

Review of Hate Crime Prevention, Response, and Reporting in Seattle Phase 1 Report

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Phase 1 Report

Report Highlights

Background

In response to a 2016 increase of reported hate crimes and hate incidents in Seattle, City Councilmember Lisa Herbold asked our office to audit the City of Seattle's (City) handling of hate crimes. We are completing this audit in two phases, with this first report focusing on how the Seattle Police Department uses hate crime data and the practices and processes the City follows to identify, respond to, and prevent hate crimes. The second phase report will address how the City can improve its use of hate crime data and will provide an analysis of the extent to which reported hate crimes have resulted in prosecution.

What We Found

The three departments involved in this audit – the Seattle Police Department (SPD), the Seattle Office for Civil Rights (SOCR), and Seattle Public Utilities (SPU), have taken steps to strengthen prevention, response, and reporting efforts of hate crimes in Seattle. SPD has a dedicated Bias Crimes Coordinator who conducts criminal investigations, creates detailed reports, participates in community outreach, and serves as a resource for SPD staff and the public. Hate crime data are available online in an interactive dashboard. Efforts such as these represent leading practices. However, we identified five areas in which the City could improve its hate crime efforts:

1. **Changes in SPD reporting procedures would help ensure hate crimes are more appropriately recorded and investigated.** Between 2012 and 2016, an annual average of 17,000 SPD general offense reports were given the bias category "unknown." This may have resulted in SPD under-counting hate crimes. In addition, we found four bias categories (age, parental status, marital status, and political ideology) were never added to SPD's records management



WHY WE DID THIS AUDIT

This audit was conducted in response to Seattle City Councilmember Lisa Herbold's request for our office to review the City of Seattle's handling of hate crimes. Specifically, we were asked to:

- Determine how SPD uses hate crime data (Phase 1)
- Research leading practices in hate crime prevention, response, and reporting (Phase 1)
- Review how hate crimes are investigated and prosecuted (Phase 2)

HOW WE DID THIS AUDIT

To accomplish the audit's objectives, we:

- Reviewed SPD's hate crime data and data collection processes
- Researched leading practices in hate crime prevention, response, and reporting
- Interviewed staff from SPD, SOCR, and SPU
- Reviewed SPD's Malicious Harassment policy

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system to accommodate the [Malicious Harassment Seattle Municipal Code](#). In July 2017, SPD made changes to address these hate crime reporting issues.

2. **SPD patrol officers would benefit from regular formal training and improved guidance on hate crimes.** Although police officers in the State of Washington receive some hate crime training at the [Basic Law Enforcement Academy](#), SPD does not provide any hate crime training to its officers as a refresher or to build on the Academy training. Training is crucial for police officers to accurately identify a hate crime and respond appropriately.
3. **More sophisticated use of data could inform hate crime prevention efforts.** Although SPD has used some data to focus its community outreach efforts, there are opportunities to apply more sophisticated data analysis to direct the City's hate crime prevention and response activities, such as analyzing community characteristics, incidents, victims, offenders, locations, and times.
4. **Increased coordination among City departments would improve hate crime prevention and response efforts.** The City of Seattle has three departments that can receive reports of hate crimes or non-criminal hate incidents: SPD, SOCR, and SPU. Improved coordination among these departments through the regular sharing of data and information could result in a more consistent and unified response for Seattle's residents and visitors.
5. **Regional coordination of hate crime response efforts will promote efficiency and improved response efforts.** Although many states around the country provide statewide information on hate crimes and convene multi-agency groups, we found that hate crime response and prevention efforts in Washington are typically handled within the boundaries of a city or county. Regional coordination could provide efficiency in training among law enforcement, and improved prevention efforts by the sharing of successful anti-hate strategies.

Recommendations

We make nine recommendations to improve the City's efforts to prevent, respond to, and report on hate crimes. We recommend that SPD should create a hate crime training curriculum, create more guidance on how to recognize and respond to hate crimes, and address coding issues that may be preventing some hate crimes from being appropriately categorized. SPD should also pilot using hate crime data for prevention purposes. We recommend that SOCR and SPU consider posting hate crime data online to provide Seattle residents with a more complete picture of hate crimes reported in the city. Finally, we recommend that City leaders support a regional or statewide coordination of hate crime efforts to further the City's impact of addressing these crimes.

SPD, SOCR, and SPU have actively participated in this audit, and agree with all the recommendations. In addition, our report notes some of the improvements the departments have made during our audit. We appreciate their commitment to improving the City's capacity to prevent and respond to hate crimes.

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This report includes many hyperlinks to online resources. Please contact the Office of City Auditor at seattle.auditor@seattle.gov or 206-233-3801 if you need assistance accessing these sources.

INTRODUCTION

Audit Overview

In 2016 the Seattle Police Department (SPD) [reported](#) a 24% increase in the reporting of hate incidents and crimes citywide. In response to this, Seattle City Councilmember Lisa Herbold asked our office to audit the City of Seattle's handling of hate crimes, including looking at how SPD uses hate crime data, how hate crimes are investigated and prosecuted, and the extent to which the City of Seattle (City) is using leading practices for preventing and responding to hate crimes. Our office structured this review into two phases. The first phase is addressed in this report, and focuses on practices and processes the City follows to identify, respond to, and prevent hate crimes. The second phase will be a detailed look at how the City can make better use of hate crime data to develop effective prevention efforts, and provide an analysis of the extent to which reported hate crimes have been prosecuted in recent years.

This Phase 1 Report includes five findings:

1. Changes in SPD Reporting Procedures Would Help Ensure Hate Crimes are More Appropriately Recorded and Investigated.
2. SPD Patrol Officers Would Benefit from Regular Formal Training and Improved Guidance on Hate Crimes.
3. More Sophisticated Use of Data Could Inform Hate Crime Prevention Efforts.
4. Increased Coordination Among City Departments Would Improve Hate Crime Prevention and Response Efforts.
5. Regional Coordination of Hate Crime Response Efforts Will Promote Efficiency and Improved Response Efforts.

In Appendix D we provide a summary of our research into leading practices for law enforcement in hate crime prevention, response, and reporting activities.

The three departments involved in this audit – the Seattle Police Department (SPD), the Seattle Office for Civil Rights (SOCR), and Seattle Public Utilities (SPU) – have actively participated in the development of this report's recommendations. In addition, our report notes some of the improvements the departments have made during our audit. We appreciate their commitment to improving the City's capacity to prevent and respond to hate crimes. SPD, SOCR, and SPU agree with all the recommendations. See Appendix A for SPD's response, and Appendix B for SOCR's response to this audit.

Acknowledgements

The Office of City Auditor would like to thank the Co-Directors of the [International Network for Hate Studies](#) for providing review and comment on earlier versions of this document: Dr. Jennifer Schweppe, Lecturer in Law, University of Limerick; and Dr. Mark Walters, Reader in Criminal Law and Criminal Justice, University of Sussex.

Background

A hate crime is a criminal act including assault, threat of bodily harm or property damage that is motivated by bias based on the real or perceived characteristics of the victim. The term hate crime is interchangeable with bias crime, and with malicious harassment, which is the legal description for this type of crime. A hate incident is offensive or derogatory language that does not rise to the level of a crime.

Washington's [Malicious Harassment law](#) covers race, color, religion, ancestry, national origin, gender, sexual orientation, and mental, physical, or sensory handicap. Seattle has a Malicious Harassment [law](#) which includes additional characteristics: homelessness, marital status, political ideology, age, and parental status. SPD has a [policy](#) on responding to cases of malicious harassment, which instructs responding officers to contact a sergeant and indicate the type of bias the officer believed occurred on a general offense report. SPD's Bias Crimes Coordinator, who is a detective, then reviews every report marked as involving bias to ensure it was coded appropriately and to include the data in monthly and bi-annual statistical SPD reports.

There are three departments that are part of the City's efforts to prevent, respond to, and report hate crimes:

1. Seattle Police Department – SPD is the primary agency responsible for handling hate crimes. Police officers respond to hate crimes, conduct community outreach, and maintain hate crime data reported through the 911 call center.
2. Seattle Office for Civil Rights – SOCR investigates complaints of discriminatory harassment in housing, employment, and public spaces. Discriminatory harassment or violence is behavior that interferes with one's civil rights and is directed at the person because of a protected class. SOCR has an anti-bias hotline where calls are routed for investigation or referred to community organizations or SPD.
3. Seattle Public Utilities – SPU is responsible for handling and tracking reports of graffiti on public spaces. Since hate graffiti is considered a hate crime, SPU is a third owner of hate crime data within the City.

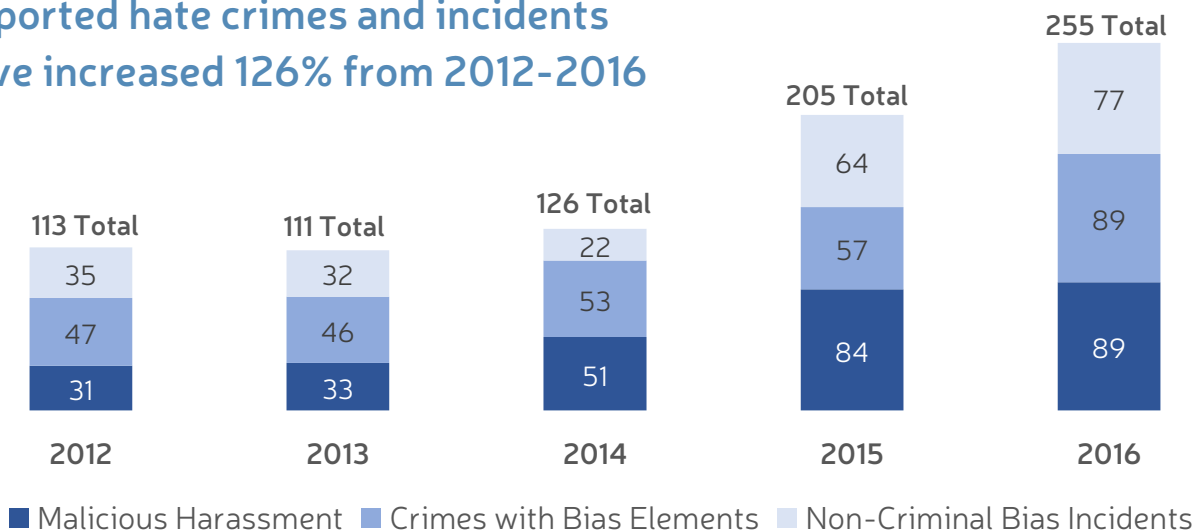
In 2008 our office published an audit of [Seattle’s Enforcement of Bias Crimes](#), and many of the recommendations from that report have been [implemented](#). Tackling hate crimes in a large city is a big endeavor, and there are more opportunities for Seattle to improve prevention, response, and reporting by following leading practices from other jurisdictions. Hate crimes are considered “message” crimes because their impact extends beyond the direct victim. An entire community of people sharing similar characteristics may feel vulnerable after a hate crime. For this reason, many jurisdictions give hate crimes extra attention with harsher criminal penalties and dedicated hate crimes detectives.

Hate Crime Data

Seattle has seen a recent increase in reported hate crimes and incidents (see Exhibit I). Data from the first half of 2017 is 41% higher than the same period in 2016, suggesting that this trend will continue in 2017. The crime category Malicious Harassment has seen the most dramatic increase overall since 2012. Though this increase is substantial, a rise in reported hate crimes does not necessarily mean there are more of these crimes occurring. Jurisdictions that report more hate crimes are typically seen as leaders in hate crime response efforts because high reporting can indicate law enforcement is prioritizing these crimes. SPD attributes the increase in reporting to their outreach efforts to encourage hate crime reporting. Specifically, in 2015 SPD hired its current Bias Crimes Coordinator, who has made community outreach a priority. Also in 2015, the department’s LGBTQ Liaison Officer started the [Safe Place](#) program to encourage reporting of crimes against the LGBTQ community.

Exhibit I: Hate Crimes and Incidents Reported to SPD from 2012-2016

Reported hate crimes and incidents have increased 126% from 2012-2016



Source: Office of City Auditor analysis of SPD’s [data](#).

