
| **% Multiple Counts**** | 35.6 | 15.1 | 25.0 |

Source: Minority & Justice Commission Report. Excerpted from Table 3, p. 75.
* Statistically significant difference across counties, Chi-square $p<.05$
** Statistically significant difference across counties, Chi-square $p<.01$

## Methodology of Report

The authors of the Minority & Justice report collected and analyzed two types of data on factors relevant to charging and sentencing decisions: 1) in-depth interviews with court officials involved in the case processing of felony drug offenders and 2) information from prosecutors' case files on characteristics of offenders, their actual offending behavior, and processing decisions from arrest through sentencing for a random sample of convicted drug offenders (p. 5) which resulted in information on a total of 301 cases—104 in King County, 101 in Pierce County, and 96 in Yakima County. (Note: Of these 301, 5 Native American offenders and 3 Asian American offenders were excluded because of the impossibility of conducting meaningful analyses about those groups with such small samples, p. 47).

**Limitations of Analysis**

There are a number of limitations to the Minority & Justice Commission's analysis: 1) the data set consists of felony convictions only. There are most likely important selection biases that would make the information discussed here systematically different than arrests which do not result in felony convictions and 2) the sample size for this analysis was relatively small (p. 71).

# APPENDIX B. Census Data for Seattle, King County, Washington State

| City of Seattle, Census 2000 | |
|---|---|
| **Hispanic/Latino (any race)** | 5.3 |
| **Non-Hispanic/Latino** | |
| **White** | 67.9 |
| **Black/African American** | 8.3 |
| **American Indian/Alaska Native** | 0.9 |
| **Asian** | 13.0 |
| **Native Hawaiian/Pacific Islander** | 0.5 |
| **Other Race** | 0.3 |
| **Two or More Races** | 3.9 |

Source: U.S. Census Bureau, Census 2000 Redistricting Data

The City of Seattle represents 32.4% of the King County population.

**King County**

| King County, Census 2000 | |
|---|---|
| **Hispanic/Latino (any race)** | 5.5 |
| **Non-Hispanic/Latino** | |
| **White** | 73.4 |
| **Black/African American** | 5.3 |
| **American Indian/Alaska Native** | 0.8 |
| **Asian** | 10.7 |
| **Native Hawaiian/Pacific Islander** | 0.5 |
| **Other Race** | 0.3 |
| **Two or More Races** | 3.5 |

Source: U.S. Census Bureau, Census 2000 Redistricting Data

**Washington State**

| Washington State, Census 2000 | |
|---|---|
| **Hispanic/Latino (any race)** | 7.5 |
| **Non-Hispanic/Latino** | |
| **White** | 78.9 |
| **Black/African American** | 3.1 |
| **American Indian/Alaska Native** | 1.4 |
| **Asian** | 5.4 |
| **Native Hawaiian/Pacific Islander** | 0.4 |
| **Other Race** | 0.2 |
| **Two or More Races** | 3.0 |

Source: U.S. Census Bureau, Census 2000 Redistricting Data

## APPENDIX C. SPD Adult Drug Arrests By Precinct By Race.

The data presented here was compiled from maps published by the Seattle Police Department that present adult drug arrests in 1999 by census tract for "All Races, White, Black, Asian, and Native American."*

These estimates are approximations. Census tracts do not fall perfectly within the confines of precinct boundaries. For purposes of this analysis, census tract 82 (34 arrests) was included in the East Precinct (and not the West Precinct). Census tract 91 (92 arrests) was considered in the East Precinct (and not the West Precinct). Census tract 93 (38 arrests) was considered in the West Precinct (and not the South Precinct). Additionally, the total adult narcotics arrests on these maps sum to 3018. The total narcotics arrests reported in the SPD 1999 Annual Report was 3872.**

