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March 5, 2016

**ELECTRONICALLY TRANSMITTED**

Suzanne Jones, Mayor  
Greg Testa, Chief of Police  
Members of the City Council  
City of Boulder, Colorado  
1777 Broadway Street  
Boulder, Colorado 80302

Re: Misperceptions Regarding Relationship Between Police Practices and  
Racial Disproportionality in Arrests

Dear Mayor Jones, Chief Testa, and Members of the Boulder City Council:

A February 23, 2016 *Daily Camera* article titled “[Consultant: Boulder police should review practices that could lead to racial disparities](#)”<sup>1</sup> alerted me to recent attention to racial disparities in arrests in the City of Boulder. According to the article, the City has already devoted resources to the study of this matter. Apparently it will devote further resources to studying the matter and may modify practices based on perceptions about the relationship between practices and the degree of racial disproportionality.

The purpose of this letter to explain that the common understanding regarding the relationship between police practices and the size of racial disparities in arrests is the opposite of reality. In particular, the common understanding, which has been promoted by the United States Department of Justice, is that reducing the frequency of arrests and other adverse interactions between a city’s police and its population will tend to (a) reduce relative differences between rates at which minorities and whites experience those interactions and (b) reduce the proportion minorities make up of persons experiencing the interactions. In fact, reducing the frequency of those interactions will tend to increase both relative differences between rates at which

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<sup>1</sup> To facilitate consideration of issues raised in letters such as this I include links to referenced materials in electronic copies of the letters. Electronic copies of letters such as this are available by means of the [Institutional Correspondence](#) subpage of the [Measuring Health Disparities](#) page of [jpscanlan.com](http://jpscanlan.com). In this case, electronic copies of the letter are being emailed to recipients.

minorities and whites experience the interactions and the proportion minorities make up of persons experiencing the interactions.

I explain this issue fairly succinctly in a February 22, 2016 item on *The Hill*'s Congress Blog titled "[Things DOJ doesn't know about racial disparities in Ferguson](#)," which addresses the matter in the context of the Department of Justice's recent suit against Ferguson, Missouri. Other succinct treatments of the issue may be found in my "[Things government doesn't know about racial disparities](#)," *The Hill* (Jan. 28, 2014); "[The Paradox of Lowering Standards](#)," *Baltimore Sun* (Aug. 5, 2013); "[Misunderstanding of Statistics Leads to Misguided Law Enforcement Policies](#)," *Amstat News* (Dec. 2012); and "[Disparate Impact': Regulators Need a Lesson in Statistics](#)," *American Banker* (June 5, 2012).

The *Amstat News* item also discusses the fact that the State of Colorado recently enacted legislation regarding school discipline practices based on the mistaken view that relaxing discipline standards would tend to reduce relative racial/ethnic differences in discipline rates. The [Denver Disparities](#) subpage of the [Discipline Disparities](#) page of [jpscanlan.com](#) discusses data showing that that recent reductions in suspensions in the Denver Public Schools were in fact accompanied by increased relative racial/ethnic differences in suspension rates, a pattern being observed all across the country.

A more comprehensive treatment of this subject may be found in my October 8, 2015 [letter](#) to the American Statistical Association, which, among other things, urges the organization to explain to the federal government that relaxing standards and otherwise reducing the frequency of adverse outcomes tends to increase, not decrease, relative differences in rates of experiencing the outcome and the proportions more susceptible groups make up of persons experiencing the outcomes. Table 1 of the letter (at page 11) sets out the data described in each of the above-mentioned articles. A June 8, 2016 [letter](#) to the City of Minneapolis, Minnesota and a March 9, 2016 [letter](#) to the United States Department of Justice and the City of Ferguson, Missouri explain the issue with a particular focus on police or court practices.

Extended treatments of the varied implications of the pertinent statistical patterns and the failure to understand them may also be found, among many other places, in my "[Race and Mortality Revisited](#)," *Society* (July/Aug. 2014), "[The Mismeasure of Discrimination](#)," Faculty Workshop, University of Kansas School of Law (Sept. 20, 2013), "[Can We Actually Measure Health Disparities?](#)," *Chance* (Spring 2006), "[Race and Mortality](#)," *Society* (Jan./Feb. 2000), and "[The Perils of Provocative Statistics](#)," *Public Interest* (Winter 1991). Many graphical and tabular illustrations of the patterns may be found in methods workshops I have recently given at American universities.<sup>2</sup>

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<sup>2</sup> "[The Mismeasure of Health Disparities in Massachusetts and Less Affluent Places](#)," Department of Quantitative Health Sciences, University of Massachusetts Medical School (Nov. 18, 2015); "[The Mismeasure of Discrimination](#)," Center for Demographic and Social Analysis, University of California, Irvine (Jan. 20, 2015); "[The Mismeasure of Demographic Differences in Outcome Rates](#)" Public Sociology Association of George Mason University (Oct. 18, 2014); "[Rethinking the Measurement of Demographic Differences in Outcome Rates](#)," Maryland Population Research Center of the University of Maryland (Oct. 10, 2014); "[The Mismeasure of](#)

Academics having an understanding of this issue include University of Oregon Professor of Economics Peter J. Lambert (who has written on the issue), University of Cincinnati Professor of Criminology John Paul Wright, Harvard University Professor of Sociology Christopher Winship, and University of Wisconsin Associate Professor of Sociology Felix Elwert. Within Colorado, I believe that University of Colorado Denver Professor of Economics Buhong Zheng (a colleague of Professor Lambert's) should be somewhat knowledgeable regarding the issue as a result of his familiarity with the 2006 *Chance* article. But I also expect that, while few academics at Colorado universities may yet understand the issue, all Colorado academics dealing with statistical matters, once acquainted with materials referenced above, would agree with their essential point regarding the likely effects of reducing adverse outcomes on standard measures of racial disproportionality regarding those outcomes.

The statistical patterns described in the referenced works are not the sole consideration in understanding data on racial differences. But one cannot soundly interpret such data without understanding those patterns.

Sincerely

**/s/ James P. Scanlan**

James P. Scanlan