An Analysis of Data Relating to

The City of Portland's Drug Free Zone Ordinance

Summary Report

Conducted for:

The City of Portland

Office of Mayor Tom Potter

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CAMPBELL DELONG RESOURCES, INC.

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INTRODUCTION

The following summary report describes the results of an analysis of 1,922 arrests made of suspects in three "Drug Free Zones" in the City of Portland between September 2006 and July 2007. The principal focus of this report is to assess the degree and nature of differences by race or ethnicity in the likelihood of an arrested suspect to also be "excluded" from the zone under Portland's Drug Free Zone ordinance.

This report is *not* intended to answer all questions that have been raised regarding the Drug Free Zone ordinance. Rather, in recognition of an immediate need for information to assist in making decisions about ordinance renewal, it is intended to provide an accurate summary of the information analyzed in the eight weeks since the City gave approval for work on this analysis to begin. This summary report is divided into the following sections:

Direct questions or comments about this research for the City of Portland to Maria Rubio, Public Safety and Security Director, Office of Mayor Tom Potter at 503-823-3583 and for the researchers to John H. Campbell, Campbell DeLong Resources, Inc. at (503) 221-2005.

RESEARCH OBJECTIVES

Previously, data from all drug arrests in the Drug Free Zones from the time period September 2006 to January 2007 were distributed by analysts at the Drug and Vice Division of the Portland Police Bureau. While that data showed that African-American suspects who were arrested for drug crimes (excludable or not) in the Drug Free Zones were being issued exclusions under the ordinance more frequently than were White suspects, the methodology did not allow for an analysis that could effectively reveal the underlying factors associated with this correlation.

As a result, the earlier data, as it was then presented, became more of a Rorschach test for the person viewing the data than a useful reflection of reality: For some it was simply default proof of racial bias in Portland policing. For others it was yet another example of how data do not reflect the reality on the street because various contributing factors, if they could be accounted for, were predicted to explain the phenomenon more accurately than the theory that racial bias is involved in the application of the Drug Free Zone ordinance.

Fortunately, each of the objections to the data raised were testable hypotheses — that is, it is possible to track down the clarifying data and determine if the hypothesis is accurate. We therefore began our analysis of the Drug Free Zone data with that objective in mind: To control for those factors and then to determine if racial disparity in the data remained.

DATA CHALLENGES

Historically, there has not been a system of data collection in place that allows an accurate picture of Drug Free Zone exclusion rates by race and ethnicity. As such, a number of steps had to be taken in order to arrive at data that could measure difference by race and provide a way to test the hypotheses that had been raised with earlier data. Key steps to achieving useable data included the following:

▸ **Remove "non-qualifying" arrests from the database**. The existing record system does not include sufficient information about the arrest to consistently determine, electronically, whether an arrest was made for an excludable crime. Therefore, records on many of the arrests where an exclusion did *not* occur had to be manually reviewed to categorize the arrest as qualifying or not. This was an important data-cleaning step as it had been theorized that the apparent racial disparities seen in earlier data were an artifact of the database including non-qualifying arrests.

▸ **Restore information about exclusions made that were overturned.** As we understand it, when the Hearings Officer overturns an exclusion, the Police Bureau's arrest record is then changed to indicate that no exclusion has occurred. This practice may have benefits for other record access needs, but it prevents the Bureau from having conveniently accessible information about the choice to exclude. The analyst at the Drug and Vice Division provided a database that, for the benefit of this analysis, was corrected to indicate whether an exclusion was initially made and then whether that exclusion had been overturned.

The data upon which this analysis is conducted required multiple iterations of review and then further research to correct, expand, or clarify information from the Portland Police Bureau's information systems. While the analysis that follows is that of Campbell DeLong Resources, Inc. alone, we acknowledge the assistance of Scott Partridge at the Portland Police Bureau's Drug and Vice Division, whose skill and familiarity with the Bureau's data systems and ability to consistently fulfill requests for additional data quickly proved very helpful.

KEY HYPOTHESES TESTED

The following objections to the initial conclusions being drawn from the data — that African-Americans who were arrested appeared to be excluded more frequently than Whites — were raised. This report seeks to address those issues and then provide an analysis of the findings regarding the question of whether the choice to issue a Drug Free Zone exclusion has been applied disproportionately by race or ethnicity.

▶ **First, and perhaps most seriously, the previous data compared *all* drug arrests in the zones to the rate of exclusions.** Doing so can result in a false comparison because not all drug arrests qualify for exclusion. For example, possession of less than one ounce of marijuana or any arrest for illegal drug activity that occurs within a residence do not qualify for exclusion. As such, some have argued that there are racial differences associated with these *behaviors* — that for example, the meth trade is more commonly conducted by Whites who sell from residential homes while cocaine is said to be more commonly sold on the street by African-Americans. Because the previous data included non-qualifying arrests, it was argued that the correlation between the residential-based meth trade and race was resulting in data that lowered the apparent exclusion rate of arrested whites for reasons having to do with different criminal behavior of racial groups and not racial disparity in policing. Prior to conducting our analysis, therefore, *we have removed all non-qualifying arrests* from the data (except a few unique instances where an exclusion was issued for a non-qualifying arrest[1]), so an "apples-to-apples" comparison can be conducted.

