



REPORT HIGHLIGHTS

OFFICE OF CITY AUDITOR – SEATTLE

August 4, 2008

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

Why We Did This Study

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

Background

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

What We Found

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

Recommendations

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

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

How We Did Our Work

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

Table: City Could Improve Internal Controls for Bias Crime Enforcement

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

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

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

Office of City Auditor

Seattle's Enforcement of Bias Crimes
August 4, 2008



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 Mayor, the City Council, 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 the citizens of Seattle.

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City of Seattle Office of City Auditor

Susan Cohen, City Auditor



August 4, 2008

The Honorable Greg Nickels
Seattle City Councilmembers
City of Seattle
Seattle, Washington 98104-1876

Dear Mayor Nickels and City Councilmembers:

Attached is our report on Seattle's Bias Crimes Enforcement. At the request of City Councilmembers Sally Clark, Nick Licata, and Tom Rasmussen the Office of City Auditor reviewed the City's enforcement of bias crimes laws to determine whether:

- SPD has effective systems/policies/procedures for dealing with bias crimes;
- SPD employees follow the established procedures in addressing bias crimes;
- SPD is categorizing bias crimes and bias incidents in accordance with applicable policies and procedures;
- SPD is providing enough bias crime/incident data to the public;
- SPD is doing all it can to ensure bias crimes are effectively prosecuted;
- There is a large number of unreported bias incidents and crimes;
- Other City and private programs are contributing to bias crime reduction and ameliorization; and
- Improvements can be made in any parts of the City's systems for addressing bias crimes

We found overall, that Seattle has effective processes in place to identify and respond to bias crimes. However, we recommend in this report that Seattle identify and issue reports on non-criminal bias incidents as well as bias crimes, provide leadership and coordination to support efforts by multiple City agencies and community organizations aimed at preventing and responding to bias crimes and incidents, expand victim support services, and increase the frequency of bias crime and incident training for SPD personnel.

The Seattle Police Department (SPD) and the Seattle Office of Civil Rights provided comments on drafts of this report. We have incorporated many of these comments into this final report. We appreciate the assistance provided throughout the audit process from the Seattle Police Department's Homicide and Violent Crimes Unit and other SPD employees, the Seattle Office for

Civil Rights, members of Seattle's Sexual Minorities Commission and Human Rights Commission, the office of the King County Prosecutor, and several victims of bias crimes who spoke with us. Each provided us with valuable information and insights into Seattle's efforts to educate the public about bias crimes and respond aggressively to such crimes when they occur.

If you have any questions or comments about this report, please call Mary Denzel, the Auditor in Charge of this project, at (206) 684-8158, or me at (206) 233-1093.

Sincerely,

A handwritten signature in cursive script that reads "Susan Cohen".

Susan Cohen
City Auditor

Enclosure

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I. INTRODUCTION

The Importance of Bias Crime Enforcement and the Protection of Free Speech

Seattle police identified a total of 79 bias crimes for 2006 and 2007, although gaps in data suggest that the number could be higher. Bias crimes¹ are criminal acts including assault, threat of bodily harm, or property damage committed against a person because of his or her real or perceived characteristics such as race, religion, national origin or sexual orientation.² While the number of bias crimes is low relative to crime in general, law enforcement agencies in the U.S. give special attention to bias crimes because: 1) a single bias crime victimizes every member of the targeted group, and 2) these crimes can create waves of retaliation and escalate tensions within our diverse society.



Individuals can express their hatred in many ways without committing a crime because the U.S. Constitution protects free speech. Such acts are termed “bias incidents.” Bias incidents are non-criminal acts or behaviors that are motivated by bias or prejudice because of a victim’s real or perceived characteristics. Examples of bias incidents include name-calling, distribution of bias material in public places, and the display of offensive bias-motivated material on one’s own property. If the City and its citizens are informed about bias incidents, they can intervene with targeted publicity and education that supports the City’s values and works to prevent the escalation of bias incidents into bias crimes. Currently, Seattle does not track bias incidents.

Understanding the difference between bias crimes and bias incidents is important. Bias incidents cannot be prosecuted, whereas the enforcement of bias crime laws requires special training and careful handling by law enforcement officials at every level from the initial police response through investigation and prosecution.

¹ We use several commonly-recognized terms for this category of crime interchangeably in this report: hate crime, bias crime, and malicious harassment (which is the term used in Washington State and Seattle laws).

² See Appendix IV for the protected categories listed in the laws of the federal government, Washington State and City of Seattle.

A message from the Chicago Superintendent of Police: We are sometimes asked why the Department highlights a crime of modest frequency like hate crime. In 2006, for example, there were 80 reported hate crimes in Chicago ... There are other crimes which number in the thousands each year, but in most cases we don't publish a special report about them. The Chicago Police Department finds all crime intolerable, but there is something especially troublesome about hate crime. Even when there is only one nominal victim of hate crime, the real victim is an entire community. It is everyone of the same race, ethnicity, religion, or sexual orientation as the person who is assaulted, or the individual whose property is vandalized. Each victim represents thousands. Nothing offends the core values of our society as much as the intolerance which underlies hate crime.

Source: The City of Chicago's 2006 Annual Hate Crimes Report

Background

In April 2006, Ken Molsberry³ published *Bias Crimes and Incidents in Seattle 2000 to 2005* (Molsberry report). The Molsberry report, summarizing six years of Seattle Police Department (SPD) incident reports, showed that bias crimes occur in every Seattle neighborhood. To improve Seattle's response to bias crimes, Molsberry's report recommended that the City of Seattle:

1. Post signs/advertise against bias crimes and incidents;
2. Create a non-government, centralized reporting agency for bias crimes;
3. Audit SPD's records of bias crimes biennially;
4. Report to the public more comprehensively on the issue;
5. Increase SPD staff time devoted to bias attacks;
6. Provide the public with access to the SPD Bias Crimes Coordinator;
7. Create a clear, written protocol regarding the categorization and follow-up on reported bias attacks;
8. Direct the Seattle Commission for Sexual Minorities, the Human Rights Commission, and the Seattle Office for Civil Rights (SOCR) to educate the public about bias crimes and to discourage acts of bias; and
9. Require training of City staff to understand and combat bias crimes and incidents.

In response to Molsberry's report, City Councilmembers Clark, Licata, and Rasmussen asked the City Auditor to conduct an audit of the City's enforcement of and response to bias crimes and incidents. This report contains the results of the audit. Our work reinforces some of Molsberry's recommendations, particularly those suggesting the City of Seattle support educational efforts to combat bias crimes and incidents, create regular reports of bias crimes and incidents occurring in the city, and use the Seattle Office of

³ Ken Molsberry is a Seattle resident who studied the prevalence of bias crimes in Seattle after hearing about a particularly violent attack on a man, in a generally-quiet neighborhood of the city, by several men who perceived that the victim was gay. Molsberry says in his report: "The purpose of this study...is to dispel the misconception that there is any neighborhood in Seattle in which bias attacks are not a problem."

Civil Rights, the Sexual Minorities Commission, and the Human Rights Commission to do more public outreach and education.