Nationally, the [U.S. Department of Justice](#) estimates that over half of hate crimes are not reported to the police. Based on this information, it is likely that SPD's hate crimes statistics do not represent the full extent of the problem. Obtaining accurate hate crime data nationwide is difficult because reporting these crimes to the FBI is optional, and many jurisdictions report unrealistically low annual statistics or report no numbers at all. For example, six states [reported](#) fewer than 10 hate crimes statewide in 2015, including Mississippi which reported zero. In contrast, Washington state [reported](#) 275 hate crimes in 2015, with about a third of them occurring in Seattle.

Seattle's Efforts to Combat Hate Crimes

The City has taken steps in recent years to create stronger hate crime practices. These examples illustrate the City's commitment to creating a zero-tolerance culture for hate crimes.

- City Councilmembers Lisa Herbold and Lorena González sponsored an [Anti-Hate resolution](#) (Resolution 31724) in 2016, condemning hateful speech and violent actions.
- City Councilmember Lorena González sponsored a [Welcoming City resolution](#) (Resolution 31730) in 2017, reaffirming the City's commitment to being a welcoming place to all Seattle residents.
- The Mayor issued a [Welcoming City executive order](#) in 2016 (Executive Order 2016-08).
- SPD has a full-time [Bias Crimes Coordinator](#) who conducts criminal investigations, creates detailed reports, participates in community outreach, and serves as a resource for SPD staff and the public. The Bias Crimes Coordinator partners with the King County Prosecuting Attorney and the Assistant U.S. Attorney who handle malicious harassment cases to investigate hate crimes and attend community events to educate the public.
- SPD also has a full-time LGBTQ Liaison Officer who manages [Safe Place](#), a program to reduce anti-LGBTQ crimes and encourage reporting. SPD states that more than 5,000 locations participate in Safe Place in Seattle.
- There are several Demographic Advisory Councils within SPD that coordinate block watches, conduct community safety assessments, and arrange interagency meetings. Examples of these councils include African, Filipino, Korean, Latino, LGBTQ, Muslim, Native American, and Southeast Asian communities. SPD asserts that in 2016 over 1200 community members attended a Demographic Advisory Council event, with 249 officers participating.

- SPD created a [Bias Crimes Dashboard](#) in 2017, which provides an interactive, publicly accessible way to view hate crime data.
- SOCR started an [anti-bias campaign](#) in 2017 for residents to report discriminatory harassment related to housing, employment, and public spaces.

RESULTS AND RECOMMENDATIONS

1. Changes in SPD Reporting Procedures Would Help Ensure Hate Crimes are More Appropriately Recorded and Investigated

Recording Bias Motivation

SPD patrol officers’ use of the bias category field on general offense reports resulted in an annual average of over 17,000 reports being classified with the bias category code “unknown” between 2012 and 2016. When we began our audit, SPD had a practice of changing these records from “unknown” to “no bias” after a review of a small sample. This practice may have resulted in an under-counting of hate crimes by SPD. However, in July 2017, SPD removed this code to improve hate crime classification.

Currently, for every incident that is entered in SPD’s records management system, the responding patrol officer must complete a data field that selects the type of bias from among 36 categories, or indicate that the incident did not involve bias (see Appendix E for list of bias categories). These 36 bias categories are mostly made up of federal codes from the [National Incident-Based Reporting System \(NIBRS\)](#), with the addition of some codes specific to Seattle’s Malicious Harassment law.

Before July 2017, SPD officers also had a choice to select the bias category code “unknown.” SPD’s process is to have at least two supervising sergeants review each case, giving them the opportunity to change the bias category coding to a more appropriate designation. However, thousands of cases had been left with the “unknown” bias category code from 2012 through 2016 (see Exhibit II and Exhibit III). Without clear instruction on how and when to use this code, officers may have been confused about whether to use the “unknown” bias category code to signify they were unsure of the type of bias, or if they were unsure if the crime was bias motivated at all.

Exhibit II: SPD General Offenses with Bias Category Code “Unknown”

| 2012 | 2013 | 2014 | 2015 | 2016 |
|--------|--------|--------|--------|--------|
| 17,412 | 18,573 | 22,001 | 15,660 | 13,782 |

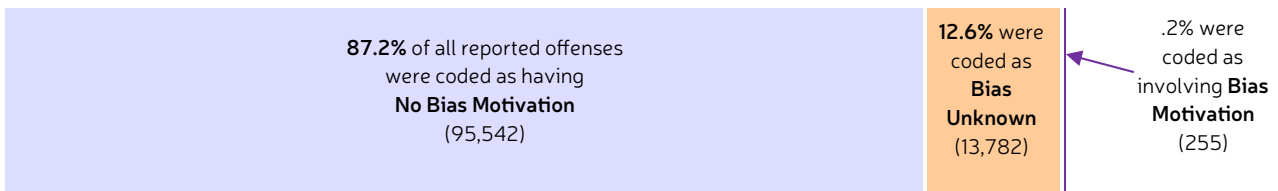
Source: Office of City Auditor analysis of SPD data.

SPD told us they had made changes to their records management system to discourage and reduce officer use of the “unknown” code, such as changing the order in which the bias category codes were

displayed, and this may account for the decreases in 2015 and 2016. However, this was still inconsistent with FBI recommendations.

The [FBI](#) describes the “unknown” code as a temporary placeholder to use for incidents “where some facts are present but are not conclusive” as they relate to bias motivation. The [FBI](#) further recommends that law enforcement agencies be diligent in updating the bias category field as the investigation progresses, so that “a review of year-end hate crime data should have few, if any, hate crimes coded as 99 = Unknown.”

Exhibit III: 2016 SPD General Offense Data



Source: Office of City Auditor analysis of SPD data.

Although SPD officers are accustomed to exercising discretion in their work, research shows that the accurate determination of hate crimes is complex, nuanced, and might be adversely affected by unclear guidelines or personal biases. Several studies have found that ambiguous guidelines and/or definitions of hate crimes may lead police to under-count incidents as hate crimes (Boyd, Berk, & Hamner, 1996) (Martin, 1996).

Research suggests that officers can more readily identify some types of hate crimes over others, perhaps because of more experience or familiarity with those crimes. For example, a recent study that reviewed six years of data from the National Incident-Based Reporting System concluded that “only hate crimes that fit popular constructions of ‘normal victims and offenders’ receive investigative outcomes comparable to otherwise similar non-bias offenses” (Lyons & Roberts, 2014).

Though patrol officers are responsible for making the initial classification of a hate crime, the “ambiguity, uncertainty, and infrequency place constraints on officer decision making, which threatens the validity and reliability of bias-crime data” (Cronin, McDevitt, Farrell, & Nolan III, 2007). See Exhibit IV for an explanation of these decision-making challenges.

Exhibit IV: Why Hate Crimes are Difficult to Classify

Below are three factors that can make recognizing a hate crime especially difficult and complicated for officers:

1. **Ambiguity** – The motivation for the incident may be perceived differently by responding officers, because the indicators used to determine motivation may not be clear.
2. **Uncertainty** – Patrol officers often must make judgements about bias motivation at the scene, before a detailed investigation is performed.
3. **Infrequency** – Hate crimes occur infrequently relative to other types of crimes, and officers may not have much experience in applying hate crime procedures.

Source: "Organizational Responses to Ambiguity, Uncertainty, and Infrequency in Eight Police Departments." (Cronin, McDevitt, Farrell, & Nolan III, 2007)

Research shows that hate crime reporting is most effective in departments in which patrol officers were responsible for only identifying possible hate crimes rather than making the final classification decisions (Cronin, McDevitt, Farrell, & Nolan III, 2007). Therefore, recording of hate crimes would improve if responding officers use a "broad, inclusive definition" of hate crimes and obtain secondary review for the final determination.

This is consistent with the [FBI's](#) recommendation of a two-step review process. First, the responding officer makes the initial determination of bias motivation at the scene, using a broad definition of a hate crime. If the officer suspects bias but is unsure of the specific bias category or group, a placeholder code is used to signal more investigation is needed. The second step is for a dedicated hate crimes expert to review and independently investigate every incident categorized as a hate crime or as more follow up needed. This expert is responsible for making the final determination of which crimes include bias motivation.

"We found that the best practice for departments involved training responding officers to apply a broad, inclusive definition of bias crime and identify even suspected bias-motivated crimes."

– "Organizational Responses to Ambiguity, Uncertainty, and Infrequency in Eight Police Departments" (Cronin, McDevitt, Farrell, & Nolan III, 2007)

SPD's process had only partially reflected these recommended practices because of how records with the bias category "unknown" were handled. Consistent with the FBI's recommended practice, the SPD Bias Crimes Coordinator reviews every record in which the patrol officer has indicated the presence of bias for consistency and accuracy.

However, SPD told us that the volume of the “unknown” records had been too large for a single Bias Crimes Coordinator to review. Consequently, SPD had adopted the practice of semi-annually reviewing a sample of these cases in an attempt to find miscoded hate crimes. SPD told us they had selected their sample of cases thoughtfully, reviewing from a population of offenses that were more likely to include bias elements. After this review, SPD would change the bias category code from “unknown” to “no bias” for every record. This practice was not consistent with research or federal government recommendations and may have resulted in the under-counting of hate crimes.

Also, the current records management system does not allow officers to select multiple bias codes. The implementation of SPD’s new records management system will allow the department to redesign this process to ensure that SPD captures a complete and accurate record of hate crimes in Seattle.

Recommendation 1

In the short term, SPD should remove the bias category code “unknown.” Officers should be provided with specific training and guidance on how to select the bias category code by “applying a broad, inclusive definition of bias crime.” SPD should communicate this change and the appropriate coding procedures to all officers.

SPD partially implemented this recommendation by removing the “unknown” bias category code on July 1, 2017 and issuing an “e-directive” to all officers alerting them to the change. The “e-directive” is presented in an online format to describe a new procedure and requires officers to demonstrate their understanding by responding to test questions. The remaining portion of the recommendation related to training officers could be implemented as part of Recommendation 4.

Recommendation 2

In the longer term, SPD should re-evaluate its procedures for bias code determination when its new records management system is implemented to determine if a different placeholder bias code can be used when police officers are unsure if a crime was motivated by bias, and to allow the selection of multiple bias codes.

Missing Bias Categories

We found four bias categories were not included in the available codes in SPD’s records management system. These bias categories (age, parental status, marital status, and political ideology) are protected under the Seattle Municipal Code [Malicious Harassment Law](#), and were never added to SPD’s records management system. Officers may not know that these classes are protected if they are excluded from the

listing of bias categories. Even if officers are aware of these bias categories and make a note in the comments field on the general offense report, they run the risk of not being appropriately classified in the department's hate crimes statistics. Accurate reporting of hate crimes is an important first step in understanding the problem and effectively responding and developing prevention activities.

Recommendation 3

We recommend that SPD add codes for age, parental status, marital status, and political ideology to the bias categories in their records management system to ensure that their record keeping is consistent with Seattle Municipal Code 12A.06.115.

On July 1, 2017 SPD implemented this recommendation by adding the four missing bias category codes to its records management system.

2. SPD Patrol Officers Would Benefit from Regular Formal Training and Improved Guidance on Hate Crimes

Hate Crime Training

Police Officers in the State of Washington receive some hate crime training at the [Basic Law Enforcement Academy](#), but SPD does not provide any hate crime training to its officers as a refresher or to build on the Academy training. Training is crucial for police officers to accurately identify a hate crime and respond appropriately. We identified some key findings from recent research that can guide the development of SPD's hate crimes training.

SPD does not currently provide any formal training to officers on how to identify and respond to a hate crime. The [Washington State Criminal Justice Training Commission](#) provides a 4-hour Criminal Law class that includes a segment on the state's [Malicious Harassment law](#) in the Basic Law Enforcement Academy, but it is up to individual law enforcement organizations to provide more detailed and jurisdiction specific training.

SPD created a training video several years ago in response to a 2008 [audit](#) published by our office, and told us in their response to the audit that "the Bias Crimes Coordinator would work with the Training and Video Units to provide annual training updates on bias crime laws, policies, and procedures for the investigation of hate crimes." However, recently SPD indicated the training video is no longer being used and no other formal hate crimes training is available. In addition, hate crime training is not formally documented as a requirement in department policies.

