



Stops and Detentions Preliminary Assessment

SEATTLE POLICE MONITOR

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Stops and Detentions

A. Context & Key Findings

This executive summary provides a brief history of the stops and detentions reforms of the Consent Decree before summarizing the Seattle Police Department's recent performance in this area on page four.

The Department of Justice's Initial Findings on Stops and Detentions

The Department of Justice's ("DOJ") 2011 investigation found that the Seattle Police Department ("SPD") had "deficient policies" and provided "inadequate supervision and training of its officers" on conducting proper stops and detentions.¹ Additionally, SPD did not "collect adequate data to self-assess" its stop and detention practices for appropriate legal bases for individual stops or potential trends of biased policing.²

While the Department of Justice's investigation did "not reach a finding of discriminatory policing,"³ the investigation "raise[d] serious concerns about practices that could have a disparate impact on minority communities."⁴ Specifically, DOJ's "[a]nalysis of limited data suggest[ed] that, in certain precincts, SPD officers may stop a disproportionate number of people of color where no offense or other police incident occurred."⁵ In addition to finding problems with SPD's policies, supervision, and training in this area, DOJ observed, "[o]f the deficiencies we identified, perhaps the most important is SPD's failure to collect and analyze data that could address and respond to the perception that some of its officers engage in discriminatory policing."⁶

Consent Decree Requirements & Prior Assessments of SPD's Stops and Detentions Practices

In response to these concerns, the Consent Decree required SPD to implement new policies, trainings, documentation procedures, and supervisory requirements regarding its stop practices and to address concerns about associated biased policing. After SPD implemented these new measures, the Monitoring Team conducted a comprehensive review of SPD's compliance with Consent

¹ Dkt. 1-1, *Investigation of the Seattle Police Department*, United States Department of Justice, Civil Rights Division, United States Attorney's Office, Western District of Washington" (Dec. 16, 2011) [hereinafter "2011 Findings Letter"] at 6.

² 2011 Findings Letter at 30.

³ 2011 Findings Letter at 6.

⁴ 2011 Findings Letter at 6.

⁵ 2011 Findings Letter at 6.

⁶ 2011 Findings Letter at 6.

Decree requirements and issued its Tenth Systemic Assessment in 2017 summarizing its findings. The Monitoring Team found that an “exceedingly small” number of stops lacked “sufficient legal justification”⁷ and that “officers by and large are conducting frisks of a stopped subject when they have the appropriate legal justification – not as a matter of course.”⁸ The Monitoring Team also found that race was “not a factor in determining an individual’s likelihood of being the subject of a ‘bad’ stop,” i.e., a stop that was counter to law or policy.⁹ Further, the Monitoring Team found Black subjects were less likely to be subject to a legally-unjustified frisk during a stop than White subjects, though Black subjects were frisked at higher rates than White subjects.¹⁰ Largely because “SPD and its officers [were] complying with the legal and policy requirements related to stops, searches, and seizures,”¹¹ the Monitoring Team certified SPD as in compliance with the stops and detentions requirements of the Consent Decree and the related bias-free policing requirements (paragraphs 138-151).¹²

Even as it found SPD in compliance with these provisions, the Monitoring Team identified that “an individual’s race . . . helps to predict the likelihood of being stopped and the likelihood of being frisked by an SPD officer,” when factoring in various potential sociological factors that could impact disparities in policing.¹³ While the Monitoring Team recognized that “neither the Consent Decree nor the Court-approved policies on stops and bias-free policing demand that SPD immediately stop practices that it may determine are linked to disparate impacts,”¹⁴ the Monitors pointed to the need for more action on the issue. Specifically, the Monitoring Team emphasized that disparate impacts in stop data, regardless of whether the stops were legally justifiable or not, were of continuing concern and should be further examined by SPD and the Seattle community. The Monitoring Team observed that this future work aligned with SPD’s bias-free policing policy, developed and implemented as a result of the Consent Decree, which provides a framework for SPD to engage collaboratively with the community toward addressing disparities. The bias-free policing policy requires that where “unwarranted disparate impacts are identified” with respect to a given SPD practice or policy, “the Department will consult as appropriate with neighborhood, business and community groups, including the Community Police Commission, to explore equally effective alternative practices that would not result in disproportionate impact.”¹⁵ SPD has subsequently conducted further analysis in this area in partnership with the Community Police Commission to identify opportunities to modify SPD’s operations, as discussed later in this report.

⁷ Tenth Systemic Assessment at 3

⁸ Tenth Systemic Assessment at 3.

⁹ Tenth Systemic Assessment at 6.

¹⁰ Tenth Systemic Assessment at 7.

¹¹ Tenth Systemic Assessment at 3.

¹² Tenth Systemic Assessment at 7.

¹³ Tenth Systemic Assessment at 4.

¹⁴ Tenth Systemic Assessment at 8.

¹⁵ Tenth Systemic Assessment at 40–41.

After the Court found SPD in full and effective compliance with the Consent Decree in early 2018, SPD conducted two follow-up assessments of its compliance with the Consent Decree's stops and detentions requirements in 2019, which the Monitoring Team and DOJ subsequently reviewed and validated in keeping with the sustainment phase of the Consent Decree. These assessments concluded that SPD had sustained compliance with the stops and detentions requirements of the Consent Decree.¹⁶ SPD also produced two reports analyzing disparities in SPD's stop activities as part of this compliance sustainment assessment process. These analyses largely confirmed the Monitoring Team's prior findings regarding disparities in SPD's stops and detentions practices and included commitments by SPD aimed at reducing disparities, based in part on community feedback generated in partnership with the Community Police Commission (CPC). SPD committed to continued partnership with CPC and enhancements to policy and training, amongst other actions, as a result of this collaborative analysis.¹⁷ The specific commitments are detailed later in this report.

Summary of This Assessment of SPD's Recent Performance on Stops and Detentions

The Monitoring Team has reviewed SPD's recent performance related to stops and detentions and has produced the following assessment to update the public and the Court on SPD's performance in this area. Key findings related to SPD's compliance with related requirements include:

- Officers continue to routinely articulate reasonable suspicion for their stops at rates consistent with what was previously found by SPD during the sustainment phase of the Consent Decree.
- Officers are appropriately articulating the justification for conducting frisks at rates consistent with previous sustainment phase audits.
- SPD does not conduct frisks after stops as a matter of course, with frisks occurring in 23% of stops from 2018 to 2020.
- Race was not a factor in determining an individual's likelihood of being the subject of a stop or frisk lacking documentation of sufficient legal justification by officers.

This assessment also summarized a variety of quantitative statistics and trends within SPD stop practices and outcomes that, while not strictly relating to specific Consent Decree requirements, provide context and additional findings regarding SPD's performance over time:

¹⁶ Seattle Police Department, *Stops and Detentions Audit 23* (Oct. 2019).

¹⁷ Seattle Police Department, *Disparity Review – Part II: Developing a Deeper Understanding of Disparities Identified in Part I 6–7* (Dec. 2019).

- SPD conducted 4,282 stops in 2021 – its lowest on record, 30% below the previous low in 2020, and 52% below the recorded high in 2018.
- Racial disparities in stops remained fairly consistent between 2015 and 2020, with the greatest disparities for Native American and Black individuals, compared to Seattle’s population. Such findings have long produced concern in the community, and it is important to recognize what population-based comparisons do and do not establish to help SPD and the community move forward in addressing this issue. As the previous Monitor observed, comparing police activity to population provides a “generalized type of analysis [that] does not tell us much about what is driving disparity.”¹⁸ Further, determining the extent of racial disparity caused specifically by policing is difficult to quantify.¹⁹ Directly comparing stop or frisk rates to the racial composition of Seattle’s population does not, by itself, render conclusions on biased-policing or tell us the amount of disparity caused specifically by SPD’s practices, because racial disparities evident in police data may be impacted by societal inequities, not just by the actions of individual subjects or officers. Certainly, despite these limitations, population-based comparisons still present community concerns and questions that require further engagement and analysis. Given both the limitations of population-based comparisons and the community concerns resulting from such population disparities, SPD must continue to assess its data at a deeper level and act to address unwarranted disparities in partnership with the community, as discussed below in alignment with SPD’s bias-free policing policy.
- Differences in frisk rates across races have reduced over time, from a gap of 11 percentage points in 2015 to 5 percentage points in 2020. Frisk rates for stopped individuals ranged 7% across races, with a low of 20% for White subjects to a high of 27% for Asian and Black subjects, between 2018 and 2020.
- From 2018 to 2020, the rate at which SPD officers found weapons in a stop with a frisk was higher for White subjects than any other racial group – and 10 percentage points higher than frisks of Black individuals. This difference is similar to earlier findings by the previous Monitor.²⁰
- SPD has developed robust in-house analytics that confirm stop disparities previously identified by the Monitoring Team, though to varying extents in some areas, using an advanced analytical approach that assesses disparities at levels beyond overall population-based comparisons. SPD’s own analytics now identify specific differences in stop and post-

¹⁸ Tenth Systemic Assessment at 3.

¹⁹ Tenth Systemic Assessment at 40-41 (“Sorting out whether disparity on the basis of suspect classifications, like race, is the result of intentional discrimination, the result of unknowing or subconscious bias, or is the effect of one or many factors having nothing to do with race or that are tangled up with race is challenging.”).

²⁰ Tenth Systemic Assessment at 76.

stop data across races through this sophisticated method, issues which require further examination and appropriate follow-up as discussed below. As explained by the prior Monitor, in various points in this report, and in a variety of contexts in current law, racial disparities by themselves do not necessarily prove bias by individual police officers or agencies – as they operate within the context of social factors that may contribute to disparities. Still, racial disparities of this nature are concerning—regardless of intent or cause—and the City as a whole, including SPD, should strive to eliminate them. SPD’s ability to critically assess its performance in this area and identify potential unwarranted disparities through rigorous analyses is particularly critical in this regard. Few, if any, law enforcement agencies in the United States have built or maintain the internal capacity to produce ongoing disparity analyses at this level of rigor and sophistication.

- SPD must use this sophisticated analytical capacity to continue to collaborate with the Community Police Commission and Office of Inspector General to identify opportunities for improvement and implement recommendations toward more equitable policing, in line with SPD’s bias-free policing framework, which requires collaborative community engagement toward addressing unwarranted disparities. SPD collaborated with the Community Police Commission to assess disparities and identify opportunities to potentially reduce future disparities. Collaborations like this must continue and strengthen for the City to move forward in addressing disparities in stops and across SPD enforcement activity.

The following report details these and other findings regarding SPD’s performance around stops and detentions and potential associated biases.

B. What Disparate Impact Does & Does Not Establish

This assessment presents findings of disparate impacts for certain races, and it is important to discuss what these disparity findings do and do not establish. Disparity analyses in policing assess whether police actions are having a disproportionate impact on a given demographic group. This critical topic has long been the subject of wide-ranging research and discussion, given its import to the community and policing. In the Tenth Systemic Assessment, the previous Monitoring Team provided an overview of disparity analyses and how the Consent Decree process engages with disparity and bias. Here, the Monitoring Team provides a brief overview of this topic of vital community interest, in advance of presenting statistics on how SPD actions are impacting demographic groups in Seattle.

At the outset, it is important to distinguish between disparity and bias. Disparity refers to actions or outcomes that are disproportionate for a given demographic group; the Consent Decree defines bias as the “selective enforcement or non-enforcement of the law, including the selecting or rejecting of particular policing tactics or strategies, based on membership in a

demographic category.”²¹ As the previous Monitoring Team noted, “[s]orting out whether disparity on the basis of suspect classifications, like race, is the result of intentional discrimination, the result of unknowing or subconscious bias, or is the effect of one or many factors either having nothing to do with race or that are tangled up with race is challenging.”²² In other words, disparity, by itself, may not prove bias, though bias may be a factor driving disparity. **While disparity analyses may have limited ability to determine bias, this does not mean disparity findings lack meaning or import.** However, as a result of challenges proving bias, “courts have been historically reluctant to invalidate governmental actions as discriminatory and impermissible” “[w]hen there are reasonable and legitimate reasons for a practice that produces disparities.”²³

“Consequently,” with this backdrop and in the absence of DOJ finding SPD engaged in biased policing, **“neither the Consent Decree nor the Court-approved policies on stops and bias-free policing demand that SPD immediately stop practices that it may determine are linked to disparate impacts.”**²⁴ However, disparity in policing is obviously still an area of great community interest, and SPD’s bias-free policing policy, approved through the Consent Decree process, requires that SPD assess its data to identify unwarranted disparities and collaborate with the community to “explore equally effective alternative practices that would result in less disproportionate impact.”²⁵ This report discusses SPD’s efforts in this area – and provides recommendations for the ongoing work to come in partnership with the community.

This ongoing work will require both analysis of disparity data and action toward addressing identified issues. **Despite extensive research and interest in identifying and addressing bias in policing, there is no consensus on how to best assess disparities or discern bias in policing activities and outcomes.** While a variety of statistical approaches can provide meaningful insights, research has found that “[a]ll approaches have weaknesses.”²⁶ In particular, statistical analyses are limited in explaining precisely *why* the disparities exist amidst a number of potential contributing factors and, critically, *what* needs to be done to address them. While available analytical methods have their limitations, assessing and acting, where possible, on disparity findings is important to police legitimacy and effectiveness.

One common disparity analysis involves comparing police data on topics like stops or uses of force against population statistics to examine whether police actions are impacting certain demographics in a disproportionate fashion. **Population-based analyses present insights but also do not, by**

²¹ Dkt. 3-1 ¶¶ 30.

²² Tenth Systemic Assessment at 40.

²³ Tenth Systemic Assessment at 40.

²⁴ Tenth Systemic Assessment at 40.

²⁵ Seattle Police Department Manual, Section 5.140, Bias-Free Policing (last rev. Aug. 1, 2019), <https://www.seattle.gov/police-manual/title-5---employee-conduct/5140---bias-free-policing>.

²⁶ Ridgeway, Greg, and John MacDonald, “[Methods for Assessing Racially Biased Policing](#),” *Race, Ethnicity, and Policing: New and Essential Readings*, edited by Stephen K. Rice and Michael D. White, March 2010, chapter 7, pages 180-204. Copyright 2010 NYU Press

themselves, tell a complete story regarding disparity or potential bias, since other sociological factors may impact policing disparities as they do in other areas of society. Consequently, population-based comparisons do “not tell us much about what is driving disparity,” as noted by the previous Monitoring Team.²⁷ For example, this assessment will show that SPD stops disproportionately impact certain minority groups in Seattle, but these population-based conclusions cannot identify to what degree these disparities result specifically from SPD apart from broader sociological forces. Certainly, the limitations of population-based disparities do not mean that such disparities lack meaning. Rather, they are an important way of reviewing police activity, but it is likewise important to remain cognizant of their limitations in factoring in other potentially relevant social forces or explaining why specifically disparities are occurring – or what specifically can be done to address the identified disparities.

For example, the Center for Policing Equity (CPE) published a 2021 report comparing SPD’s stop practices against Seattle’s population.²⁸ CPE is national leader in assessing and addressing these very issues. Similar to previous Monitoring Team assessments, CPE’s report found disparities in stop trends that once again prompted community concerns regarding the racial impacts of policing in Seattle. CPE contextualized what these findings meant up front in their report:

While findings of racial disparities are always reason for concern, they are not necessarily attributable to decisions or practices by law enforcement. In other words, observed racial disparities do not necessarily indicate that officers have prejudiced beliefs or that they have even engaged in discriminatory behavior. Crime, poverty, institutional neglect, and a host of other factors may drive law enforcement’s disparate contacts with and other behaviors toward various racial groups. These factors do not mean disparities are not a concern, just that those seeking to address the concern must focus on all of the factors that produce them—including, but not limited to, the policies and behaviors of law enforcement.²⁹

While the CPE report recognized that “[d]isparities do not necessarily indicate that police officers have engaged in biased or discriminatory behavior,” CPE also emphasized that disparities are critically “important to measure, as these differences can represent pain points for communities.”³⁰ Moreover, such disparities require further examination due to their potential association with biased policing. CPE’s report produced three specific action steps, amongst other recommendations, related to stops data collection to help SPD “investigate

²⁷ Tenth Systemic Assessment at 3.