**Figure 1.**

| Numbers | North Precinct | South Precinct | East Precinct | West Precinct | Total Arrests |
|---|---|---|---|---|---|
| **White** | 269 | 129 | 205 | 564 | 1167 |
| **Black** | 166 | 316 | 416 | 813 | 1711 |
| **Asian** | 10 | 33 | 22 | 26 | 91 |
| **Native American** | 5 | 5 | 8 | 31 | 49 |
| **Total Arrests** | 450 | 483 | 651 | 1434 | 3018 |
| | | | | | |
| **Percentages** | **North Precinct** | **South Precinct** | **East Precinct** | **West Precinct** | **% Total** |
| **White** | 59.8% | 26.7% | 31.5% | 39.3% | 38.7% |
| **Black** | 36.9% | 65.4% | 63.9% | 56.7% | 56.7% |
| **Asian** | 2.2% | 6.8% | 3.4% | 1.8% | 3.0% |
| **Native American** | 1.1% | 1.0% | 1.2% | 2.2% | 1.6% |
| **% Total** | 100% | 100% | 100% | 100% | 100% |
| | | | | | |
| **Percentages** | **North Precinct** | **South Precinct** | **East Precinct** | **West Precinct** | **% Total** |
| **White** | 23.1% | 11.1% | 17.6% | 48.3% | 100% |
| **Black** | 9.7% | 18.5% | 24.3% | 47.5% | 100% |
| **Asian** | 11.0% | 36.3% | 24.2% | 28.6% | 100% |
| **Native American** | 10.2% | 10.2% | 16.3% | 63.3% | 100% |
| **All Arrests** | 14.9% | 16.0% | 21.6% | 47.5% | 100% |

* These materials were provided to us by the ACLU-Washington.

**The source of this discrepancy may have to do with categorizations of arrests (e.g. "events" versus "individuals").

# APPENDIX D. DASA Profile

**King County Profile of Substance Use and Need for Treatment Services in King County, Washington State Department of Social and Health Services, Division of Alcohol and Substance Abuse, Research and Data Analysis, December 1999.**

"The purpose of this report is to provide local planners and evaluators with information that can be used to compare need for and utilization of substance abuse services in counties and demographic subpopulations. The methods used for the county profiles update and improve upon the analyses presented in the first set of county profiles published in 1996" (p. 2).

***The Washington Needs Assessment Household Survey (WANAHS)***

"The WANAHS was a statewide survey of over 7,000 adults designed to measure the prevalence of substance abuse and need for treatment. It was conducted over a 14-month period from September 1993 through October 1994" (p. 2).

"The WANAHS sample included approximately equal numbers of interviews with African Americans, Asians, Hispanics, American Indians, and Non-Hispanic Whites. Additional samples of people living at or below 200% of the Federal Poverty Level (FPL), rural residents, and women were interviewed adding coverage of important, but sometimes overlooked, populations." (p. 2).

"The survey instrument had questions about current and past use of or dependence on major drugs of abuse" (p. 2).

"Upon weighting the WANAHS sample to match the actual population distribution, the survey provides direct statewide estimates of substance abuse as well as the need for substance abuse services" (p. 2).

***Methods for Estimating County-Level Prevalence Rates.***

"In order to derive current county level estimates for substance abuse and need for treatment from the statewide survey, it was necessary to construct a demographically specified population matrix for each county against which the state-wide survey based rates could be applied. The population matrix contained counts of persons in all groups defined by age, sex, race, marital status, high school graduation, poverty status (at or below 200% Federal Poverty Level) and residence type. The population groups were developed from 1990 U.S. decennial census data and updated with current estimates of age, sex and race from DSHS. All annual estimated and forecasted population figures are

adjusted to match official Washington State population figures from the Office of Financial Management" (p. 2).

"The substance use variables from the WANAHS were analyzed by the demographic variables listed above. Logistic regression models estimated rates for each cell in the demographic matrix. Differences between counties in estimated rates of substance abuse result from the demographics of the county. For example, counties with higher proportion of young adults will have higher rates of current substance abuse than counties with lower proportions of young adults, because young adults are more likely to be using substances. Similarly, since married persons are less likely to report substance use, a county with more married people will have a lower estimate of need" (pps. 2-3).

