



VIA EMAIL

February 11, 2020

RE: Seattle Community Police Commission Comments on SPD Disparity Report – Part II

Dear Executive Director Scott and Commission Co-Chairs:

I want to thank you and the Community Police Commission (CPC) for your review and feedback on the Seattle Police Department's (SPD) Part II – Disparity Review Report (“Disparity Review”). As you know, the CPC was an essential element in this first-of-its-kind, police department-initiated review of its identified disparate enforcement actions. In assisting SPD to bring the community into the process, to gain the insights of those experiencing the identified disparities, together, we have done something that no other department, to our knowledge has ever done. There is a tremendous amount of work left to do. This was an initial pilot. We needed to establish if this process was realistic for a police department to undertake – there is a considerable commitment to both quantitative and qualitative analytics that not every department could support; and, I have promised that the department will continue this effort, under a more realistic timeline than recent schedules allowed. Given all of that, I do want to specifically address each of the issues identified in your letter. I hope that we will collaborate on this effort as we all work toward continuing the improvement and innovation of the Seattle Police Department.

Overall Response

First, my team and I are happy to meet with you to develop a plan for advancing this disparity analysis and matching strategic responses. However, a meeting within two-weeks is not possible given the hectic schedule my entire team works under. I have tasked those responsible in my office to find several times where the essential SPD staff can be available, but I cannot promise this will be in the next two-weeks.

Second, I want to reiterate that it was too early after Part I to identify solutions. The Part I report, as defined in the Sustainment Plan, *solely* was intended to identify and agree to a methodology to quantify disparity. There was no information available from statistical analyses to identify potential causes of disparity. Proposing solutions would have been politically convenient but practically irresponsible. This is why we have trained and experienced social scientists working on this effort.

Qualitative Review

To clarify, the SPD reviewed 62 incidents to find 10 that it hoped could be reviewed in community-led meetings. This internal review revealed that only 15 of the 62 (24%) involved officer discretion in the decision to frisk or point a firearm. This, alone, was a significant finding: that most of the randomly selected incidents did not allow for a different decision by the officer due to both community and officer safety concerns. The 10 identified incidents for community review were reduced to nine (9) based on feedback provided by the CPC, which the SPD immediately accepted. This feedback was that one incident was going to bring up far too many issues outside of the realm of disparity and would sidetrack the entire

conversation. SPD took this feedback to heart and the incident was dropped. This left nine (9) incidents to be reviewed.

Additionally, the SPD had planned to have larger group meetings, but was grateful to get the valuable insight from the CPC that it likely would be both more productive, and ensure more personal safety and wellness, to caucus these meetings with community members who identified as similar in their racial, ethnic, and cultural identities.

Quantitative Review

It is important to note that the “out of place” phenomenon speaks more to community member behavior than officer behavior. A majority of officer interactions with community members result from calls for service initiated by other community members. There also is not general agreement that because minority officer frisks results in less “hits,” this means they are less punitive. That appears to be reaching a conclusion that the initial data do not support. Most importantly, none of the statistical analyses suggest or point to individualized or systemic bias. No part of either report examined or even contemplated examining bias. That cannot be ascertained from quantitative data. To suggest officers are biased based on data that do not explain most of the variance in the models is irresponsible and inflammatory.

Commitments and Expert Recommendations

To clarify, these data all came from our prior records management system (RMS). In this system we were not able to add new fields for analytic purposes or cleanly link any reporting templates to CAD incidents. In our current system, launched in May 2019, stops and detentions are inherently linked to the CAD incident. This was a data gap the SPD had identified and committed to addressing, and we have. Additionally, more of the data fields were intentionally “fielded” in the new system. So, in reality, we already have implemented the expert’s recommendations. He could not have known this, as he was utilized for his quantitative expertise on examining disparity, not the functioning of a police department’s records management system.

Need for a Formal Meeting

The SPD in no way has suggested that working with the CPC to plan and facilitate these meetings was the entirety of its collaboration with the CPC on such issues.

The meeting “notice” was an artifact of the timeline imposed on the SPD by the sustainment plan. That is why this was viewed as a pilot process – to test the qualitative methodology. The SPD made it very clear this was step one.

It was the SPD’s understanding that the CPC felt that the size of the meetings as planned – and in practice – actually was the correct size. With the number of community members included, two of the sessions only were able to get through two of the three incidents that had been planned. Larger groups would have been less efficient and would not have been fair to the community members given that neither party had any idea if this approach would “work.”

I have to respectfully disagree that SPD is not engaging the CPC in addressing disparate impacts. That is exactly what this process was designed to do. As I have stated previously, it would have been irresponsible to jump to solutions before we attempted, together, to understand what was occurring in these incidents. Additionally, the SPD has engaged the OIG in the quantitative analysis of disparity, and we welcome their inclusions in efforts to qualitatively understand it and propose solutions.

Again, the SPD welcomes a meeting to determine how we can continue to develop an understanding of what is leading to disparate impacts, and how to address those issues. None of this analysis speaks to bias; stating so, is, as noted before, incorrect. Continuing to do so raises serious concerns about the collaborative nature in which this work can be done. Nationwide, and here in Seattle, we have no evidence to suggest that individual officers – other than those who have sustained bias complaints addressed through the Office of Police Accountability – nor the Department, are engaging in biased policing. The analysis by the Department of Justice at the outset of the Consent Decree found no specific evidence of this, and after all of the work the department has done in the past nine years, I feel confident that the SPD is not engaging in systemic biased policing. Yes, there are disparate impacts in the justice system, as there are in almost every social system, be it health care, housing, education, etc. But, to say the SPD is biased is drawing conclusions with no proof whatsoever.

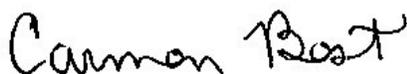
Two Items

The SPD consistently engages experts, with lived experiences, to deliver trainings and assessments of what can be done to address institutional and implicit bias. Classifying this innovative process as “remedial” may serve a political purpose, but it ignores the real work in which the SPD engages. Every sworn member of the department must complete the *Acknowledging and Managing the Hidden Bias in Good People*, prepared by Dr. Bryant Marks. And, just this past week, the entire command staff devoted an entire day to the Interrupting Racism Now training, and additional units in the department also participated in the following days. SPD also has developed a historical training with the Northwest African American Museum where all employees will gain an understanding of the unique experience of African-Americans here in the Pacific Northwest. SPD continuously is looking at identifying and developing additional trainings to better ensure we all are aware of the complex issues and challenges of policing in a society where imbalances of power, wealth, access, and rights, exist everywhere.

The SPD welcomes creating “briefs” that are more accessible by the general public. This must be done with care. As evidenced by the repeated phrasing of this report as having anything to do with bias, briefly explaining the complexities of what statistics can, and cannot, tell us, and the difference between disparity and bias, may not lend itself to a press release. We are happy to work with you to see if it can be done, however.

Together, I am confident we will continue to lead the nation in assessing how policing can reduce the disparate impacts we know exist across the entirety of the justice system. The CPC was a critical partner in getting the work this far, and I trust you will remain involved as we move toward a systematic application of the knowledge gained through this pilot process.

Sincerely,



Carmen Best
Chief of Police
Seattle Police Department