SPD told us that there has been an increase in the amount of required training for officers because of the 2012 federal [consent decree](#) regarding use of force, and it has been difficult to get the time and resources to offer additional training beyond what is required.

Regular training for patrol officers can help SPD ensure that hate crimes in Seattle are properly identified and investigated. A 2015 [report](#) from the U.S. Department of Justice Community Oriented Policing Services Office recommends training as an “effective means for accomplishing comprehensive hate crime recognition.” Hate crime training has specific learning objectives and should be handled differently from other trainings.

Hate Crime Training Goes Beyond Cultural Competency

There are some police training topics that may appear to relate to hate crime training, such as anti-bias policing, race and social justice, and cultural competency. However, these are not designed to accomplish the same learning objectives as training that is specific to hate crimes. Cultural competency is designed to increase police officers’ cultural awareness and diversity skills, and to gain an understanding of the negative effects of prejudice and discrimination. Hate crime training teaches officers to effectively recognize, investigate, and prove hate crimes. Quality hate crime training can encourage better hate crime reporting and data collection. Both cultural competency and hate crime training are important, yet they address different issues and are not interchangeable.

In addition, sergeants should also receive hate crime training. Sergeants are often responsible for reinforcing the importance of training and assisting with completing an initial investigation. Therefore, it is important they also receive hate crime training to get their support for improved efforts to document and respond to hate crimes, and to ensure the training is used in the field.

A 2011 [analysis](#) of hate crime reporting in one state showed that officers who do not receive regular training on what constitutes a hate crime are found to report fewer of these crimes. This research also demonstrated that hate crimes are often under-counted by officers, and these classification errors have affected the statistical accuracy of hate crime reporting. Hate crime training is especially important because hate crimes represent a small percentage of overall crimes in Seattle, and officers may not encounter them often enough to stay current on what to look for or be confident in their assessment. A [May 2016 article in The Police Chief](#) also identified insufficient officer training as a barrier to the accurate reporting of hate crimes and called for police chiefs around the country to address this gap.

In our review of leading practices, we learned that the San Francisco Police Department offers many types of hate crime training, including roll call training, refresher training, and a 2-hour instructor led training.

They provide more training in advance of certain events, such as the Pride Parade, and they also use weekly staff meetings to discuss any recent cases of hate crimes. The department explained that there is a lot of “gray area” when it comes to determining if something is a hate crime, so it is helpful for officers to be exposed to and discuss real life examples. We also learned that the Phoenix Police Department Bias Crimes Detectives train officers at regular intervals.

“Police are found less likely to participate in reporting if they are not trained properly.”

– [State of West Virginia Criminal Justice Statistical Analysis Center](#)

There are many training resources Seattle can use to help create their own hate crimes training. The U.S. Department of Justice (DOJ) offers many detailed training manuals, including the document [Hate Crime Training: Core Curriculum for Patrol Officers, Detectives & Command Officers](#). The DOJ also partnered with the National Center for Hate Crime Prevention to produce the guide [Responding to Hate Crime: A Multidisciplinary Curriculum](#).

The non-profit organization Not In Our Town provides [hate crime training videos](#) for law enforcement, many that are designed to be used during roll call or to encourage group discussion. Not In Our Town has [printed materials](#) as well, and some were created in partnership with the DOJ. The International Association of Chiefs of Police issued a [Police Officer’s Guide to Investigation and Prevention](#) highlighting some issues that an instructor led training could expand on. These resources could potentially be combined with Seattle specific information to supplement the training received at the Washington State Criminal Justice Commission.

Some research has demonstrated undesirable effects from such training. Therefore, Seattle should be thoughtful in developing its hate crimes training curriculum and should evaluate its hate crime training to ensure that it is effective. A 2016 study of hate crime training for police officers in the United Kingdom found that officers felt the training was ‘abstracted’ from their everyday working lives (Trickett, 2016). Consequently, the authors make several recommendations for improving hate crime training that SPD could consider in its approach (see Exhibit V). This underscores the importance of evaluating hate crime training and its impacts on officer attitudes and behaviors to ensure that it is achieving the desired outcomes.

Evaluation of hate crime training was cited by a District of Columbia [hate crimes task force](#) as a recommendation for law enforcement. A 2016 study in Australia also confirmed the importance of evaluating hate crimes training (Miles-Johnson, Mazerolle, Pickering, & Smith, 2016). Researchers found that police academy recruits were significantly (61%) less likely to identify a hate crime after their hate crime awareness training. The researchers speculated that the training may have confused the recruits' perceptions of hate crimes, or that their attitudes had been adversely affected by some aspect of police culture.

Exhibit V: Hate Crime Training Recommendations

- Use interactive exercises and opportunities for discussion
- Include participation by victims, community partners, mental health providers, and other agencies
- Provide face-to-face training in which officers can build empathy with individuals who may be targets of hate crimes
- Provide information on local hate crime “hot spots”
- Provide information on successfully prosecuted hate crimes
- Evaluate the training to ensure it is relevant and effective

Source: “Hate Crime Training of Police Officers in Nottingham: A Critical Review.” (Trickett, 2016)

This research should encourage Seattle to be thoughtful in the development and delivery of hate crime training. One framework that can be of assistance in creating quality training was developed by the European Union in early 2016: [Ten Key Guiding Principles for Hate Crime Training for Law Enforcement and Criminal Justice Authorities](#). The framework includes five components and ten guiding principles to ensure effective hate crime training for law enforcement (see Exhibit VI), and it includes case study examples from law enforcement agencies throughout Europe.

Exhibit VI: Hate Crime Training Guidance for Law Enforcement and Criminal Justice Authorities

| Components | Guiding Principals |
|---|---|
| Ensuring Impact and Sustainability | <ol style="list-style-type: none"> 1. Embed training within a broader approach to tackling hate crimes. 2. Develop a methodology to assess training needs. |
| Identifying Targets and Building Synergies | <ol style="list-style-type: none"> 3. Customize programs on the basis of the identification of target personnel. 4. Develop a model of structured cooperation with civil society and community organizations. |
| Choosing the Right Methodology | <ol style="list-style-type: none"> 5. Combine different training methodologies, including practice based sessions. 6. Consider the development of train-the-trainers programs. |
| Conveying Quality Content | <ol style="list-style-type: none"> 7. Focus on achieving targeted overall objectives through quality content. 8. Develop targeted training modules to address specific forms of intolerance. |
| Monitoring and Evaluating Outcomes | <ol style="list-style-type: none"> 9. Link hate crime training to mainstream performance review processes. 10. Ensure regular monitoring and evaluation of training outcomes. |

Source: [Ten Key Guiding Principles for Hate Crime Training for Law Enforcement and Criminal Justice Authorities](#)

Recommendation 4

SPD should establish a regular hate crimes training curriculum for officers so that they can appropriately recognize and respond to hate crimes. The training should incorporate the leading practices and research findings mentioned in this report. SPD should also develop a plan to evaluate the training to ensure that it is relevant and effective. Once SPD has developed an appropriate hate crimes training curriculum, the department should establish a policy on how the training will continue to be enhanced and implemented over time, including the frequency in which it is to be delivered and the intended audience.

Hate Crime Guidance

In addition to lacking training, SPD does not have detailed procedures for officers on how to recognize a hate crime. This could result in over-reliance on self-reports from victims and the presence of overt signs of a hate crime, which in turn could lead to an under-reporting of hate crimes by SPD.

The SPD Policy Manual ([Section 15.120 Malicious Harassment](#)) includes the procedural duties of how hate crimes should be routed and who should be contacted. It does not offer detailed guidance to officers on how to identify a hate crime, such as a list of potential bias indicators. SPD also does not provide any checklists or tools to help officers recognize potential hate crimes.

A comprehensive hate crime policy is important for many of the same reasons as the importance of hate crime training. The [California](#)

[Commission on Peace Officer Standards and Training](#) (POST) describes hate crimes as a “low frequency contact with high-risk consequences for the agency and community and stressful for first responders.” Even with regular training, officers will likely not encounter hate crimes on a regular basis, and may miss hate crime indicators or investigation procedures if they are not documented and easily referenceable. A detailed hate crime policy will help set expectations for consistent and thorough responses to these crimes by SPD, and further the department’s position of zero tolerance for hate crimes.

The California Commission on POST has a [model policy framework](#) that has recommendations on what a comprehensive hate crime policy should cover, including procedures for response, reporting, training, planning, and prevention. There are many hate crime policy guides that Seattle can use to improve the current policy. An excellent example was recently published by the College of Policing in the United Kingdom. Their [Hate Crime Operational Guidance](#) handbook covers a wide variety of topics, such as detailed definitions and discussions of different types of hate crimes, reporting and data recording, standards for response and investigation, and how to measure law enforcement performance.

The [International Association of Chiefs of Police](#) (IACP) and the [New York State Association of Chiefs of Police](#) (NYSACOP) provide detailed and nuanced guidance for determining whether an incident might be a hate crime. The Philadelphia Police Department’s policy for [Reporting and Investigating Bias Incidents](#) is also fairly comprehensive. The Phoenix Police Department has a simple one-page informational sheet showing the definition of a hate crime, possible hate crime indicators, investigation strategies, and the contact information for the bias crimes unit. A shorter reference guide like this to supplement a more comprehensive policy may be more likely to be used by officers in the field.

In fact, the U.S. Department of Justice Community Oriented Policing Office recommends in its [guide on Hate Crimes](#) that police departments should use “an established check-sheet to aide in [hate crime] classification decisions.” In addition, a 2007 study of hate crime reporting in eight jurisdictions also recommended, as a best practice, developing an explicit routine for officers including the use of check sheets that are developed by the bias crimes unit (Cronin, McDevitt, Farrell, & Nolan III, 2007). The [California Commission on POST](#) provides some specific examples of what activities could be included on a checklist.

Recommendation 5 SPD should improve its guidance to officers on how to identify whether an incident might be a hate crime. SPD should consider adding elements in the hate crimes [model policy framework](#) recommended by the California Commission on POST to SPD's Policy Manual. SPD should also consider creating a physical or electronic checklist of hate crime definitions, indicators, and investigation techniques that officers can easily access in the field.

On July 1, 2017 SPD made some improvements to the Malicious Harassment Section 15.120 of the Policy Manual to include definitions of "crimes with bias elements" and "bias incidents" (see Appendix F).

3. More Sophisticated Use of Data Could Inform Hate Crime Prevention Efforts

SPD's Data Driven Unit and Bias Crimes Coordinator regularly analyze hate crime data. SPD has recently made its data on hate crimes more accessible and much easier to analyze through its web-based [Bias Crimes Dashboard](#). These advances by SPD create opportunities to apply more sophisticated data analysis that could inform the City's hate crime prevention and response activities. Our phase 2 report will take a closer look at what is possible for using data-driven evidence-based approaches to hate crime prevention and response.

A Data-Driven Approach

In [February 2017](#) SPD made its hate crime data available to the public through an online, interactive dashboard. SPD tracks hate crime data at three levels:

1. Malicious Harassment (also referred to as Hate or Bias Crimes): The motivation for the suspect targeting a particular person is based on their belief about the victim's race, color, religion, ancestry, national origin, sexual orientation, handicap (mental, physical or sensory), homelessness, marital status, age, parental status, gender or political identity. This usually involves an assault, property damage, or threat of harm.
2. Crimes with Bias Elements: If during the commission of any crime, bias comments are made.
3. Non-Criminal Bias Incidents: Offensive and/or derogatory language that, although hurtful, does not meet the level of a crime and may fall under the category of free speech. The comments may cause a level of fear and concern in the targeted community, making the victim feel harassed, intimidated, or offended.