***Estimates for entire adult population:***

"Entire adult population (age 18+) including those living in households, institutions (prisons, hospitals and nursing homes) and group quarters (military barracks, college dorms, shelters). Residential settings defined according to the U.S. Bureau of Census definition. The estimates for the population are based on the WANAHS survey rates, except that for the institutional population, particularly those in prison the rates in the WANAHS survey have been inflated beyond the rates for corresponding demographic cell in the household population to compensate for higher rates in these institutional populations."

**Figure 1. Estimated Rates of Use in Past Twelve Month and Percentages of Drug Cases by Race/Ethnicity and Drug, Entire Adult Population, King County, 1998.**

| | Any Illicit Drug | | Cocaine | | Stimulants | | Marijuana | |
|---|---|---|---|---|---|---|---|---|
| | Rate* % | Calculated % of "Cases" | Rate % | Calculated % of "Cases" | Rate % | Calculated % of "Cases" | Rate % | Calculated % of "Cases" |
| **White** | 11.35 | 89 | 1.79 | 91 | 1.88 | 90 | 10.48 | 89 |
| **African American** | 12.63 | 6 | 1.87 | 5 | 1.95 | 5 | 11.53 | 6 |
| **Asian American** | 2.39 | 2 | 0.18 | 1 | 0.08 | 1 | 2.02 | 2 |
| **Native American** | 15.84 | 2 | 2.19 | 1 | 2.86 | 2 | 14.05 | 2 |
| **Hispanic** | 6.25 | 2 | 0.78 | 1 | 1.15 | 2 | 4.84 | 1 |

*Prevalence rate calculated from WANAHS Survey results and adjusted for certain demographic variables other than race per methodology outlined above.
Our calculations of percent of "cases" based on DASA Profile estimate of number of total number of "cases" of drug use and estimate of number of "cases" of use by racial/ethnic group. Due to rounding error, percentages may not sum to 100.
Source: Profile of Substance Abuse and Need for Treatment Services in King County (DASA Profile).

**Figure 2. Estimated Rates of Lifetime Use and Percentages of Drug Cases by Race/Ethnicity and Drug, King County, 1998.**

| | Any Illicit Drug | | Cocaine | | Stimulants | | Marijuana | |
|---|---|---|---|---|---|---|---|---|
| | Rate* % | Calculated % of "Cases" | Rate % | Calculated % of "Cases" | Rate % | Calculated % of "Cases" | Rate % | Calculated % of "Cases" |
| **White** | 44.12 | 88 | 13.85 | 91 | 17.32 | 90 | 42.45 | 88 |
| **African American** | 42.35 | 6 | 8.6 | 3 | 12.88 | 4 | 40.18 | 5 |
| **Asian American** | 15.2 | 4 | 2.7 | 2 | 3.65 | 2 | 13.92 | 3 |
| **Native American** | 58.4 | 1 | 19.6 | 2 | 28.78 | 2 | 55.14 | 1 |
| **Hispanic** | 32.02 | 2 | 8.26 | 2 | 10.58 | 2 | 29.33 | 2 |

*Prevalence rate calculated from WANAHS Survey results and adjusted for certain demographic variables other than race per methodology outlined above.
Our calculations of "percent of total cases" based on reported rates of use for each racial/ethnic group multiplied by their representation in the total King County population.
Source: Profile of Substance Abuse and Need for Treatment Services in King County (DASA Profile).

# APPENDIX E. Institutional Drug Use Indicators

**Figure 1. Methadone Service Clients by Racial/Ethnic Group, King Co. 1998**

| | Clients | Percentage of Total |
|---|---|---|
| **White** | 722 | 70% |
| **Black** | 215 | 21% |
| **Asian American** | 16 | 1.5% |
| **Native American** | 38 | 3.5% |
| **Hispanic** | 50 | 5% |
| **Total** | 1041 | |

Source: TARGET Data for 1998 included in the "County Profile of Substance Abuse and Need for Treatment Services," (DASA Profile, 1999).