▶ **Second, the data insufficiently controlled for arrests for *possession* compared to arrests for the more serious crime of *distribution*.** The argument being that distribution arrests should lead to more exclusions because the crime is more serious. Some had suggested that because criminals of different races do not choose equally among the available crimes to commit, that this difference in apparent choice by *suspects* leads to racial disparity in exclusions rather than a difference in application of the law by the police officer. To account for this possibility, we have analyzed the data for distribution versus possession.

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[1] Specifically, the data includes 1,922 arrest records, 1,912 of which directly qualify for exclusion. The remaining 10 cases were included because they involved an exclusion being issued for a non-qualifying arrest. Because this analysis is focused on the choice to exclude, those 10 cases — half a percent of the total database and including 6 Whites, 3 Blacks, and 1 Hispanic — were included as well. While the data include this fraction of a percent of apparently non-qualifying crimes for which exclusions were issued, we will refer to the data in this report, for simplicity's sake, as showing "qualifying arrests" as these are all of the arrests that are relevant to application of the ordinance during the time period.

DATA CHARACTERISTICS

The data include 1,922 cases from September 2006 through July 2007[1] where individuals were arrested for qualifying crimes or officers made a positive exclusion decision in one of three Drug Free Zones in Portland. This is not a sampling of the data, but a census — that is, it is all arrests for such crimes during the time period. Nevertheless, we have applied tests of statistical significance to the data as a means of separating the differences found in the data into those that are not explainable by random chance and those for which random chance is too likely a possible explanation to draw hard conclusions. Included in the data are the following findings which were tested for differences by race or ethnicity and do *not* show substantive correlations with the likelihood to be excluded:

▸ **In the great majority of cases, the Police Bureau is already familiar with the arrested person, and particularly so, if the suspect is African-American.** In total, 86% of all arrests in the database were of people who had been arrested previously within the City of Portland, with the overwhelming majority of those arrests having occurred relatively recently — in the past five years. Regarding the crimes for which suspects had been arrested in the past, drug crimes are by far the most prevalent. In total, 71% of all arrests were of people who had been arrested previously in Portland specifically for a drug crime. For the three racial groups with larger sample sizes, the numbers are 93% and 85% respectively for African-Americans, 80% and 59% for Whites and 69% and 42% for Hispanics. While there are differences in past arrest rates for the three larger ethnic groups, having a recent arrest (or more specifically a drug arrest) does not correlate with the likelihood to be excluded. That is, a person who has an arrest history in Portland is not more likely to be excluded than is a person who has not been arrested in Portland before.

We note that another question raised about the data has not been researched sufficiently to determine an answer with an equal level of reliability. The question has been raised about the likelihood of a person who has been excluded having a prior criminal *conviction* record, whether in Portland, or elsewhere in the state or nation. While a small sample analysis of 64 exclusions[2] conducted by Police Bureau analysts showed that 89% of those excluded had previous criminal convictions here or in another state (and 75% had prior criminal convictions for a drug offense), the reliability of this figure is much lower than the database for all arrests. With a larger sample, we would expect the past criminal convictions result to swing by as much as 8% in either direction.

However, determining this type of information for the entire database, or the question of how many are currently on probation or parole, would require additional data collection and analysis. While that work can be done, we have elected to report what we have now because of the urgency from all sides for gaining this preliminary analysis.

▸ **The rate at which exclusions are overturned by the Hearings Officer varies minimally by race.** Overall, 10% of exclusions were overturned by the hearings officer during the time

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[1] While the original data sets analyzed covered the same controversial period from September 2006 through January 2007, we have chosen to analyze the data looking at the larger sample set in this report for two reasons: 1) The larger sample yields greater statistical reliability and 2) Comparing the findings from the briefer time period to the longer indicates very little difference in overall conclusions — the same type of difference by race and ethnicity exists to very similar degrees in both data sets.
[2] Based on selecting at random, two weeks' worth of data and conducting criminal background searches on the 64 excluded individuals in that smaller sample.

period (121 out of 1,176 excluded). This analysis does not include a review of the reasons for the overturns, which are generally known to vary from the somewhat benign (paperwork errors) to the more serious (lack of probable cause). The differences by race are small (for example, the overturn rates for White exclusions is 12% and African-American exclusions 9%) and do not meet tests of significance.

▸ **Other analyses conducted.** We also conducted analyses to look at differences in the data by repeat arrestees and by the gender of the person arrested as they may relate to exclusions or race. While various small differences are observable in these analyses, none reach a level that bear reporting on in detail.

The information that did show disparities, or illuminates information about those disparities, are discussed in the following sections.

KEY FINDINGS

IN PORTLAND'S DRUG FREE ZONES, AFRICAN-AMERICANS WHO ARE ARRESTED FOR EXCLUDABLE CRIMES ARE MORE LIKELY TO BE EXCLUDED THAN ARE EITHER WHITES OR HISPANICS.

We begin the analysis with the basic finding that removing the non-qualifying arrests from the database does not cause the previously observed racial disparity to disappear. Specifically, city-wide, African-Americans who were arrested, in any zone, for an excludable crime (1,015 total) were issued exclusions 68% of the time, while Whites who were similarly arrested (756 total) were issued exclusions 54% of the time. This difference, shown on the following graph, passes standard tests of statistical significance. The rate of exclusion for arrested Hispanics is 47%. The sample of Hispanics arrested in the time period (n=113) is too small for the difference from the White exclusion rate to meet standard tests of significance, but still large enough to conclude that it is unlikely that the variance is one of chance. Regardless, the difference from the African-American rate is large enough to conclude that arrested Hispanics *are* excluded less frequently than are African-Americans.