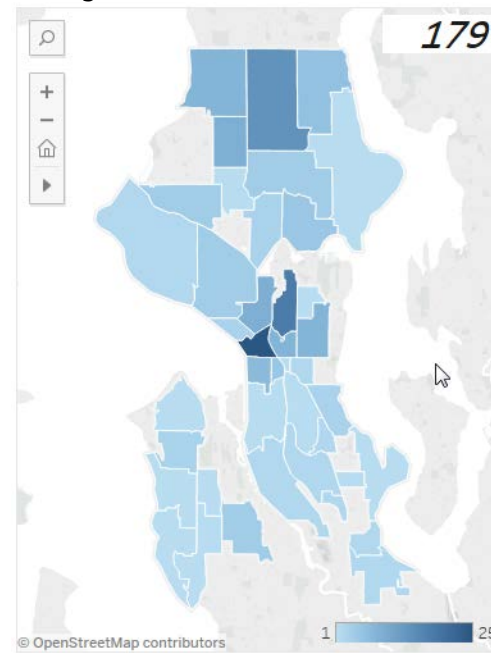
Users can view bias crime data from 2012-present that can be sorted in any of the following ways: period, precinct, micro-community policing plan area, crime category, and bias type. The data are updated monthly and can be viewed in tables and on a map (see Exhibit VII). Our leading practices review did not identify any other jurisdictions that are presenting hate crimes information to the public in such a user-friendly, timely, and flexible way. SPD deserves credit for its Bias Crimes Dashboard as a leading practice.

This work represents an important first step in making hate crime data more useful to SPD and accessible to others. The purpose of increasing the accuracy of recorded hate crimes is ultimately to use this data to make resource decisions, improve crime prevention efforts, and make informed policy decisions that will reduce the number of hate crimes.

In addition to SPD's Bias Crimes Dashboard, the Bias Crimes Coordinator creates monthly and biannual reports and distributes them internally. We reviewed a few of these reports and appreciated the detailed summaries and crime classification of each incident. Analyzing and communicating hate crime data appears to be a priority of SPD's Data Driven Unit and the Bias Crimes Coordinator.

Exhibit VII: SPD's Bias Crimes Dashboard

The online, interactive dashboard allows users to select criteria to view hate crime data in a variety of ways. The map below shows hate crimes and noncriminal hate incidents citywide from January through June 2017.



Source: SPD's [Bias Crimes Dashboard](#)

SPD told us that Precinct Captains use hate crime data to make resourcing decisions, when feasible. However, the Bias Crimes Coordinator indicated that many hate crimes in Seattle appear to be “crimes of opportunity” and do not have predictable factors, such as consistent locations and repeat offenders. SPD has noticed a prevalence of alcohol/drug use and mental health issues associated with such crimes, and the Bias Crimes Coordinator highlights these cases in her reports.

SPD told us that one area where they have been able to use crime data to influence prevention efforts is in the Capitol Hill neighborhood. After noticing an increase in crime, the LGBTQ Liaison Officer created the Safe Place program to reduce anti-LGBTQ crimes and encourage reporting. The Captain of the precinct that covers Capitol Hill told us that the detectives and crime analysis officers look for patterns or areas of concern and deploy additional resources if they believe it will make an impact.

At the citywide level, the Bias Crimes Coordinator creates reports for SPD’s [“SeaStat”](#) meetings, a growing effort to use crime data and community input to reduce crime. These reports include monthly and year to date statistics, and a narrative summary of each offense. Precinct Captains can consider the data in these reports when making resourcing decisions.

“Collecting and analyzing accurate statistics on the scope and trends of hate crimes is an important step in preventing and responding to hate crimes.”

- [U.S. Department of Justice, Community Oriented Policing Services Office](#)

SPD performed time, date, and location analysis to six months of hate crime data from January through June 2017 and found no meaningful information that could be used for prevention purposes. However, there may be opportunities to perform deeper analyses that could provide more useful information.

The [Hate Crimes Problem-Oriented Policing Guide](#) published by the U.S. Department of Justice Community Oriented Policing Services Office recommends analyzing local hate crime data to assist with developing a more effective response strategy. This guide includes questions that should be considered in terms of: community characteristics, incidents, victims, offenders, locations, and times. These questions also attempt to surface information that may not be

available in statistics of reported hate crimes alone, such as gaining an understanding of which communities are least likely to report hate crimes and why. For example, there is often more dramatic under-reporting of hate crimes against disabled individuals, both from a lack of reporting and incorrect categorization by law enforcement.

Smart use of data and technology could take Seattle's hate crime prevention efforts to the next level. As part of our Phase 2 work, SPD has agreed to partner with our office and the University of Washington to determine what further hate crime data analysis is possible and if there are other trends to acknowledge. Mapping technology can be used to identify geographic concentrations or "hot spots" of hate crimes in Seattle. Knowledge of hate crime hot spots can help SPD and the City better direct resources to those areas and apply evidence-based prevention strategies, such as situational crime prevention. [Situational crime prevention](#) strategies seek to reduce opportunities for crimes to occur by increasing the risks and difficulties for the would-be offender. Detailed data on hate crimes can also help community organizations determine which locations and protected classes might benefit most from prevention activities. This reporting can allow SPD to track changes in conditions over time to determine which prevention activities have been successful.

Seattle should look to the work currently underway in the United Kingdom (UK). The 2016 [Action Against Hate, the UK Government's plan for tackling hate crime](#) describes a number of data-driven strategies that are being implemented, including:

- The UK established a [funding pool for security equipment](#) (alarm systems, lights, fences, locks, etc.) for places of worship that have experienced hate crimes, including threats and graffiti.
- Based on data of hate crimes occurring on public transportation, the British Transport Police established a system for reporting hate crimes on mobile devices through text messaging.
- Several jurisdictions identified taxi drivers as frequent victims of hate crimes, and the UK Home Office launched an effort to work with taxi licensing agencies to provide training to taxi drivers on identifying and reporting hate crimes.
- Based on data of hate crimes involving alcohol, the UK Home Office is training [Drinkaware](#) staff to identify and report hate crimes. Drinkaware aims to reduce anti-social behavior among young adults ages 18-24 and keep them safe through trained staff who work around bars and clubs.

Recommendation 6 SPD should pilot some of the analyses described above including: identifying hate crime “hot spots,” conducting time-of-day analysis, exploring trends in victimization, and exploring linkages to socio-demographic trends. Based on this analysis, SPD should explore the possibility of implementing new hate crime prevention strategies, such as situational crime prevention strategies at hate crime hot spots, and support for frequent victims.

4. Increased Coordination Among City Departments Would Improve Hate Crime Prevention and Response Efforts

The City of Seattle has three departments that can receive reports of hate crimes or non-criminal hate incidents: SPD, SOCR, and SPU. The coordination among these departments can be improved through the regular sharing of data and information, with the intent to have a consistent and unified response for Seattle’s residents and visitors.

Response Protocols

Creating a zero-tolerance culture for hateful activities is not the responsibility of law enforcement alone. The City recognizes this and has recently involved other departments in this effort. For example, the Mayor has issued a [Welcoming City executive order](#), and the City Council adopted an [Anti-Hate resolution](#), sending a clear message that hateful activities will not be tolerated in Seattle. Earlier this year, the Seattle Office for Civil Rights (SOCR) started an [anti-bias campaign](#), which includes a telephone hotline and online form residents can use to report discriminatory harassment in housing, employment, and public spaces.

SOCR has received some reports of hate incidents and crimes in the first few months of launching their hotline. Between January and June 2017 there have been a total of 25 calls, of which a subset SOCR categorized as a hate crime or hate incident. SOCR told us that calls are screened to determine if they qualify as discriminatory harassment so that they can be properly investigated. SOCR will internally investigate discrimination related to housing, employment, and public spaces; for other issues, callers are directed to community organizations or other City departments, as appropriate.

“Working with stakeholders to develop a network and protocol for response to hate crimes can assist in managing such crimes.”

– [California Commission on Peace Officer Standards and Training](#)

There is no formally documented agreement between SOCR and SPD on how calls of hate crimes and hate incidents should be handled and referred. A document containing hate crime response protocols can help ensure staff from each department understands their responsibilities, the resources and services they offer, and communication expectations. Research shows that a common reason hate crimes are not reported is from a reluctance to involve law enforcement. Because of this, SOCR may continue to receive reports of hate incidents and crimes on their anti-bias hotline and need to coordinate with SPD on how to respond.

Uncoordinated response efforts may create confusion or the appearance of silos. We spoke with many law enforcement agencies and human rights organizations that recommended strong collaboration between government agencies, at least locally, to provide the best service and response possible. Below are some examples that demonstrate effective collaboration between governmental agencies:

- Philadelphia has a Civil Rights Rapid Response Team made up of local law enforcement, human relations commission, FBI, and community organizations. This group has documented standard operating procedures detailing the members and their responsibilities for responding to hate crimes. They track hate crimes and discuss them during weekly phone calls. The Victim Services Unit within the Philadelphia Police Department includes a Hate Crimes section that, per department [policy](#), “acts as a liaison between the Philadelphia Police Department and the Philadelphia Human Relations Commission.” The Philadelphia Police Department told us their partnership with the Commission is helpful in freeing up police resources.
- The San Francisco Human Relations Commission partners with the San Francisco Police Department to educate the public on their rights as a victim. The Commission regularly receives reports of hate crimes, and offers assistance in the reporting to law enforcement.
- The Los Angeles County Commission on Human Relations partnered with local law enforcement to create a Task Force on Hate Crime Outreach and Response to promote inter-agency coordination and sharing of best practices to reduce and respond to hate crimes.

A community policing philosophy, like the examples above, can be an effective way to respond to hate crimes. A U.S. Department of Justice [report](#) states that “a law enforcement agency that truly engages in building a partnership with the community is more likely to be aware of potential hate-related problems before they result in a serious crime.” Human rights groups can be a resource to law enforcement by providing outreach and support services for hate crimes. Likewise, law enforcement can be a resource to human rights groups by providing hate crime recognition training and expertise in being first responders and handling crisis situations.

SPD told us they have started collaborating with SOCR on reports of hate incidents and crimes, and coordinating with SOCR on community outreach events and distribution of City materials. SPD said they recognize the importance of community outreach, particularly with the immigrant and refugee communities, and they try to make this a priority. For example, the Bias Crimes Coordinator recently created an instruction sheet for how to report a hate crime and had it translated into 18 languages (see Appendix G).

Recommendation 7

SPD and SOCR should establish and formally document a protocol for how hate incidents and crimes are handled when they are reported to SOCR.

SOCR told us they are working on this recommendation and plan to develop the interdepartmental protocols by the end of 2017.

Consolidating City Hate Crime Data

As mentioned previously, accurate recording of hate crimes is crucial to understanding the full extent of the problem and providing effective resources to address it. SOCR and SPU both collect data that could augment SPD data and would be helpful in understanding the full extent of the problem in Seattle.

With the implementation of its new anti-bias hotline, SOCR now owns and stores hate crime and non-criminal hate incident data. Currently it is not in a format accessible by the public, which could contribute to creating an inaccurate picture of hate crimes in Seattle.

In addition, the current City systems for reporting hate graffiti do not allow for a clear understanding of the magnitude of hate graffiti in Seattle. Seattle residents are [instructed](#) to contact SPD for hate graffiti on their own property, and SPU for graffiti on all other property. However, SPD and SPU officials indicate that some people contact both departments, so some duplication of reporting may occur. SPU receives hundreds of reports annually of hate graffiti through its graffiti hotline,

online reporting through the City’s website, and the Find It Fix It mobile application. In 2016 SPU received a total of 343 reports, and 201 reports between January and April 2017, that were characterized as “hate graffiti” by the individuals who reported it. Hate graffiti reported solely to SPU is not relayed to SPD, which means it is not included in SPD’s official hate crime reports or online dashboard.

The SPD Graffiti Detective told us that he receives about 800 reports of graffiti per year, and that he recently began using the “bias category code” field to designate hate graffiti so that it is included in SPD’s hate crime data. SPD’s records management system does not currently have a designated field for graffiti; however, the Graffiti Detective uses another text field to document the message of the graffiti, when applicable. The SPD Graffiti Detective coordinates with the Bias Crimes Coordinator on instances of hate graffiti when there is any possibility of solving the case, though he acknowledged that there are very few hate graffiti cases that can be solved.

Recommendation 8 SOCR and SPU should explore publishing their hate crime and hate graffiti data online. They should provide a description of the data, including statements about the source and quality. This process should be formally documented and the data should be updated at least biannually. Further, the City should consider creating a single webpage that serves as a portal for SOCR, SPU, and SPD hate crime data.