Objectives, Scope and Methodology

The objective of this audit was to identify ways the City could improve how it handles bias crimes and incidents. Specifically, this audit addressed whether:

- SPD is identifying and categorizing bias crimes and bias incidents in accordance with policies and procedures and/or industry best practices;
- SPD is collecting and utilizing bias crime/incident data for planning and prevention purposes and sharing it with the public;
- SPD has effective systems/policies/procedure to address bias crimes and incidents;
- SPD and other City agencies are working to ensure bias crimes are effectively prosecuted;
- SPD's practices to address bias crimes and incidents conform to standards established by three organizations:
 1. The Commission on Accreditation for Law Enforcement Agencies (CALEA), which establishes standards for accrediting police departments;
 2. The Committee of Sponsoring Organization of the Treadwell Commission (COSO), which establishes standards for best management practices; and
 3. The California Association of Human Relations Organizations (CAHRO), which established best practices for responding to bias crimes.

The scope of our review focused on bias crime enforcement from January 1, 2006 through the December 31, 2007. Our methodology included the following:

- Conducted a phone survey of 16 jurisdictions from nine different states to identify practices that Seattle might adopt to improve its enforcement of bias crimes (See Appendix III);
- Analyzed SPD incident reports identified as bias incidents dated between January 2006 and March 2008;
- Reviewed detective reports for 21 cases from 2006 and 2007 identified as bias incidents and assigned to detectives for investigation;
- Reviewed the results of prosecuted bias crimes for the 25 cases that were prosecuted out of the 79 incident reports received between January 2006 and December 31, 2007;
- Interviewed numerous stakeholders including two assistant chiefs, a captain, a lieutenant, three detectives, a detective sergeant, a prosecutor, several citizen activists, several police officers including liaisons to communities that are frequent targets of bias crimes, two SPD victim advocates, SOCR staff, City Commission members, and four victims of bias crime cases that were prosecuted;
- Evaluated Seattle's practices related to bias crime enforcement against national police standards established by the Commission on Accreditation for Law Enforcement Agencies (CALEA), nationally recognized internal controls standards established by the Committee of Sponsoring Organizations of the Treadwell

Commission (COSO),⁴ and the California Association of Human Relations Organizations (CAHRO) standards;

- Reviewed SPD policies and procedures;
- Reviewed the structure of bias crime laws at the state and local level; and
- Conducted a web-based survey that invited victims of bias crimes and incidents to report their experiences in 2006, 2007, and January through June 2008, potentially allowing us to gauge the degree of underreporting of bias crimes and incidents and other demographic information.

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.

II. BIAS CRIMES IN SEATTLE

Summary of 2006 and 2007 Statistics

We conducted a review of SPD incident report data for 2006 and 2007 to compile information similar to that reported in the Molsberry report for 2000 through 2005. We found:

- On average bias crimes are down, but this could be misleading because of gaps in the data collected by SPD;
- Bias crimes occurred in all neighborhoods but two – Magnolia/Interbay and Northgate/Haller Lake.
- Most bias crimes are targeted towards Blacks and people perceived as homosexual.

The map on the next page – Hate Crimes by Census Tract 2006-2007 - shows the approximate location of the 79 police patrol officer reports in the Bias Crimes Database for 2006 and 2007.

⁴ The Committee of Sponsoring Organizations of the Treadwell Commission was formed after the savings and loan scandal of the 1980's to identify causes of the crisis and create standards that would help avoid a repeat. These are called the COSO standards, and cover five major areas of internal control: The control environment, especially "tone at the top"; risk assessment; control activities; information and communications; and monitoring. The COSO standards are widely regarded as best management practices.

Hate Crimes by Census Tract 2006 - 2007

 City of Seattle

Source: SPD Crime Statistics



Hate Crimes

- 2006
- 2007

Note: Combined points are displayed as combined points within Census Tract.

Shoreline

Census Tract Boundaries 2000

- Tract Id.

Waterbodies

City of Seattle

Land outside of City Limits

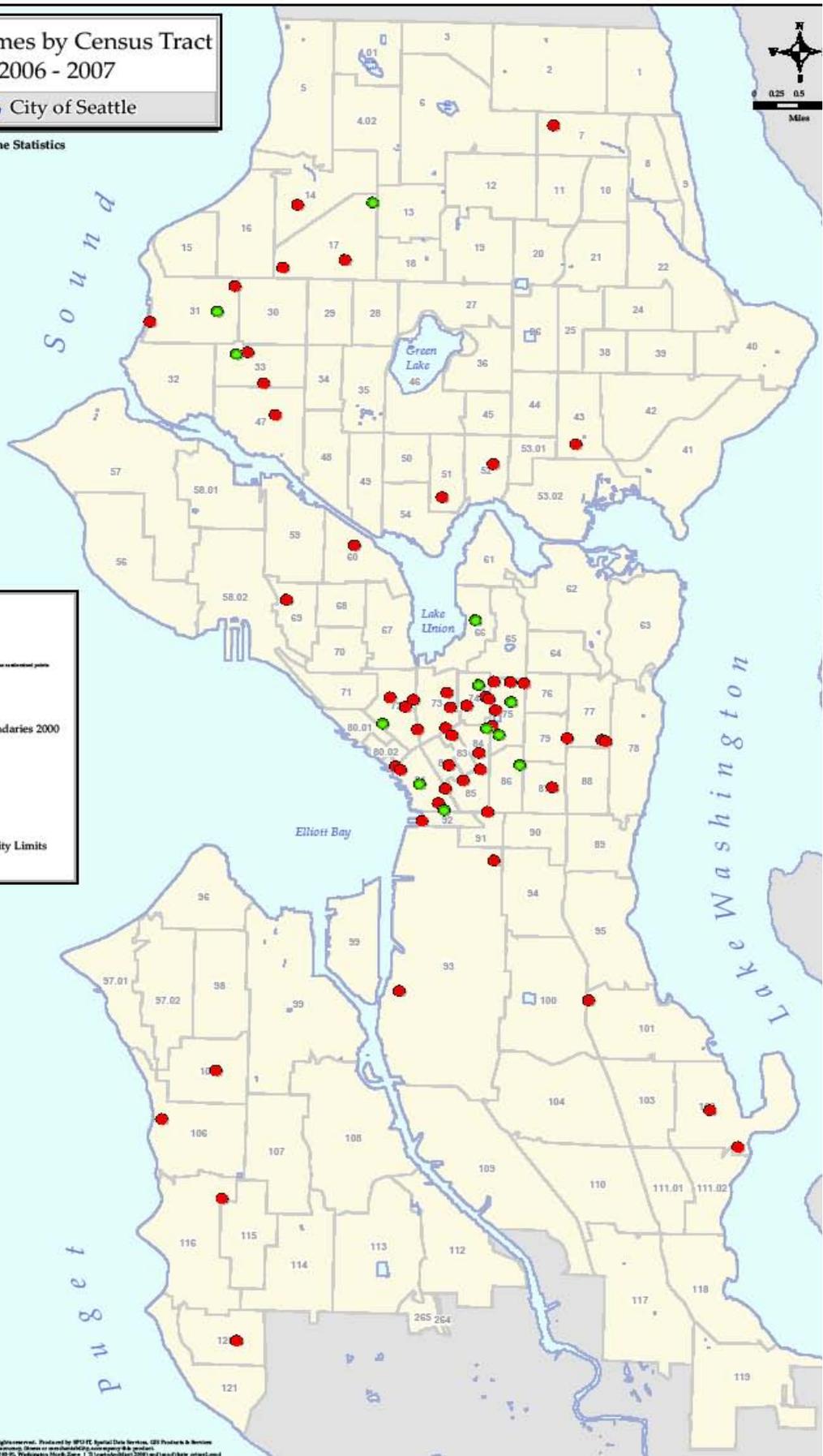


Table 1 shows the number of bias-related police incident reports (hereafter called patrol officer reports) for 2000 to 2007, categorized by the type of bias. See Appendix I for more detailed information about bias crimes and incidents reported in 2006 and 2007.