²⁸ CPE noted multiple times in its report that it would have conducted regression analyses beyond population-based comparisons if additional data were available.

²⁹ Center for Policing Equity. “The Science of Justice: Seattle Police Department National Justice Database City Report.” January 2021.

³⁰ Center for Policing Equity. “The Science of Justice: Seattle Police Department National Justice Database City Report.” January 2021. Page 9.

[disparities] further”³¹ and “enhance the department’s commitment to fair and equitable policing.”³²

Methods exist to assess disparity on a more detailed level than population-based comparisons by factoring in potentially impactful social forces, such as crime rates, income, and other potential factors.³³ Such analyses can present more specific insights on how various forces might be impacting policing activities and outcomes, but these analyses, too, are limited in precisely articulating *why* the disparities exist amidst a number of potential contributing factors. Over the course of the Consent Decree, SPD has built the capacity to assess disparities with sophisticated methods, which are more complex than population-based comparisons, and SPD can now conduct a deeper level of disparity analysis by attempting to account for a variety of factors to isolate the impacts of race. **In turn, SPD is now identifying specific disparities through sophisticated analyses, previously conducted solely by the Monitoring Team since they were beyond SPD’s abilities. Now, critically, SPD must build upon the Department’s prior analyses and community engagement in this area to move forward in addressing any unwarranted disparities – and to comply with its Court-approved bias-free policing policy.**

As trends in demographics and associated racial disparities are discussed throughout this report, it is important to keep this context in mind when considering what disparate impacts do and do not establish. Relevant sections of this report refer back to this overview to provide continued context regarding these important statistics. **The final section of this report discusses the history – and future – of SPD disparity analyses in greater depth.**

C. Background and Consent Decree Requirements

The Department of Justice’s 2011 investigation found that SPD had “deficient policies” and provided “inadequate supervision and training of its officers” with respect to stops and detentions.³⁴ Additionally, SPD did not collect “adequate data to self-assess” its stop and detention practices for appropriate legal bases for individual stops or potential trends of biased policing.³⁵ In particular, DOJ’s investigation “raise[d] serious concerns about SPD’s practices related to pedestrian stops.”³⁶ DOJ found that “SPD need[ed] to implement better policies, training, and supervision to ensure officers constitutionally detain someone in a pedestrian encounter.”

³¹ Center for Policing Equity. “The Science of Justice: Seattle Police Department National Justice Database City Report.” January 2021. Page 9.

³² Center for Policing Equity. “The Science of Justice: Seattle Police Department National Justice Database City Report.” January 2021. Page 6.

³³ As previously mentioned, the Center for Policing Equity would have conducted such analysis with additional data.

³⁴ 2011 Findings Letter” at 6.

³⁵ 2011 Findings Letter at 30.

³⁶ 2011 Findings Letter at 26.

While the Department of Justice’s investigation did “not reach a finding of discriminatory policing,”³⁷ the investigation “raise[d] serious concerns about practices that could have a disparate impact on minority communities.”³⁸ With respect to aggregate data on stops, DOJ observed that “[s]tanding alone, disparities in stop and arrest data are insufficient to show discriminatory policing.”³⁹ Instead, disparities “can be one indicator as to whether a Department needs to look further to determine if the data can be explained or if it is a reflection of discriminatory policing.”⁴⁰

To address the concerns that the investigation raised with respect to stops and detentions and any associated bias, the Consent Decree required, among other things, that SPD:

1. Revise its policy addressing investigatory stops and detentions;⁴¹
2. Provide annual in-service training to all officers on the importance of constitutional, professional police-community contacts for effective policing and public trust;⁴²
3. Ensure the supervisory review of investigatory stops;⁴³
4. Revise its policies relating to bias-free policing;⁴⁴
5. Provide bias-free training to all SPD officers;⁴⁵ and
6. Ensure that supervisors play the appropriate role in identifying and addressing instances of discriminatory policing.⁴⁶

D. Progress to Date & Previous Assessments

The Monitoring Team approved the implementation of new policies and training on stops and bias-free policing and subsequently reviewed SPD’s compliance with these new requirements. In 2017, the Monitoring Team conducted an assessment – including a quantitative review of patterns in SPD investigatory stops and a qualitative review of individual stops to determine if they complied with law and SPD policy – that concluded, among its many findings, that:⁴⁷

- “The number of stops and detentions of individuals that are not supported by sufficient legal justification is exceedingly small.”⁴⁸

³⁷ 2011 Findings Letter at 6.

³⁸ 2011 Findings Letter at 6.

³⁹ 2011 Findings Letter at 30.

⁴⁰ 2011 Findings Letter at 30.

⁴¹ Dkt. 3-1 ¶¶ 140–41.

⁴² Dkt. 3-1 ¶¶ 142–43.

⁴³ Dkt. 3-1 ¶¶ 144.

⁴⁴ Dkt. 3-1 ¶¶ 146.

⁴⁵ Dkt. 3-1 ¶¶ 147–49.

⁴⁶ Dkt. 3-1 ¶¶ 150–52.

⁴⁷ Tenth Systemic Assessment at 7.

⁴⁸ Tenth Systemic Assessment at 3

- “Similarly, officers by and large are conducting frisks of a stopped subject when they have the appropriate legal justification – not as a matter of course.”⁴⁹
- “[A]n individual’s race . . . helps to predict the likelihood of being stopped and the likelihood of being frisked by an SPD officer.”⁵⁰
- Race was “not a factor in determining an individual’s likelihood of being the subject of a ‘bad’ stop,” i.e., a stop that was counter to law or policy.⁵¹
- Black subjects were both more likely to be subjected to a legally justified frisk and less likely to be subjected to a legally-unjustified frisk during a stop than White subjects.⁵²

Largely because “SPD and its officers are complying with the legal and policy requirements related to stops, searches, and seizures,”⁵³ the Monitoring Team certified SPD as in compliance with paragraphs 138 through 151 of the Consent Decree.⁵⁴

Even as the Monitoring Team found SPD in compliance with these provisions, the Monitoring Team emphasized that disparate impacts in stop practices, regardless of whether the stops were legally justifiable or not, was of continuing concern and required further examination by SPD and the Seattle community. As the Monitoring Team reported, because “the likelihood that an individual will be stopped in the first instance and, when stopped, will be frisked do vary substantially by and depend on race – even after controlling for other potential influences like crime and neighborhood,”⁵⁵ “[a]dditional study by the Department and others to determine the underlying causes of the disparity and how such disparities might best be addressed will be necessary.”⁵⁶ SPD has subsequently conducted further analysis in this area in partnership with the Community Police Commission to identify opportunities to modify SPD’s operations, as discussed later in this report.

The Monitoring Team observed that this future work aligned with SPD’s policy on bias-free policing, developed through the Consent Decree process, which commits SPD “to eliminating policies and practices that have an unwarranted disparate impact on certain protected classes” by working to “identify ways to protect public safety and public order without engaging in unwarranted or unnecessary disproportionate treatment.”⁵⁷ Specifically, in its bias-free policing policy, SPD commits to identify practices “that have a disparate impact on protected classes relative to the general population,”⁵⁸ consider “effective alternative practices that would result in

⁴⁹ Tenth Systemic Assessment at 3.

⁵⁰ Tenth Systemic Assessment at 4.

⁵¹ Tenth Systemic Assessment at 6.

⁵² Tenth Systemic Assessment at 7.

⁵³ Tenth Systemic Assessment at 3.

⁵⁴ Tenth Systemic Assessment at 7.

⁵⁵ Tenth Systemic Assessment at 3.

⁵⁶ Tenth Systemic Assessment at 4.

⁵⁷ Dkt. 116 at 27.

⁵⁸ Dkt. 116 at 27–28.

less disproportionate impact,”⁵⁹ and provide ongoing updates on its “efforts to address disparate impact.”⁶⁰ Later sections of this report detail SPD’s efforts toward analyzing and addressing unwarranted disparities – and the continued work ahead for SPD and its community partners, in line with SPD’s bias-free policing policy.

In keeping with Phase II’s approach of transferring preliminary monitoring responsibilities to the City and SPD with subsequent assessment and validation by the Monitoring Team and DOJ, SPD issued two reports in 2019 assessing SPD’s compliance with stops and detentions practices in 2018. SPD found the following:

- “[I]n the vast majority of cases, SPD officers are continuing to meet their consent decree requirements to specifically and clearly document their reasonable suspicion for a stop or frisk.”⁶¹
- “A deeper review of case files associated with stops or frisks deemed, based upon review of the [written stop documentation] alone, lacking in articulated suspicion shows that in the vast majority of this smaller subset of instances, the observed deficiency was one of documentation, rather than legal basis.”⁶²
- “Statistical analysis (a Pearson’s Chi-square test) was applied to test the relationship between [whether the audit determined stops and frisks had legal bases] and the perceived race and gender of the subject. While some differences were observed [between races and genders], the relationship was not significant. Observed differences between groups can be said to be coincidental.”⁶³

SPD’s assessment concluded the agency had sustained compliance with the stops and detention requirements of the Consent Decree. The subsequent review by the Monitoring Team and DOJ validated SPD’s finding of sustained compliance. Specifically, the Monitoring Team and DOJ found the following:

The City of Seattle has demonstrated that it continues to sustain compliance with the stops and detentions requirements of the Consent Decree and SPD’s policies, including requirements that SPD officers report all *Terry* stops through a *Terry* template and that supervisors will review such reports by the end of that shift, absent exceptional circumstances. DOJ and the Monitoring Team have concluded that officers are consistently satisfying these reporting requirements. Further, DOJ and the Monitoring Team have found that the number of *Terry* stops supported by

⁵⁹ Seattle Police Department Manual, Section 5.140, Bias-Free Policing (last rev. Aug. 1, 2019), <https://www.seattle.gov/police-manual/title-5---employee-conduct/5140---bias-free-policing>.

⁶⁰ Dkt. 116 at 27–28.

⁶¹ Seattle Police Department, Stops and Detentions Audit 3 (Jan. 2019).

⁶² Seattle Police Department, Stops and Detentions Audit 32 (Jan. 2019).

⁶³ Seattle Police Department, Stops and Detentions Audit 32 (Jan. 2019).

documented, articulable, reasonable suspicion was consistent with SPD's findings.⁶⁴

SPD also produced two reports analyzing disparities in SPD's stop activities and outcomes as part of Phase II assessments. SPD's approach to conducting these assessments, their findings, and associated recommendations are summarized later in this section of the report during the disparate impacts discussion.

E. SPD's Recent Performance

For this assessment, the Monitoring Team reviewed stop data from SPD's records management system available in SPD's open data portal, body-worn camera footage, internal SPD compliance reviews, and SPD disparity analysis reports to evaluate where SPD stands currently with respect to the Consent Decree requirements addressing stops and detentions.

SPD publishes a regularly updated dashboard regarding its stop activity, as well as a detailed open data set allowing wide-ranging public analysis. Whereas SPD lacked "adequate data to self-assess" at the beginning of the Consent Decree, SPD and the public now have far greater data and analytics available for analysis of SPD stop activity and disparate impacts. The dashboard includes visualizations on stop activity by geography, shift, demographics of officers and individuals stopped, and outcomes of the stop.

We note at the outset that the data and discussion relating to stops within the Consent Decree process has been focused primarily on investigatory stops, or so-called *Terry* stops. Officer discretion has a significant role in this common type of stop because the legal threshold is the lowest and most amorphous for these encounters. Under current law, an officer may conduct "a brief, investigatory stop"⁶⁵ if they have "a reasonable, articulable suspicion"⁶⁶ that an individual was, "is, or is about to be, engaged in criminal activity."⁶⁷ An individual who is the subject of a *Terry* stop may be on foot, in a car, on a bike, or in other circumstances.

Even after the Supreme Court determined for the first time in 1969 that officers could stop individuals on grounds less significant and demanding than the "probable cause" articulated under the plain language of the Fourth Amendment of the Constitution, there remains a class of police encounters that are "probable cause" stops – where an officer is able to establish "a fair probability" that a subject is engaged in criminal activity.⁶⁸ For example, an officer who observes a driver of a car failing to signal before making a turn would have not just "reasonable articulable suspicion"

⁶⁴ Seattle Police Department, Stops and Detentions Audit 23 (Oct. 2019).

⁶⁵ *Terry v. Ohio*, 392 U.S. 1, 30 (1969)

⁶⁶ *Terry v. Ohio*, 392 U.S. 1, 30 (1969)

⁶⁷ *United States v. Cortez*, 449 U.S. 411, 417 (1981).

⁶⁸ *United States v. Solow*, 490 U.S. 1, 7.

but “probable cause” to initiate a stop. While officers do sometimes report “probable cause” stops as *Terry* stops, “probable cause” stops are not investigatory or *Terry* stops and, as such, are not systematically included in the stops analyzed here. As a general matter, given the wide-ranging nature of the bias-free policing policy’s mandate for SPD to analyze all of its enforcement activities to determine if they disproportionately affect some populations more than others, SPD should ensure the ongoing, systematic analysis of data on stops initiated pursuant to the higher legal standard of “probable cause,” including “probable cause” traffic stops which are of great interest to the public.

1. Quality of Stops & Frisks

Pursuant to the current Monitoring Plan, SPD conducted a qualitative performance assessment of its compliance with the Consent Decree’s stops and detentions requirements and submitted this assessment to the Monitoring Team and Department of Justice for review. As part of this undertaking, SPD reviewed randomly sampled stops from 2020 and assessed whether officers articulated reasonable suspicion for the stop and any frisks conducted, in accordance with SPD policy and the Consent Decree.

SPD audits indicate consistent articulation of reasonable suspicion for their stops during the sustainment phase of the Decree. SPD’s review of 2020 stops found that officers adequately and appropriately articulated reasonable suspicion to justify 94.3% of the stops reviewed. The Monitoring Team’s random sample review of SPD’s inspection found that officers sometimes articulated their reasonable suspicion for the stop in other supporting documents, indicating SPD’s compliance rate may have in fact been higher than the reported 94.3%. However, these findings are consistent with previous SPD stop inspections during the sustainment phase, which found 93.5%⁶⁹ and 94.2%⁷⁰ compliance in this area, which the Department of Justice and prior Monitoring Team determined to be satisfactory. While the most recent findings represent a decrease from the Monitor’s 2017 finding of 99% adherence to policy,⁷¹ both SPD and DOJ recognize that this change may simply be a result of changes in the review process, with SPD taking over primary audit responsibilities from the Monitoring Team, rather than an actual decrease in performance. For Phase II, SPD developed an approved audit methodology that has yielded consistent, stable results across three different studies, and those results were validated as accurate by the Monitor and DOJ during the sustainment phase.

Similarly, SPD’s most recent audit demonstrated officers are appropriately articulating the justification for conducting frisks at a rate within the range previously identified by SPD in sustainment phase audits. SPD’s review of 2020 frisks found that officers articulated frisks

⁶⁹ Seattle Police Department, Stops and Detentions Audit 2 (Jan. 2019).

⁷⁰ Seattle Police Department, Stops and Detentions Audit 3 (Oct. 2019).

⁷¹ Tenth Systemic Assessment at 5.

properly in 86.0% of frisks in the random sample. Again, the Monitoring Team’s random sample review of SPD’s inspection found that officers sometimes articulated their reasonable suspicion for conducting a frisk in other supporting documents, indicating SPD’s rate of adequately documenting its justifications may have in fact been higher than the reported 86.0%. This rate is above SPD’s first finding during the sustainment phase of 83.3%⁷² but below its second finding of 93.8%.⁷³ As with audits of SPD’s stop practices, SPD’s Phase II frisk audit results are below the 97% rate reported in the 2017 Monitoring Team report,⁷⁴ but once again differences in review processes may be the cause of the differences in audit results rather than changes in underlying performance.