5. Regional Coordination of Hate Crime Response Efforts Will Promote Efficiency and Improve Response Efforts

A Regional Approach Hate crime response and prevention efforts in Washington are typically handled within the boundaries of a city or county. As the City of Seattle seeks to eliminate silos among departments and within city limits, we could consider also expanding lines of communication to neighboring jurisdictions to form alliances and share anti-hate strategies.

Many states around the country provide statewide information on hate crimes and convene multi-agency groups on how to address the issue. [New York](#), [California](#), [Maryland](#), and [Massachusetts](#) publish a hate crimes report annually to make this data more visible and accessible.

Many states have a structured group responsible for monitoring and responding to hate crimes statewide. The [Michigan Alliance Against Hate Crimes](#) is a statewide coalition to facilitate consistent and coordinated responses to hate crime and non-criminal hate incidents. In

their [Guide for Creating and Maintaining Community-Based Collaborations to Address Hate and Bias](#), they recommend a community response system as “one of the most effective ways to address hate and bias.” This involves offering education, training, and victim and community support.

The [Maryland Commission on Civil Rights](#) receives a copy of every Maryland Supplementary Hate Bias Incident Report Form filed by law enforcement officials around the State and compiled by the Maryland State Police. The Commission issues annual reports on this data, and uses it to influence outreach efforts.

More locally, Oregon has a [Coalition Against Hate Crime](#), which includes community groups and local, state, and federal law enforcement. This group provides resources to victims of hate crimes and educates the community about the value of diversity. The Coalition meets monthly and tracks hate crimes, non-criminal hate incidents, and the activity of hate groups statewide. The members form relationships with community groups and law enforcement, to act as a conduit of information between the two groups. These relationships are helpful for when police trust is an issue. The statewide structure is helpful to create channels between government agencies to keep efforts moving and keep people engaged in hate crime issues.

“Establishing task forces to coordinate across agencies composed of federal, state, and other local police agencies and prosecutor offices will facilitate the sharing of information about violent hate groups and hate-crime suspects between and among departments.”

- [U.S. Department of Justice, Community Oriented Policing Services Office](#)

In contrast, there is very little statewide information about hate crimes available in Washington. We searched for and could not identify an agency that offered hate crime related resources relevant to all Washington residents. The Washington Association of Sheriffs and Police Chiefs publishes some statewide hate crime statistics in their [annual crime report](#), but there are no narratives or detailed analysis showing trends over time.

The Washington State Criminal Justice Training Commission maintains a network of 350+ law enforcement agencies in the state, and can share information related to training events to encourage multiple jurisdictions to attend. The Commission told us they would like to see more larger police departments like Seattle use this feature, because

smaller cities may not have the resources to initiate and host their own hate crime training. Additionally, there is a benefit to having a consistent training curriculum statewide, allowing officers to make better, faster decisions and collaborate in areas where law enforcement agencies overlap, as occurs with SPD and the King County Sheriff's Office.

The City of Seattle could encourage a regional approach to responding to hate crimes by supporting a statewide agency or task force. The [Community Relations Service](#) from the Northwestern Regional Office of the U.S. Department of Justice is willing to facilitate a meeting of law enforcement agencies and community groups to begin this conversation. Councilmember Lisa Herbold, Chair of the Civil Rights, Utilities, Economic Development & Arts Committee, agrees that local elected officials should participate as co-conveners of this effort and she is willing to represent the City in this role as co-convener. SPD told us they were very supportive of regional or statewide efforts to coordinate hate crime response and prevention.

Recommendation 9

City leaders should participate in the discussions convened by the Northwestern Regional Office of the U.S. Department of Justice Community Relations Service to consider a statewide agency or task force to coordinate ongoing hate crime prevention and response efforts.

OBJECTIVES, SCOPE, AND METHODOLOGY

Objectives

Our audit of hate crimes in Seattle is separated into two phases. This report responds to objectives 1 and 2 listed below, while the upcoming Phase 2 Report will respond to objectives 3 -5.

The objectives of our audit of hate crimes in Seattle were to:

1. Review SPD's hate crime data and related processes to determine if improvements could be made.
2. Review leading practices around the country related to hate crime prevention, response, and reporting, and make recommendations in these areas.
3. Analyze hate crime cases to determine their final disposition (Phase 2 Report).
4. Conduct a Problem-Oriented-Policing analysis to identify demographic and time/place concentrations of hate crimes in Seattle (Phase 2 Report).
5. Determine how hate crime data can be used more effectively for Seattle's hate crime prevention efforts (Phase 2 Report).

Scope

The scope of this audit included SPD hate incident and hate crime data occurring between 2012-2016.

Methodology

During phase one of this audit we performed the following analyses:

- Assessed the reliability of SPD's hate incident and hate crime data on SPD's Bias Crimes Dashboard
- Researched and identified leading practices related to hate crime prevention, response, and reporting
- Surveyed selected jurisdictions and organizations on their hate crime response efforts
- Reviewed SPD's department policies and procedures related to hate crimes
- Interviewed staff from SPD, SOCR, and SPU
- Applied the City's Race and Social Justice Toolkit framework to help structure our audit
- Reviewed our office's 2008 Bias Crimes audit and the corresponding follow up reports

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

APPENDIX A

Seattle Police Department Response



MEMORANDUM

TO: David G. Jones, City Auditor
FROM: Kathleen M. O'Toole, Chief of Police
DATE: September 1, 2017
SUBJECT: Review of Hate Crime Prevention,
Response, and Reporting in Seattle – Phase I

This memorandum is in response to your Phase I report on the City of Seattle's efforts around preventing and responding to hate crimes. I first want to thank you for the obvious effort your office has taken to document all the work that the Seattle Police Department (SPD) and our city partners are engaging in to ensure Seattle remains a safe and welcoming city for all. The SPD has devoted considerable resources – increased bias training, significant diversification of new hires, enhanced community outreach, and cutting-edge data analytics – all to ensure we can respond to any event, anywhere in the city, in a professional manner that promotes public safety and enhances community trust.

I believe there is ample evidence these efforts are paying off. Since 2012, SPD has documented more bias-based incidents year over year. Of cities of similar size, only the city of Boston, MA, reports more incidents overall than Seattle. There has been an 22% increase in the reporting of malicious harassment in the first six months of this year. Given that recent research by the U.S. Bureau of Justice Statistics found that 54%¹ of bias crimes go unreported, it is likely a significant portion of this increase is the result of increased reporting due to enhanced trust. The department's Safe Place initiative – a model that is now being replicated nationally and internationally – has been a huge component of this improvement in trust and reporting. This increased trust is borne out in the result of the federal monitor's recent surveys on community trust in the department, which found that SPD's approval rate has increased 12 points since 2013, with particularly strong increases in approval from communities traditionally cautious of law enforcement.

As to be expected in any audit of practices, SPD has several concerns and clarifications about some of your conclusions and recommendations. While we readily acknowledge there always is more we can do, I do feel our progress, efforts, and success are not given fair context, and this has a risk of portraying to the community that we do not take these crimes seriously—which is simply not true. Perceptions matter. If the hard work of the SPD to connect with our communities, address bias within our own ranks, and to proactively and strongly address bias crimes in our community is not fully presented here, this report runs the risk of undermining the very efforts it strives to evaluate. As such, our responses are detailed below.

¹ Hate Crime Victimization, 2004-2015, Masucci, M. & Langton, L. (2017). Special Report. U.S. Department of Justice, Bureau of Justice Statistics.

Specific SPD Responses to Findings and Recommendations

The Bias Crimes Unit

Since 2015, the Bias Crimes Unit is staffed by one detective who works out of the Homicide and Assault Unit. This detective reports to a sergeant in the Homicide and Assault Unit and works closely with the lieutenant of the Homicide and Assault Unit as well. The Bias Crimes Coordinator is supported by other detectives in the unit and also utilizes the victim advocates unit.

The Bias Crimes Coordinator's duties include the following:

- Investigation of felony and misdemeanor level assaults, threats, harassment, and property crimes that are related to Malicious Harassment investigations
- Being a content expert and provide guidance and feedback to other detectives and officers responsible for documenting and investigating bias incidents
- Attending SeaStat meetings to report on bias crime trends and statistics
- Tracking bias incidents on a daily, weekly, and bi-annual basis. Report out to Violent Crimes Captain, Investigations Bureau Chief, Chief of Police, Community Outreach Officer, and Precinct Captains.
- Drafting the bi-annual report of city-wide bias incidents for the Chief of Police and accompany Command representatives to present this report to City Council.
- Coordinating with SPD Data Center for federal bias crime reporting requirements
- Being available as a resource for all members of groups protected by the bias laws
- Fielding phone calls from the public related to bias incidents and attend community meetings prepared to share information related to bias crime
- Conducting periodic training for Citizen's Academy
- Coordinating bias training for officers in Post BLEA
- Providing bias crime training at the Criminal Justice Training Commission to new officers
- Liaising with the King County Prosecutor and City Law Department to bring Malicious Harassment charges when appropriate
- Case preparation and testifying in court
- Engaging local and national media to help educate the public on bias crimes reporting
- Working closely with the LGBTQ liaison officer and other units performing outreach work, as well as with partners such as the Outreach Unit of the Department of Justice, the Federal Bureau of Investigation and the United States Attorney's Office
- Working with the Seattle Office for Civil Rights

Detective Elizabeth Wareing was selected for the new position of Bias Crimes Coordinator in August 2015. Detective Wareing has been a police officer since 1997, beginning her career at the Lynnwood Police Department where she served as a field training officer, detective investigating crimes against people, a polygraph examiner, hostage negotiator, CIT trainer and acting sergeant for patrol. Since her arrival at the Seattle Police Department in 2013, she has worked as a detective in the Force Review Unit, Force Investigation Team and currently as the Bias Crimes Coordinator. She is a hostage negotiator for the Seattle Police Department SWAT Team and is a member of the Peer Support Team. She worked as a master's level mental health clinician at a treatment facility concurrent with her job as a police detective between 2009-2013. Although Det. Wareing is fully committed and uses her expertise and energy to great effect, the department would welcome the opportunity to increase funded staffing in the Bias Crimes Unit.

Data Driven Approach

The department's data-driven approach to fighting crime extends to bias-involved crime. Our approach to these cases has made the Seattle Police Department a leader in the field and generated many inquiries by academics and journalists, as well as other law enforcement agencies looking to improve their own response to these incidents. Department policy dictates that cases which may be classified as Malicious Harassment incidents (as defined by the Revised Code of Washington and Seattle Municipal Code), criminal cases which have an element of bias, and non-criminal bias incidents are documented with a police report and assigned a bias code. This is unique for two reasons. Many agencies will not assign a bias code to any incident without substantiation of bias beyond the statement of the victim or the general appearance of the incident (e.g. the confession of a suspect). Many other law enforcement agencies do not take non-criminal reports as a matter of course. Our department policy advises documenting both criminal and non-criminal reports. Assigning a bias code allows us to look at all three categories of incidents to help us understand the full scope of the issue in the city, giving us a more nuanced perspective on the experience of people who inhabit the city. It also enables us to intervene in individual incidents which may not have culminated in a criminal incident but may in the future.

All of these cases are reviewed by the applicable unit supervisors and the Bias Crimes Coordinator. The Bias Crimes Coordinator produces monthly and bi-annual reports containing summaries of individual cases and a statistical analysis of all bias-related cases. These reports are disseminated to the office of the Chief of Police and to the captains of each precinct to inform, when applicable, a response to these types of incidents.

The nature of these crimes presents challenges in finding meaningful prevention strategies. Analysis of time, date, and location data, the fields which inform resource deployment, rarely yield pattern or "hot spot" information useful to the precincts. These crimes often occur between complete strangers. Victims are frequently so stunned they have difficulty providing suspect descriptions. In the rare cases where we encounter a repeat offender or ongoing neighborhood harassment situation, the Bias Crimes Coordinator is able to work with the precinct, the Crisis Response Unit, and the King County Prosecuting Attorney's Office, to quickly stop the pattern of offending. Many of the perpetrators of these offenses are known to have serious mental health problems. The Seattle Police Department works closely with the

King County Prosecuting Attorney's Office to find resolution to cases which discourage recidivism and may involve participation in mental health treatment.