Table 1. Bias-Related Police Reports by Category by Year, 2000 – 2007

Data Source	Year	Race	Sexual Orientation	Religion	National Origin	Political Ideology	Gender Identity	Other	Total for year
Molsberry Report Data	2000	24	14	11	5	2			56
	2001	28	18	21	21	3	1		92
	2002	18	26	8	10				62
	2003	17	24	5	12	1		2	61
	2004	23	19	5	7	6		4	64
	2005	32	18	8	2			8	68
City Auditor Data	2006	12	7	6	1			1	27
	2007	27	16	2	3		4		52

Source: *Bias Crimes and Incidents in Seattle 2000 to 2005* by Ken Molsberry and Office of City Auditor analysis of SPD Bias Crimes Database data

SPD Could Improve Its Bias Crime Data Collection. We found that the bias crime data SPD provided us for 2006 and 2007 was incomplete, particularly for 2006. The SPD Policies and Procedures Manual, Section 3.097- Malicious Harassment, states the standards for the department’s response to patrol officer reports with a bias element. Specifically, all patrol officer reports with a bias element are to be forwarded to the Bias Crimes Coordinator, and the Bias Crimes Coordinator is responsible for reviewing all case reports identified as bias crimes or as malicious harassment, maintaining detailed data on all incidents, and retaining copies of all reports.

We requested all patrol officer reports from the Bias Crimes Database for 2006 and 2007. SPD provided us a total of 79 reports, 27 from 2006 and 52 from 2007. For 2006, we found a four and one-half month (July 2, 2006 to November 13, 2006) gap during which there were no reports in the Bias Crime Database. All the other months we reviewed in the 24 months of reports had one or several patrol officer reports. Table 1 above compares these numbers to those SPD provided to Ken Molsberry for 2000 through 2005. The year 2006 has only half the patrol officer reports of the next-smallest year, 2007. Assuming the spike of events in the “national origin” and “religion” categories in 2001, 2002 and 2003 was a reaction to the 9/11/2001 terrorist attack, 2007 is the next-lowest year among those shown here, but it is not as grossly out of scale as 2006.

To investigate the reason for the low numbers in 2006, we found evidence of patrol officer reports that were flagged as bias crimes but not forwarded to the Bias Crimes Coordinator for recording in the Bias Crimes Database. An official at the East Precinct mentioned keeping private files of bias case reports from that precinct. The official

provided six patrol officer reports that had bias elements (only two marked as bias crimes) from the four and one-half month time period for which the Bias Crimes Database showed no cases. These patrol officer reports were not entered into the Bias Crime Database. This supports our finding that the standards for tracking patrol officer reports with bias elements were not consistently applied for the time period we reviewed, and the Bias Crimes Database did not include all bias crimes that occurred during that time. Therefore, it is not possible for us to accurately determine the amount of missing data as the total number of annual cases is in the hundreds of thousands.

Recommendation 1: SPD should improve its system for flagging bias crimes and routing the reports to the Bias Crimes Coordinator for statistical recording and reporting.

Results of hate crime survey

We created a web-based survey instrument to attempt to gauge whether there were many victims of bias crimes and incidents who didn't report their experience to the Seattle police. We sent invitations to distribute the electronic link of the survey to more than 60 organizations associated with the categories protected in the Washington State and Seattle laws (race, color, ethnicity, national origin, ancestry, sexual orientation, gender identity, religion, homelessness, marital status, political affiliation, and handicap). We also contacted the media. We provided the survey in Spanish, offered to translate the survey in many languages, and produced hard/paper copy versions of the survey. We launched the survey on May 29, 2008. As of July 29, 2008 only six people had responded to the survey, although the English and Spanish versions of the survey received over 400 hits. Consequently there was no useful information we were able to obtain from this method.

III. IS SPD IDENTIFYING AND CATEGORIZING BIAS CRIMES AND BIAS INCIDENTS IN ACCORDANCE WITH POLICIES, PROCEDURES AND BEST PRACTICES?

In order to determine whether SPD is identifying and categorizing bias crimes and bias incidents in accordance with policies, procedures and best practices we examined how SPD learns about bias crimes, the data SPD collects on bias crimes, and the systems it uses to ensure bias crimes and incidents are properly identified and categorized. We investigated best practices established by standard-setting agencies and successful practices used by the 16 jurisdictions we contacted.

Best Practice: Make multiple avenues available for reporting bias crimes and incidents to authorities

Officials in some of the jurisdictions we contacted said it was difficult for them to learn about bias crimes and incidents occurring in their communities. They shared accounts of victims' reluctance to report bias crimes for reasons such as apprehension about encounters with police departments based on historical relationships, cultural perceptions or language barriers, fears of being "outed" as homosexual, or fears that reporting the bias crime could mean continued dealings with the aggressor. Consequently, some police departments have addressed these issues by:

- Working closely with their jurisdiction's human rights organizations and community groups to encourage victims of bias crimes to report those crimes directly to the police;
- Providing websites that have frequently asked questions (FAQ) pages with information on how to report a bias crime; and
- Supporting websites that allow anonymous reporting.

There are three primary ways that jurisdictions learn about bias crimes:

1. Reports directly to police departments through 911, non-emergency police phone numbers, and direct contact with police personnel.
2. Reports to other government agencies such as human or civil rights units within government, prosecutors, or government-sponsored reporting systems (e.g., hot-lines, e-mail, websites).
3. Reporting through non-government agencies such as commissions or community groups through hot-lines, e-mail, or websites.

Table 2 summarizes the methods used by the jurisdictions that provided us with the most complete information.