Race was not a factor in determining an individual’s likelihood of being the subject of a “bad” stop or frisk. For example, White and Black individuals were subjected to insufficiently articulated stops and frisks at nearly identical rates. These findings align with previous findings by the Monitoring Team in June 2017⁷⁵ and SPD’s Phase II assessment in 2019.⁷⁶

Overall, SPD’s matured ability to self-assess critically is essential to sustaining and improving performance over time. **The Office of Inspector General should consider conducting a systemic review of SPD’s stop and frisk practice in the future to monitor performance over time to support sustainment and improvement.** Both SPD and the OIG state they have auditing capacity constraints, presenting concerns about the City’s ability to sustain these quality control mechanisms to the degree necessary to sustain and improve performance beyond the Consent Decree.

2. Stop Activity

At the start of the Consent Decree, SPD did not systematically or electronically track investigatory stops. SPD’s subsequent implementation of new data collection requirements as a result of the Consent Decree allows for far greater analysis of SPD’s stop activities over time in a variety of important ways. The following sections analyze available data to provide a variety of quantitative statistics on SPD stop practices and outcomes that do not relate to specific compliance requirements for SPD but provide context and additional findings regarding SPD’s performance over time.

SPD’s stop activity ranged from 7,715 total investigatory stops in 2016, the first year of complete data, to a high of 8,883 in 2018 and a low of 6,157 in 2020 (likely related to the impacts of Covid-19 and other factors). While the following analysis primarily focuses on SPD’s performance up to

⁷² Seattle Police Department, Stops and Detentions Audit 3 (Jan. 2019).

⁷³ Seattle Police Department, Stops and Detentions Audit 20 (Oct. 2019).

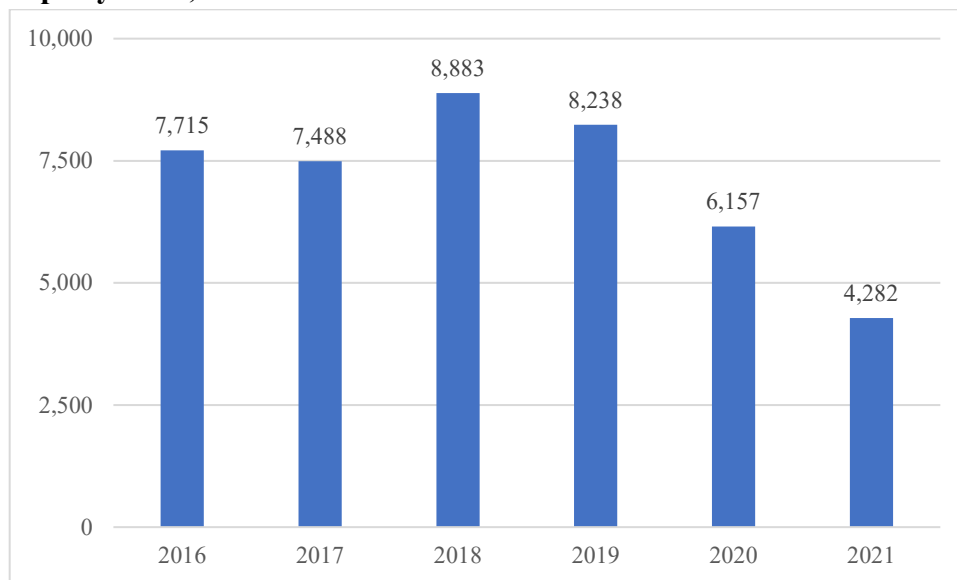
⁷⁴ Seattle Police Department, Stops and Detentions Audit 20 (Oct. 2019).

⁷⁵ Tenth Systemic Assessment at 6.

⁷⁶ Seattle Police Department, Stops and Detentions Audit 32 (Jan. 2019).

the conclusion of 2020, **it is worth noting that SPD conducted 4,282 stops in 2021 – its lowest on record, 30% below the previous low in 2020, and 52% below the recorded high in 2018.** This record low in stops could be attributable to any of a variety of factors, including but not limited to reduced staffing and ongoing impacts from the Covid-19 pandemic.

Figure 1: Stops by Year, 2016-2021



Source: SPD Open Data

i. How Stops Originated

SPD has improved its data collection on the origin of these stops over time. SPD may stop an individual after responding to a dispatched call for service or based on “On-View” observations by an officer of potential or apparent criminal activity. In 2020, 66% of stops occurred after a dispatched police response, 29% related to an “On-View” event, and 5% of stops were of unknown origin. The percentage of stops in SPD’s open data with an unknown origin has decreased significantly from 40% in 2015 to 5% in 2020. This improvement in data collection is the result of SPD’s Data Governance program and leads to a clearer picture of the origination of stops in 2020, even as it complicates historical comparisons to prior years with higher frequencies of unknown origin stops.

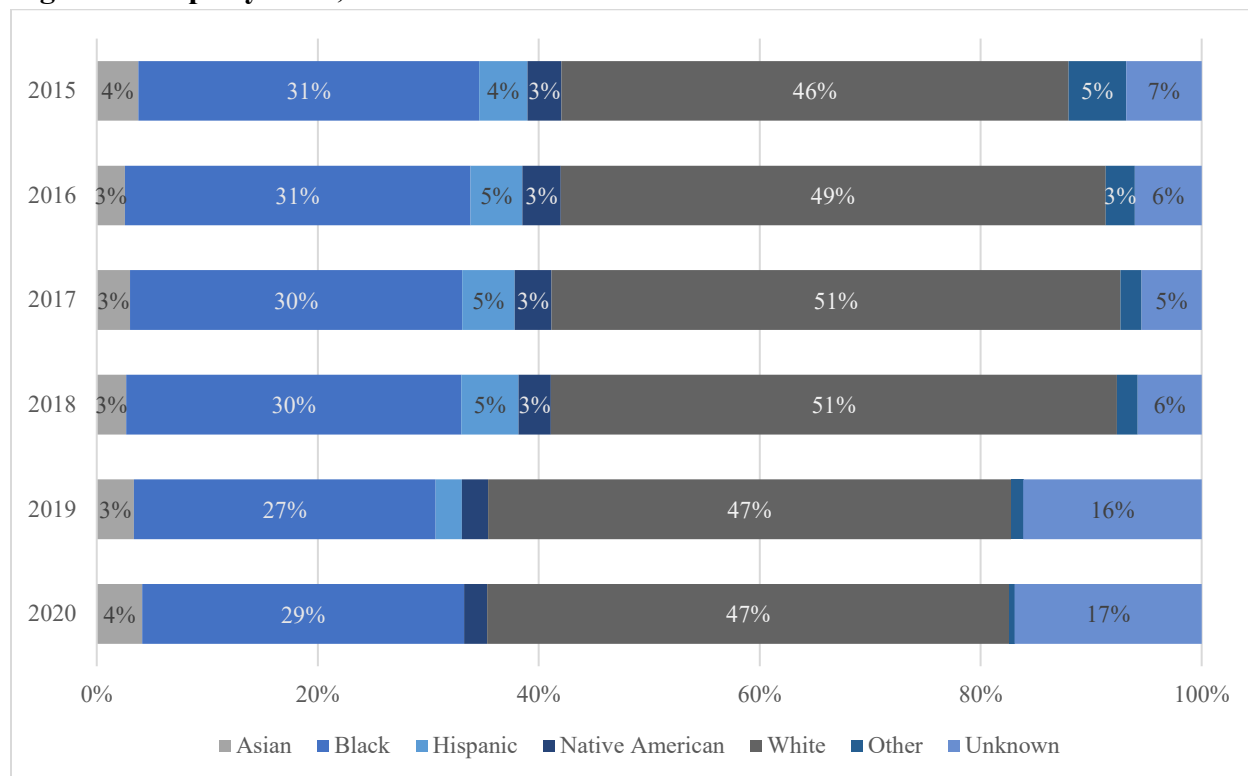
When considering only those stops with a documented origin of dispatch or on view (that is, excluding calls with an unknown origin), “On-View” stops increased as a share of stops from 23% to 31% from 2015 to 2020. This means that SPD’s records indicate that SPD officers may be self-initiating a bigger share of stops in 2020 compared to 2015, though potential changes in data collection practices could be impacting this trend. Again, these comparisons are limited due to the varying nature of the data over time, and a variety of factors could contribute to this increase.

ii. Demographics of Stopped Individuals

SPD collects demographic information for the individuals it stops, allowing for analysis of trends in SPD stop activity across demographic groups. Figure 2 shows SPD stops broken out by the race

of the stopped individual from 2015 to 2020. Note that SPD ceased using “Hispanic” as a racial category in mid 2019, and instead began capturing ethnicity in a separate field.

Figure 2: Stops by Race, 2015-2020

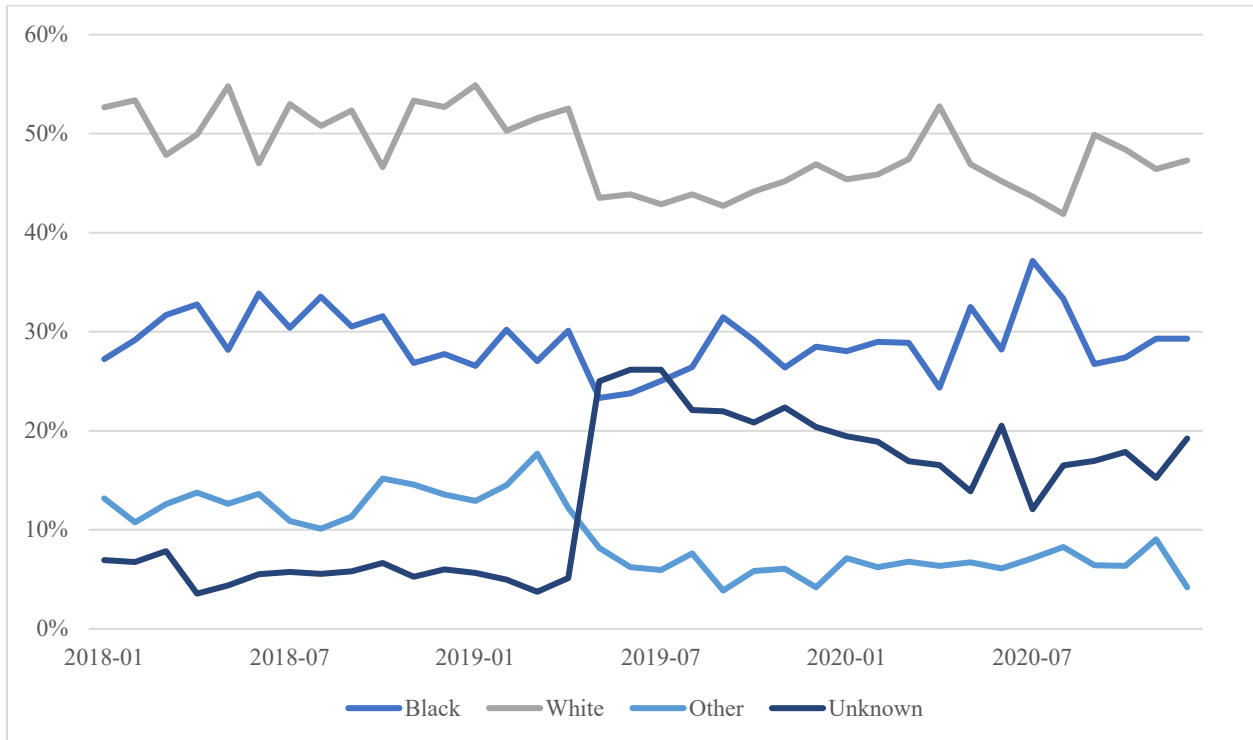


Source: SPD Open Data. Percentages below 3% not labeled.

The racial composition of stopped individuals remained fairly consistent over the period from 2015 to 2020, with one primary exception: the portion of individuals of an “unknown” race increased by 10 percent. The percentage of stops of individuals with an “unknown” race increased from 6% in 2018 to 16-17% in 2019 and 2020. This means that, in 2020, the race of the subject is missing with respect to approaching one-fifth (17%) of all SPD investigatory stops.

Figure 3 shows the significant, sudden increase in stops reported with “unknown” race in May 2019, coinciding with a sustained decrease in reported stops of non-Black minorities and, to a lesser degree, White subjects. The percentage of stops of Black subjects briefly decreased at this time before mostly resuming levels occurring prior to May 2019. SPD ceased the use of “Hispanic” as a racial category for stops at that time, instead tracking it separately as an ethnicity, contributing to the increase in subject race being reported as “unknown.” SPD implemented its new stop reporting and records management system in May 2019, leading to system changes in data collection and reporting and impacting these trends.

Figure 3. Stops by Race, 2018-2020



Source: SPD Open Data. Non-Black minorities are grouped into the “Other” category for this chart due to the lower aggregate stop activity for these groups.

Comprehensive demographic reporting of SPD stop activity is important for SPD’s ongoing analysis of disparate impacts. SPD should work to identify the sources of this increase in stops involving subjects of “unknown” race and implement mechanisms to improve the percentage of stops where the officer documents the subject’s perceived race.

Table 1 breaks down SPD stop activity in greater detail across demographic categories for 2018-2020. It presents overall, aggregate stop data across demographic groups with reference to the population of Seattle.

Table 1. Stops, by subject perceived race, age, gender, and call origin, 2018-2020

	Asian		Black		Hispanic		Native American		White		Other		Total	
	#	%	#	%	#	%	#	%	#	%	#	%	#	%
Pop.		15.4%		7.3%		6.7%		0.5%		67.3%				
Stops	768	4%	6,736	33%	657	3%	583	3%	11,359	56%	289	1%	20,392	100%
AGE														
1 - 17	27	0%	324	2%	29	0%	12	0%	214	1%	17	0%	623	3%
18 - 25	152	1%	1,294	6%	156	1%	98	0%	1,744	9%	96	0%	3,540	18%
26 - 35	229	1%	2,198	11%	249	1%	193	1%	4,176	21%	95	0%	7,140	36%
36 - 45	190	1%	1,355	7%	143	1%	171	1%	2,771	14%	56	0%	4,686	24%
46 - 55	117	1%	913	5%	60	0%	77	0%	1,599	8%	14	0%	2,780	14%
56+	36	0%	450	2%	13	0%	28	0%	625	3%	7	0%	1,159	6%
Total	751	4%	6,534	33%	650	3%	579	3%	11,129	56%	285	1%	19,928	100%
GENDER														
Female	147	1%	1,169	6%	95	0%	211	1%	2,368	12%	69	0%	4,059	20%
Male	619	3%	5,559	27%	561	3%	372	2%	8,976	44%	211	1%	16,298	80%
Diverse	0	0%	3	0%	0	0%	0	0%	1	0%	0	0%	4	0%
Total	766	4%	6,731	33%	656	3%	583	3%	11,345	56%	280	1%	20,361	100%
HOW THE ENCOUNTER WAS INITIATED														
Dispatch	434	3%	4,099	25%	303	2%	322	2%	6,388	39%	175	1%	11,721	72%
On View	197	1%	1,436	9%	116	1%	153	1%	2,553	16%	46	0%	4,501	28%
Total	631	4%	5,535	34%	419	3%	475	3%	8,941	55%	221	1%	16,222	100%

Source: SPD Open Data.

Notes: SPD ceased using “Hispanic” as a racial category for stops in May 2019, instead capturing ethnicity in a separate field. Stops with subjects of unknown race excluded. Overall totals for race, age, gender, and call origin differ as a result of the exclusion of stops with unknown values. Population statistics pulled from US Census Bureau.

