



REPORT HIGHLIGHTS

OFFICE OF CITY AUDITOR – SEATTLE

August 4, 2008

Seattle Police Department's Handling of Bias/Hate Crimes Conscientious, But Could Be More Rigorous

Why We Did This Study

In 2008, City Councilmembers Clark, Licata and Rasmussen requested an audit of the City's enforcement of and response to bias crimes and incidents. While the number of bias crimes in the U.S. is low compared to other crimes, law enforcement agencies in the US give special attention to bias crimes because 1) a single bias crime act victimizes every member of the targeted group, and 2) these crimes can create waves of retaliation and escalate tensions within in our diverse community.

Background

Bias Crimes (Malicious Harassment) are criminal acts including assault, threat of bodily harm or property damage committed against a person(s) because of his or her real or perceived characteristics (race, religion, sexual orientation, etc.). Bias Incidents are non-criminal acts of hate speech or other communication that do not rise to the level of a crime and are protected against prosecution as a First Amendment right under the U.S. Constitution. In 2006, Ken Molsberry published a Bias Crimes and Incident Report summarizing six years of Seattle Police Department data that showed bias crimes occur in every Seattle neighborhood. He offered nine recommendations on how the City could better address bias crimes.

What We Found

Overall, the City is adequately addressing bias crimes. Seattle's Police Department's (SPD's) policies and procedures, with minor exceptions, are comprehensive and detailed and place a high priority on bias crime enforcement. The laws of the State of Washington and the City of Seattle criminalizing malicious harassment are among the most comprehensive in the nation. SPD meets the rigorous policing standards set by the accreditation organization the Commission on Accreditation for Law Enforcement Agencies (CALEA). The monitoring and supervision systems for SPD's personnel are generally adequate, including systems for taking and investigating malicious harassment complaints and reporting malicious harassment complaints to the U.S. Department of Justice as required.

Recommendations

Though we found that the Seattle Police Department is conscientious about its management of bias crimes, we did identify improvements the City could make in its handling of bias crimes and Incidents. Most significantly, the City could:

1. Expand its efforts to prevent and respond to non-criminal bias incidents;
2. Provide leadership and coordination to support efforts by multiple City agencies and community organizations aimed at preventing and responding to bias crimes and bias incidents;
3. Track and publish periodic statistics on bias crimes and bias incidents and disseminate this information to policy-makers, law enforcement agencies, community groups, educators and the general public who can use this information to understand trends, measure the outcome of their work, and direct prevention campaigns in their communities or schools.
4. Involve the help of volunteers and volunteer organizations in bias crime and incident reporting, tracking, response and outreach.
5. Expand victim support services to victims of bias incidents, not just bias crimes.
6. Facilitate victim reporting and identification of bias crimes through centrally-coordinated publicity.
7. Improve the accuracy and completeness of data gathered regarding hate crimes and incidents.
8. Simplify the method for flagging bias crimes in SPD's new electronic reporting and data management system.
9. Increase Seattle Police Officers' bias crime training beyond the introductory Police Academy Training to include annual refreshers and additional training for detectives and for all personnel upon promotion.

How We Did Our Work

- Reviewed bias-related patrol officer incident reports and detective investigative reports from 2006 and 2007
- Reviewed the results of prosecutions of bias crimes from 2006 and 2007
- Reviewed City and SPD Policies and Procedures related to bias crimes
- Interviewed stakeholders including officials from SPD management, detectives, officers, and victim advocates; a King County Prosecuting Attorney; SOCR staff; City Commission members; and four bias crime victims
- Evaluated SPD practices against established law enforcement, organizational and bias crime standards
- Contacted 16 jurisdictions from 9 different states to identify best practices for addressing bias crimes and incidents
- Reviewed the structure of bias crime laws in Washington State, the City of Seattle, and other states and municipalities
- Conducted a web based survey that invited victims of bias crimes and incidents to report their experience in 2006, 2007, and January through June 2008

Table: City Could Improve Internal Controls for Bias Crime Enforcement

Score: Green (g) = In Place, Yellow (y) = Needs Improvement

Control – What Should Be	Score	Comment
Control Environment:		
City leadership demonstrates the importance of bias crime enforcement and prevention and it provides oversight.	g	While SPD policies and procedures address bias crimes as a high priority and SPD Command Staff are assigned to Demographic Advisory Committees (DACs), we found the City’s message of “no tolerance” is weakened by lack of central citywide coordination and lack of reporting of bias crime statistics.
	y	
Information & Communication		
911 call responses are rapid and efficient.	g	SPD has Policies and procedures in place and monitors via recording of interactions and supervisory response to complaints.
The new incident reporting system (SPIDER) facilitates easy flagging of bias crimes and supports case management.	g	The new SPD electronic case information system should improve bias crime statistics. SPD should increase training and monitor the SPIDER system to ensure more complete data gathering.
Quickly distribute bias-related General Offense Reports for follow-up and ensure recording in the Bias Crimes Database.	g	Data Center Staff are distributing these reports quickly.
The City encourages victims of bias crimes to report to police, educates the community to reduce bias incidents and crimes, and conveys a “no tolerance” stance towards bias crimes.	y	The City’s outreach efforts are not well coordinated. It needs to establish a central authority in the City to coordinate the City’s outreach and education regarding bias crimes and incidents to include SPD, Seattle’s Human Rights, Women’s, and Sexual Minorities Commissions, the Race and Social Justice Teams, the SPD’s DACs, and the Seattle Office for Civil Rights (SOCR).
Control Activities::		
Procedures are clear and complete	g	SPD’s procedures are detailed; however, the Bias Crimes procedures need updating and other minor modifications.
Training is sufficient to maintain officer awareness of proper procedures related to bias crimes.	y	SPD trains new officers at the Police Academy, and recently distributed a training video. SPD could strengthen its training by providing annual refresher training, training for detectives, and training at promotions.
Laws are comprehensive	g	State and City Laws are comprehensive.
Supervisors monitor the work of subordinates and provide coaching	g	SPD has in place monitoring of performance, annual performance reviews, and a complaint system.
Monitoring:		
The City gathers and publishes bias crime and incident statistics to assist in prevention and response efforts. Information is provided to SPD, oversight groups and citizens and the general public.	y	Seattle meets FBI reporting standards. If SPD provided additional reports of bias crimes and incidents to the vulnerable/targeted communities and the general public, this would support reduction/prevention of bias crimes by highlighting troubled areas needing focused response.

A copy of the Office of City Auditor’s full report can be obtained at the office Web site at <http://seattle.gov/audit> or by calling (206) 233-3801. Please direct any questions or comments regarding this report, or suggestions for future audits, to Susan Cohen, Seattle City Auditor, at (206) 233-3801 or susan.cohen@seattle.gov.