**Figure 2. Washington Statewide Treatment Admissions – Cocaine.**

| | 1996 | | 1997 | | 1998 | | 1999 | | 2000 | |
|---|---|---|---|---|---|---|---|---|---|---|
| **White** | 2050 | 56% | 2046 | 56% | 2141 | 59% | 2168 | 59% | 2022 | 52% |
| **Black** | 1205 | 33% | 1105 | 31% | 1214 | 31% | 1301 | 32% | 1233 | 32% |
| **Native American*** | 163 | 4% | 179 | 5% | 212 | 5% | 256 | 6% | 223 | 6% |
| **Asian American** | 25 | 1% | 42 | 1% | 40 | 1% | 53 | 1% | 44 | 1% |
| **Hispanic** | 192 | 5% | 218 | 6% | 237 | 6% | 275 | 7% | 272 | 7% |
| **Other / No category** | 22 | 1% | 23 | 1% | 24 | 1% | 41 | 1% | 61 | 2% |
| **Total** | 3657 | | 3613 | | 3868 | | 4094 | | 3855 | |

Source: Report generated from TARGET data by Fritz Wrede, Department of Alcohol and Substance Abuse, 2000.

**Figure 3. Washington Statewide Treatment Admissions – Primary Drug Heroin.**

| | 1996 | | 1997 | | 1998 | | 1999 | | 2000 | |
|---|---|---|---|---|---|---|---|---|---|---|
| **White** | 3373 | 78% | 3476 | 78% | 3578 | 78% | 3767 | 75% | 3643 | 75% |
| **African American** | 471 | 11% | 481 | 11% | 499 | 11% | 559 | 11% | 556 | 11% |
| **Native American*** | 182 | 4% | 190 | 4% | 195 | 4% | 252 | 5% | 244 | 5% |
| **Asian American** | 30 | 1% | 34 | 1% | 31 | 1% | 45 | 1% | 56 | 1% |
| **Hispanic** | 264 | 6% | 257 | 6% | 258 | 6% | 313 | 6% | 304 | 6% |
| **Other** | 30 | 1% | 41 | 1% | 44 | 1% | 55 | 1% | 45 | 1% |
| **Total** | 4350 | | 4479 | | 4605 | | 4991 | | 4848 | |

Source: Report generated from TARGET data by Fritz Wrede, Department of Alcohol and Substance Abuse, 2000.

**Figure 4. Washington Statewide Treatment Admissions – Primary Drug Marijuana.**

| | 1996 | | 1997 | | 1998 | | 1999 | | 2000 | |
|---|---|---|---|---|---|---|---|---|---|---|
| **White** | 4024 | 70% | 4501 | 68% | 4973 | 68% | 5460 | 68% | 5877 | 68% |
| **African American** | 672 | 12% | 761 | 11% | 768 | 11% | 851 | 11% | 958 | 11% |
| **Native American*** | 393 | 7% | 488 | 7% | 591 | 8% | 665 | 8% | 723 | 8% |
| **Asian American** | 121 | 2% | 156 | 2% | 191 | 3% | 182 | 2% | 165 | 2% |
| **Hispanic** | 470 | 8% | 620 | 9% | 673 | 9% | 742 | 9% | 818 | 9% |
| **Other** | 62 | 1% | 93 | 1% | 115 | 2% | 96 | 1% | 117 | 1% |
| **Total** | 5742 | | 6619 | | 7311 | | 7996 | | 8658 | |

Source: Report generated from TARGET data by Fritz Wrede, Department of Alcohol and Substance Abuse, 2000.