Undoubtedly, the characteristics of the population of stopped subjects in 2018 through 2020 do not match the Seattle population, as has been found previously. While population-based comparisons do not reveal to what degree disparities result specifically from police action in the context of other sociological factors that may impact disparities, as discussed earlier in this report, they are worthy of examination. In particular, White and Asian subjects are represented less in the population of stop subjects than their comparative share of the Seattle population overall. Black and Native American subjects are represented more. Hispanic subjects are represented below their proportion of the Seattle population, but SPD ceased using this category for documentation of race of subjects in May 2019. In 2018 when SPD last used Hispanic as a racial category for a full year, Hispanic subjects comprised 5.2% of stops, compared to a 6.7% share of the population.

Four out of five (80%) stops involved male subjects, with 44% of stops involving White males and 27% involving Black males. Individuals between 26-35 years old were stopped most frequently (36%), followed by individuals ages 36 to 45 (24%). White individuals ages 26 to 35 made up

21% of stops, followed by White individuals ages 36 to 45 at 14%, and Black individuals ages 26 to 35 at 11%.

3. Stop Outcomes

SPD policy, and the law, authorize officers to conduct investigatory, or *Terry*, stops only when there is reasonable suspicion that an individual has engaged, is engaging, or is about to engage in criminal activity. The officer will typically take some type of action, ranging from a verbal warning or citation to arrest, if the reasonable suspicion is confirmed and the officer establishes probable cause of a crime. On the other hand, if the officer's reasonable suspicion is dispelled through further investigation and there is no indication that criminal activity was occurring, the officer must conclude the stop without taking further action.

SPD tracks the outcomes of stops using the following categories, listed as a progression from no formal enforcement outcome (a so-called field contact) to arrest:

- *Field Contact*: The stop leads to no formal enforcement action or additional documentation in an offense report. The officer still documents the reason for the stop and any actions taken during the stop. Field contacts are stops where *either* (1) the officer's suspicion of a crime was *not* sufficiently confirmed or (2) the officer's suspicion *was* confirmed but only for a minor offense which could be resolved through informal means, such as a verbal warning. In either case, the detained individual is sent on their way without formal enforcement action, and the officer does not complete additional documentation beyond the stop report. This category, and issues with its imprecision, is discussed in greater depth below.
- *Offense Report*: The officer documents the violation or event in a report but does not take any formal enforcement action (e.g., make an arrest or refer to prosecutor).
- *Citation/Infraction*: The officer cites the stopped individual for an offense.
- *Referred for Prosecution*: The officer refers the stopped individual for prosecution but does not arrest the stopped individual immediately.
- *Arrest*: The officer arrests the stopped individual for an offense. This includes instances where an officer arrests an individual but subsequently releases the individual. This situation is referred to as an Identify & Release (I&R), as opposed to a "Booking," where custody is transferred to a holding facility (e.g., King County Department of Adult and Juvenile Detention)

Before this assessment discusses statistical trends in SPD stop outcomes, it is important to discuss the imprecision of the "field contact" category. While this topic does not relate to any specific Consent Decree requirements, it does relate to SPD's overall goals of performance improvement through sophisticated data-driven management. **In short, "field contact" refers to both stops for which there is and is not an underlying crime, complicating analysis of SPD stop outcomes**

overall and by demographics. For example, analyses of stop practices sometimes assess what percentage of stops result in the identification of criminal activity (sometimes referred to as the “hit rate” of stops), but SPD’s current stop outcome categorizations do not allow for clean analysis of stop hit rates, overall or by demographic. With SPD working to automate analyses of stop practices to identify potential biases, as discussed later in this report, resolving this imprecision will bring greater clarity for more informed management of SPD stop practices.

Improving data collection in this regard may not require significant effort. For stops leading to the generic “field contact” outcome category, SPD officers already document which stops result in no further action and which stops lead to a verbal warning in response to a confirmed minor violation. This granular data below the “field contact” outcome category may provide SPD a potential opportunity for distinguishing between stops that do and do not identify criminal activity – and greater clarity in public reporting and analysis of stops activity.

To resolve this issue, the Monitoring Team recommends that SPD break up the “field contact” outcome category into at least two categories: (1) “no action” or “no criminal activity,” for which the reasonable suspicion for the stop was dispelled and, consequently, the officer took no action and (2) “verbal warning,” for which the reasonable suspicion of criminal activity was confirmed but the officer responded informally, whether by policy or discretion. Not only will those refined outcome categories improve SPD analysis of stop outcomes, but they also move the Department away from “field contact” language which implies something less than what these interactions are in reality: investigatory stops during which an individual is not free to leave.

With these considerations in mind, Table 2 summarizes the outcomes of stops from 2016 to 2020, since 2016 was the first full year of stop reporting with this system.

Table 2. Stop Outcomes, 2016-2020

Year	Arrest	Citation / Infraction	Field Contact	Offense Report	Referred for Prosecution	Total
2016	1,615	33	3,010	2,905	152	7,715
2017	1,727	27	2,758	2,830	146	7,488
2018	2,437	33	2,825	3,397	191	8,883
2019	2,353	27	3,475	2,305	78	8,238
2020	1,611	26	3,163	1,356	1	6,157
Total	9,743	146	15,231	12,793	568	38,481

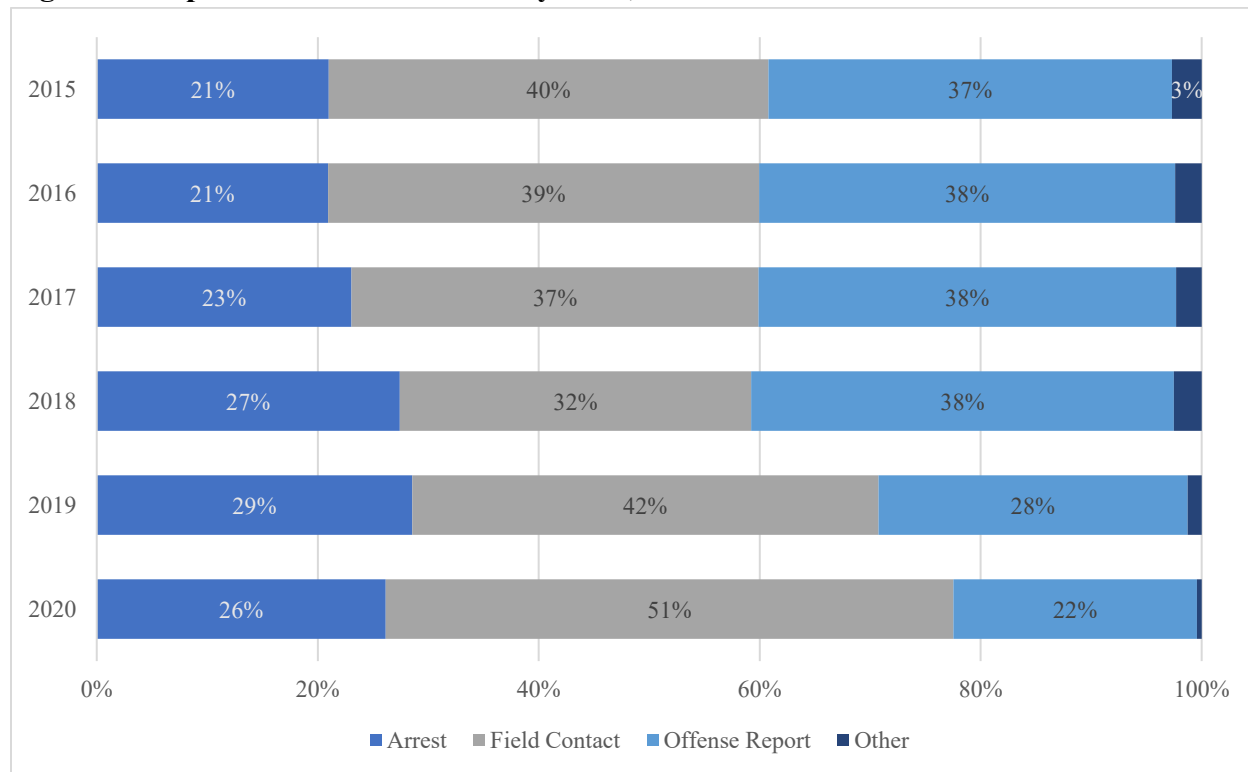
Source: SPD Open Data

Figure 4 presents this same outcome data highlighting the percentage of total stops falling in each outcome category. This chart includes data from 2015, when SPD began this level of data

collection in the middle of the year, since the percentage composition of stop outcomes can be calculated for what portion of the year was reported.

Field contacts and offense reports fluctuated most significantly from 2015-2020, with an inverse relationship. “Field contacts” accounted for 40% of stop outcomes in 2015, hitting a low in 2018 of 32% before rising to a high of 51% in 2020. Arrests increased from a low of 21% in 2015 and 2016 to high of 29% in 2019, with a subsequent decrease to 26% in 2020.

Figure 4. Stop Outcome Distribution by Year, 2015-2020



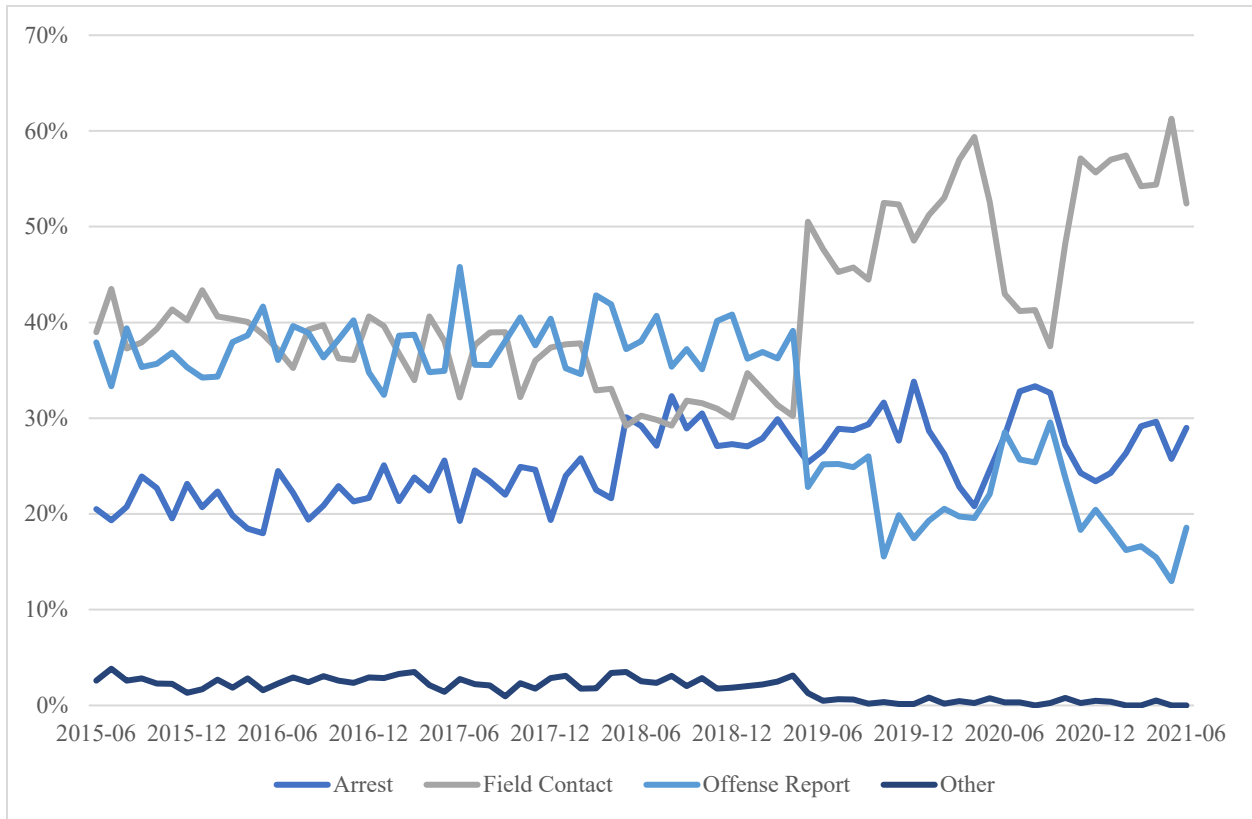
Source: SPD Open Data

The significant increase in field contact outcomes – meaning stops where officers took no formal enforcement action pursuant to the stop – is notable and merits further analysis. Figure 5 below demonstrates these changes in stop outcomes on a month-to-month basis, providing greater detail on these trends and highlighting the significant jump in field contacts in mid 2019, with a corresponding decrease in offense reports. The implementation of SPD’s new records management system coincides with these significant changes, suggesting that new data capture processes significantly impacted these trends. The impact of this systems change on the available data is discussed in multiple areas throughout this report.

After the murder of George Floyd in May 2020 and subsequent protests, the number of stops and arrests resulting from stops decreased. During this same period, the percentage and

number of stops in which stopped individuals were simply sent on their way also declined. A correspondingly higher percentage of stops led to arrests, suggesting that SPD was making fewer stops for minor offenses or where officer suspicion was not validated through the subsequent encounter during the peak protest period in the latter half of 2020.

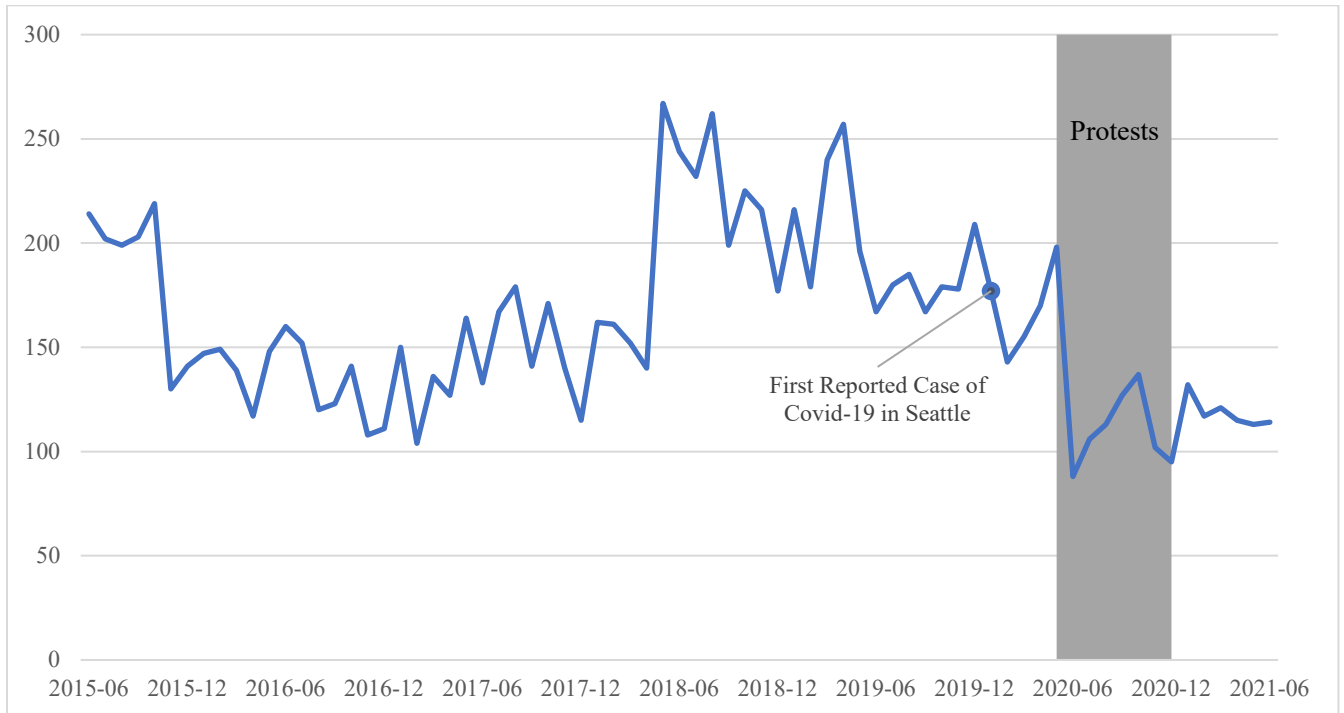
Figure 5. Stop Outcome Distribution by Month, Mid 2015 – Mid 2021



Source: SPD Open Data

While the previous chart shows that stops increasingly led to arrest during the protest period *after a stop occurred*, the *number* of arrests decreased during the protests, as show in Figure 6 below.