One significant way data has been used by the Bias Crimes Coordinator is in detecting underreporting. While engaging in community outreach activities, Detective Wareing realized that, while she was hearing anecdotal reports of bias based incidents, she was not receiving police reports describing these incidents, particularly in refugee and immigrant communities. Detective Wareing has partnered with service providers such as the Refugee Women's Institute (ReWA), the Asian Counseling and Referral Service (ACRS) and with the Idris Mosque to ensure that refugee and immigrant populations know about available resources and how to access them. She has created materials in eighteen different languages that community partners can distribute to their clients about bias crimes and how to report them. Detective Wareing recently partnered with Mary's Place to provide information on bias crimes reporting to homeless women, and to ask questions so she can better understand barriers to reporting in the homeless population and all of the other categories which may be included in that population (people with disabilities, immigrants, LGBTQ individuals, etc.).

Media

SPD has utilized news media and social media to spread the message that the Department wants people to report bias crimes. Detective Wareing has been interviewed by the Seattle Times, The Stranger, the New York Times (story pending), and Al-Jazeera English (story pending). She was also the first Seattle Police Officer to participate in a Reddit "Ask Me Anything."

- <http://www.seattletimes.com/seattle-news/crime/how-seattle-police-local-prosecutors-address-investigate-hate-crimes/>
- <http://www.seattletimes.com/seattle-news/crime/what-is-a-bias-crime/>
- <http://www.kitsapsun.com/story/news/local/communities/mason/2017/03/06/mason-sheriffs-office-trains-deputies-hate-crimes-diversity/98805558/>
- <http://www.thestranger.com/slog/2016/11/18/24699860/seattle-police-detective-no-spike-in-local-hate-crimes-since-the-election>
- https://www.reddit.com/r/SeattleWA/comments/5dherc/spd_ama_i_am_a_bias_crimes_detective_ask_me/

Recent Changes

The lieutenant of the Homicide and Assault Unit, Lt. Michael Kebba and the Bias Crimes Coordinator, Detective Wareing have been working with SPD records experts to determine the best course of action to rectify misuse of the "bias unknown" category. Annually, reports categorized as "bias unknown" had to be re-categorized to a NIBRS compliant bias code (none, or an applicable code).

Every report taken by an officer of the Seattle Police Department is reviewed by that officer's sergeant. After that supervisor has determined that the report is satisfactory, the case is forwarded to the appropriate follow-up unit for review by an additional sergeant. Cases which constitute crimes and have leads (also known as solvability factors) are assigned for further investigation by a follow-up unit detective. During the review process, any supervisor

who encountered a report which included an element of bias could forward that report to the Bias Crimes Unit queue for review by a sergeant and/or the bias crimes coordinator.

In an abundance of caution, prior to the re-categorization of any cases to “no bias,” Lieutenant Kebba and Detective Wareing review a sample of cases from the list of “unknown bias” cases. The sample included cases which, given the nature of the offense (such as assault or harassment), could constitute a bias-based crime. This provides an additional layer of review to ensure that bias-based incidents are not going unidentified. Review of these cases revealed that some officers would often choose “unknown bias” even when there was nothing to suggest that a case was bias related.

The “unknown bias” code was removed in July 2017 and officers were directed to choose the most applicable code, either “no bias” or the appropriate category.

In 2008, the Seattle Police Department current records management system went into operation. During customization of the system, only one of five categories included in the Seattle Municipal Code were loaded into the bias code category drop down menu. Homelessness was included as a category when the system went live, but age, marital status, parental status, and political ideology were not. Incidents involving the political ideology category were relatively rare until the 2016 election cycle when there was a small increase in cases involving conflicts over political ideology. Cases involving age, marital status and parental status have not been reported to anyone’s recollection. These categories were added to the system drop-down menu in July 2017.

Finally, the department is well into the project to replace the current RMS system with the Next-Generation Records Management System. Mark 43, the selected solution, is a web-based, flexible system that not only provides greater customization of desired fields and information, but also mandates that fields be completed to ensure accuracy. As we develop our requirements and set up the NRMS, we will ensure that we gather the necessary data to support bias-crime investigations and analysis.

Training Goals

The Seattle Police Department has been operating under a heavy training burden related to the Department of Justice consent decree since 2012 and has been focussing on the numerous areas required for compliance with the consent decree. This training has come at great cost – running into the millions of dollars in overtime – and has a significant impact on department resources. However, the department fully agrees that training in the area of investigating bias-based crimes is important, but submits that a training video is the most expedient and cost-effective way to provide information to officers regarding recognizing and investigating bias-based crimes and incidents. A video can also be provided to any officers that miss the initial training roll-out and can be revisited should any officer demonstrate they are not recognizing bias-crimes and responding correctly. The Bias Crimes Unit will work with the training unit to create a training video which can be utilized for department-wide training through the city’s Cornerstone training system and at SPD’s specific training of recruits who have completed the state training.

In the interim, Detective Wareing has been teaching the Bias Crimes training block at the Washington Criminal Justice Training Commission to officers in training in conjunction with Assistant United States Attorney Bruce Miyake. This training includes an overview of the law, a discussion of why malicious harassment laws are important, real life examples of bias based crimes, and considerations when investigating bias based incidents.

Additionally, as part of the 5-fold increase in training that officers now receive compared to training in 2013, SPD has developed, in partnership with a variety of community partners, several trainings around biased policing, implicit bias recognition, and most recently a training developed with the Holocaust Center and the ADL of Seattle on lessons from the Holocaust for law enforcement. These trainings are not specific to how to investigate a bias crime, but they do focus on recognizing bias in the community, and in one's self. All SPD officers receive countless hours of training in the laws of the Washington and the municipal code of Seattle. These trainings include the elements of the crime and how to document them for investigation. To suggest that SPD officers only receive basic bias training from the state and post-state training, is to take an extremely narrow view of how to enhance an officer's ability to professionally respond to possible bias incidents.

Conclusion

The Seattle Police Department is dedicated to continuing to provide excellent resources and services to the people of Seattle. The efforts the department has undertaken in the past three years have made us a national leader in preventing, responding to, and analyzing bias-based incidents. Our ability to do this work is grounded in our efforts to excel at community outreach education, and victim support. Our connections with the community we serve are affirmed by their willingness to work with us when they report these incidents, take part in trainings and community discussions, and share their recommendations for improvement.

I look forward to the second phase of this work and the story to be told about the ground we are breaking using data to design and evaluate strategies to respond to these incidents. Again, thank you for your efforts in documenting the great work of the women and men of the Seattle Police Department.

APPENDIX B

Seattle Office for Civil Rights Response



Seattle Office for Civil Rights

Edward B. Murray, Mayor

Patricia Lally, Director

August 14, 2017

To: David G. Jones, City Auditor
Melissa Alderson, Assistant City Auditor
Claudia Gross-Shader, Assistant City Auditor-Research Liaison

From: Patricia Lally, Director, Seattle Office for Civil Rights (SOCR)

Subject: Review of SOCR's response and reporting of hate crimes

Thank you for the opportunity to provide comment on the "Review of Hate Crime Prevention, Response, and Reporting in Seattle – Phase 1 Report." The Seattle Office for Civil Rights is committed to ensuring that communities most impacted by hate crimes and harassment are aware of their rights and options under the law. We appreciate the Auditor's review to ensure that the City adequately addresses and monitors incidents of bias and hate.

SOCR investigates complaints of discriminatory harassment in housing, employment, and public spaces. We also provide community outreach and engagement on these issues. Through an anti-bias hotline, we conduct intake and track calls, including making referrals to community based organizations or to the Seattle Police Department as appropriate.

The City's response to hate crime prevention is critically important and requires careful consideration of issues including lack of trust that many in our community feel with the police and with government as a whole. In 2017, we launched the *Bias Hurts* campaign to increase awareness and education to communities most impacted by bias and hate. To date we have provided five presentations, participated in another five community conversations, and tabled at 11 community events. We have distributed our *Bias Hurts* informational cards at 32 events with a combined estimated attendance of over 4,000 people. We have received positive response from the community regarding our *Bias Hurts* transit ads. We also regularly exchange our materials with the Seattle Police Department.

As we developed our anti-bias campaign, SOCR staff met with SPD and with community groups led by communities of color, immigrant and refugee communities, the LGBTQ community, people with disabilities and others. Many community groups expressed that they would like to be trained as first line responders and to do intake given that they have existing relationships and trust built within their community. SOCR is committed to taking the lead from communities most impacted and ensuring that our responses reflect the concerns and solutions they have put forward.

The Auditor's report lays out two different recommendations related to strengthening SOCR's work. We concur with the recommendations and have provided additional information regarding each below:

Recommendation 7: SPD and SOCR should establish and formally document a protocol for how hate incidents and crimes are handled when they are reported to SOCR.

We concur with Recommendation 7 to develop interdepartmental protocol related to how bias incidents and crimes are handled when they are reported to our office. In January, we met with SPD and in March we met with community groups to share, among other issues, how we address calls that are not under our purview but that rise to the level of a crime. Community groups stressed that many of their constituents did not have a relationship of trust with the police and do not feel comfortable contacting them directly. Some groups said they prefer OCR to refer calls to their organization as they either had capacity, or in some cases, would like to receive support to develop capacity to address and do intake. Our current practice is to screen in those calls we can investigate and then to inform callers that they can contact SPD via 911 if the call is outside our purview. In addition, we provide callers with referrals to other organizations as appropriate. This practice ensures we are being responsive to the diverse needs of communities. We will continue to engage communities most impacted by bias and hate and work with the Seattle Police Department to ensure our practices are set as formal protocol. This protocol will be completed by the end of the fourth quarter of 2017, recognizing that it will continue to be informed by our community engagement efforts over time.

Recommendation 8: SOCR and SPU should explore publishing their hate crime and hate graffiti data online. They should provide a description of the data, including statements about the source and quality. This process should be formally documented and the data should be updated at least biannually. Further, the City should consider creating a single webpage that serves as a portal for SOCR, SPU, and SPD hate crime data.

Providing the community with data on calls received and charges filed, is of paramount importance as it can aid us in strategizing effective ways to proactively address hate and bias as well as identify any emerging trends. Sharing data is a primary goal of the *Bias Hurts* campaign and one we relayed to community stakeholders in March. We concur with Recommendation 8 and will be posting this data on our website biannually and on other City websites as appropriate.

We thank the Auditor for placing attention on the important issue of how the City can best prevent and respond to hate crimes. We concur that documenting our work via interdepartmental protocol and ensuring data is shared at regular intervals is of the utmost importance. We are committed to strengthening our work and thank the Auditor for their efforts and this review.

APPENDIX C

List of Recommendations

1. In the short term, SPD should remove the bias category code “unknown.” Officers should be provided with specific training and guidance on how to select the bias category code by “applying a broad, inclusive definition of bias crime.” SPD should communicate this change and the appropriate coding procedures to all officers.
2. In the longer term, SPD should re-evaluate its procedures for bias code determination when its new records management system is implemented to determine if a different placeholder bias code can be used when police officers are unsure if a crime was motivated by bias, and to allow the selection of multiple bias codes.
3. We recommend that SPD add codes for age, parental status, marital status, and political ideology to the bias categories in their records management system to ensure that their record keeping is consistent with Seattle Municipal Code 12A.06.115.
4. SPD should establish a regular hate crimes training curriculum for officers so that they can appropriately recognize and respond to hate crimes. The training should incorporate the leading practices and research findings mentioned in this report. SPD should also develop a plan to evaluate the training to ensure that it is relevant and effective. Once SPD has developed an appropriate hate crimes training curriculum, the department should establish a policy on how the training will continue to be enhanced and implemented over time, including the frequency in which it is to be delivered and the intended audience.
5. SPD should improve its guidance to officers on how to identify whether an incident might be a hate crime. SPD should consider adding elements in the hate crimes model policy framework recommended by the California Commission on POST to SPD’s Policy Manual. SPD should also consider creating a physical or electronic checklist of hate crime definitions, indicators, and investigation techniques that officers can easily access in the field.
6. SPD should pilot some of the analyses described above including: identifying hate crime “hot spots,” conducting time-of-day analysis, exploring trends in victimization, and exploring linkages to socio-demographic trends. Based on this analysis, SPD should explore the possibility of implementing new hate crime prevention strategies, such as situational crime prevention strategies at hate crime hot spots, and support for frequent victims.
7. SPD and SOCR should establish and formally document a protocol for how hate incidents and crimes are handled when they are reported to SOCR.
8. SOCR and SPU should explore publishing their hate crime and hate graffiti data online. They should provide a description of the data, including statements about the source and quality. This process should be formally documented and the data should be updated at least biannually. Further, the City should consider creating a single webpage that serves as a portal for SOCR, SPU, and SPD hate crime data.
9. City leaders should participate in the discussions convened by the Northwestern Regional Office of the U.S. Department of Justice Community Relations Service to consider a statewide agency or task force to coordinate ongoing hate crime prevention and response efforts.

