

February 3, 2020

VIA E-MAIL

Chief Carmen Best
Seattle Police Department
City of Seattle
610 5th Avenue
Seattle, WA 98104

Re: Part II of the Seattle Police Department's Disparity Review

Dear Chief Carmen Best,

We write on behalf of the Community Police Commission (CPC) to request a formal meeting to discuss next steps now that the Seattle Police Department has submitted Part II of its Disparity Review. Before February 17, 2020, please send us a list of dates that SPD representatives are availability for a one-hour meeting at the CPC offices or a location of your choice.

A. History of the Disparity Review and the CPC's Attempts to Engage the SPD

On April 30, 2019, the City of Seattle submitted Part I of the Disparity Review required by the Sustainment Plan. This report demonstrated that subjects of color are more likely to be frisked than white subjects; subjects of color are less likely to be found with a weapon when frisked; and people of color are more likely to have a firearm pointed at them than white people. In short, it proved the existence of disparity in the interactions between the SPD and the community.

Neither the SPD nor the CPC were surprised by these findings given local and national trends. But, in the CPC's view, these initial findings called for swift remedial measures. The CPC therefore wrote to the SPD and requested a formal meeting to initiate a collaboration in accordance with SPD Policy 5.140 on bias-free policing.

The SPD responded that it was too early for such a meeting, and that Part I of the Disparity Review was meant to identify the best *method* to assess disparity, and not "to explain the circumstances leading to any identified disparity." The SPD further explained that it would only be able to determine whether it could "do anything to effectively address [disparity] and evaluate

those efforts” *after* completing additional quantitative and qualitative work. In particular, you noted that the root cause of disparities may be attributable to issues that have little to do with police operations and/or policies.

On December 31, 2019, the City filed the much-anticipated Part II of the SPD’s review. In its filing, the City characterized Part II as building upon the disparity findings of Part I “to identify possible changes to policies, trainings, and communications that could potentially reduce the identified disparities.” The CPC therefore writes to renew its request for a meeting now that the SPD has completed its additional quantitative and qualitative work.

B. Summary of Key Findings and Recommendations of Part II of the Disparity Review

Part II contained two key sections: a description of and findings from SPD’s qualitative review efforts (characterized as the “primary” aspect of the report), and, in the appendix, a deeper quantitative review. It also included a several commitments and recommendations for next steps.

1. Qualitative Review

The SPD decided that it would try to isolate the cause of the disparities uncovered in Part I of its review through a qualitative assessment process. In particular, the SPD randomly selected 15 incidents of *Terry* stops for critical internal review. It further subjected 7 of those incidents to review by various community members.

The CPC was not involved in the critical internal review process, but in late August 2019, it was asked by the SPD to help coordinate community engagement by hosting three meetings where individuals could review and comment on body worn camera and in-car video.

As summarized in the Part II report, key concerns raised by the community at these meetings included that (1) stops tend to be made on generic descriptions (often based on clothing or shoes) such that minority community members “always match the description,” (2) SPD tends to deploy overwhelming force, for example, by sending a large number of officers to respond to even routine traffic stops, (3) the number of guns that were routinely drawn and pointed at subjects in the videos seemed excessive, (4) many of the interactions could be improved in terms of respect and safety—for example, by clearly explaining what an officer is doing and why.

2. Quantitative Review

The findings of the quantitative review reaffirmed those from Part I of the assessment, which, as explained above, proved the existence of disparity in the interactions between the SPD and the community. In particular, the quantitative review shows that:

- ❖ The “hit rate” for frisks are lower for subjects of color than for white subjects. Officers recover fewer weapons from subjects of color that they frisk as opposed to white subjects that they frisk. According to Charles C. Lanfear, who conducted the quantitative analyses in the appendix of the Part II report, this is strong evidence that thresholds for frisking subjects of color are lower than for white subjects.
- ❖ Hit rates decline for people of color when officer discretion decreases, whereas hit rates increase for white subjects when officer discretion decreases. Mr. Lanfear concludes that we would expect to see this pattern if minority subjects are subject to differential treatment in disposition, or if it is more likely for officers to recommend charges for subjects of color compared to white subjects.
- ❖ The more “out of place” the subject is, the more likely he or she is to be stopped and frisked. An “out-of-place” subject is, for example, a person of color in a predominantly white neighborhood. Furthermore, when officers did not have a description of a subject who was “out of place,” the stop and frisk would lead to fewer “hits.”
- ❖ Minority officers seem to be less punitive while white officers are more punitive. Stops and frisk conducted by officers of color result in fewer “hits,” or punitive dispositions, than when conducted by white officers.

These findings make it clear that the disparities identified in Part I are unwarranted. They further suggest that at least one cause of disparity in policing in Seattle is officer bias and policing operations. Accordingly, there *is* something that the SPD can do about it.