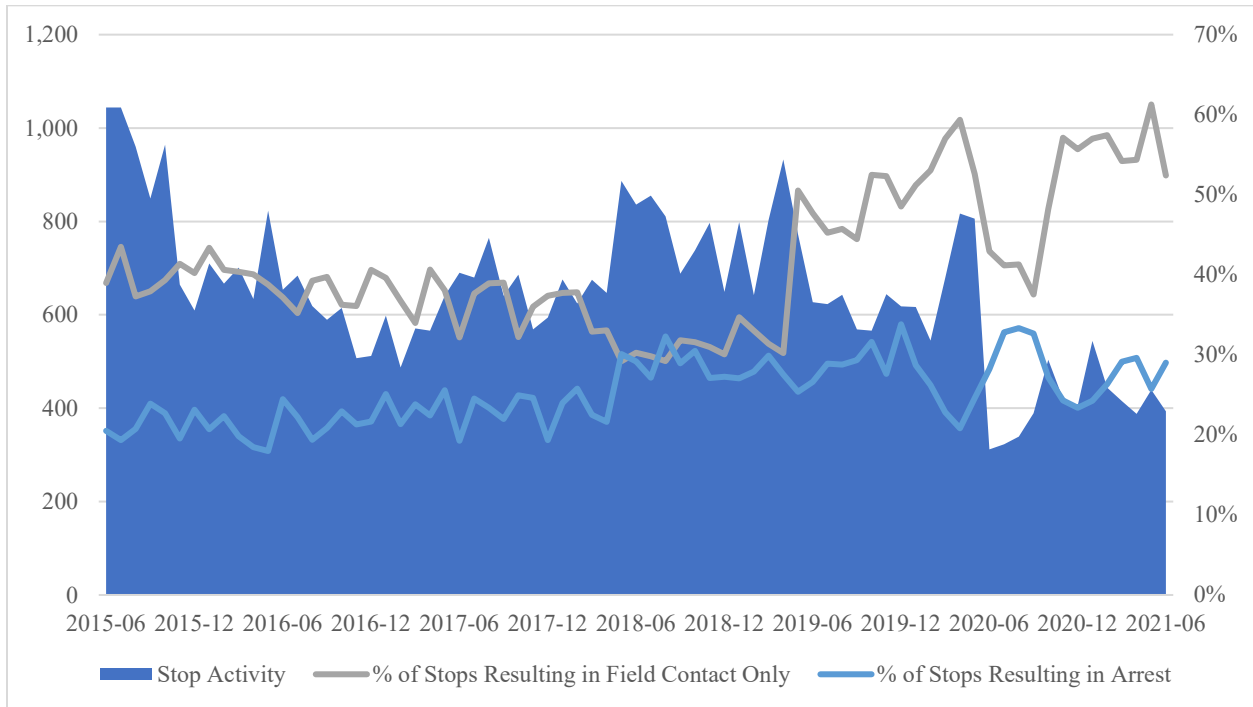
Figure 6. Arrests Pursuant to Stops, Mid-2015 to Mid-2021



Source: SPD Open Data

Figure 7, below, further contextualizes Figure 6, above, by showing stop activity overlaid with the percentage of stops leading to an arrest or a field contact. In the wake of the protest activity beginning in May 2020, as previously mentioned, there was a significant decrease of documented stops, alongside a decrease in field contacts and increase in arrests as a percentage of the outcomes from the decreased stops. **As stop activity increased slightly in the latter stages of 2020 and 2021, field contacts resumed a similarly significant percentage of stop outcomes as it did prior to the protests.**

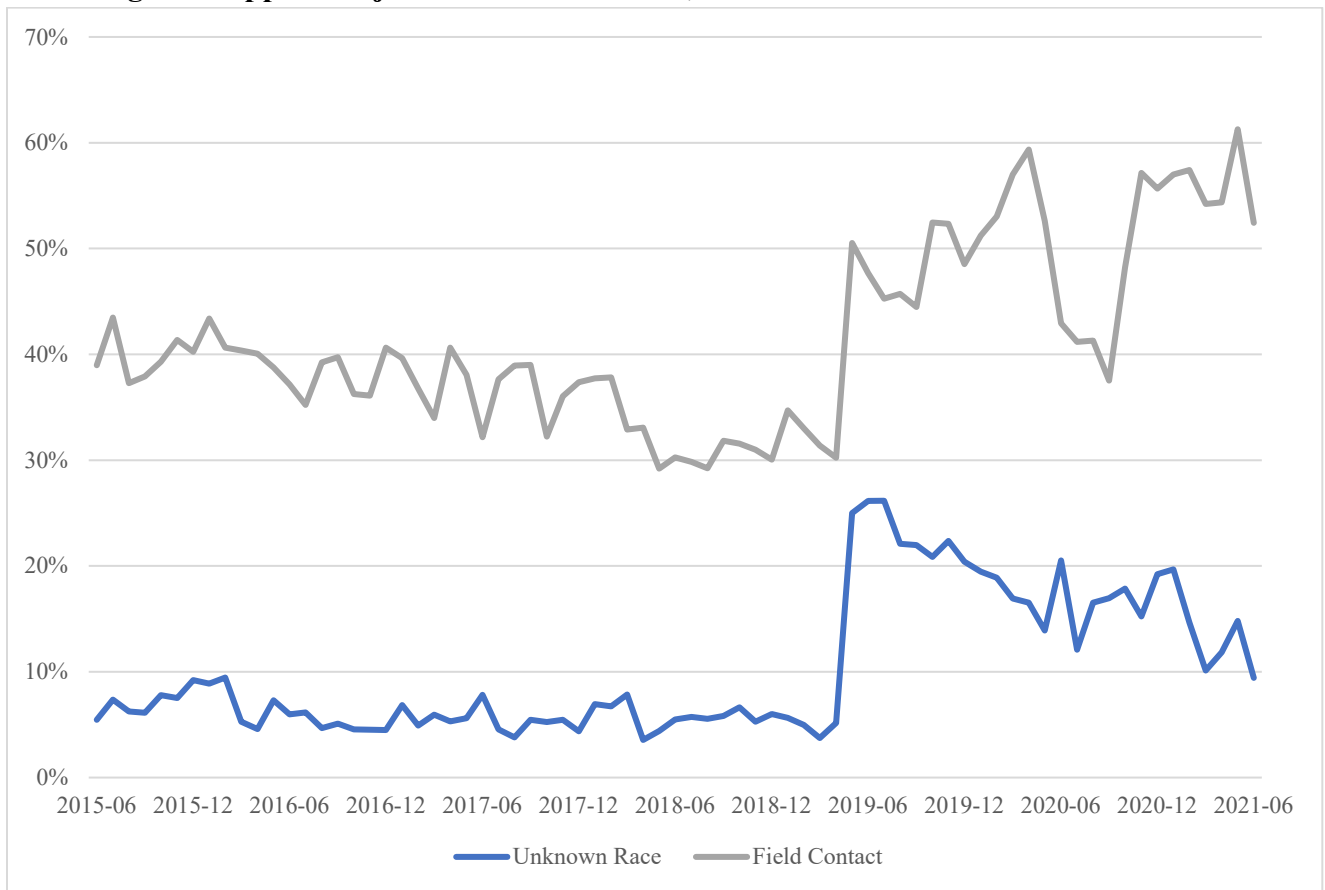
Figure 7. Stop Activity & Frequency of Outcomes, Mid-2015 to Mid-2021



Source: SPD Open Data

The significant increase in field contacts (stops with no criminal activity or action beyond verbal warning) starting in 2019 coincided with the previously highlighted significant jump in stops of individuals of “unknown” race, as depicted in Figure 8 below. This requires further inspection by SPD. These phenomena arose after the implementation of SPD’s new records management system and require further analysis to identify discernible causes and any necessary modifications.

Figure 8. Overlaying Percentage of Stops Resulting in Field Contact Outcomes with Percentage of Stopped Subjects of Unknown Race, Over Time



Source: SPD Open Data

i. Stop Outcomes by Demographics

The following table details the outcomes for both stops overall and for frisks from 2018 to 2020. Subsequent charts and tables explore these data further, with accompanying discussions on trends in SPD stop outcomes overall and differences in stop outcomes across races.

At the outset, it is important to note that SPD stopped non-Black minorities significantly less than White or Black individuals, so the percentages that follow for non-Black minority racial groups are calculated out of a relatively smaller number of stops, which potentially leads to more variability in percentage outcomes over time.

Table 3. Frisks, Weapons Found, and Stop Outcomes by Race, 2018-2020

	Asian		Black		Hispanic		Native American		White		Other		Total	
	#	%	#	%	#	%	#	%	#	%	#	%	#	%
WHETHER SUBJECT WAS FRISKED														
Not Frisked	556	73%	4,900	73%	500	77%	443	76%	8,977	80%	219	77%	15,595	77%
Frisked	210	27%	1,797	27%	153	23%	139	24%	2,313	20%	67	23%	4,679	23%
Total	766	100%	6,697	100%	653	100%	582	100%	11,290	100%	286	100%	20,274	100%
RESULT OF FRISK														
Weapon Not Found in Stop with Frisk	167	80%	1,450	81%	128	84%	114	82%	1,647	71%	61	91%	3,567	76%
Weapon Found in Stop with Frisk	43	20%	347	19%	25	16%	25	18%	666	29%	6	9%	1,112	24%
Total	210	100%	1,797	100%	153	100%	139	100%	2,313	100%	67	100%	4,679	100%
OUTCOME OF STOP														
Arrest	229	30%	2,117	31%	157	24%	204	35%	3,126	28%	72	25%	5,905	29%
Field Contact	316	41%	2,369	35%	235	36%	205	35%	4,593	40%	83	29%	7,801	38%
Offense Report	211	27%	2,156	32%	249	38%	165	28%	3,452	30%	126	44%	6,359	31%
Other	12	2%	94	1%	16	2%	9	2%	188	2%	8	3%	327	2%
Total	768	100%	6,736	100%	657	100%	583	100%	11,359	100%	289	100%	20,392	100%

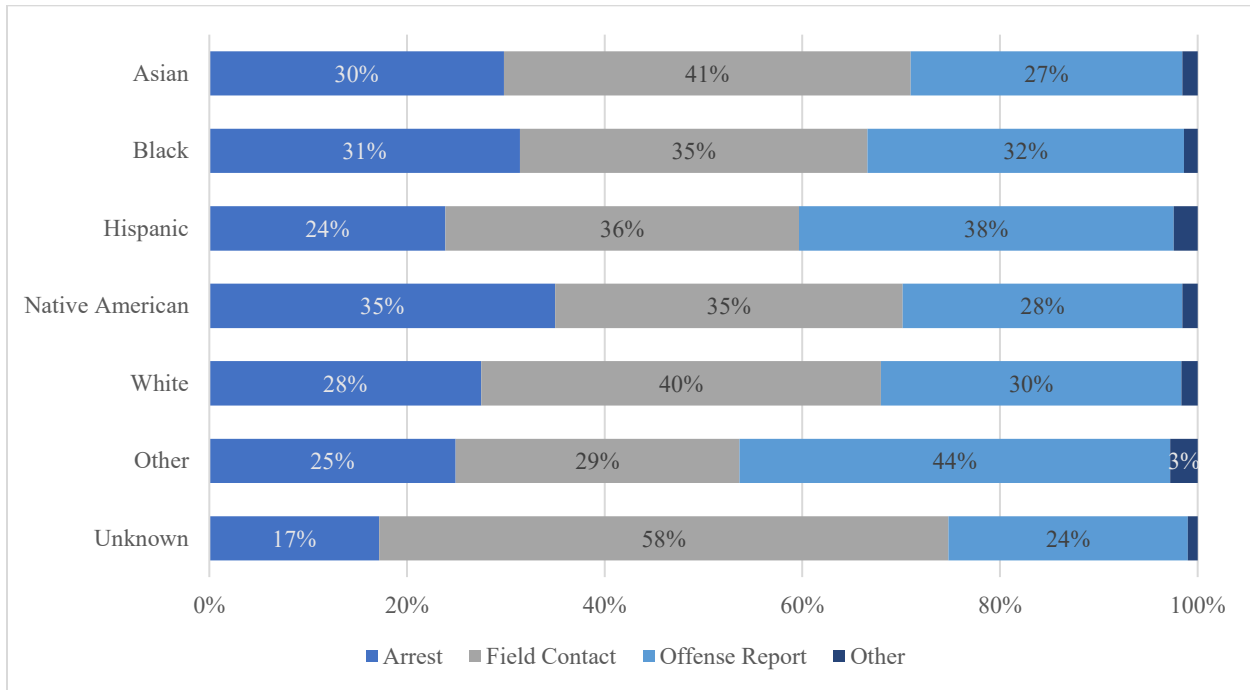
Source: SPD Open Data.

Notes: “Unknown” race category and unknown values excluded, which may produce different counts and percentages than charts below including unknown values. Total stop counts and total decisions to frisk or not do not match for the reason specified below.

There were 141 stops (or 0.6% of all stops) with no indication of whether a frisk occurred from 2018 to 2020. 118 of the 141 stops without documented frisk decisions had a documented race. Because stops without documented frisk decisions were excluded from the “Whether Subject Was Frisked” portion of Table 3 above, and stops with unknown race were excluded from the “Outcome of Stop” portion of Table 3, the totals do not match, leading to a 118 difference between the total number of stops and total number of frisk decisions documented in the table. SPD has rectified this data collection issue, with only one such stop in 2020 and zero instances through three quarters of 2021.

Figure 9 visualizes these data for stop outcomes by race for 2018-2020.

Figure 9. Stop Outcomes by Race, 2018-2020



Source: SPD Open Data

Stops with individuals of “unknown” race led to the lowest percentage of arrests, the highest percentage of field contacts, and the lowest percentage of offense reports, compared to documented racial categories over 2018-2020. These trends emphasize the need for SPD to analyze the increase in stops with “unknown” racial identifications to improve future data collection and analyses.

Native Americans were most likely to be arrested pursuant to a stop encounter (35% of stops), followed by Black individuals (31%), and Asian subjects (30%). The “Other” racial category was least likely to have a stop turn into a field contact with no further documentation or enforcement (29%), followed by Black, Native American, and Hispanic individuals (35-36%).

Table 4 distills the difference between racial categories for the frequency of arrest and field contact outcomes after a stop was initiated for 2018-2020. Outcomes are substantially different for individuals with an “unknown” race, with the lowest arrest and highest field contact rates, as demonstrated above and highlighted below.

Table 4. Stop Outcome Differences from Average by Race, 2018-2020

Race	Arrest Rate Percentage Point Difference from Average (27.5%)	Field Contact Rate Percentage Point Difference from Average (40.7%)
Asian	2.3%	0.5%
Black	3.9%	-5.5%
Hispanic	-3.6%	-4.9%
Native American	7.5%	-5.5%
White	0.0%	-0.2%
Other	-2.6%	-11.9%
Unknown	-10.3%	16.9%

Source: SPD Open Data

While these figures do not factor in underlying circumstances and factors that could lead to different rates in outcomes, they do present an area for further inquiry in SPD’s disparity analyses. In addition to an overarching review of potential differences in stop outcomes across demographics, as previously recommended, SPD should analyze stop trends related to the “unknown” race category, including its increased frequency since 2019 and differences in stop outcomes compared to the average.