Table 2: How Jurisdictions Learn About Bias Crimes

Jurisdictions	Police Reports	Other Government Entity (non-emergency number, on-line system, prosecutor)	Non-government Entities (Community-based hotline, on-line reporting site)
<i>Seattle</i>	X	X	X
Chicago	X		X
Los Angeles County	X		
Long Beach	X	X	X
New York	X	X	X
Portland	X		X
Sacramento	X	X	
San Diego	X	X	
San Francisco	X		X
San Jose	X		

Source: Office of City Auditor analysis of interviews with these jurisdictions

Reports Made Directly to Police Departments. All of the cities we contacted indicated that they learn of hate/bias crimes and incidents mostly through reports made directly to the police department, generally by calling 911 or making contact with a patrol officer. San Francisco indicated that 911 dispatchers receive hate crime training to help them identify hate crimes and are able to flag hate crimes if the caller reports this aspect of a crime. However, our review of three months in 2006 of Seattle’s 911 transcripts showed callers rarely identify this aspect of a crime when talking to a dispatcher. Some jurisdictions ask callers to call 911, 311, or the police department’s non-emergency number to report hate crimes. Some cities with dedicated Hate Crime Units receive direct calls about hate crimes. Seattle prefers that people call 911 to report hate crimes and does not publicize the direct phone number of the Bias Crimes Coordinator.

Seattle learns about hate crimes primarily from police reports created by patrol officers who are dispatched in response to a 911 call. Prior to January 2008, officers completed a two-page Incident Report Form. On the upper part of the front page the officer had the option of marking a box next to “bias crime.” The Seattle Police Department’s Policies and Procedures require that any incident report marked as a bias crime be handled in a priority manner and specify the special procedures to be followed.

Reports through Other Government Agencies (Not Police). Several cities learn about hate/bias crimes through means other than 911 or patrol officer reports, such as civil rights offices, central customer service offices, email, the Prosecutor or District Attorney, and on-line reporting websites operated by non-police entities within the jurisdiction.

- At the City of Long Beach, the civilian Human Dignity Officer (not a police department position) receives some direct calls about bias crimes, although the Human Dignity Officer encourages callers to report the bias crime directly to the police department.

- Some jurisdictions indicated that they learn about bias crimes through sources such as the Mayor’s Office or their human/civil rights commission. In Seattle, citizens reporting bias crimes sometimes call the Seattle Office for Civil Rights, the Citizens Services Bureau, and the City’s Commissions on Sexual Minorities and Human Rights. These agencies encourage victims to report bias crimes directly to the Seattle Police Department.
- In Seattle, the City’s main website links viewers inquiring about bias crimes (through the “City Services” alphabetical listing) to several bias crimes web pages. One of these is a document that asks individuals to report bias crimes to 911 for emergencies, and to the police department’s non-emergency line for non-emergencies.⁵

Reports through Community Organizations (non-governmental organizations).

Cities reported that members or organizations of the affected community sometimes receive reports of hate/bias crimes and incidents. In New York and Seattle, the police department has established liaisons with different community groups. When these community organizations learn about hate crimes, they contact the police department. Jurisdictions that indicated they have positive relationships with community organizations and sponsor outreach efforts believed that they had no problems learning about hate/bias crimes.

Three cities, Long Beach, Portland, and San Francisco, indicated that there was a community organization in their city that had established a hate crime hotline where people can report hate crimes. These hotlines are independent endeavors and have no formal affiliation with the cities’ police departments. However, in San Francisco, the police department provides training to the community organization’s employees staffing the hot-line several times a year. In Long Beach, the Human Dignity Officer responds to calls made to “The Center,” a local gay and lesbian community organization that hosts the hate crime reporting line. In Seattle, Gay City (www.gaycity.org), a multicultural gay men's health organization, in collaboration with the Seattle Police Department and other community organizations, is working on establishing a web-based hate incident reporting system, which would allow victims of hate incidents to report such events online. They hope to have this website operating by early 2009.

Recommendation 2: As bias crime victims may be reluctant to report these crimes to the Seattle Police Department, the City should continue working closely with community organizations to foster good relations with the police and encourage hate/bias crime reporting, including support for the Gay City website for online reporting of hate incidents and crimes.

⁵ In March 2008 we called the non-emergency number listed in this document and were directed to the City’s Customer Services Bureau. After we brought this to their attention, in April 2008 the City changed this to refer callers to the police department non-emergency line.

Flagging bias crimes is sometimes difficult

Several jurisdictions, including Seattle, noted that although bias crimes are supposed to be documented in patrol officer reports and forwarded to a bias crime coordinator or unit, some of these reports “fall through the cracks,” and are handled like standard reports. In Seattle, for example, we identified patrol officer reports with bias elements that were not forwarded to the Bias Crimes Coordinator (see section above “SPD Could Improve Its Bias Crime Data Collection”). To help prevent hate/bias incidents from “falling through the cracks,” some jurisdictions with automated reporting systems establish a requirement that officers must indicate on their reports when they believe a crime is bias-motivated. The City of Sacramento has gone a step further to ensure that police assess for every incident whether it was bias-motivated by requiring officers to select one of three report fields concerning bias crimes (yes, no, or don’t know) before they can continue with the report.

The Seattle Police Department is in the process of introducing a new computer-based incident reporting system called SPIDER (Seattle Police Information, Dispatch, and Electronic Reporting). The SPIDER system allows a police officer to check a box in the General Offense Report (the new version of the Incident Report or patrol officer report) if they suspect the crime was bias motivated. If the box is checked, it opens a menu of options that police officers may check to describe the category of the bias. This could make it easier to identify and tabulate bias crimes in the City. However, this field is not a mandatory field; consequently, a patrol officer could easily bypass it. Some jurisdictions have made this a mandatory field, and SPD Information Technology personnel indicate the SPIDER system could accommodate this option. However, SPD staff argue that marking a box “no bias” for the all but a very small fraction of patrol officer responses establishes a muscle memory that will be hard to override⁶. They argue it is better to train staff to change the category from the default of “no bias” only when necessary. We are concerned about this change because defaults are easily ignored.

Recommendation 3. SPD should compare their experience with that of Sacramento (which requires marking of the bias crime box for every patrol officer report) after each city has had a year or two of experience with the new software.

Malicious Harassment will be difficult to flag in SPD’s new electronic reporting and data management system, SPIDER.

Under Washington State and Seattle laws, a person is guilty of malicious harassment if he or she threatens someone or causes physical injury, property damage or property destruction because of the victim’s perceived or real characteristics such as race, color, religion, ancestry, national origin, gender, sexual orientation, or mental, physical or sensory handicap. If the police officers filling out a report in the field recognize a bias

⁶ The 2007 SPD Annual Report indicates police were dispatched to 233, 948 incidents in 2007, and responded to 167,944 “on view” (i.e., responding to activity the officer viewed directly). Out of this total of 401,892 police responses, only 52 were in the Bias Crimes Database for 2007.

element they check the “bias” box on the first screen in the report-writing computer program. Under the new SPIDER system, officers are also expected to select one or more offense categories to describe the incident, something they were not asked to do in the past. The offense categories are listed in a drop down menu and include such categories as assault, threat, property damage, harassment and/or malicious harassment. More than one crime category may apply, and the software allows an officer to select more than one category. A bias crime (malicious harassment) can fall into several separate offense categories, and there is overlap in the categories. This multiplicity of options increases the risk of inconsistent reporting of similar incidents. Furthermore, an officer will not find an offense category of “bias crime.” Bias crimes fall into the offense category of “malicious harassment,” listed in the drop-down menu under letter H for “harassment, malicious.”