**Figure 5. Washington Statewide Treatment Admissions – Primary Drug Methamphetamine**

| | 1996 | | 1997 | | 1998 | | 1999 | | 2000 | |
|---|---|---|---|---|---|---|---|---|---|---|
| **White** | 2031 | 90% | 2862 | 90% | 3553 | 90% | 3822 | 91% | 4738 | 89% |
| **African American** | 24 | 1% | 35 | 1% | 47 | 1% | 49 | 1% | 73 | 1% |
| **Native American*** | 106 | 5% | 135 | 4% | 175 | 4% | 163 | 4% | 218 | 4% |
| **Asian American** | 19 | 1% | 28 | 1% | 35 | 1% | 38 | 1% | 53 | 1% |
| **Hispanic** | 68 | 3% | 95 | 3% | 143 | 4% | 131 | 3% | 206 | 4% |
| **Other / No category** | 7 | 0% | 16 | 1% | 15 | 0% | 11 | 0% | 53 | 1% |
| **Total** | 2255 | | 3171 | | 3968 | | 4214 | | 5341 | |

Source: Report generated from TARGET data by Fritz Wrede, Department of Alcohol and Substance Abuse, 2000.

**Figure 6. Washington Statewide Treatment Admissions – Primary Drug Alcohol**

| | 1996 | | 1997 | | 1998 | | 1999 | | 2000 | |
|---|---|---|---|---|---|---|---|---|---|---|
| **White** | 13264 | 70% | 13140 | 68% | 13204 | 67% | 12974 | 65% | 12953 | 66% |
| **African American** | 1518 | 8% | 1485 | 8% | 1486 | 7% | 1479 | 7% | 1332 | 7% |
| **Native American*** | 1724 | 9% | 2053 | 11% | 2341 | 12% | 2691 | 14% | 2466 | 13% |
| **Asian American** | 252 | 1% | 269 | 1% | 323 | 2% | 310 | 2% | 310 | 2% |
| **Hispanic** | 1927 | 10% | 2113 | 11% | 2297 | 12% | 2283 | 11% | 2317 | 12% |
| **Other / No Category** | 146 | 1% | 166 | 1% | 164 | 1% | 190 | 1% | 220 | 1% |
| **Total** | 18831 | | 19226 | | 19815 | | 19927 | | 19598 | |

Source: Report generated from TARGET data by Fritz Wrede, Department of Alcohol and Substance Abuse, 2000.

**Figure 7. Heroin Deaths: King County, by Race and Gender, 1997-1999.**

| | 1997 | | 1998 | | 1999 | |
|---|---|---|---|---|---|---|
| **Male** | 96 | 86.5% | 120 | 83.9% | 93 | 79.5% |
| **Female** | 15 | 13.5% | 23 | 16.1% | 24 | 20.5% |
| **White** | 91 | 82.0% | 120 | 83.9% | 98 | 83.8% |
| **Black** | 15 | 13.5% | 13 | 9.1% | 15 | 12.8% |
| **Hispanic** | 1 | 0.9% | 4 | 2.8% | 1 | 0.9% |
| **Native American** | 4 | 3.6% | 5 | 3.5% | 2 | 1.7% |
| **Asian** | 0 | 0.0% | 0 | 0.0% | 1 | 0.9% |
| **Unknown** | 0 | 0.0% | 1 | 0.7% | 0 | 0.0% |
| **TOTAL** | **111** | **100%** | **143** | **100%** | **117** | **100%** |

Data compiled from King County Medical Examiner (ME) Database.
Source: L. David Murphy, North Rehabilitation Facility.

**Figure 8. Cocaine Deaths: King County, By Race and Gender, 1997-1999**

| | 1997 | | 1998 | | 1999 | |
|---|---|---|---|---|---|---|
| **Male** | 52 | 78.8% | 56 | 81.2% | 61 | 80.3% |
| **Female** | 14 | 21.2% | 13 | 18.8% | 15 | 19.7% |
| **White** | 45 | 68.2% | 53 | 76.8% | 53 | 69.7% |
| **Black** | 18 | 27.3% | 11 | 15.9% | 19 | 25.0% |
| **Hispanic** | 1 | 1.5% | 3 | 4.3% | 1 | 1.3% |
| **Native American** | 1 | 1.5% | 1 | 1.4% | 3 | 3.9% |
| **Asian** | 0 | 0.0% | 1 | 1.4% | 0 | 0.0% |
| **Other/Mixed** | 1 | 1.5% | 0 | 0.0% | 0 | 0.0% |
| **TOTAL** | **66** | **100%** | **69** | **100%** | **76** | **100%** |

Data compiled from King County Medical Examiner (ME) Database.
Source: L. David Murphy, North Rehabilitation Facility.