The preceding statements are the finding for the overall institution. To be sure, there are significant differences within the data by zone and by type of drug in particular, as well as other elements that may be of use to managers in determining strategies to mitigate the disparity revealed in the data. For example, the type of drug involved is a much better predictor of the likelihood of exclusion than is race, and the precincts involved plainly use the exclusion ordinance differently.

However, while deeper understanding of the correlations in the data should help in identifying appropriate corrective steps, we have looked for, and not found, the theorized correlations with other factors that would be sufficient to explain the racial disparity as the essentially benign result of different choices made by the racial groups involved. For example, if one race were arrested more frequently for dealing versus possession or for more frequent involvement in the more dangerous of the drugs listed, this would lend support to a hypothesis that choices made by perpetrators, not police, create the resulting disparity by race. However, each of the hypotheses suggested along these lines are not sufficiently supported by the data to explain the observed racial disparity.

DISPARITIES BY RACE IN THE CHOICE TO EXCLUDE ARE APPARENT IN THE CENTRAL AND EAST DRUG FREE ZONES.

On the chart below, the difference in exclusion rate for Whites and African-Americans in Central and East are significant. The difference in North is not — it is roughly a statistical dead heat.

### Percent of each race who were excluded when arrested for a qualifying crime by zone[1]

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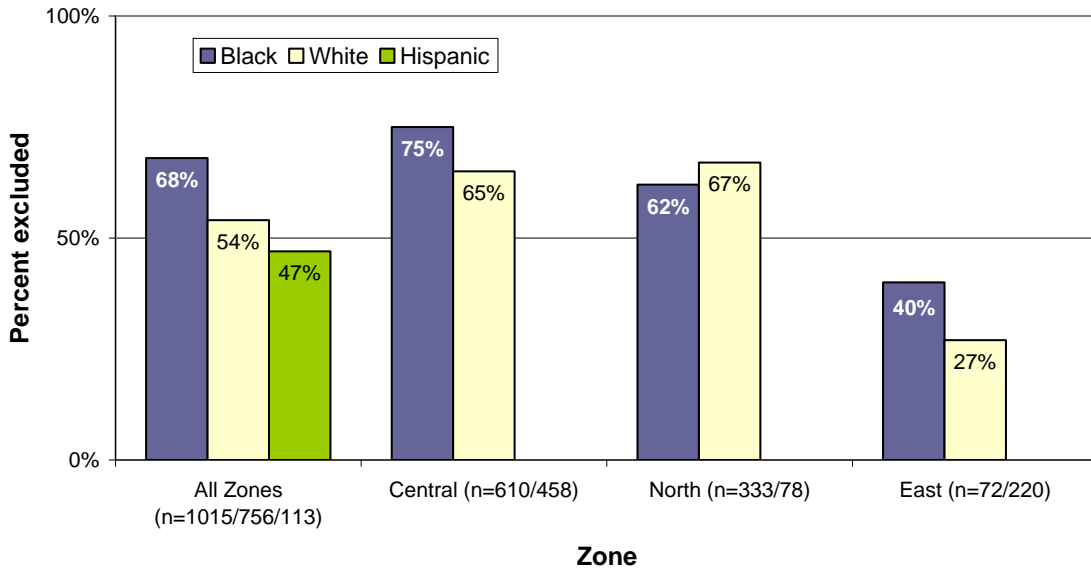
[1] Percentages for Hispanics are shown for all zones only — samples sizes by zone are too small to show in comparison with other data on the chart. Also, the difference by race in North does not meet tests of statistical significance, while the differences shown in Central, East, and "All Zones" do meet such tests.

DIFFERENCES BY POSSESSION VERSUS DISTRIBUTION DO NOT ACCOUNT FOR THE RACIAL DISPARITIES IDENTIFIED.

Overall, Portland Police are excluding almost equally for possession and distribution. Aggregating data from all zones, which includes 1,922 qualifying arrests, shows that those arrested for possession were issued exclusions 60% of the time while those arrested for distribution were issued exclusions 65% percent of the time. While this does indicate a slightly higher rate of exclusion for distribution overall, the difference by zone is significant. In the Central Drug Free Zone a person arrested for distribution is more likely to be excluded than is a person arrested for possession. In the other two zones, the opposite is very much the case.

How does this relate to race? In theory, if the exclusion choice were made differently based on severity of crime (distribution being the more serious offense) and, for example, African-Americans were arrested more often for distribution, then an argument for racial disparity in the data being a result of severity of crime could be made. However, that is not the case.

First, as the chart below shows, exclusion is more likely for possession in two of the three zones. Second, in the Central Zone, where exclusion is more likely for distribution over possession, this difference does not account for the racial disparity. On the one hand, it *is* the case that African-Americans are more likely than Whites to be arrested for distribution in the Central zone (31% of African-Americans arrested for excludable crimes compared to 20% of Whites arrested for excludable crimes), and Central Precinct officers excluded 82% of African-Americans arrested for excludable distribution compared to 77% of Whites arrested for excludable distribution, a difference that is not statistically significant. However, the numbers for excludable *possession* arrests in Central do reveal a significant difference (72% exclusion rate for African-Americans compared to a 61% exclusion rate for whites). In other words, controlling for possession versus distribution does not cause the pattern of racial disparity to disappear. Although it is fair to say that, in the case of Central Precinct, the issue of possession versus distribution has a small mitigating effect on the numbers regarding race, the pattern remains even in that zone.