SPD staff stated that officers will be *trained* to indicate the offense category of malicious harassment if bias is a motive for an incident. However, these cases are rare – only 52 out of more than 37,600 crimes⁷ reported in 2007. Consequently, there is a high risk that a patrol officer will not enter malicious harassment as an offense category because it is somewhat buried in the new reporting system, and reporting bias crimes is not something the average officer encounters with any frequency. However, SPD has controls that mitigate this risk. The offense category is reviewed by the Data Management Center and can be modified by them if the responding officer did not select the proper category.

Recommendation 4. Train officers at least annually to consider including the malicious harassment offense category, when appropriate to the facts of the case, when they mark the bias crime field on the front page of the General Offense Report. Ensure Data Center Staff add the malicious harassment offense category in appropriate cases when they review patrol officer reports that fail to include it.

The SPIDER system puts new workload demands on the Data Center staff, creating backlogs in entering General Offense Reports and other data into the SPIDER system

The transition to the SPIDER system is causing backlogs and delays in entering data from the General Offense Reports into the system. Currently General Offense Reports are routed first to the SPD Data Center for classification according to FBI crime categories. The Data Center staff member then distributes the reports to the appropriate follow-up unit in accordance with department procedures in the *Case Assignment Responsibility by Incident Classification* (Directive D 06-060). The Data Center Manager prioritizes the distribution of new cases to follow-up units, and it appears to be happening timely. Under the new system, Data Center staff will be identifying more offense categories than under the previous system because the City is shifting from the 8-category Uniform Crime Reporting system to the National Incident Based Reporting System (NIBRS), which has

⁷ These 37,600+ crimes are only those that fall into the category of FBI “index crimes” such as murder, rape, and burglary. SPD responds to many other incidents that don’t reach this level of classification.

many offense categories. It also takes longer for Data Center staff to determine a classification than in the past because they must read the officer's narrative description of an incident rather than just glean the single highest-level offense from the front page of a report. Furthermore, additional levels of supervisory review have been added to the classification process. Another issue created by the transition is that paper reports from the old system have to be scanned into the new system, a time-consuming process that has simply been put off during the transition, leading to backlogs of patrol officer reports not yet entered in the system from the first quarter of 2008. These problems, while somewhat expected during a transition to a new system, may require additional staffing because of the more time consuming classification process for the NIBRS system, and the need to read report text to identify offense categories.

Recommendation 5: Monitor the Data Center workload with the shift to NIBRS reporting, and ensure adequate staffing for the Data Center's responsibility to classify crimes into NIBRS categories so backlogs do not occur.

IV. Does the City Provide Hate Crime and Incidents Reports to Stakeholders and the General Public?

The City provides limited statistical information on bias crimes. Through 2007 the City submits only information needed to fulfill FBI crime reporting statistics requirements. Gathering additional data on bias crimes and incidents and publishing this data to a broader audience including community organizations and the general public would support targeted communities in planning appropriate responses to hate crimes and incidents and would support the City's educational efforts to encourage victims to report crimes and incidents to the police department. Implementing recommendations 3 and 4 above, to improve the Spider system's capture of bias crime data, would make publishing this data simpler.

Recommendation 6: Develop capacity in the SPIDER system to simplify the process for reporting bias incidents and crimes.

Best Practice: Some jurisdictions track and publish hate incident data (in addition to bias crime data)

Several cities publish reports on hate incidents in addition to bias crimes. *A hate incident is an occurrence of hate speech or other communication that does not rise to the level of a crime.* Most hateful speech is protected as a First Amendment right under the U.S. Constitution. Table 3 summarizes the practices of the nine jurisdictions that provided full answers to our questionnaire.

Table 3: Jurisdictions Regularly Tracking Bias Crimes and Hate Incidents

Jurisdiction	Tracks Bias Crimes	Tracks Hate Incidents	Publishes Hate Incidents
<i>Seattle</i>	X		
Chicago	X	X	X
LA County	X	X	X
Long Beach	X	X	
New York	X		
Portland	X	X	
Sacramento	X	X (started 1/08)	
San Diego	X		
San Francisco	X	X	X
San Jose	X	X	

Source: Office of City Auditor analysis of interviews with these jurisdictions

- Seattle’s police officers are not required to complete police reports on hate incidents; however, they are trained to create a report if they suspect the hate/bias incident would fall under the State or City’s malicious harassment law. Seattle police officers have been trained to err on the side of making a report if they are unsure about whether the incident is malicious harassment. All such reports are supposed to be sent to the City’s Bias Crimes Coordinator for review, categorization, and entry into Seattle’s Bias Crimes Database. Consequently, in Seattle some of the bias crime reports entered into the database are actually bias incidents. Seattle has been inconsistent about entering hate incidents and crime reports in the database. Seattle does not publish reports on hate crimes or incidents, but it reports hate crimes to the state, which then submits the required reports to the U.S. government for use in their annual report of hate crimes.
- In Portland, the Bias Crime Officer creates reports on hate incidents and keeps them for future reference. For example, the Bias Crimes Officer would create a report about someone putting flyers with Ku Klux Klan symbols on cars in a parking lot. While this incident could be a violation of the parking lot’s rules, it would not necessarily be classified as a crime based on the preliminary available information. However, a report would be made to note that the incident had occurred. This allows Portland to look for patterns that may escalate to more serious problems.
- In San Jose, hate incidents are the only type of incidents that require the police to fill out police reports. In response to such incidents and as an awareness and prevention measure, San Jose police officers use this information to inform the community where the incident occurred by distributing and posting pamphlets in the targeted community.
- In San Francisco, officers report on hate incidents because the incidents may become hate crimes after further investigation.

- In Long Beach the Human Dignity Officer tracks hate incidents, not the police department.
- The City of Sacramento recently expanded its online criminal reporting system to include the reporting of hate incidents. The City of Sacramento defines bias incidents as those incidents that involve actions committed against a person or property that are motivated, in whole, or part, by bias against race, color, ethnicity, national origin, sex, gender identity or expression, sexual orientation, disability, age or religion. Examples include verbal or written slurs, derogatory remarks, jokes, or comments.
- The Orange County, California Human Relations Commission, a jurisdiction not originally on our list to contact, tracks and publishes hate crime and hate incident data. The data is analyzed and compiled into an annual report which is disseminated to Orange County policy-makers, law enforcement agencies, community groups and educators. These stakeholders use the report information to better understand hate crime and incident trends, measure the outcome of their work and direct prevention campaigns in their communities or schools. The report also serves to inform policy decisions as well as the development of services for victims of hate.

While several cities track bias incidents, only Chicago, San Francisco, LA County and Portland publish reports on hate incidents.

Recommendation 7. Seattle should collect data on hate incidents as well as crimes, including the elements found in other jurisdictions' reports, especially Chicago's. Ensure that officers are trained to create General Offense Reports for all bias incidents, as well as bias crimes, they respond to.