**Figure 9. Number of Emergency Department Drug Mentions by Selected Drug Category, Seattle Metropolitan Area, By Race/Ethnicity and Gender, Drug Abuse Warning Network (DAWN), 1999.**

| Drug Category | Total | Race/Ethnicity | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | White | | | Black | | | Other* | | Unknown | |
| | | Male | Female | Total | Male | Female | Total | Male | Female | Total | Total |
| **Cocaine** | 2520 | 343 | 210 | 553 | 170 | 69 | 239 | 36 | 17 | 53 | 1675 |
| **Heroin/Morphine** | 2488 | 362 | 243 | 605 | 63 | 29 | 92 | 28 | 8 | 36 | 1755 |
| **Marijuana/Hashish** | 808 | 190 | 111 | 301 | 44 | 15 | 59 | 22 | 8 | 30 | 418 |
| **Methamphetamine/Speed** | 353 | 117 | 48 | 165 | 8 | 0 | 8 | 3 | 4 | 7 | 173 |
| **Amphetamine^** | 342 | 66 | 43 | 109 | 3 | 2 | 5 | 8 | 4 | 12 | 216 |

*Includes Hispanic, American Indian/Alaska Native, Asian/Pacific Islander, and other racial/ethnic groups.
^Does not include methamphetamine or other unspecified amphetamines.
Source: Office of Applied Studies, SAMHSA, Drug Abuse Warning Network, 1999 (03/2000 Update).

**Figure 10. Percentage of Emergency Department Drug Mentions by Selected Drug Category, Seattle Metropolitan Area, By Race/Ethnicity, Drug Abuse Warning Network (DAWN), 1999.**

| Drug Category | Total | Race/Ethnicity | | | |
|---|---|---|---|---|---|
| | | White | Black | Other* | Unknown |
| **Cocaine** | 2520 | 22% | 9% | 2% | 66% |
| **Heroin/Morphine** | 2488 | 24% | 4% | 1% | 71% |
| **Marijuana/Hashish** | 808 | 37% | 7% | 4% | 52% |
| **Methamphetamine/Speed** | 353 | 47% | 2% | 2% | 49% |
| **Amphetamine^** | 342 | 32% | 1% | 4% | 63% |

*Includes Hispanic, American Indian/Alaska Native, Asian/Pacific Islander, and other racial/ethnic groups.
^Does not include methamphetamine or other unspecified amphetamines.
Source: Office of Applied Studies, SAMHSA, Drug Abuse Warning Network, 1999 (03/2000 Update).

# APPENDIX F. Narcotics Arrests As Percent Of Total

**Figure 1. Narcotics Arrests as Percent of Total Arrests**

| Year | Adult Narcotics Violations | Total Adult Arrests | Narcotics as Percent of Total Adult Arrests |
|---|---|---|---|
| **1990** | 3,562 | 52,380 | 6.8% |
| **1991** | 3,613 | 48,827 | 7.4% |
| **1992** | 3,293 | 50,176 | 6.6% |
| **1993** | 3,414 | 51,114 | 6.7% |
| **1994** | 4,166 | 43,456 | 9.6% |
| **1995** | 3,715 | 39,258 | 9.5% |
| **1996** | 3,411 | 36,443 | 9.4% |
| **1997** | 3,341 | 31,644 | 10.6% |
| **1998** | 3,841 | 29,805 | 12.9% |
| **1999** | 3,872 | 25,963 | 14.9% |

Source: Table compiled from information reported in Seattle Police Department, Annual Reports 1990-1999.