Percent who were excluded when arrested for…
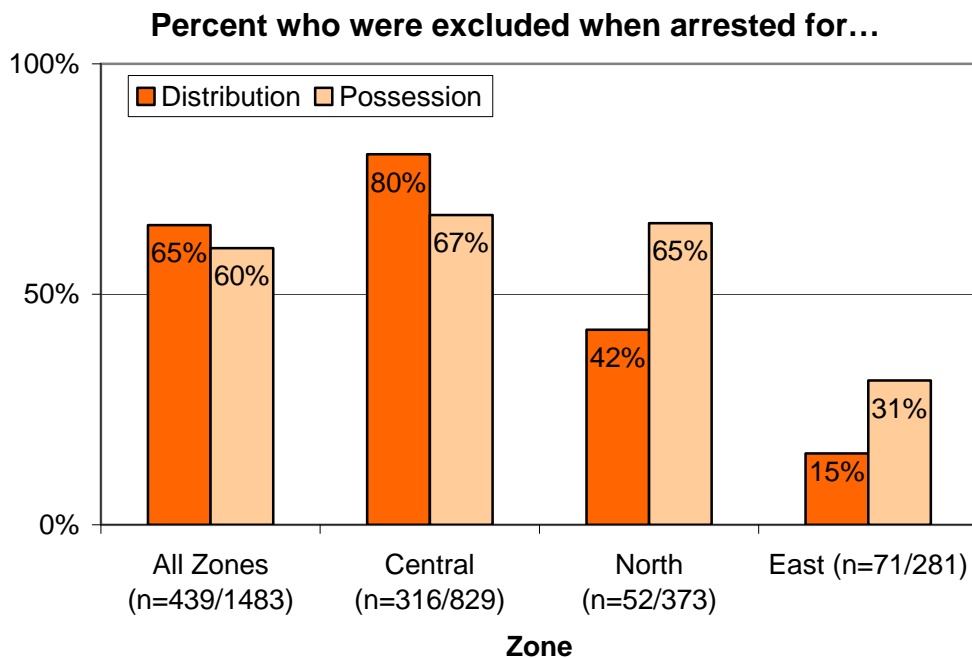
**AS ANTICIPATED, THE TYPES OF DRUGS FOR WHICH SUSPECTS ARE ARRESTED VARIES MARKEDLY BY RACE.**

Before describing how exclusion rates vary by type of drug, it is important to put the raw numbers in perspective.

▶ **African-Americans are overwhelmingly arrested for cocaine-related crimes in the zones.** As the following chart demonstrates, African-Americans make up the majority of all excludable arrests and those arrests are almost always for crimes associated with cocaine (91% of African-American arrests for qualifying crimes — 919 arrests out of 1015 — involved cocaine).

▶ **Whites are arrested for a broader mix of drugs**. In contrast, qualifying arrests of Whites are roughly divided into thirds — with a bit more than a third (40%) associated with cocaine, another third with methamphetamine, and the remainder shared among heroin, marijuana, and other drugs.

▶ **Other races are being arrested infrequently compared to the arrest rates for African-Americans and Whites.** Hispanics, Asians, and Native Americans are arrested at much lower rates overall, which results in sample sizes that don't lend themselves to as reliable analysis.

Note that this data set does not permit a direct scientific conclusion regarding the fact that African-Americans are being *arrested* with far more frequency than any other race. Different research would be required to assess that question in more detail. The purpose of this study is more narrow and intended to provide an analysis that may inform opinions about whether, once an arrest is made, the decision to apply the Drug Free Zone ordinance shows a disparity. While a finding of unexplained disparity in the choice to exclude would seem to support a hypothesis about disparities in the choice to arrest as well, the data we have analyzed for this report don't offer readily accessible methods to further test that hypothesis.

Total Excludable Arrests by Drugs and Race

Note that the chart shows actual numbers of arrests, not percentages
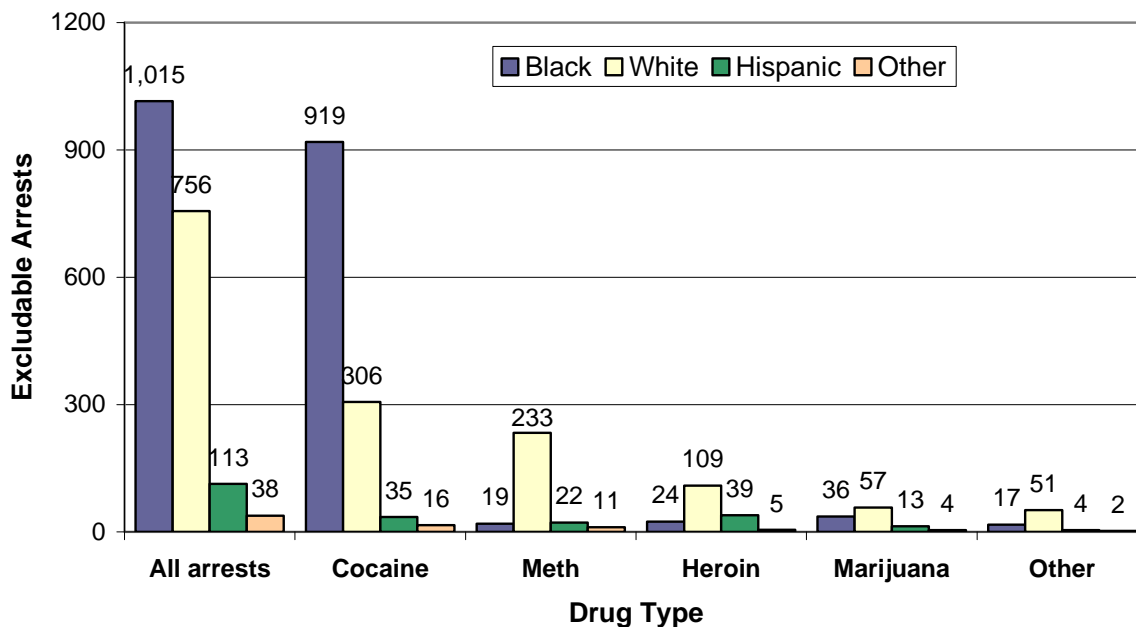
THE MAJORITY OF THE RACIAL DISPARITY IN THE CHOICE TO EXCLUDE IS CORRELATED WITH MARKEDLY DIFFERENT EXCLUSION RATES FOR METHAMPHETAMINE CRIMES.

