



John S. Foote, District Attorney for Clackamas County

807 Main Street, Room 7, Oregon City, Oregon 97045
503 655-8431, FAX 503 650-8943, www.co.clackamas.or.us/da/

January 22, 2019

Mr. Michael Schmidt
Criminal Justice Commission
885 Summer Street NE
Salem OR 97301

Re: Some observations on recent Racial Disparity numbers on PCS cases from Clackamas County

Dear Mr. Schmidt,

Please find enclosed our analysis of the PCS racial disparity cases that your office has so generously shared with us for the years 2015 and 2018 in Clackamas County. We share your strong interest in getting the best available data and closely examining it for accuracy and potential lessons to be learned.

We are pleased to report that, according to data from the Clackamas County Jail (which we believe to be the most accurate local source) it appears that racial disparity on PCS cases in Clackamas County has dropped dramatically in the past three years. Racial disparity for Hispanics, Asians and Native Americans has virtually disappeared. And racial disparity for Blacks has dropped almost 58%. This is good news for the state of justice in Clackamas County. However, as was the case in 2015, the sample sizes of cases for our county remain far too small to draw any long term conclusions but the trends are certainly positive.

While all of this is welcomed good news, there are some issues we have identified with how this information is gathered. In summary, when we compared the data from CJC with information from the booking office in our local jail, there appeared to be large discrepancies. There were many booked inmates who identified themselves differently at booking in the county jail than how CJC and DOC had previously identified them. This was evident in the report that is attached. It appears that DOC is now indicating that they have shifted from using NCIC as a source to self-reporting. We think this should eventually improve the consistency from agency to agency. (It is worth noting that, according to the booking records in the Clackamas County Jail, many of the inmates inconsistently self-report their race in different bookings at different times. See the attached interoffice memorandum). We would recommend that all offices or agencies which collect racial data clearly identify the method they use to do so.

We look forward to continuing to work with you in the future on these important issues.

Very truly,

John S. Foote