APPENDIX D

Summary of Leading Practices for Law Enforcement in Hate Crime Prevention, Response, and Reporting

We use the term “leading practice” to mean a process that is considered to be a more effective and efficient way of accomplishing a goal or task.

| Leading Practice | Discussion | Examples |
|--|---|--|
| <p>Participate in Hate Crime Training</p> | <p>Police departments should receive periodic training on how to identify, respond to, and record a hate crime. The International Association of Chiefs of Police identified four types of training that was recommended from their Hate Crime in America Summit:</p> <ul style="list-style-type: none"> • first responders, investigators, and leaders • victim assistance providers • judges and prosecutors • cross-disciplinary training for all those who respond to hate incidents and crimes <p>The California Commission on Peace Officer Standards and Training (POST) describes hate crimes as “a low frequency contact with high-risk consequences for the agency and community,” making refresher training for police officers an important practice. They recommend a hate crime training program be comprehensive and cover many topics, including:</p> <ul style="list-style-type: none"> • Legal definitions • Indicators • Typologies of perpetrators • Agency response procedures • Data collection and reporting requirements <p><i>“Police officers must be trained to recognize potential bias-related incidents, use standard criteria for</i></p> | <p><i>Training Materials:</i></p> <p>National Bias Crimes Training for Law Enforcement and Victim Assistance Professionals, Education Development Center, Massachusetts Criminal Justice Training Council, funded by US Dept. of Justice, Office of Victims of Crime</p> <p>How to Combat Bias and Hate Crimes, Anti-Defamation League</p> <p>Not In Our Town: Light in the Darkness, Not In Our Town, and US Dept. of Justice, Community Policing Services</p> <p>Building Stronger, Safer Communities: A guide for law enforcement and community partners to prevent and respond to hate crimes, Not In Our Town, and US Dept. of Justice, Community Policing Services</p> <p>Hate Crime Data Collection Guidelines and Training Manual, Federal Bureau of Investigation, Law Enforcement Support Section, Crime Statistics Management Unit</p> <p>Hate Crimes Prevention Guide and Toolkit, PFLAG</p> |

| Leading Practice | Discussion | Examples |
|---|---|--|
| | <p><i>determining bias and assessing perpetrator’s intent, interview victims and witnesses, collect and preserve evidence, refer victims to appropriate community agencies, provide information to prosecutors and the courts, and standardize documentation of all hate incidents/crimes.”</i> – International Association of Chiefs of Police, Hate Crime in America Summit</p> <p><i>“Training is an effective means for accomplishing comprehensive hate crime recognition.”</i> – Not In Our Town, and US Dept. of Justice, Community Policing Services, A Prosecutor’s Stand</p> <p><i>“Police are found less likely to participate in reporting if they are not trained properly.”</i> – State of West Virginia Criminal Justice Statistical Analysis Center, Assessing the Validity of Hate Crime Reporting</p> | <p>Responding to Hate Crimes: A Police Officer’s Guide to Investigation and Prevention, International Association of Chiefs of Police</p> <p>Law Enforcement Videos, Not In Our Town</p> <p>A Prosecutor’s Stand: A Guide for Law Enforcement, Not In Our Town, and US Dept. of Justice, Community Policing Services</p> <p>Responding to Hate Crime: A Multidisciplinary Curriculum, National Center for Hate Crime Prevention, and US Dept. of Justice</p> <p>Hate Crime Training: Core Curriculum for Patrol Officers, Detectives & Command Officers, United States Dept. of Justice</p> <p>Anti-Defamation League Training</p> <p>Center for the Prevention of Hate Violence</p> |
| <p>Provide Clear Guidance to Improve Law Enforcement Identification of Hate Crimes</p> | <p>A formally documented hate crime policy detailing how to recognize, respond to, and investigate a hate crime can serve as a resource for patrol officers. A distilled version of this policy formatted in a small pocket guide would be handy for referencing in the field.</p> <p>The California Commission on Peace Officer Standards and Training (POST) recommends a hate crime policy contain information on response, reporting, training, planning, and prevention. POST also recommends a</p> | <p>Model Policy Framework, California Commission on Peace Officer Standards and Training</p> <p>Investigation of Hate Crimes Model Policy, New York State Association of Chiefs of Police</p> <p>Guidance To Law Enforcement Officials And Prosecutors In The Investigation And Prosecution Of Hate Crimes In New York State, State of New York Attorney General</p> |

| Leading Practice | Discussion | Examples |
|--|--|--|
| | <p>checklist for hate crimes to help ensure compliance and officer preparedness.</p> <p><i>“...identifying bias-motivated crimes from unbiased crimes remains a difficult practice for law enforcement officials and even experts in the field.”</i> – State of West Virginia Criminal Justice Statistical Analysis Center, Assessing the Validity of Hate Crime Reporting</p> <p><i>“...classification errors can, and in fact do, impact the statistical accuracy of official hate crime statistics.”</i> – State of West Virginia Criminal Justice Statistical Analysis Center, Assessing the Validity of Hate Crime Reporting</p> <p><i>“...departments should develop a checklist of indicators for hate crimes that can be used by patrol officers to determine whether or not a bias motivated crime has occurred.”</i> – Sam Houston State University Crime Victims’ Institute, CVI Hate Crimes Report</p> | <p>Reporting and Investigating Bias Incidents, Philadelphia Police Department</p> <p>Mandatory Bias/Prejudice Crime Reporting, Portland Police Bureau</p> <p>Hate Crimes Policy, Baltimore Police Department</p> |
| <p>Apply a Broad Definition When Classifying Hate Crimes, and Implement a Two-Step Review Process</p> | <p>Through training and formal policies police officers should be encouraged to report all suspected hate crimes and use a broad definition when initially classifying a hate crime. These cases can then be reviewed by a dedicated hate crimes expert to make the final determination. This two-step review process will help ensure all hate crimes are appropriately classified as such.</p> <p><i>“...the best practice for departments involved training responding officers to apply a broad, inclusive definition of bias crime and identify even suspected bias-motivated</i></p> | |

| Leading Practice | Discussion | Examples |
|---|---|----------|
| | <p><i>crimes.</i>” – Northeastern University Institute for Race and Justice, Organizational Responses to Ambiguity, Uncertainty, and Infrequency in Eight Police Departments</p> <p><i>“...an over-inclusive approach when determining possible bias or prejudice will ensure that hate crimes are not prematurely ruled out at the initial phase.”</i> – Sam Houston State University Crime Victims’ Institute, CVI Hate Crimes Report</p> <p><i>“State courts have interpreted the phrase “because of” to mean that the bias merely contributed to the defendant’s criminal conduct.”</i> – Sam Houston State University Crime Victims’ Institute, CVI Hate Crimes Report</p> | |
| <p>Respond Quickly to Hate Activity, and Investigate Thoroughly and Consistently</p> | <p>Police departments can send a strong message of zero-tolerance and build trust in the community by prioritizing police response to hate crimes. Every incident should be thoroughly investigated.</p> <p><i>“A swift and strong response by law enforcement can help stabilize and calm the community as well as aid in a victim’s recovery.”</i> – International Association of Chiefs of Police, Responding to Hate Crimes: A Police Officer’s Guide to Investigation and Prevention</p> <p><i>“To have the best chance at deterring hate crimes, there must be a rapid response to the earliest hate activity...”</i> – Los Angeles County Task Force on Hate Crime Outreach and Response, Best Practice Recommendations for Law Enforcement Agencies</p> | |

| Leading Practice | Discussion | Examples |
|---|---|--|
| | <p><i>“We found that conducting a full investigation of all potential bias crime incidents was the most promising practice for accurately classifying bias crimes...”</i> – Northeastern University Institute for Race and Justice, Organizational Responses to Ambiguity, Uncertainty, and Infrequency in Eight Police Departments</p> <p><i>“To solve problems with missing and misperceived information, designated bias reviewers should gather their own information by interviewing victims, witnesses, and offenders and by employing other investigation techniques.”</i> – Northeastern University Institute for Race and Justice, Organizational Responses to Ambiguity, Uncertainty, and Infrequency in Eight Police Departments</p> | |
| <p>Set Target Outcomes and Performance Measures to Improve Prevention Strategies</p> | <p>Identifying specific goals related to hate crimes and tracking the progress toward achieving them can help inform police departments and the public when strategies are successful or need to be reexamined.</p> <p><i>“Clearly define expected outcomes of hate crime prevention and response efforts.”</i> – International Association of Chiefs of Police, Hate Crime in America Summit</p> <p><i>“Document the positive outcomes of hate crime prevention and response strategies.”</i> – International Association of Chiefs of Police, Responding to Hate Crimes: A Police Officer’s Guide to Investigation and Prevention</p> | <p>The International Association of Chiefs of Police suggests the following positive outcomes of a hate crime prevention program:</p> <ul style="list-style-type: none"> • reducing the incidence of hate crime • changes in attitudes of children or community members who participate in hate crime prevention training • improved conflict resolution skills • increased victim satisfaction • enhanced perceptions of safety and well-being • reduced recidivism rates • positive changes in the behavior or attitudes of offenders |

| Leading Practice | Discussion | Examples |
|--|---|---|
| | <p><i>“Conduct an annual assessment of the agency hate crimes policy and its ongoing implementation.” – California Commission on Peace Officer Standards and Training, Hate Crime Policy Guidelines</i></p> <p><i>“Share quantitative and qualitative information about the elements of successful prevention and response programs.” – International Association of Chiefs of Police, Hate Crime in America Summit</i></p> | |
| <p>Use Data and Technology to Inform Prevention Efforts</p> | <p>Hate crime data can and should be used to make data-driven decisions. The U.S. Department of Justice recommends in their Problem Oriented Policing Hate Crimes report that “technology could be used to map...the changing demographics of both perpetrator and victim groups” and that “documenting this activity should inform police resource allocation.”</p> <p><i>“...agencies need technology and information to provide necessary information, communication, and data for all problem solving efforts.” – Not In Our Town, and U.S. Department. of Justice, Community Policing Services, Building Stronger, Safer Communities: A guide for law enforcement and community partners to prevent and respond to hate crimes</i></p> | <p>Proactively address the underlying conditions that led to the crime by applying the SARA model (scanning, analysis, response, assessment), as described in Building Stronger, Safer Communities: A guide for law enforcement and community partners to prevent and respond to hate crimes.</p> |
| <p>Collaborate with Community Organizations</p> | <p>Partnering with community groups can improve law enforcement response to hate crimes. As noted in the Hate Crimes report by the U.S. Department of Justice, “Law-enforcement responses alone are seldom effective in reducing or solving the problem.”</p> | <p>Portland United Against Hate</p> <p>Olympia Unity in the Community</p> |