The odds of being excluded for a *cocaine* crime are about equal *regardless of race.* However, those odds are higher, for everyone, than are the odds of being excluded if other drugs are involved and much higher than the odds of being excluded if the other drug is methamphetamine. This difference in exclusion rates between cocaine and methamphetamine accounts for the majority of the racial disparity observed — the higher exclusion rate for cocaine arrests (the majority of whom are African-American) pushes the African-American exclusion rate up and the lower exclusion rate for the methamphetamine arrests (predominantly White) pulls the White exclusion rate down.

Such a difference in exclusion rates by drug could arguably be attributed to varying drug severity if, for example, marijuana exclusions were lower than methamphetamine exclusions. However, neither the Portland Police Bureau representatives we have discussed the issue with nor our own experience in working with drug abatement issues nationally for two decades point to arguments that would credibly describe methamphetamine as more benign than cocaine. While the direction of the causal arrow is always difficult to establish in research,[1] we have searched for, and not found, viable explanations for why the Police Bureau would tend to exclude less frequently for excludable methamphetamine arrests than for excludable cocaine arrests.

In that regard, we should clarify that, in an iterative process, preliminary data indicating these findings were discussed with members of the Police Bureau and requests for alternate hypotheses were made so that we could test to see if other explanations fit the data better than the race-drug correlation. While various additional, testable theories were suggested during the data analysis phase of this work, all were tested and none were validated as contributing substantially to the variance observed. While it may be the case that other, as yet untested, theories will contribute to a better understanding of this difference, none were suggested during the analysis phase of this project.

However, on the day immediately preceding publication of this report, a new theory regarding differential treatment was proposed. This theory suggests that meth arrests are more likely to be associated with traffic stops or warrant arrests and that, for possibly benign reasons, officers exclude less frequently for these type of situations. While it is possible that this, or other factors as yet unidentified, may contribute to a portion of the difference, we have no way of knowing without further delay in reporting, whether this new theory is valid. Though we cannot say if the latest theories will provide different answers, based on the results of the hypotheses tested to date we can conclude that the Police Bureau has lacked a ready understanding of what is happening in relation to the possibility of disparate treatment and exclusions in the Drug Free Zones. Unless other hypotheses can be tested and shown viable with hard facts, the most durable explanation remains summarized in the observation that the differential treatment of suspects based on the drugs for which they are being arrested is strongly correlated with the reality that different drugs are associated with different races.

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[1] In this case, the cause-and-effect question could be summarized this way: "Are police using race to treat drugs differently or are the races selecting different drugs that happen to have legitimately different legal consequences?"

Percent who were excluded when the arrest involved…
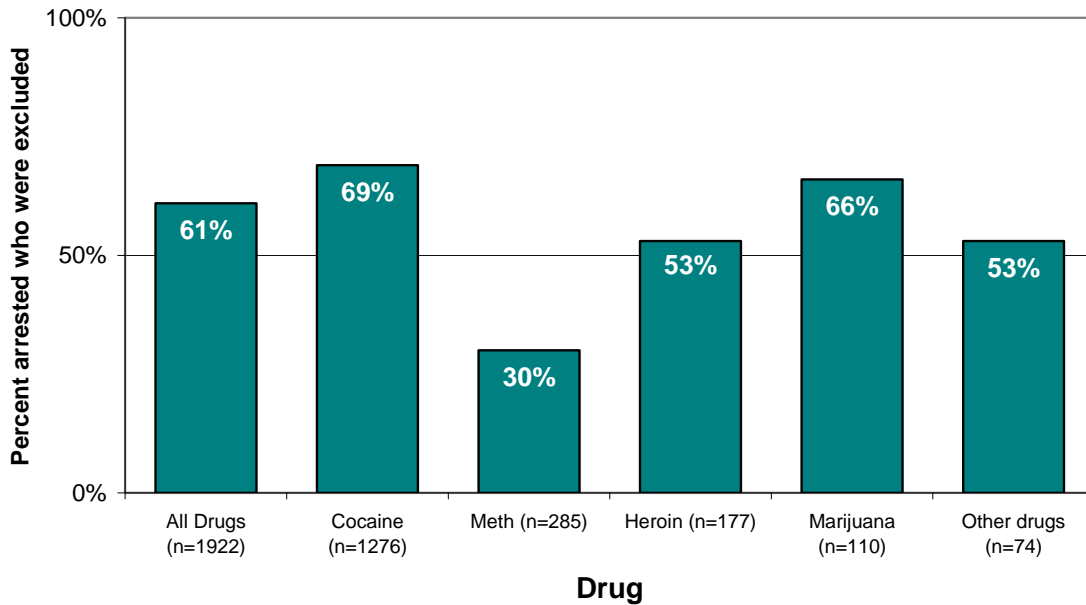
WHILE THE DATA SHOW MINIMAL DIFFERENCES BY RACE IN THE CHOICE TO EXCLUDE FOR COCAINE ARRESTS, DIFFERENCES BY RACE IN THE CHOICE TO EXCLUDE *DO* APPEAR WITH NON-COCAINE DRUG ARRESTS.