Best Practice: Seven jurisdictions go beyond federal reporting requirements for purposes of hate crime education and prevention

All of the jurisdictions we contacted indicated that their state and/or the federal governments require them to submit hate/bias crime reports. Several jurisdictions including Seattle indicated that the only reports they produced were to meet this requirement. A few jurisdictions, including Seattle, indicated that they produced reports when requested by external parties such as the media, a community group, or a private citizen, or when internal requests are made, such as from the police chief. Some jurisdictions send copies of police reports related to hate/bias crimes to other city agencies such as a city's Human Rights Commission. Seven jurisdictions (Chicago, Los Angeles County, New York, Portland, Long Beach, San Jose and San Francisco) reported that they produce regular periodic reports for internal purposes, for the City's website, or for distribution to particular affected community groups. Most of these jurisdictions produce monthly reports.

The City of Chicago produced the most comprehensive hate crime report. This report is accessible through the City's website and includes a message from the Police Superintendent that explains why the department highlights hate crimes, "a crime of modest frequency," when there are other crimes that number in the thousands each year. This sends a strong message to the community that these crimes are intolerable and are taken seriously by the Chicago Police Department. Chicago reports on:

- Hate crime by year - trends
- Hate crime by police district, geographic location
- A determination of whether the incident was either a bona-fide hate crime, unfounded as a hate crime, or undetermined
- Hate crime Investigations by classification (i.e., racial, religions, sexual orientation, etc.)
- Hate crimes by bias motivation (i.e., provides more specific information within each category, for example if the crime classification is religious, the motivating factor could be anti-Islam, anti-Jewish, or anti-Protestant)
- Hate crimes by type of crime (i.e., assault, battery, property damage, etc.)
- Hate crime by offender sex and race
- Hate crime by arresting unit
- Non-criminal hate incidents

Other jurisdictions' reports use some but not all of the same indicators as Chicago. In addition, some jurisdictions also provide year-to-date and monthly comparisons of hate/bias crimes with the same month of the previous year. Some jurisdictions report on issues specific to them. For example, Los Angeles County reports on the number of anti-black and anti-Latino hate/bias crimes by suspect race/ethnicity. They also compare the percentage of hate crimes by motivation with state percentages. New York reports on the type of attack (e.g. a crime against property or against person, verbal, or by mail or phone) and whether a weapon was used. Most jurisdictions noted that they use a spreadsheet or database to collect and report the information used in their reports.

Recommendation 8. Seattle should publish reports on both hate incidents and hate crimes to raise awareness in the community where hate incidents or crimes occur and make this information available:

- on the City's websites,
- to the City's Office of Civil Rights,
- to interested community organizations, and
- to the general public.

This effort does not need to use police resources. Seattle should work with Seattle's Office of Civil Rights and the City's Human Rights Commission and Sexual Minorities Commission to implement this recommendation. This data can provide a valuable source of information to guide intelligent responses by both City and non-government agencies and community groups.

V. DOES SPD HAVE EFFECTIVE SYSTEMS FOR DEALING WITH HATE CRIMES AND INCIDENTS?

Police department staffing models for bias crimes differ; Seattle's staffing model meets best practices for similar-sized cities

The jurisdictions whose processes we investigated have different police department staffing for hate crime incident follow-up, investigation, and reporting. Organizationally, police departments either have 1) hate/bias crime units that conduct all hate crime related investigations or 2) have officer-coordinators or civilian staff who track and report hate crime and incidents, coordinate investigations, and refer cases for actual investigation and follow-up to the precinct or district where the crime occurred or to a police unit such as Assault or Homicide.

We found the type of staffing correlates with the number of hate crimes and incidents. Bigger jurisdictions such as Chicago, New York and Los Angeles County, with higher frequencies of hate crimes and incidents, tend to have separate units that conduct investigations, provide outreach, and produce police reports (Note: jurisdictions' outreach efforts are discussed in the next section). Smaller cities (with populations less than 1 million) such as Sacramento and San Jose, tend to have coordinators or staff that track and report hate crimes and incidents, but then refer these cases to another crime unit or precinct for investigation and follow-up. For example, in Sacramento, hate/bias crimes reports are routed to the appropriate crime division for further investigation: assault reports go to the Felony Assault Unit; vandalism reports go to the neighborhood sector where the crime occurred.

Some of the jurisdictions indicated that within crime sections and precincts the same officers will be assigned to investigate hate crimes and incidents. Other smaller jurisdictions, like Seattle and Portland, have one person investigating hate crimes on a part-time basis while continuing to investigate other crimes, such as assaults, within their crime unit. Seattle's written policies and procedures manual (Section 1.049A) calls for officers to conduct initial investigation of hate crimes, with follow-up investigation done directly by or coordinated through the Bias Crime Coordinator. Therefore, sometimes the hate crime is investigated by the Bias Crime Coordinator, while other times it is investigated by the relevant crime unit, such as the Assault Unit. Seattle's staffing model appears to be consistent with those jurisdictions we contacted that are similar in size and resources.

Recommendation: None

Additional bias crime training is warranted

The SPD training provided to personnel on enforcing bias crimes should be updated on a regular basis. New recruits receive approximately one-half day of training in the Police Academy. Recently, SPD has provided a bias crime training video for showing at roll calls. However, no additional training is provided upon shifting to detective duties or upon promotion to higher ranks. Because bias-related cases have significant impacts, it is important to maintain officer awareness of the importance of noting a bias element to an incident. Furthermore, detectives charged with investigating bias crimes must be trained in the nuances of distinguishing bias crimes from free-speech incidents.

We spoke with ten jurisdictions about the training they provide to their police officers on hate crimes and incidents. All ten, including Seattle, indicated that they provide training on hate crimes at their police academies. However, while some jurisdictions reported that they provide an eight-hour-or-more training class on hate crimes, Seattle officers indicated that the four-hour training provided at the academy is “rudimentary.” In Los Angeles County, the Sheriff Training Academy includes extensive hate crime training, including how to prevent additional hate crimes from occurring within the jail population against inmates of highly targeted groups such as homosexuals. In addition, several jurisdictions reported that they provide officers with annual hate/bias crime refresher courses, in-service training at roll call, or bring in community members affected by hate crimes to talk about issues specific to their community. Unlike in Seattle, New York’s Police Department provides additional hate/bias crime training to officers promoted to sergeant, lieutenant, and captain. Seattle officers involved in bias crime investigations suggested that the bias crimes program could be improved if additional training was provided to officers and newly promoted officers. Table 4 below summarizes the information we gathered on hate crime training for police personnel.

Table 4: Hate/Bias Crime Training

Jurisdiction	Police academy	Refresher courses	At promotion or with detective turnover
<i>Seattle</i>	X	*	
Chicago	X	X	
LA County	X	X	X
Long Beach	X	X	
New York	X	X	X
Portland	X	X	
Sacramento	X	X	
San Diego	X	X	
San Francisco	X		
San Jose	X	X	

Source: Office of City Auditor analysis of interviews with these jurisdictions

*SPD has recently distributed a 20 minute bias crime training video for playing at roll call. It is unclear if this will become a regular or repeated training effort.