# APPENDIX G. Narcotics-Related Incidents Resulting In Arrest

**Figure 1. Narcotics-Related Incidents that Resulted in Arrest, 2000 . Total Incidents: 3,037***

| North Precinct | | | |
|---|---|---|---|
| **By Beat** | **# Arrests** | **% Precinct** | **% Total** |
| **B1** | 4 | 0.87% | 0.13% |
| **B2** | 10 | 2.18% | 0.33% |
| **B3** | 20 | 4.37% | 0.66% |
| **B4** | 12 | 2.62% | 0.40% |
| **B5** | 7 | 1.53% | 0.23% |
| **N1** | 16 | 3.49% | 0.53% |
| **N2** | 18 | 3.93% | 0.59% |
| **N3** | 4 | 0.87% | 0.13% |
| **N4** | 168 | 36.68% | 5.53% |
| **L1** | 10 | 2.18% | 0.33% |
| **L2** | 7 | 1.53% | 0.23% |
| **L3** | 8 | 1.75% | 0.26% |
| **L4** | 5 | 1.09% | 0.16% |
| **U1** | 31 | 6.77% | 1.02% |
| **U2** | 34 | 7.42% | 1.12% |
| **U3** | 2 | 0.44% | 0.07% |
| **U4** | 26 | 5.68% | 0.86% |
| **U5** | 76 | 16.59% | 2.50% |
| **Total North** | **458** | **100%** | **15.08%** |

| South Precinct | | | |
|---|---|---|---|
| **By Beat** | **# Arrests** | **% Precinct** | **% Total** |
| **R1** | 16 | 3.90% | 0.53% |
| **R2** | 9 | 2.20% | 0.30% |
| **R3** | 12 | 2.93% | 0.40% |
| **R4** | 9 | 2.20% | 0.30% |
| **R5** | 24 | 5.85% | 0.79% |
| **S1** | 7 | 1.71% | 0.23% |
| **S2** | 38 | 9.27% | 1.25% |
| **S3** | 12 | 2.93% | 0.40% |
| **S4** | 76 | 18.54% | 2.50% |
| **S5** | 19 | 4.63% | 0.63% |
| **S9** | 2 | 0.49% | 0.07% |
| **F1** | 18 | 4.39% | 0.59% |
| **F2** | 12 | 2.93% | 0.40% |
| **F3** | 17 | 4.15% | 0.56% |
| **F4** | 61 | 14.88% | 2.01% |
| **W1** | 5 | 1.22% | 0.16% |
| **W2** | 7 | 1.71% | 0.23% |
| **W3** | 64 | 15.61% | 2.11% |
| **W4** | 2 | 0.49% | 0.07% |
| **Total South** | **410** | **100%** | **13.50%** |

| East Precinct | | | |
|---|---|---|---|
| **By Beat** | **# Arrests** | **% Precinct** | **% Total** |
| **C1** | 1 | 0.20% | 0.03% |
| **C2** | 2 | 0.39% | 0.07% |
| **C3** | 7 | 1.38% | 0.23% |
| **C4** | 21 | 4.13% | 0.69% |
| **E1** | 38 | 7.47% | 1.25% |
| **E2** | 35 | 6.88% | 1.15% |
| **E3** | 29 | 5.70% | 0.95% |
| **G1** | 89 | 17.49% | 2.93% |
| **G2** | 67 | 13.16% | 2.21% |
| **G3** | 35 | 6.88% | 1.15% |
| **G4** | 10 | 1.96% | 0.33% |
| **H1** | 46 | 9.04% | 1.51% |
| **H2** | 64 | 12.57% | 2.11% |
| **H3** | 65 | 12.77% | 2.14% |
| **Total East** | **509** | **100%** | **16.76%** |