The finding that African-Americans are excluded at a higher rate than other races is associated not just with different treatment for methamphetamine arrests but also, to a lesser degree, by a general tendency to exclude African-Americans more often than individuals from other groups when the arrest is for a drug *other than* cocaine. The following chart indicates the finding. To keep the finding in perspective, however, the sample sizes must be taken into account. Relatively few African-Americans are being arrested for non-cocaine drug crimes, which is why, as stated earlier, the tendency to exclude at higher rates for cocaine than for any other drug (and particularly methamphetamine) accounts for more of the disparity than does the difference in exclusion rates for other drugs shown below.

## Percent, by race/ethnicity who were excluded when the arrest involved…
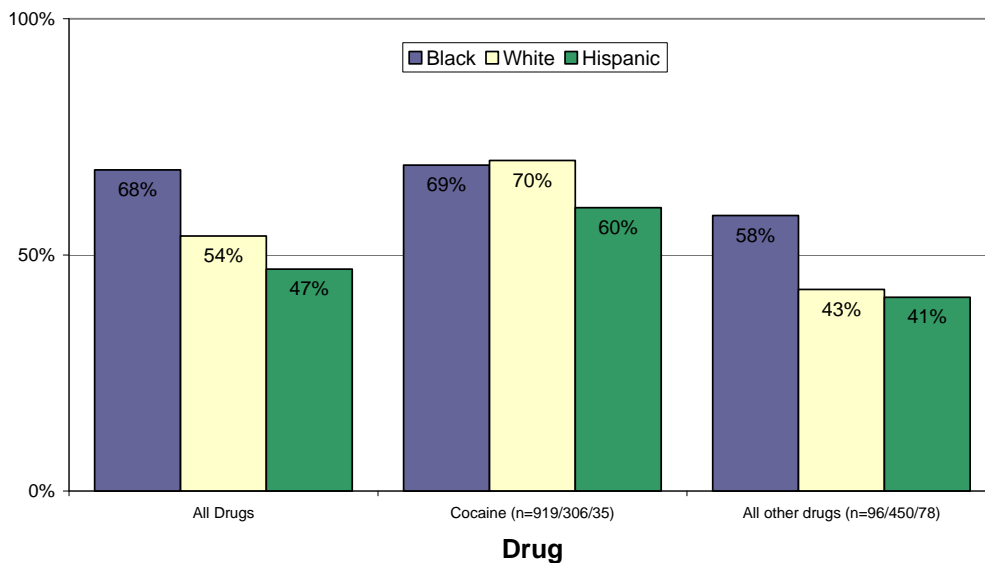
THE LESS FREQUENTLY AN OFFICER MAKES AN ARREST IN THE ZONE, THE MORE LIKELY THE ODDS OF RACIAL DISPARITY IN THE DECISION TO EXCLUDE THE SUSPECT.

The data in the following charts are a good indication of the type of crosscurrents of which managers should be aware to gain better insight into the disparities observed. On the one hand, the data plainly demonstrate that officers who are more experienced in making Drug Free Zone arrests show no differential by race in their choice to exclude a suspect after making the arrest. That is, once the arrest is made by these more experienced officers, the choice to exclude appears to be without regard to race — and appears to be very likely. On the other hand, officers who make more zone arrests are more likely to be arresting African-Americans than are fellow officers who make fewer zone arrests. So, while the arrests made by more experienced officers show no indication at all of disparity in the choice to exclude, there is a disparity by race *compared to other officers*,[1] in the choice to arrest.
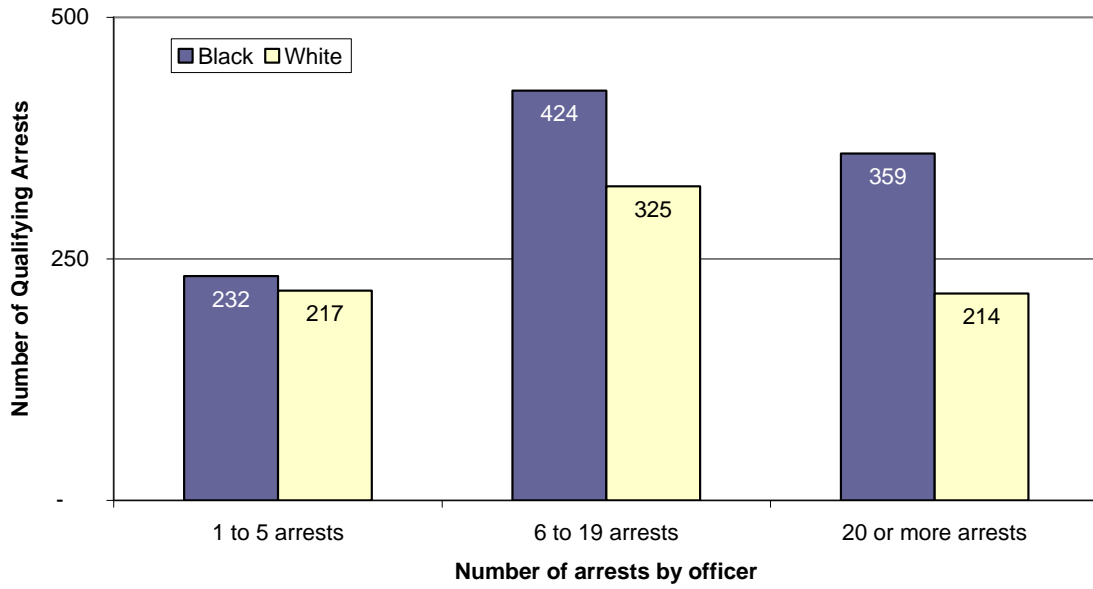
In contrast, officers who make fewer zone arrests exclude less frequently overall, but are more likely to do so if the person is African-American — a clear racial disparity in the choice to exclude.