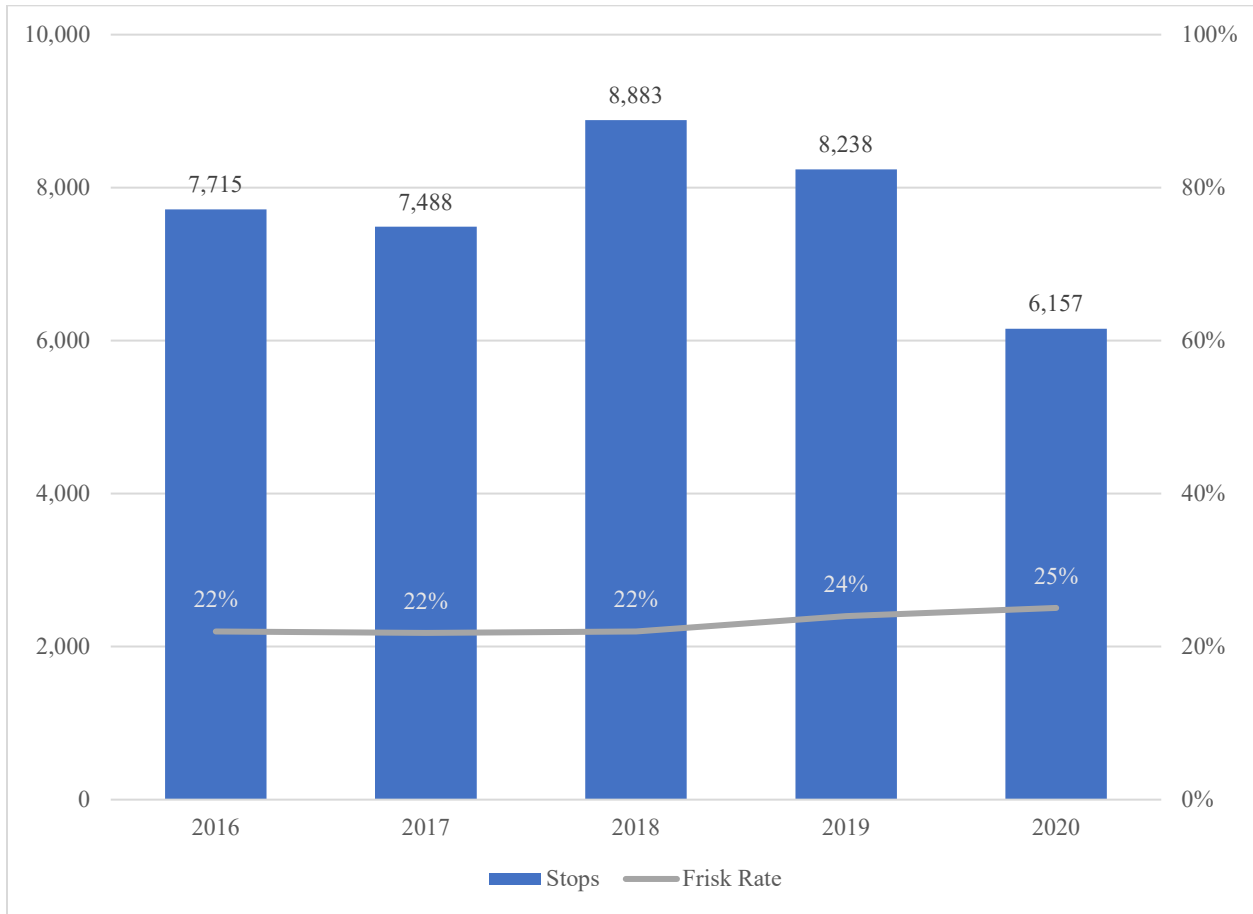
4. Frisk Rates & Weapons Found During Stops

Per SPD policy, officers can conduct a frisk “only if they have an articulable and reasonable safety concern that the person is *armed and presently dangerous*.”⁷⁷ Automatically conducting a frisk during a stop is unconstitutional. Conducting a stop and conducting a frisk are distinct actions that each require a separate legal basis. Whereas an officer needs articulable, reasonable suspicion of criminal activity to conduct a stop, the officer needs reasonable suspicion the stopped individual is armed *and dangerous* to conduct a frisk of the stopped individual.

SPD frisk rates tend to establish that frisks are *not* conducted after stops as a matter of course. Frisk rates are calculated as the percentage of stops in which a frisk is conducted. SPD data demonstrate that officers conduct frisks in 22-25% of stops from 2016 to 2020, with frisk rates increasing slightly in 2019 and 2020 as stop activity decreased. Documented frisk rates increased slightly after the implementation of SPD’s new records management system in mid 2019, so the slight increases in frisk rates for 2019 and 2020 may be more attributable to documentation practice changes than officer performance changes.

⁷⁷ SPD Policy 6.220-POL-2 ¶ 6. Emphasis added.

Figure 10. Stop Activity and Frisk Rates by Year, 2016-2020



Source: SPD Open Data. Stops with no indication of whether a frisk occurred or not are excluded from the frisk rate calculation.⁷⁸

Frisk rates for stopped individuals ranged 7% across races, with a low of 20% for White subjects to a high of 27% for Asian and Black subjects, from 2018 through 2020:

Table 5. Frisk Rates by Race, 2018-2020

Race	Frisk Rate
Asian	27%
Black	27%
Hispanic	23%
Native American	24%
White	20%
Other	23%
Unknown	24%

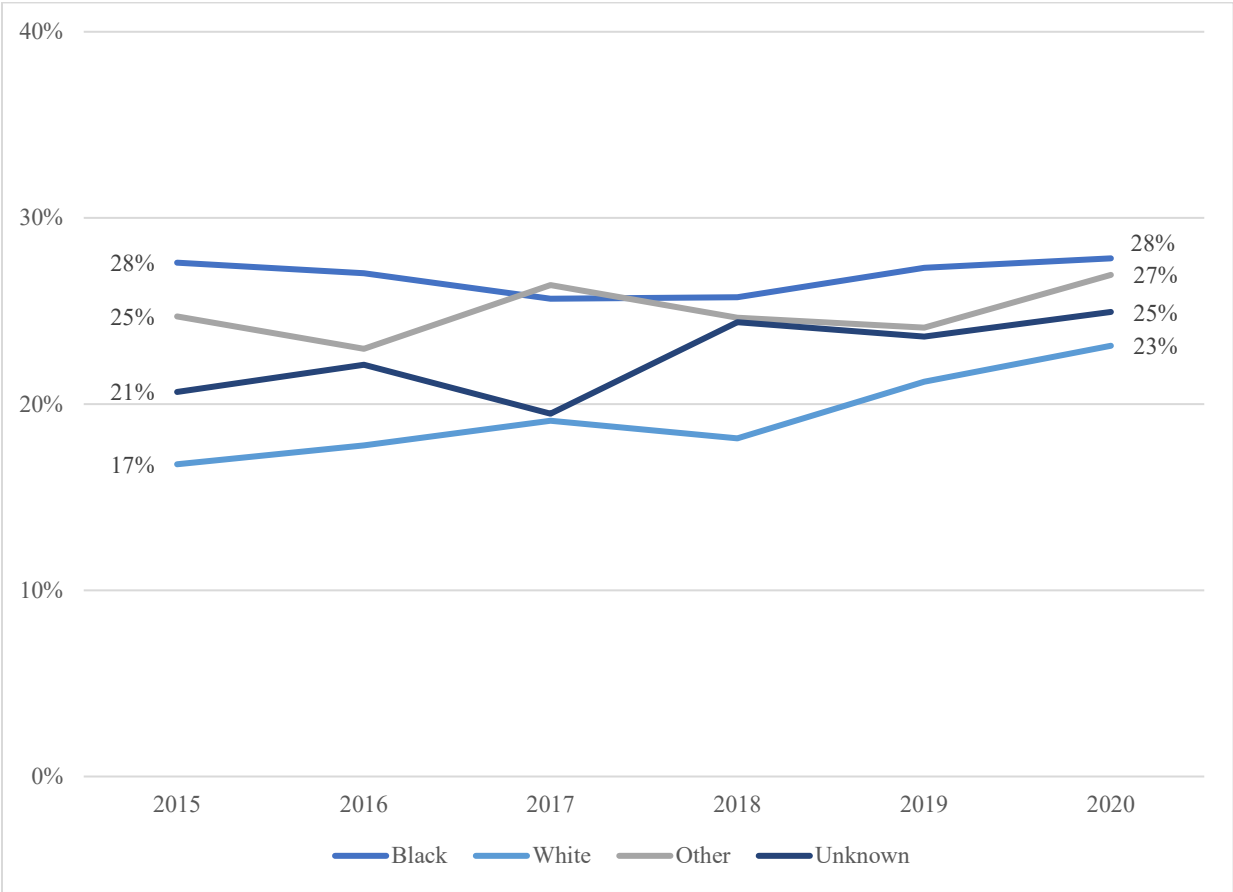
⁷⁸ Stops without indication of whether a frisk occurred or not decreased year after year, from 1.7% of stops in 2016 to 0.02% of stops in 2020, with no such stops in 2021 through three quarters of the year.

Overall	23%
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Source: SPD Open Data

Frisk rates by race have remained somewhat consistent from 2015 to 2020, with a slight upward trajectory for stopped individuals who were not Black. Frisk rates for White subjects increased the most across racial groups, from 17% in 2016 to 23% in 2020. Frisk rates for Black subjects were consistently around 28%. Non-Black minorities are grouped into the “Other” category for this chart due to the low aggregate frisk activity for these groups on an annual basis. Frisk rates for non-Black minorities, comprising the “Other” category, remained largely consistent, increasing slightly from 25% in 2016 to 27% in 2020. In all, **differences in frisk rates across races have reduced over time, from a gap of 11 percentage points in 2015 to 5 percentage points in 2020.**

Figure 11. Frisk Rates by Race, 2015-2020



Source: SPD Open Data. Stops with no indication of whether a frisk occurred or not are excluded from the frisk rate calculation.

i. Weapons Found & Search Hit Rates

SPD found weapons in 2,246 stops from 2016 to 2020. The percentage of stops leading to the finding of a weapon was consistently 5-6% from 2015 through 2019 before an increase to 7.5% in 2020. SPD may stop an individual for a variety of suspected crimes, many of which do not involve a weapon, so there is not necessarily an expectation that SPD would find weapons during stops at a significantly high rate.

A metric used to assess the effectiveness of officer decision making in conducting frisks is the “frisk hit rate,” meaning the percentage of frisks through which an officer indeed finds a weapon. While this measure makes intuitive sense, its calculation is often clouded by the manner in which frisk and contraband data are collected across most police departments nationwide, including SPD. Even as SPD is not required to calculate frisk hit rates as a result of the Consent Decree, and SPD is not required to capture frisk data any differently than it currently is, the following context is important to understand caveats regarding the figures that follow on hit rates with SPD’s available data.

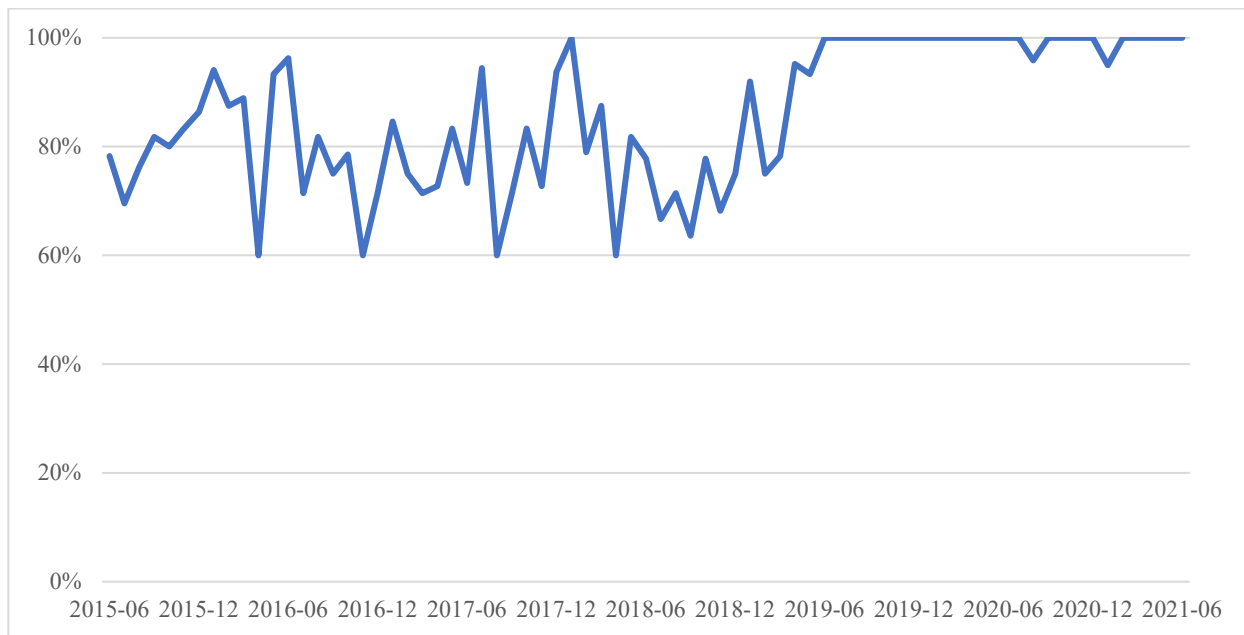
To calculate the frisk hit rate precisely, one would have to know whether weapon recovery resulted directly from a frisk. The officer could have alternatively recovered the weapon through a seizure subsequent to an on-view observation at the onset of the stop or through a search incident to arrest, potentially after conducting a frisk to no avail. SPD officers recovered weapons in 322 stops with no documented frisk from 2016 to 2020, representing 14% of all documented stops resulting in the finding of a weapon during this period. While this demonstrates that available data can distinguish stops without frisks that led to the finding of weapons (for example through a search incident to arrest), the data currently does not allow for analysis of when a frisk occurred with negative results but the officer otherwise found a weapon.

Further complicating this calculation, the data on weapons found pursuant to a stop present questions regarding whether officers may sometimes document searches besides frisks, like searches incident to arrest, as frisks. The frisk hit rate aims to assess the quality of officer discretion in conducting frisks, and this metric should not include non-discretionary searches like searches incident to arrest which are standard practice. Only 1 of the 201 arrests (0.5%) that led to the finding of a weapon in 2020 did *not* involve a documented frisk, meaning SPD almost never found a weapon through a search incident to arrest without a prior frisk. This strikes the Monitoring Team as potentially a low rate of weapon recovery due to searches incident to arrest in comparison to frisks. A Monitoring Team review of SPD stops documentation demonstrated potential examples of searches incident to arrest being documented as frisks, and the topic bears further analysis.

Moreover, as Figure 12 below demonstrates, SPD’s data over time demonstrate a clear difference in data collection in this regard coinciding with the implementation of its records management

system in the middle of 2019, going from an average of 79% of stops resulting in a found weapon also involving a frisk before implementation of the new system to 99% after implementation. This calls into question whether documented frisks in the new system may include searches incident to arrest, or other searches, clouding analysis of frisks and frisk rates. The jump below also coincided with increases in documented frisk rates.

Figure 12. Percentage of Stops Leading to the Finding of a Weapon Where a Frisk Was Documented



Source: SPD Open Data

Since SPD records do not distinguish whether a frisk specifically leads to the recovery of the weapon and it is possible some frisks were in fact not frisks, the Monitoring Team cannot calculate a precise frisk hit rate, which assesses the percentage of time a frisk for a weapon in fact recovers a weapon. For example, if an officer conducts a stop, does not find a weapon after conducting a frisk, but subsequently finds a weapon through a search incident to arrest, such a frisk would not be a “hit” in reality but would be in SPD’s data, which would simply indicate that a frisk occurred and a weapon was obtained, regardless of which search obtained it. While this situation may be relatively rare, it bears mentioning before analyzing the following frisk hit rate calculations.