| Leading Practice | Discussion | Examples |
|--|--|--|
| | <p><i>“Because hate crimes grow out of a social climate that breeds or abides intolerance, the real key to preventing hate crime lies now only with law enforcement but also with the larger community.”</i> – Not In Our Town, and US Dept. of Justice, Community Policing Services, A Prosecutor’s Stand</p> <p><i>“Collaboration with the community provides agencies with the ability to enlist support to help law enforcement obtain witness and victim cooperation, as well as to gain assistance from the community in the prevention, investigation, arrest, and prosecution of hate crimes.”</i> – California Commission on Peace Officer Standards and Training, Hate Crime Policy Guidelines</p> <p><i>“Law enforcement agencies, schools and colleges, medical professionals, and community organizations should collaboratively develop and issue standard operation procedures (SOPs) and memoranda of understanding (MOUs) that detail how and to whom individuals should report hate incidents and crimes.”</i> – International Association of Chiefs of Police, Hate Crime in America Summit</p> | <p>Philadelphia Civil Rights Rapid Response Team, Philadelphia Commission on Human Relations</p> <p>Los Angeles County Human Relations Commission, Network Against Hate Crimes</p> |
| <p>Establish a Regional Approach for Coordinating and Reporting</p> | <p>Forming a regional hate crimes task force can be beneficial for sharing information and resources. The nonprofit Not In Our Town states this is because “many hate groups operate across county and state borders as well as in and around prisons.” Not In Our Town provides online resources to assist organizations in creating a</p> | <p>Community Responders Network, serving central Pennsylvania</p> <p>Pennsylvania Human Relations Commission</p> <p>Oregon Coalition Against Hate Crime</p> |

| Leading Practice | Discussion | Examples |
|------------------|--|--|
| | <p>community group to address hate and “build safe, inclusive environments for all.”</p> <p>The Washington Association of Sheriffs and Police Chiefs annual Crime in Washington report includes a few pages focused on hate crime statistics. Many other states (see examples on the right) provide more detailed hate crime data and summary information to inform the public on hate crimes statewide.</p> <p><i>“Coordinate cooperative efforts among area law enforcement agencies to share information and training, and to develop strategies to prevent hate crime activity.”</i> – California Commission on Peace Officer Standards and Training, Hate Crime Policy Guidelines</p> <p><i>“...establish multi-agency and multi-jurisdictional task forces to enlist the cooperation of local, state and federal law enforcement, prosecutors and advocacy as well as support groups.”</i> – Sam Houston State University Crime Victims’ Institute, CVI Hate Crimes Report</p> | <p>Michigan Alliance Against Hate Crimes</p> <p>California Association of Human Relations Organizations</p> <p>Tri-State Human Relations Coalition, serving Pennsylvania, New Jersey, and Delaware</p> <p>Maryland Commission on Civil Rights</p> <p><i>Statewide Reporting:</i></p> <p>California Dept. of Justice, Office of the Attorney General annual report</p> <p>Maryland Coordination and Analysis Center annual report</p> <p>Massachusetts Executive Office of Public Safety and Security annual report</p> <p>New York State Division of Criminal Justice Services annual report</p> <p><i>Statewide Hotlines:</i></p> <p>Maryland Attorney General hotline</p> <p>Massachusetts Attorney General hotline</p> <p>New York State Division of Human Rights hotline</p> |

APPENDIX E

SPD Bias Category Codes

None (no bias)
Anti-American Indian / Alaskan Native
Anti-Arab
Anti-Asian
Anti-Atheist / Agnostic / Etc.
Anti-Bisexual
Anti-Black
Anti-Buddhist
Anti-Catholic
Anti-Eastern Orthodox (Greek, Russian, Other)
Anti-Female Homosexual (Lesbian)
Anti-Gender Non-Conforming
Anti-Gender, Female
Anti-Gender, Male
Anti-Heterosexual
Anti-Hindu
Anti-Hispanic
Anti-Homeless
Anti-Homosexual (Gay and Lesbian)
Anti-Islamic
Anti-Jehovah's Witness
Anti-Jewish
Anti-Male Homosexual (Gay)
Anti-Mental Disability
Anti-Mormon
Anti-Multi-Racial Group
Anti-Multi-Religion Group
Anti-Native Hawaiian / Other Pacific Islander
Anti-Other Christian
Anti-Other Race / Ethnicity / Ancestry
Anti-Other Religion
Anti-Physical Disability
Anti-Protestant
Anti-Sensory Disability
Anti-Sikh
Anti-Transgender
Anti-White
Unknown

APPENDIX F

SPD's Malicious Harassment Policy

15.120 - Malicious Harassment, Crimes with Bias Elements, and Non-Criminal Incidents

Effective Date: 07/01/17

15.120 - POL

This policy pertains to the Department's response to cases of malicious harassment and other incidents involving bias.

1. Definitions

Malicious harassment: Per RCW 9A.36.080 and SMC 12A.06.115, a person is guilty of malicious harassment if, because of his or her perception of another person's

- race, color, religion, ancestry, national origin, gender, sexual orientation, or mental, physical, or sensory handicap (felony)
- homelessness, marital status, political ideology, age, or parental status (misdemeanor), he or she maliciously and intentionally commits at least one of the following acts:
 - causes physical injury to another person,
 - by threat, places another person in reasonable fear of harm to his or her person or property or to the person or property of a third person, or
 - causes physical damage to or destruction of the property of another person.

Crime with bias elements: An event in which a crime is committed that is not bias-based and during the incident the suspect uses derogatory language directed at the victim's protected status or group.

Bias incident: Offensive derogatory comments directed at a person's sexual orientation, race, or other protected status which cause fear and/or concern in the targeted community during a non-criminal incident.

Sexual orientation: Heterosexuality, homosexuality, bisexuality and gender identity.

2. A Sergeant will be Dispatched to the Scene of a Malicious Harassment Incident Along with the Patrol Officers

See 15.120-TSK-1 Responsibilities of the Patrol Sergeant When Responding to a Malicious Harassment Incident

The sergeant will make sure that the officers conduct a thorough investigation at the scene of the incident, with special emphasis placed on preserving physical evidence.

- a. The On-Scene Sergeant will Notify an On-Duty Watch Lieutenant

The notified lieutenant will evaluate the need to notify those higher in command and/or the Public Affairs Unit.

b. The On-Scene Sergeant will Confer with the On-Duty Homicide Sergeant if Necessary

If clarification is needed as to if the incident meets the elements of malicious harassment, the on-scene sergeant will consult with the on-duty homicide sergeant.

3. Cases of Malicious Harassment and Bias Incidents Shall be Documented on a General Offense Report

The offense of malicious harassment and any and all auxiliary offenses shall be listed. The type of bias shall be indicated in the bias field of the GO report.

- For bias incidents not meeting the criteria of malicious harassment (crime with bias elements, bias incidents), the routing offense of "bias crimes routing" shall be used.

4. Cases will be Assigned for Follow-Up Investigation According to the Criminal Investigations Case Assignment Matrix

5. Bias Crimes Coordinator Shall Review all General Offense Reports

15.120–TSK–1 Responsibilities of the Patrol Sergeant When Responding to a Malicious Harassment Incident

The patrol sergeant:

1. Responds to the scene, as dispatched.
2. Directs officers to conduct a thorough investigation.
3. Notifies an on-duty watch lieutenant.
4. Instructs investigating officers to write a General Offense Report.
 - Follow-up investigation of malicious harassment cases is typically assigned to the Homicide Unit.
 - The Precinct Detective Units will investigate malicious harassment incidents that involve only property damage and malicious harassment threats/assaults by juvenile suspects.
5. Reviews report to make sure that the incident is properly documented and routed.
6. Sends a VMail titled "Alert Packet" with the GO number to the following:
 - Captain, Violent Crimes Section
 - Bias Crimes Coordinator
 - Homicide Detective Unit or Precinct Detective Unit, as appropriate
 - Public Affairs Unit
 - Records Transcription Handle

APPENDIX G

SPD Hate Crime Handout

AMHARIC

- If you are threatened with injury or property damage, or have been injured, or your property has been damaged,
- And you believe you were targeted because of your race, color, religion, ancestry, national origin, sexual orientation, mental, physical, or sensory handicap, homelessness, marital status, age, parental status, gender or political ideology,
- You may be the victim of a bias or hate crime, also known as Malicious Harassment (Washington State Law RCW 9A.36.080 or Seattle City Law SMC 12A.06.115).
- Dial 911 as soon as possible.
- Answer the dispatcher's questions as well as you can.
- If you need language assistance, say the name of your language at the beginning of your call and the dispatcher will connect you with an interpreter.
- When you speak with the police officer, be specific about what was said and done.
- Point out witnesses if they are present.
- Seattle Police officers will not ask you your immigration status, or report anything about your status to the Federal Government if you are the victim of or a witness to a crime.
- In some cases, you may be eligible to apply for a visa to assist in a court case in which you are a victim.
- You may contact the Bias Crimes Detective at (206) 684-5621 if you have questions.
- You may obtain a copy of your police report by calling (206) 684-5454, or in person at:
- በጉዳት ወይም በደብዳቤ ብልሽት የሚሰጉ ከሆኑ ተጎድተው የሚያውቁ ከሆነ ወይም ደብዳቤ ተባብሾት ከሆኑ:
- እናም ኢላማ ውስጥ የገቡት በዘርዎ፣ በቀለምዎ፣ በሃይማኖትዎ፣ በትውልድዎ፣ በመነሻ ሃገርዎ፣ በጾታዎ ሽንባሌ፣ የአእምሮ፣ የሰውነት ወይም የሰሜን ስንኩልነት፣ በቤት አልባነት፣ በትዳር ሁኔታ፣ እድሜ፣ የቤተሰብ ሁኔታ፣ ጾታ ወይም የፖለቲካ አስተሳሰብ ምክንያት ነው ብለው ካመኑ:
- የአድልዎ ወይም የጥላቻ ወንጀል ሰለባ ሊሆኑ ይችላሉ ይህም Malicious Harassment (ተንኮል አዘል ትንኮሳ) የሚባለው ነው (Washington State Law (የዋሽንግተን ግዛት ሕግ) RCW 9A.36.080 ወይም Seattle City Law SMC 12A.06.115)::
- 911 ወዲያውኑ ይደውሉ::
- ስልክ የሚያነሳውን ሰው ጥያቄ በደንብ ይመልሱ::
- የቋንቋ እርዳታ የሚፈልጉ ከሆነ ቋንቋዎን መጀመሪያ ይናገሩ እናም ከአስተርጓሚ ጋር ወዲያው ያገናኝዎታል::
- ከፖሊስ ጋር ሲነጋገሩ ምን እንደተባለ እና ምን እንደተደረገ በደንብ ይግለጹ::
- ምስክሮች ካሉ ይጠቁሙ::
- የፖሊስ መኮንኖች የፍልሰት ሁኔታዎን አይጠይቁም ወይም የወንጀል ሰለባ ወይም ምስክር ከሆኑ ስለሁኔታዎ ለፌደራል መንግስት አያመለክቱም::
- በአንዳንድ ሁኔታዎች፣ ተጠቂ በሆነበት ሁኔታ የፍርድ ቤት ጉዳይን እንዲያግዙ ቪዛ እንዲያገኙ ማመልከት ሊፈቀድልዎት ይችላል::
- ጥያቄዎች ካለዎት Bias Crimes Detective ን በ (206) 684-5621 ማግኘት ይችላሉ::
- ለፖሊስ ያቀረቡትን ሪፖርት ማግኘት ከፈለጉ በ (206) 684-5454 ይደውሉ ወይም በአካል ወደዚህ ይምጡ:

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APPENDIX H

References

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APPENDIX I

Seattle Office of City Auditor Mission, Background, and Quality Assurance

Our Mission:

To help the City of Seattle achieve honest, efficient management and full accountability throughout City government. We serve the public interest by providing the City Council, Mayor and City department heads with accurate information, unbiased analysis, and objective recommendations on how best to use public resources in support of the well-being of Seattle residents.

Background:

Seattle voters established our office by a 1991 amendment to the City Charter. The office is an independent department within the legislative branch of City government. The City Auditor reports to the City Council, and has a four-year term to ensure her/his independence in deciding what work the office should perform and reporting the results of this work. The Office of City Auditor conducts performance audits and non-audit projects covering City of Seattle programs, departments, grantees, and contracts. The City Auditor's goal is to ensure that the City of Seattle is run as effectively, efficiently, and equitably as possible in compliance with applicable laws and regulations.

How We Ensure Quality:

The office's work is performed in accordance with the Government Auditing Standards issued by the Comptroller General of the United States. These standards provide guidelines for audit planning, fieldwork, quality control systems, staff training, and reporting of results. In addition, the standards require that external auditors periodically review our office's policies, procedures, and activities to ensure that we adhere to these professional standards.

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