Exclusion rates, sorted by number of qualifying arrests by arresting officer

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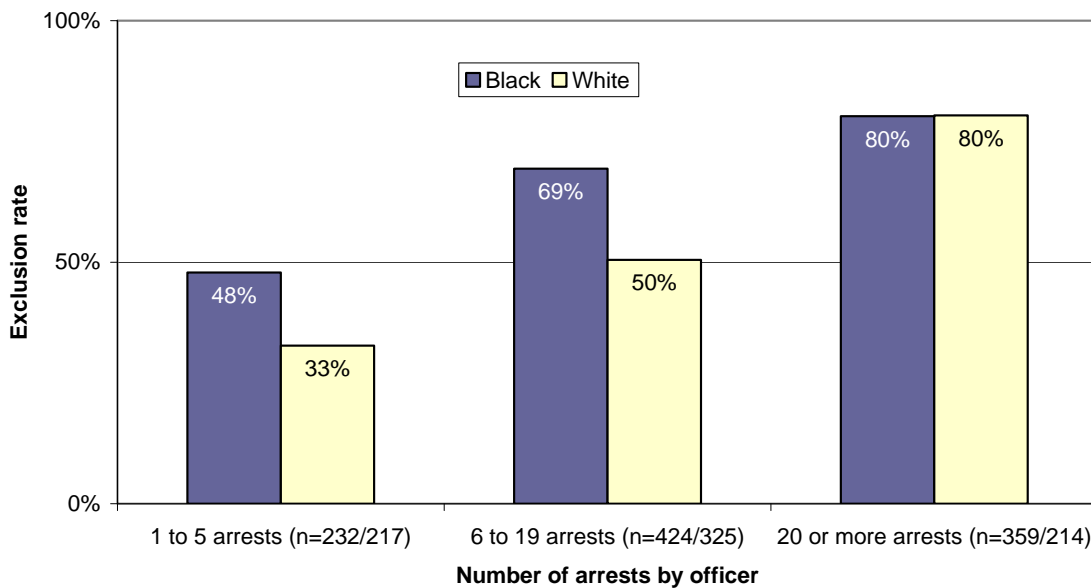
[1] While there is no meaningful way to determine from this data what the "right" ratio of White to African-American arrests "should" be, the substantial difference in arrest rates by race, when comparing one group of officers to another, raises important questions.

Number of arrests, sorted by number of qualifying arrests by officer

Number of Qualifying Arrests

Legend: ■ Black □ White

Number of arrests by officer	Black	White
1 to 5 arrests	232	217
6 to 19 arrests	424	325
20 or more arrests	359	214

Number of arrests by officer

CONCLUSIONS & RECOMMENDATIONS

The following discussion includes our opinions and perspectives on the information analyzed in this report. While the preceding findings are based on the data alone, the following observations add perspectives drawn from our experience in working with the City of Portland, the Portland Police Bureau, and other governmental agencies nationwide.

THERE IS A DISPARITY BY RACE IN THE DATA THAT DOES NOT DISAPPEAR WHEN EXPLAINING HYPOTHESES ARE CONTROLLED FOR.

Each testable hypothesis intended to explain why the racial disparity exists was not supported by the data. As such, we are left with the stark fact that, during the time frame tested, African-Americans who were arrested for qualifying crimes were more likely to be excluded than either Whites or Hispanics similarly arrested.

Like all fair-minded citizens, we hoped the data would indicate the absence of disparity in Drug Free Zone exclusions and that such a finding would allow a simpler discussion about the ordinance, one that focuses on how best to address the problem that the ordinance was designed for — the impact of drug activity in the targeted areas. However, as objective researchers, our job is go where the data take us and report what we find. And that finding is that a disparity does exist, particularly in regard to African-Americans, in the application of the Drug Free Zone ordinance.

THE PROBLEM OF RACIAL DISPARITY IN THE DATA IS NOT THE SAME AS THE QUESTION OF WHETHER TO RENEW THE ORDINANCE.