C. Commitments and Mr. Lanfear Recommendations

The SPD committed to a number of remedial actions in the Part II report, including to:

- (1) amplify the training and guidance around how much of a match between the description of a suspect and the appearance of the subject there must be to constitute a “match” to initiate a stop, and safety frisk;
- (2) review policies, trainings, and protocols for the pointing of firearms;
- (3) develop enhanced procedures and trainings for 9-1-1 call takers and 9-1-1 dispatchers to improve their ability to recognize and mitigate implicit bias;
- (4) address “disparity-associated” issues involving officer professionalism.

In addition, the SPD vowed to continue to work on identifying and responding to disparate impacts—and to partner with the CPC in developing and holding incident review community sessions.

Mr. Lanfear made a number of additional recommendations in his expert analysis, which relate to altering data collection practices to address data limitations. These are to: (1) fully document all stops by mandating the recording of key fields, regardless of disposition, and link them to CAD entries to produce more complete records for future analyses, especially stops that are

“unproductive” or do not result in a hit; (2) supplement text fields with checkboxes to indicate officer motivations for the stops as written narratives are cumbersome to analyze on a large scale; and (3) more consistently unify *Terry*, CAD, and RMS data to permit deeper analysis of stops, including that of the charges or other results associated with forms of sanction. Although the SPD did not expressly commit to implementing the recommendations of its expert, the CPC hopes and recommends that it do so.

D. The Need for a Formal Meeting Between the SPD and CPC

The CPC welcomed the opportunity to collaborate with SPD on the community engagement aspect of its qualitative review. But this partnership does not adequately fulfill the SPD’s commitment, under the Consent Decree, to partner with the CPC on the issue bias in policing.

First, the methodology for the qualitative analysis had already been developed by SPD when it approached the CPC. The SPD did implement CPC’s recommendation of convening several smaller meetings instead of one larger meeting to enhance openness and safety, but the SPD engaged the CPC with too little notice. This not only resulted in the cancellation of one of the meetings (as noted in the report), it also meant that the CPC had insufficient time to reach out to the community to ensure high attendance of the meetings. As it stands, only 7, 9, and 12 community members attended the three meetings.

Second, although the SPD has engaged the CPC to help collect feedback from community members, it has not yet engaged the CPC to analyze that feedback or craft policy and operational strategies to address bias in policing. As a reminder, SPD Policy 5.140 states that the SPD shall “[i]n consultation with the Community Police Commission . . . periodically analyze data” to identify practices that may have a disparate impact (the SPD may rely on the CPC “in whole” for this analysis if it prefers). The policy further states that “[w]hen unwarranted disparate impacts are identified and verified, the Department will consult with neighborhoods, businesses, community groups, and/or the Community Police Commission, and the Office of the Inspector General for Public Safety, to explore equally effective alternative practices that would result in less disproportionate impact.”

Accordingly, the CPC renews its request for a meeting to collaborate with the SPD on developing alternative strategies to address bias in policing per SPD policy. The Part II report reveals several points of interaction and decision-making where officer bias is present which could greatly inform strategies for altering operational practices and policies to address bias. The SPD and CPC should work together to decide how to address, via policy and training, the fact that—for example, “out-of-place” subjects are stopped and frisked at a greater rate; white officers are more punitive; hit rates are lower when subjects of color are frisked; and an increase in officer discretion leads to more punitive dispositions.

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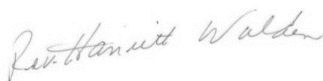
The CPC, SPD, and, potentially, the Office of the Inspector General can work together to craft an agenda for this meeting. But to start, the CPC would like to discuss two items:

1. Although SPD engaged the CPC in its community review process, it did not engage an expert on anti-racist principals or implicit bias to produce strategies for addressing disparity. Indeed, the two academic experts that the SPD engaged for its Part II report were both white men with expertise in quantitative analysis. While such expertise is undoubtedly important, it is equally important to engage consultants with expertise in racism and implicit bias to craft strategies to effectively mitigate those issues. The CPC thus hopes to use the meeting as a chance to identify a mutually-agreeable expert to move the remedial process forward.
2. The Part II report is long, complex, and highly technical. Accordingly, in the interest of transparency, the CPC hopes to use the meeting to task someone with creating a summary of the Part II report that is more accessible to laypersons. This could, for example, look like the press releases from Office of the Mayor on 11/1/2019 and 1/20/2020, which summarize other reports filed with the Court. In short, because the issue of bias is of priority concern for communities of color in Seattle, the parties should strive to be clear and upfront about findings related to the issue of disparity and its roots in bias.

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In closing, before February 17, 2020, please send us a list of dates that SPD representatives are availability for a one-hour meeting at the CPC offices or a meeting location of your choice.

Sincerely,



Rev. Harriett Walden, Co-Chair
Community Police Commission



Emma Catague, Co-Chair
Community Police Commission

cc: Community Police Commission