| West Precinct | | | |
|---|---|---|---|
| **By Beat** | **# Arrests** | **% Precinct** | **% Total** |
| **D1** | 19 | 1.14% | 0.63% |
| **D2** | 14 | 0.84% | 0.46% |
| **D3** | 51 | 3.07% | 1.68% |
| **M1** | 250 | 15.06% | 8.23% |
| **M2** | 34 | 2.05% | 1.12% |
| **M3** | 409 | 24.64% | 13.47% |
| **M4** | 119 | 7.17% | 3.92% |
| **K1** | 144 | 8.67% | 4.74% |
| **K2** | 344 | 20.72% | 11.33% |
| **K3** | 270 | 16.27% | 8.89% |
| **Q1** | 3 | 0.18% | 0.10% |
| **Q2** | - | 0.00% | 0.00% |
| **Q3** | - | 0.00% | 0.00% |
| **Q4** | 3 | 0.18% | 0.10% |
| **Total West** | **1660** | **100%** | **54.66%** |

Source: Table compiled from "Narcotic MIR's By Beat and Address for 2000" provided by Detective Christi Robbin, SPD Crime Analysis Unit.

*The total number of incidents reported here, 3037, is different than the total number of arrests for 2000, reported as 4253, because some incidents listed here may have resulted in more than one arrest.

# APPENDIX H. Drug Court Eligibility

According to Judge Michael Trickey (King County Drug Court), eligibility for Drug Court:

Under Washington state law, possession of any amount of any controlled substance (except marijuana) is a felony punishable by a maximum of 5 years in prison and/or a $10,000 fine. In King County, the prosecutor and the court has agreed that you are eligible for drug diversion court if the amount of drugs involved is 2.5 grams or less, the defendant does not have a prior conviction for sex or violent cases, and there is no indicia of dealing. The eligibility is based on the facts known at filing. Cases are sometimes eligible to be plead down to a gross misdemeanor (such as in residue cases where the amount of drugs in de minimus, like in a crack pipe) but that does not affect the eligibility for drug court.

A defendant chooses to opt into drug court, once the eligibility criteria are met. We keep a record on every defendant who comes before the court who is eligible. Since they remain eligible even after failing or rejecting drug court in a prior case (assuming the other criteria is met), the court can, for example, look at how they did before in deciding whether to allow them in on a new charge. Also, if a defendant comes in on a new charge after having failed in out-patient treatment before, the court could let them in if they agree to do the 60 day treatment program in the jail as an initial phase. The state sometimes says the court shouldn't take the defendant because of his or her failure to comply in the past, and the court looks at mental health issues, etc in making the final determination.

# APPENDIX I. Citizen Narcotics Complaints & Narcotics Activity Reports

**Figure 1. Citizen Narcotics Complaints, 1989-1996**

| Year | Number of Complaints |
|---|---|
| **1989** | 5721 |
| **1990** | 4411 |
| **1991** | 3791 |
| **1992** | 3731 |
| **1993** | 2950 |
| **1994** | 2963 |
| **1995** | 2313 |
| **1996*** | 2002 |

Source: Seattle Police Department Annual Reports, 1990-1996.
*Note: 1996 was the last year this information was reported in the Annual Report.

**Figure 2. Narcotics Activity Report Summary by Precinct for 2000**

| Precinct | Number of Narcotics Activity Reports |
|---|---|
| **North Precinct** | 354 |
| **South Precinct** | 552 |
| **East Precinct** | 338 |
| **West Precinct** | 178 |
| **Total** | 1422 |

Source: Captain Jim Pryor, Narcotics Section, Seattle Police Department

# APPENDIX J. Narcotics Search Warrants

**Figure 1. Narcotics Search Warrants, 1988-1996**

| Year | Number of Search Warrants |
|---|---|
| **1988** | 598 |
| **1989** | 576 |
| **1990** | 387 |
| **1991** | 339 |
| **1992** | 323 |
| **1993** | 318 |
| **1994** | 281 |
| **1995** | 254 |
| **1996*** | 238 |

Source: Seattle Police Department Annual Reports, 1990-1996.
*Note: 1996 was the last year this information was reported in the Annual Report.