Recommendation 9: The Seattle Police Department should provide refresher training in bias crime enforcement at least once a year at roll calls and additional training upon transfer to detective duty or upon promotion.

Best Practice: Jurisdictions use volunteers in addition to their own employees to conduct outreach, education, prevention and victim advocacy

Outreach, education, prevention, and victim advocacy activities related to bias crimes include presentations, training, conferences, hate crime reports, informational materials and special programs. Some police departments reported that they conduct outreach and education on hate crimes on behalf of their city, while other jurisdictions indicated that outreach is primarily provided by a civilian body like the jurisdiction’s human rights commission or, as in the case of Long Beach, its Human Dignity Program Officer. Four jurisdictions (San Diego, San Jose, Los Angeles County, and Chicago) indicated that their civilian human/civil rights commissions provide community outreach and education on bias crimes. In addition, San Francisco and Portland reported working closely with community groups to jointly provide outreach.

Table 5 summarizes the information we gathered on who primarily provides outreach services.

Table 5: Outreach Primarily Conducted By

Jurisdiction	Police Department	Civilian Staff	Commission/Community
<i>Seattle</i>	X		
Chicago	X		X
Los Angeles County			X
Long Beach		X	
New York	X		
Portland	X		X
Sacramento	X		X
San Diego	X		X
San Francisco	X		X
San Jose	X		X

Source: Office of City Auditor analysis of interviews with these jurisdictions

The City of San Diego’s Human Rights Commission has a program called “Say No to Hate.” According to its website, this program is a comprehensive campaign designed to increase community awareness of and response to hate crimes and bias incidents through forums and symposiums, incident reporting, institutional protocols, and research.

The City of Long Beach's Human Dignity Program provides a visible and well-supported program that works to prevent and respond to hate crimes. The basis for the program is a 1998 policy that states, "The City of Long Beach believes everyone should be treated with courtesy and respect, regardless of their racial background, their nation of origin, the religion they practice, their sexual orientation, gender, or disability status. It is the right of all residents to pursue their daily lives with the knowledge that they will not be threatened with violence or physical harm." The Human Dignity Program, which is staffed by a civilian called the Human Dignity Officer, coordinates a civilian Hate Crime Response Team that provides victims advocacy (see next section on Hate Crimes Victim Advocates).

Under Chicago's Hate Crimes Law, the City's Commission on Human Relations (CCHR) provides outreach and victims assistance. CCHR staff aid hate crime victims and organizes programs of education, intervention, and constituency-building to discourage bigotry and bring people from different groups together. CCHR staff members mobilize community support for victims and/or their communities following incidents, make social service referrals, and accompany victims to court proceedings.

The Los Angeles Human Relations Commission has taken numerous actions to address hate crimes, including:

- *Working with Schools:* The Commission works with schools on educating and empowering students, and engaging teachers and school administrators through programs and conferences targeted at addressing hate crimes, and promoting collaboration for safer schools.
- *Addressing media stereotypes:* The Commission's Media Image Coalition (MIC) represents the first multi-racial, multi-cultural, inter-religious media advocacy and education organization in the U.S. One of the MIC members, the Council of American Islamic Relations, worked closely with Fox Television and Paramount Pictures regarding its role in the fair and balanced portrayal of Muslims during a time of societal/widespread stereotyping.
- *Monitoring State and Federal Hate Crime Legislation:* The Commission supported legislation proposed by the California State Assembly and Senate to strengthen hate crime laws, and the Local Law Enforcement Enhancement Act, S.1145 by Congress.
- *Bringing stakeholders together:* The Commission partnered with the Korean-American Coalition 4.29 Center, Asian Pacific American Dispute Resolution Center and L.A. City Human Relations Commission on a series of community dialogues and panel discussions to assess the state of inter-group relations in L.A., leading up to the 15th Anniversary of the 1992 L.A. riots following the Rodney King verdict.
- *Coordinating inter-agency cooperation:* The Commission hosted quarterly meetings of its Network Against Hate Crime, a county-wide coalition of community organizations, local, state and federal officials, human relations experts and law enforcement. Meetings included speakers, panel discussions and

- presentations on the U.S. Attorney's successful prosecution of Latino gang members for anti-black hate crimes, harassment of the King Fahad Mosque in Culver City, and strategies for preventing racial violence in the county jails.
- *Providing assistance to law enforcement and local governments:* The Commission provided hate crime training for law enforcement agencies and city commissions, including Los Angeles Unified School District (LAUSD) police and Santa Clarita Sheriff's Station.

The Seattle Police Department solicits sworn patrol officers to serve as Community Officer Liaisons. These Community Officer Liaisons work with the Seattle Police Department's ten Demographic Advisory Councils⁸ to increase minority community member involvement in public safety, help minority community members become less fearful of reporting crimes to the police, and educate them about the Seattle Police Department's work. Two Community Liaison Officer positions have been assigned to work full-time with the Lesbian-Gay-Bisexual-Transgender-Queer Community, Hispanic community and at-risk youth. Eight of the ten Officer Liaisons spend a limited amount of on-duty time on this work, but often volunteer (without pay) some of the time they spend on community issues. Seattle's Officer Liaisons have established relationships with leaders and others in their chosen demographic community, attend community events, and address any police-related issues affecting those communities, beyond hate crimes. SPD also assigns a command staff person to each Demographic Advisory Council, which provides a direct link to the Police Chief when policy issues come up at the meetings.

Upon request, or following particular hate incidents, the Seattle Police Department has joined with the Seattle Office for Civil Rights to conduct joint training for community groups on responding to and preventing bias/hate crimes. SPD has also sent spokespersons to community-sponsored forums discussing bias/hate crimes. Seattle's Office for Civil Rights publicizes bias/hate crime information on its website and has one staff member who works with demographic communities on bias/hate crime issues, among other duties.

While Seattle's Homicide Unit (where the Bias Crime Coordinator is located) appears to have the responsibility for informing the general public about bias crimes (see Seattle Police Department Policies and Procedures Manual Section 1.049A.III.A.1(5)), the Bias Crime Coordinator position is staffed on a part-time basis. Seattle Police Department officers we interviewed expressed concern about the Bias Crimes Coordinator conducting outreach on bias crimes while also investigating specific crimes. The officers said that the Bias Crimes Coordinator could have to answer questions from the public that may put their investigations at risk because they might have to choose between disclosing confidential information and not answering the questions. To address this concern, some police departments from other jurisdictions limit their role in outreach, and have it handled through a civilian organization or individual. Seattle often has its Media Relations unit respond to these inquiries after consulting with the detective investigating the case.

⁸ African American, East African, Korean, Southeast Asian, Filipino, Latino, Native American, Muslim-Sikh-Arab (MSA), Youth, and Lesbian-Gay-Bisexual-Transgender-Queer/Questioning (LGBTQ).