We have heard two recommendations suggested as possible solutions to the racial disparity found in the data. Neither seem like complete responses, and while we do not recommend renewing the ordinance unless key questions can be answered, we wish to sound a note of caution about applying the wrong solution to the problems identified in the analysis. First, it is important to address concerns associated with two suggestions we have heard to address the issue of racial disparity found in the data:

▸ One suggestion is that, if the ordinance is renewed, Bureau policy should change to require exclusion of any person arrested for a qualifying crime in the zones. It is certainly true that this approach would cause the disparities in the choice to exclude to disappear from the data. However, such a policy would, by itself, contribute nothing to the ability to find and address the root causes of the disparity documented in this report. Treating everyone arrested with an equally heavier enforcement hand as a means to improve police fairness would seem like a less than complete solution to the problem identified. Frankly, if the ordinance is renewed, we would argue against this strategy specifically because it would prevent both the public and managers at the Bureau from being able to use the relatively simple measure that this analysis tool now represents to gain feedback on whether efforts to address underlying causes are working.

▸ The other suggestion is that the City Council should elect not to renew the ordinance specifically because it is used unfairly. It is important to recognize that this solution also masks the underlying issues suggested in this analysis. While the Drug Free Zone ordinance is just one law, and it may make sense in this instance to cure the disparate application of it by abolishing it, as a policy matter rescinding laws as a strategy for promoting fairness in policing can only go so far. As such, we don't recommend this approach either, *unless* it is coupled with an equally emphatic strategy to address the underlying factors that led to the disparities.

Unfortunately, the underlying problem of the racial disparity revealed by the data cannot be solved either by killing the ordinance or by mandating its 100% application to all qualifying arrests. Rather, there are two separate questions that now must be answered:

1) Regarding the evidence of disparate treatment by race that the data from this analysis has documented, what new strategies should the City pursue to ensure consistently fair application of police practices regardless of race? And, if the ordinance is renewed, can those strategies be applied in a way that ensures immediate correction?

2) Regarding the impact of drug activity in the identified zones, what is the nature of the current problem? What are the best available tools to address it? And, would a Drug Free Zone ordinance *if applied fairly* still be a useful and effective tool in that mix?

Allowing the ordinance to expire without addressing the underlying causes of the disparity risks sending the disparity discussion back to a place where we can begin a new debate about finding useable data and arguing over its meaning. However, keeping the ordinance without an aggressive plan to cure the disparity in its application will serve only to endorse the unfair application of laws and perpetuate known disparity in its application. For this reason, our primary recommendation is that both questions described above must be answered independently of each other before a final decision about the ordinance is made. Until the City Council believes it has a convincing answer to both questions (from the Police Bureau and community problem solvers), suspending renewal of the ordinance seems the more prudent course.

IN ADDITION TO THE RACIAL DISPARITY DOCUMENTED IN THE DATA, THE NATURE OF THE CHALLENGES THAT HAD TO BE OVERCOME TO FIND IT ALSO RAISE SERIOUS CONCERNS.

What we find more troubling than the disparity itself is an evident lack of institutional curiosity at the Bureau for determining, early and aggressively, if such a disparity existed. Because, in the absence of more institutional curiosity about these issues, problems of racial disparity will remain very difficult to solve. While the disparity certainly exists, there are layers of dimensions to it that could give a curious manager ample room to test theories, experiment with policy, ask for feedback, and make other adjustments that could both reduce, or eliminate, the racial differences found in the data and provide important management learning about how to get closer to the root of this critically important issue.

Frankly, had this degree of disparity been uncovered early by the Bureau and shared with the public in the context of genuine commitments by managers to dig into the underlying causes, make corrections, and report back on evolving changes to a concerned public, the conversation on this issue would be very different today. That, however, is not the reality of this situation, which is why we are identifying the lack of institutional curiosity about this issue as a very significant problem in and of itself.

We won't review the process it took to get to the point that analysis could be done and we don't see any convenient individual villains who could be blamed for roadblocks and barriers along the way. Instead, we see an institutionalized culture that may have left even well-intentioned managers without sufficient sense of urgency about asking the tough questions that needed to be asked or provided them with a compelling need to request a record keeping approach for Drug Free Zone data that could routinely provide information that management would need to inform better decision making.

The conversation about race in Portland will not move forward if both "sides" treat data as a mere tool to support their already foregone conclusions. While it would be a great day if the voices on both sides could change in this respect, it is certainly time for at least one side — the side that is paid to give full-time attention to policing issues — to adopt an open curiosity about measuring and responding to the facts as they are, to demonstrate a greater willingness to discover and correct, and to explain openly and honestly whatever shades of gray the facts reveal.

The Portland Police Bureau, institutionally, has seemed incurious about testing the hypotheses developed to explain apparent disparities and, in the absence of a willingness to do the necessary self-analysis, insufficiently committed to taking the self-corrective steps necessary to mitigate the racial issues that, as is the case in most American cities, remain a barrier to better partnership with all citizens.

The work necessary to properly test the hypotheses developed, analyze the data, and put it in the context of police work, is not simple and does require a level of skill that is unique to those who are very familiar with statistical analysis, probabilities, and correlations (and also have a working knowledge of police work). But the Bureau employs analysts with these skills who could be turned loose to go where the facts take them, testing each hypothesis and working with managers to develop responses that are commensurate with the issues found.

We urge the Portland Police Bureau to make a much deeper commitment to assessing its own need for improvement in this regard and then addressing the need in a way that will offer relief for concerns about police practices and allow the conversation with the community to move more easily to questions of improving public safety. A better community policing partnership, built on trust and a shared commitment to problem solving, particularly with Portland's African-American community, will never be achieved without it.