With this context in mind, Table 6 shows the number of frisks and the number of weapons found in stops with frisks from 2018-2020, followed by the corresponding frisk hit rates by race in Figure 13.

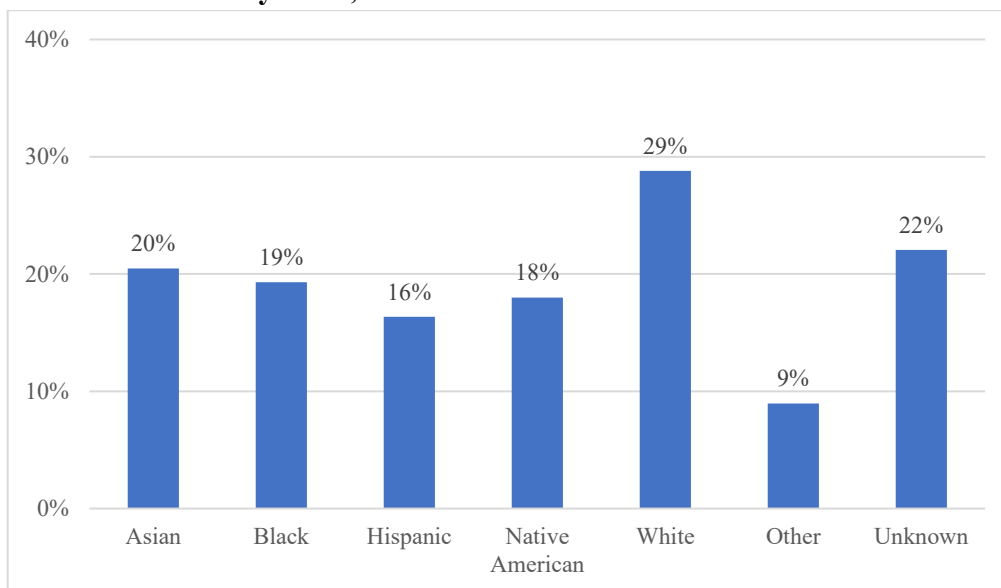
Table 6. Weapons Found in Stops with Frisks, 2018-2020

Race	No Weapon Found	Weapon Found	Total Frisks
Asian	167	43	210
Black	1,450	347	1,797
Hispanic	128	25	153
Native American	114	25	139
White	1,647	666	2,313
Other	61	6	67
Unknown	541	153	694
Total	4,108	1,265	5,373

Source: SPD Open Data

From 2018 to 2020, the rate at which SPD officers found weapons in a stop with a frisk was higher for stops of White individuals than any other racial group – and 10 percentage points higher than frisks of Black individuals. These findings largely mirror the Monitoring Team’s previous findings in this area from a 2017 report.⁷⁹

Figure 13. Frisk Hit Rate by Race, 2018-2020



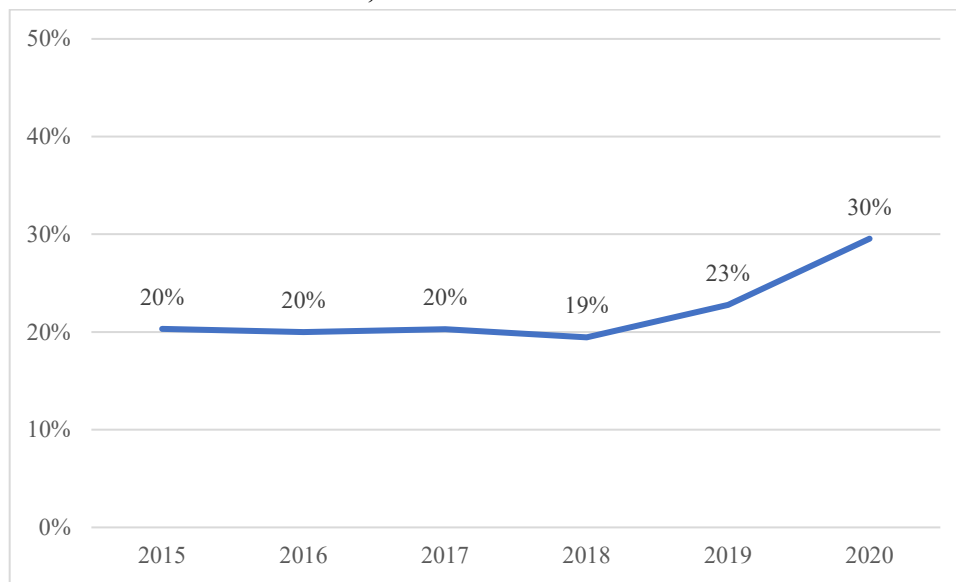
Source: SPD Open Data. See previous disclaimer regarding precision of frisk hit rate calculations.

The overall frisk hit rate was steady around 20% for 2015-2018 before increasing to 23% in 2019 and then 30% in 2020. This increase, once again, coincides with the implementation of SPD’s new records management system. SPD’s frisk hit rate averaged 20% prior to implementation in mid 2019 and then averaged 29% post implementation. Clearly, new data capture mechanisms

⁷⁹ Tenth Systemic Assessment at 76.

impacted this rate and distinguishing the role of officer performance in the frisk rate increase would require further analysis on officer documentation and performance before and after implementation of the new records system.

Figure 14. Frisk Hit Rate Over Time, 2015-2020



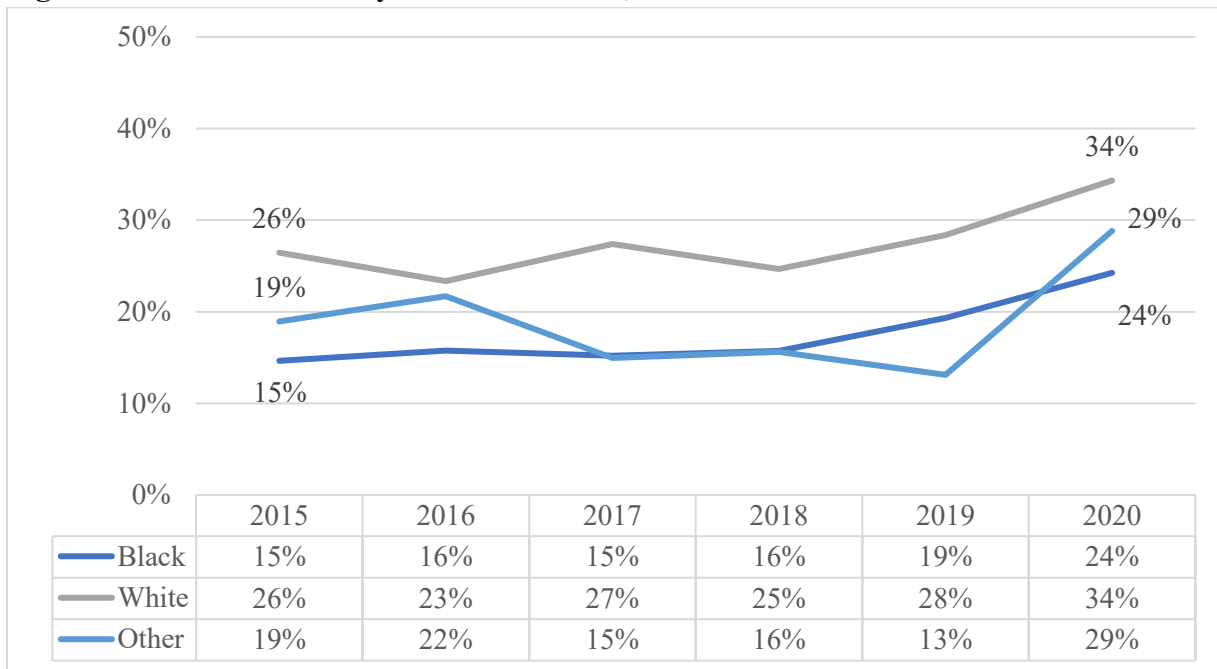
Source: SPD Open Data. See previous disclaimers regarding precision of frisk hit rate calculations and the impact of the new data collection system on this rate.

The following chart presents the frisk hit by race over time. Due to the lower aggregate frisk amounts for non-Black minorities, these racial categories are grouped into the “Other” category for the purposes of frisk hit rate percentages in the following chart. Between 2015 and 2020, frisk hit rates for “Other” races increased 10 percentage points from 19% to 29%, hit rates for Black subjects increased 9 percentage points from 15% to 24%, and White hit rates increased 8 percentage points from 26% to 34%. While frisk hit rates for these racial categories all increased at least 8 percentage points from 2015 to 2020, this may largely be attributable to the implementation of the new records management system and new data collection processes, as previously discussed. **Despite these increases in hit rates across races, Black hit rates were still 15% lower than White hit rates in 2020.** The Monitoring Team recommends that SPD engage with its community partners to evaluate these trends in disparities to identify potential opportunities to reduce disparities, as SPD previously has, which is discussed later in this report.

Ultimately, the various statistics presented here and in preceding sections help identify that **SPD frisks of White subjects more consistently find weapons, even as a higher percentage of Black subjects are frisked (27%) than White subjects (20%) between 2018 and 2020.** These findings largely mirror the Monitoring Team’s previous findings in this area from a 2017 report.⁸⁰

⁸⁰ Tenth Systemic Assessment at 76.

Figure 15. Frisk Hit Rate by Race Over Time, 2015-2020



Source: SPD Open Data. See previous disclaimers regarding precision of frisk hit rate calculations and the impact of the new data collection system on these rates.

5. Disparate Impact

Building on the preceding analysis of demographic trends in SPD stop practices over time, this section summarizes, at a high level, SPD’s progression in assessing and working toward addressing unwarranted disparities – and the important work to come for SPD, the City, and community partners. This sections details:

1. Consent Decree background on bias-free policing and the previous Monitoring Team’s findings related to disparities;
2. SPD’s analytical growth which allows SPD to analyze disparities with greater insights and meaning than simple, population-based comparisons can provide;
3. SPD’s findings on disparity using these sophisticated analytics, which largely matched previous monitor findings on disparity; and
4. SPD’s previous engagement with the community to assess and address unwarranted disparities – and SPD’s community-oriented, collaborative policy framework for moving forward toward addressing unwarranted disparities.

The sections that follow detail this evolution and the important work to come between SPD and the community it serves.

i. Consent Decree Background & Monitor Findings

The Department of Justice’s did “not reach a finding of discriminatory policing,” but it nonetheless “raise[d] serious concerns about practices that could have a disparate impact on minority communities.”⁸¹ DOJ found that “SPD officers may stop a disproportionate number of people of color where no offense or other police incident occurred.”⁸² “[P]erhaps the most important” deficiency to DOJ was that SPD “fail[ed] to collect and analyze data that could address and respond to the perception that some of its officers engage in discriminatory policing.”⁸³

In response to these concerns, the Consent Decree mandated new policy, training, and accountability mechanisms pertaining to bias. Through the Consent Decree policy approval process, SPD adopted a bias-free policing policy that requires SPD to analyze and meaningfully address disparities in its enforcement activities – such that, as noted previously, disparities “can be one indicator as to whether a Department needs to look further to determine if the data can be explained or if it is a reflection of discriminatory policing.”⁸⁴

The prior Monitoring Team previously summarized the Consent Decree’s purview with disparities as well as a community-oriented path forward in addressing disparities:

Sorting out whether disparity on the basis of suspect classifications, like race, is the result of intentional discrimination, the result of unknowing or subconscious bias, or is the effect of one or many factors having nothing to do with race or that are tangled up with race is challenging. When there are reasonable and legitimate reasons for a practice that produces disparities with respect to whom the practice is applied, the courts have been historically reluctant to invalidate government actions as discriminatory and impermissible.

Consequently, neither the Consent Decree nor the Court-approved policies on stops and bias-free policing demand that SPD immediately stop practices that it may determine are linked to disparate impacts. Instead, and importantly, [SPD policy] requires that SPD determine whether such disparities are warranted or unwarranted and, where “unwarranted disparate impacts are identified” with respect to a given SPD practice or policy, “the Department will consult as appropriate with neighborhood, business and community groups, including the Community Police Commission, to explore equally effective alternative practices that would not result in disproportionate impact.”⁸⁵

⁸¹ 2011 Findings Letter at 6.

⁸² 2011 Findings Letter at 6.

⁸³ 2011 Findings Letter at 6.

⁸⁴ 2011 Findings Letter at 30.

⁸⁵ Tenth Systemic Assessment at 40-41.

It elaborated further about the need for collaboration between SPD and the community to address disparities:

This does not mean that the identification of disparate impacts in this report, through SPD’s own analysis, or by other community organizations is not important. It certainly is. It means that, if Seattle is going to resolve unwarranted disparities in its policing, it is up to the Seattle community, SPD, the Department’s formal oversight mechanisms, elected officials, and community watchdogs to identify meaningful disparities, explore their causes, and determine if SPD could carry out safe, effective, and constitutional policing while eliminating or reducing the disproportionality. Simply because some disparities might not establish violations of the Constitutional, state, or federal law does not mean that they cannot, or should not, be addressed through these local political mechanisms. This approach ensures that Seattle can work out specific solutions informed substantially by the experiences and values of all of the city’s diverse communities.⁸⁶

The Court’s prior finding that Seattle was in “full and effective compliance” with the Consent Decree pertaining to the areas of stops and detentions and bias-free policing therefore occurred within the context of data revealing long-term, aggregate disparities across some enforcement activities that SPD and the Seattle community continued to confront – with SPD’s bias-free policing policy providing a collaborative framework for moving forward. In turn, while SPD achieved compliance with the baseline requirements of the Consent Decree, SPD must continue the important work of assessing and addressing unwarranted disparities in partnership with the community.

ii. Capacity to Assess Disparities

The Monitoring Team previously reported that SPD officers consistently articulated reasonable suspicion for individual stops and frisks. However, there were also racial disparities in the people affected by SPD’s post-stop practices. SPD summarized the prior Monitor’s findings in its own follow-up disparity analysis:

The Monitor found as part of this qualitative assessment that the clear majority of stops and frisks (99 and 97 percent respectively) were justified on Constitutional and policy grounds. However, the Monitor also identified using Propensity Score Matching substantial racial disparities, including the findings that (1) some differences were observed in frisk rates; (2) black and Hispanic subjects were frisked more often than white subjects; (3) weapons were more likely to be recovered from white subjects than black or Asian

⁸⁶ Tenth Systemic Assessment at 40-41.

subjects; and (4) black and Asian subjects were more likely to be arrested subsequent or pursuant to a stop.⁸⁷

While this kind of robust statistical assessment was beyond the reach of SPD at the onset of the Consent Decree due to limited data availability and analytical capacity, SPD now has built the data infrastructure and analytical capacity to conduct rigorous analysis on an ongoing basis to support evidence-based management practices. SPD describes its maturation in this regard:

As SPD’s data collection and governance processes over the life of the Consent Decree have become increasingly robust, SPD, often in partnership with academic and professional research organizations, has been able to leverage its data to perform increasingly sophisticated analyses with respect to many of the most legally and circumstantially complex areas of police-community interactions. Of particular focus over the past six years, and a topic of on-going research and debate in the social science of policing, is racial disparity across many facets of the criminal justice system, including police contacts.⁸⁸

SPD has taken the rich foundation of disparity analyses established by the Monitoring Team and developed in-house capacity to assess disparities rigorously and sustainably. SPD utilizes “Propensity Score Matching” (PSM), a method used in the Monitoring Team’s Tenth Systemic Assessment, to assess potential disparities in SPD actions. Propensity Score Matching, as SPD explains, is an analytical method “which uses regression to ‘score’ how similar events are to each other across a variety of factors and match them for comparison.”⁸⁹ SPD has developed and implemented this statistical approach in partnership with leading academics and with oversight from the Office of Inspector General.

SPD offers an example of how it uses this sophisticated analytical technique: PSM “was used to match a *Terry* stop where the stopped individual was Black to a stop where the stopped individual was White, but all other known factors (available in fielded data) were as similar as possible.”⁹⁰ A variety of factors can influence officer actions and outcomes, and SPD’s use of PSM helps focus disparity analyses toward greater insight that can inform more precise remedies toward addressing disparities. SPD specifies how it has implemented PSM internally in one of its disparity reports:

SPD builds upon and extends the Monitor’s application of Propensity Score Matching by (1) refining the analysis as relates to frisks and stop duration by

⁸⁷ Seattle Police Department’s “Disparity Review – Part I: Using Propensity Score Matching to Analyze Racial Disparity in Police Data.” Page 2. April 2019.

⁸⁸ Seattle Police Department’s Disparity Review – Part I: Using Propensity Score Matching to Analyze Racial Disparity in Police Data, April 2019.

⁸⁹ Seattle Police Department’s Disparity Review – Part II: Developing a Deeper Understanding of Disparities Identified in Part I. December 2019. Page 2-3

⁹⁰ Seattle Police Department’s Disparity Review – Part II: Developing a Deeper Understanding of Disparities Identified in Part I. December 2019. Page 2-3

matching for additional factors that are available through SPD’s data analytics platform but were not available to the Monitoring Team at the time of data production for the Tenth Systemic Assessment; and (2) applying Propensity Score Matching to examine the role of race in Use of Force data relating to force type (Type I or Type II) and around the pointing of a firearm (the latter being another area that is often a matter of substantial officer discretion).⁹¹

While SPD has focused its disparity analysis on internalizing and enhancing PSM, SPD recognizes that “quantifying *unwarranted* racial disparities in police contacts is difficult and there is no academic consensus about the best method to do so.”⁹² While aggregate disparities in SPD actions compared to the Seattle population present questions and concerns, such comparisons only provide a “generalized type of analysis [that] does not tell us much about what is driving disparity”⁹³ since “they do not take into account that disparities in terms of race might be a natural byproduct of the police basing stops on other factors not related to race,” as the previous Monitor noted.⁹⁴ SPD’s use of PSM is an advancement beyond simple population-based comparisons. PSM is rigorous approach that provides a deeper level of disparity analysis by attempting to account for a variety of factors to isolate the impacts of race. By doing so, SPD can generate more precise insights for future action. SPD explains its basis for this approach:

Using only the overall, aggregate data about race from the general SPD dataset does little to help resolve the issue of whether the differences in treatments are most driven by some other factor that is not purely a subject’s race or are instead driven primarily by racial identity. Indeed, a central challenge of the post-stop analysis is to distinguish unlawful disparity from variation that exists because of SPD policy, random chance, or some other social or sociological factor.⁹⁵

While PSM will not answer every question SPD or the community has regarding disparities, SPD’s matured ability to conduct these analyses internally in partnership with leading academics is notable. The Monitoring Team has engaged with law enforcement agencies across the country, and SPD’s analytical capacity in this regard is extremely rare, if not unmatched nationally. **Few, if any, law enforcement agencies in the United States have built or maintain the internal capacity to produce ongoing disparity analyses at this level of rigor and sophistication. These analyses can provide a vital foundation for continued collaboration with the community toward substantive actions on unwarranted disparities.** Whereas SPD lacked the ability to

⁹¹ Seattle Police Department, *Disparity Review – Part I: Using Propensity Score Matching to Analyze Racial Disparity in Police Data* 3 (Apr. 2019).

⁹² Seattle Police Department, *Disparity Review – Part I: Using Propensity Score Matching to Analyze Racial Disparity in Police Data* (Apr. 2019).

⁹³ Tenth Systemic Assessment at 3.

⁹⁴ Tenth Systemic Assessment at 9.

⁹⁵ Seattle Police Department, *Disparity Review – Part II: Developing a Deeper Understanding of Disparities Identified in Part I 2* (Dec. 2019).

“self-assess” regarding disparities at the start of the Consent Decree, it is now a leader in policing analytics and regularly provides guidance to other police departments in this area and others.

SPD is automating these and other analytical methods to provide the organization ongoing insights into critical areas impacting SPD’s pursuit of more equitable policing. SPD will utilize live dashboards demonstrating these data for a newly launched organizational meeting focused on improving equity, accountability, and overall quality in SPD’s policing. SPD has engaged a research partner to evaluate this new approach to provide feedback on the rigor of SPD’s analytics and its method of employing them toward organizational improvement.

SPD plans to offer the code for this ongoing analysis open source for other agencies interested in conducting this level of analysis. Such analysis is far beyond the reach of most agencies, and SPD’s innovation in this regard represents not just a significant step forward for SPD but also emphasizes its leadership nationally in police analytics.

Still, SPD must continually assess the quality and meaning of its data to ensure its analysis facilitates maximum comprehension and impact. For example, the aforementioned imprecision of the “field contact” outcome category hinders SPD and the public’s ability to assess precisely what percentage of stops lead to no identification of a crime overall and by race. SPD must also work toward reducing the number of stops and uses of force for which the subject’s race is documented as “unknown,” thereby limiting potential disparity analyses in areas of vital interest to the public. These are correctable issues that SPD must address to further elevate its analytics and overall management of operations based on insightful analytics.

As SPD continually works to elevate its analytics platforms, SPD’s advancements in this area will not only continue to provide SPD with robust mechanisms for improving management and outcomes but can also provide greater insights to community partners in providing feedback to SPD on potential improvements in reducing disparities. SPD should continue to work collaboratively with the Community Police Commission and Office of the Inspector General on how to best engage with SPD’s performance analytics, maximizing the benefits for SPD’s operations with community feedback.

SPD has demonstrated a strong commitment to transparency with its extensive open data and dashboards on topics such as use of force, crisis intervention, and stops. As SPD develops and implements these new processes focused on equity, SPD is exploring how to engage its community partners in these efforts moving forward. Toward this end, the Monitoring Team recommends that SPD:

1. Make these disparity analytics publicly available and digestible where feasible, as SPD has in other areas;

2. Collaboratively develop a framework for engaging with its community partners on these new analytics and their potential impact, in line with how SPD has previously engaged CPC and the OIG in the development of previous disparity reporting; and
3. Report on a recurring basis its findings in partnership with community partners, what actions SPD plans to take to address identified issues, the status of recommendation implementation, and the impact of implemented recommendations, where known. SPD previously committed to doing so with its disparity report recommendations.⁹⁶

SPD's analytical development over the course of the Decree is laudable, and SPD's advancing toward robust equity-focused analytics and meeting framework presents a strong foundation for continued collaboration with community partners toward improved policing outcomes for the entire Seattle community. Much work remains in this regard, as the following section details based on SPD's own findings.

iii. Disparities in Stop Practices

SPD's robust in-house analytics now confirm post-stop disparities previously identified by the Monitoring Team, though to varying extents in some areas. SPD produced two disparity reports in 2019 analyzing stop performance from 2016 through the middle of 2018, and their key findings are highlighted below. SPD is automating these rigorous analyses for ongoing analysis of disparities, as discussed above. The key findings of SPD's two disparity reports follow, largely using the Propensity Score Matching analyses described in the previous section. **While these findings, alone, do not implicate SPD's compliance with the bias-free policing requirements of the Consent Decree, they do highlight the need for SPD to continue collaboration with community partners in assessing and attempting to address unwarranted disparities.**

SPD's disparity analysis found that chances of an individual being stopped and frisked increased the more the individual did not match the racial composition of the neighborhood the individual was stopped in. SPD stated this finding "reinforces the need for the Department to evaluate the call-taking/dispatching segment of police response to mitigate bias."⁹⁷

SPD's disparity analysis finds that officers frisk minorities more frequently than White subjects in similar situations. Specifically, SPD found that "non-white (including black)" individuals "were frisked approximately 18% more frequently than white subjects."⁹⁸ Further,

⁹⁶ Seattle Police Department, *Disparity Review – Part II: Developing a Deeper Understanding of Disparities Identified in Part I 30* (Dec. 2019).

⁹⁷ Seattle Police Department, *Disparity Review – Part II: Developing a Deeper Understanding of Disparities Identified in Part I 6* (Dec. 2019).

⁹⁸ Seattle Police Department, *Disparity Review – Part I: Using Propensity Score Matching to Analyze Racial Disparity in Police Data 3* (Apr. 2019).

SPD found “the greatest disparity was found with respect to Asian subjects, who were approximately one-third more likely to be frisked than white subjects.”⁹⁹

While officers were least likely to frisk White subjects, officers were most likely to find a weapon on White subjects after a frisk, according to SPD analysis.¹⁰⁰ SPD found that, “Although subjects perceived to be Asian were frisked nearly 34% more than white subjects, they were found with weapons 21.5% less often than white subjects in the same situations.”¹⁰¹ SPD found the “largest disparity in hit rate” for “subjects perceived to be American Indian/Alaska Native, who were just 3.9% more likely to be frisked but found with weapons nearly 50% less than white subjects, all other things being equal.”¹⁰²

SPD identified disparities not just along racial demographics but also across its operational units. SPD found that “frisk, hit, and weapon recovery rates differ by precinct and beat,” which “strongly calls for deeper examination of why there are not similar outcomes across the City.”¹⁰³

SPD’s disparity findings should not only focus community concern and engagement regarding SPD practices, but also inspire confidence and continued investment in SPD’s ability to critically assess its performance through rigorous data analysis, learning, and policy and practice innovation. Clearly, SPD’s growth in analytical capacity and transparency do not diminish disparity findings of great concern to the community, but this analytical advancement does provide a foundation for moving forward with evidence-based insights to work toward addressing community concerns, in stark contrast to SPD’s inability to adequately “self-assess” in this area prior to the Decree.¹⁰⁴

iv. Capacity to Engage with Community Toward Solutions

Collecting and analyzing data regarding disparities represents a necessary step forward from the important issues identified by DOJ’s investigation, but collaborative action toward addressing identified unwarranted disparities is the reason for the analysis in the first place. SPD recognizes that as it identifies disparities, “The question, therefore, becomes what factors – be they policies,

⁹⁹ Seattle Police Department, *Disparity Review – Part I: Using Propensity Score Matching to Analyze Racial Disparity in Police Data* 3 (Apr. 2019).

¹⁰⁰ Seattle Police Department, *Disparity Review – Part I: Using Propensity Score Matching to Analyze Racial Disparity in Police Data* 4 (Apr. 2019).

¹⁰¹ Seattle Police Department, *Disparity Review – Part I: Using Propensity Score Matching to Analyze Racial Disparity in Police Data* 4 (Apr. 2019).

¹⁰² Seattle Police Department, *Disparity Review – Part I: Using Propensity Score Matching to Analyze Racial Disparity in Police Data* 4 (Apr. 2019).

¹⁰³ Seattle Police Department, *Disparity Review – Part II: Developing a Deeper Understanding of Disparities Identified in Part I* 6 (Dec. 2019).

¹⁰⁴ 2011 Findings Letter at 30. SPD’s full disparity reports are available on SPD’s Blotter website.

trainings, or shared information – contribute to these disparities” – and what they can do to address the disparities effectively.¹⁰⁵

SPD’s bias-free policing policy, developed and implemented as a result of the Consent Decree, provides a framework for SPD to engage collaboratively with the community toward addressing disparities. This policy requires that where “unwarranted disparate impacts are identified” with respect to a given SPD practice or policy, “the Department will consult as appropriate with neighborhood, business and community groups, including the Community Police Commission, to explore equally effective alternative practices that would not result in disproportionate impact.”¹⁰⁶ SPD explained further in its disparity analysis reporting:

Under this policy, SPD committed to eliminating policies and practices that have an unwarranted disparate impact on certain protected classes of people. SPD recognizes that even in the absence of intentional bias, the long-term impacts of historical inequality and institutional bias can result in disproportionate enforcement activities. With that in mind, the Department is committed to identifying and eliminating unwarranted or unnecessary disproportionate enforcement while protecting public safety and public order.¹⁰⁷

As part of SPD’s disparity analysis process, SPD reports it “sought the City of Seattle’s Community Police Commission’s (CPC) partnership for their expertise in engaging community and facilitating working meetings focused on addressing issues in law enforcement.”¹⁰⁸ As SPD describes, the purpose of these meetings was to review incidents with community members “to help the Department assess these incidents from the perspective of those experiencing the interactions, so that any institutional bias might be overcome.”¹⁰⁹

Through these community feedback meetings, SPD’s advanced statistical analyses, and other mechanisms, SPD identified actionable recommendations that could help reduce future disparities. SPD summarized the actions it would take from this collaborative analysis process “to address the identified disparities and continue this work” as follows:¹¹⁰

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

¹⁰⁵ Seattle Police Department, *Disparity Review – Part II: Developing a Deeper Understanding of Disparities Identified in Part I 2* (Dec. 2019).

¹⁰⁶ Tenth Systemic Assessment at 40-41.

¹⁰⁷ Seattle Police Department, *Disparity Review – Part II: Developing a Deeper Understanding of Disparities Identified in Part I 2–3* (Dec. 2019).

¹⁰⁸ Seattle Police Department, *Disparity Review – Part II: Developing a Deeper Understanding of Disparities Identified in Part I 15* (Dec. 2019).

¹⁰⁹ Seattle Police Department, *Disparity Review – Part II: Developing a Deeper Understanding of Disparities Identified in Part I 15* (Dec. 2019).

¹¹⁰ Seattle Police Department, *Disparity Review – Part II: Developing a Deeper Understanding of Disparities Identified in Part I 6–7* (Dec. 2019).

- a “match” to initiate a stop, and safety frisk, if warranted (and how specifically that match must be described in order to appropriately documents a stop and/or 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
 5. Continue the work on identifying and responding to disparate impacts by continuing to partner with the CPC in developing and holding incident review community sessions, as was trialed during this analysis.¹¹¹

SPD further committed “to an annual, published review of this work on analyzing and responding to disparity, including updates on implemented strategies to lower disparity and any evidence of their success.”¹¹² SPD likewise committed to “continued community sessions to review incidents – as the Department works with the CPC and community to learn from the pilot sessions conducted during this review and continue to improve the process.”¹¹³

The Monitoring Team recommends that SPD re-engage CPC in this effort to report on its progress implementing these commitments, receive feedback regarding these efforts, and renew collaborative analyses with CPC to move forward on these critical topics. SPD’s maturation in analyzing disparity is laudable, and the Department must ensure that it translates these analyses into collaborative action toward addressing unwarranted disparities, in accordance with its bias-free policing policy.

The Seattle community is now, in many ways, better positioned than ever to analyze disparities and work collaboratively toward improved policing. SPD has processes and systems in place that allow it to acknowledge and describe disparities. The Community Police Commission, created as a result of the Consent Decree and now codified as a continuing oversight body, can provide ongoing community perspectives and recommendations to SPD regarding practices producing disparities. The Office of Inspector General can provide systemic oversight of SPD practices, including its disparity analyses, to offer performance improvement recommendations for SPD action. When a complaint of bias-based policing arises, the Office of Police Accountability will investigate the complaint under civilian leadership.

Consequently, SPD has layered systems in place for multiple levels of analysis, feedback, and accountability regarding SPD stop practices and related disparities, creating a foundation for

¹¹¹ Seattle Police Department, *Disparity Review – Part II: Developing a Deeper Understanding of Disparities Identified in Part I 6–7* (Dec. 2019).

¹¹² Seattle Police Department, *Disparity Review – Part II: Developing a Deeper Understanding of Disparities Identified in Part I 30* (Dec. 2019).

¹¹³ Seattle Police Department, *Disparity Review – Part II: Developing a Deeper Understanding of Disparities Identified in Part I 30* (Dec. 2019).

substantive collaborative action toward improved policing present in few other cities. It is up to these collective bodies, City leadership, and the Seattle community at large to continuously engage on this and other vital topics and ensure appropriate follow-up by SPD and others toward creating a better, more equitable community.