Lack of a central City coordinating authority creates a piecemeal City response to bias crimes

The City's overall anti-bias efforts, including education, crime response, and community outreach, are not centrally coordinated. SPD has the responsibility for addressing bias crimes. However, SPD, the Seattle Office for Civil Rights, and the City-supported Commissions for Sexual Minorities, Women's Rights, and Human Rights all have roles and responsibilities for addressing bias/hate incidents, educating the public, encouraging victims to report bias incidents and crimes, and establishing the tone regarding acceptable behavior in the City. In addition, the Mayor has created a Race and Social Justice Initiative that engages all departments in ensuring the City delivers services in a bias-free manner. And in 2007 the Mayor established an Immigrant and Refugee Advisory Committee to provide input to the City on relevant issues and concerns. But since no one agency or position has the authority to coordinate all these efforts some efforts may be needlessly duplicated, and citizens may become confused about where to report their concerns or become involved in supporting the City's efforts. The City could respond more efficiently by assigning a central coordinator for addressing the tone of the City towards bias crimes and anti-bias efforts in general, coordinating police and non-police resources to educate the public, and taking advantage of the resources available through collaborative efforts. We also noted that the SPD policy on the duties of the Bias Crimes Coordinator needs to be modified to clarify that outreach duties are not necessarily performed solely by the Bias Crimes Coordinator position, but may be performed by other SPD personnel, and that the Bias Crimes Coordinator does not perform all follow-up investigations as suggested in the policy.

Recommendations: Seattle could improve its coordination of efforts to address bias incidents and crimes and conduct outreach efforts by adopting the following recommendations:

- **Recommendation 10.** Assign an overall City coordinator for the efforts of all city agencies, non-governmental organizations, and community groups interested in addressing bias crimes and incidents;
- **Recommendation 11.** Increase efforts to coordinate with external City and community organizations that are willing to conduct outreach;
- **Recommendation 12.** Clarify responsibilities in the Seattle Police Department by having the Bias Crime Coordinator/Homicide Unit provide training and information on hate crimes as directed in the Seattle Police Department Policy Manual⁹ or changing the department's policy to reflect the actual practice of having multiple Seattle Police Department units do this work;

⁹ Section 1.049A.III.A.1.(5) of the Seattle Police Department Policy and Procedure Manual states "The Bias Crimes Coordinator will coordinate the Department's efforts against "hate crimes" by handling directly or coordinating the follow-up investigation on all malicious harassment cases. This unit will compile and report on all hate crimes as required by state and federal statutes, and provide training and information on "hate crimes" to Department staff, other law enforcement agencies, and the general public."

- **Recommendation 13.** Convert the Seattle Police Department’s Community Officer Liaison volunteer efforts to paid-time efforts and by having them deliver explicit information about addressing bias crimes within their communities; and
- **Recommendation 14.** Expand the roles of the Seattle Office of Civil Rights, the Seattle Commission on Sexual Minorities, Seattle Commission on Women’s Rights, and the Seattle Human Rights Commission to include bias/hate crime and incident outreach, education and prevention efforts.

Best Practice: Provide bias/hate crime and incident victim advocates

While most jurisdictions provide victims of certain crimes with victim’s advocacy support, some jurisdictions offer specialized victim advocate assistance to victims of bias/hate crimes and hate incidents outside of their police department structure.

The Seattle Police Department provides victim’s assistance to victims of felonies and domestic violence. Victims of felony-level malicious harassment cases receive the same advocate services as other felony victims. In Seattle this includes:

- Providing victims with an overview of the criminal and legal processes,
- Connecting victims and their affected parties with the State’s Crime Victim Compensation program (which offers financial compensation to victims of some crimes usable for counseling, medical expenses, funeral expenses, and work loss),
- Listening to the victim,
- Helping the victim understand the legal process, and
- Assisting the victim through the legal process (including accompanying them to depositions, hearings, and court proceedings), and providing them with related reading materials and links to community resources.

In Chicago, one of the focuses of the Chicago Commission on Human Relations (CCHR) is to address victims of hate crime. CCHR in conjunction with the Civil Rights Unit of the Chicago Police Department and the State Attorney's Office provides support to the victims of hate crimes. CCHR staff and concerned volunteer members (called liaisons) from the local community are available to accompany hate crime victims to court hearings, to visit hate crime victims at home, and to provide referrals to other support services such as free assistance from the State's Attorney's Office to prosecute hate crime offenders in criminal court, and pro bono (free) legal assistance from volunteer private attorneys to sue hate crime offenders in civil court for damages such as psychological and physical injuries. Other services available to hate crime victims include the Illinois Attorney General's Victim/Witness Assistance Program, a state-funded program, to which victims of violent crime can apply for reimbursement of hospital and other medical or job loss expenses they may have incurred as a result of being crime victims.

The Los Angeles County Commission on Human Relations Hate Crime Victim Assistance and Advocacy Initiative funds “grassroots” organizations to assist victims in communities that are hard hit by hate crime, but lack resources to address this issue. The organization helps victims access culturally and linguistically appropriate services to urge vigorous investigation and prosecution of their cases as hate crimes. These organizations also advocate, on behalf of communities and victims, for programs and institutional changes that can reduce hate crime. Trained personnel from these organizations are knowledgeable about the special concerns of hate crime victims and can offer assistance to victims in times of crisis. The needs of hate crime victims range from financial compensation for medical bills or other expenses to counseling, emergency relocation, explanation of law enforcement and legal matters and other forms of support.

In Long Beach, the Human Dignity Officer coordinates the efforts of the Hate Crime Response Team, a team of highly trained, diverse individuals who are on call seven days a week to assist victims of hate crimes or bias incidents. The Team provides individual and community assistance in response to conflicts due to race, national origin, religion, sexual orientation, gender, and disability status; provides on-site support and assistance, documentation of hate crimes and bias incidents, assistance with resource referrals and in securing help under the California Victim of Crime Program. Two members of the volunteer response team visit victims. Currently the City’s Human Dignity Program is working on providing victims free counseling.

Recommendation 15: Make some level of victim assistance available to victims of bias incidents, not just bias crimes. Consider working with non-government agencies to provide some advocacy services on a voluntary basis using Chicago, Long Beach and Los Angeles County as models.

VI. IS THE CITY OF SEATTLE WORKING TO ENSURE BIAS CRIMES ARE EFFECTIVELY PROSECUTED?

Seattle’s laws are among the most comprehensive in the nation

Of the cities we contacted, Seattle has one of the most comprehensive lists of bias-motivation categories classified as criminal. In addition to including the categories of all the other cities except Portland, it was the only city that included parental status and homelessness. Portland also had an extensive list that included most of Seattle’s categories or slight variations thereof, plus membership or activity in or on behalf of a labor organization or against a labor organization, economic or social status, and citizenship.

When SPD arrests a suspect, it generally refers these cases for prosecution; but prosecutors file few cases

Referring Cases for Prosecution. SPD officers and detectives do not refer every patrol officer report for prosecution. Generally a sergeant or detective will review the evidence collected, and will make a decision about whether a case has sufficient evidence to be referred for further investigation and possible prosecution. If so, SPD may refer the case to the City Attorney for prosecution as a misdemeanor in Municipal Court, or to the King County Prosecutor's Office for prosecution as a felony in District Court. If SPD personnel do not refer a case for prosecution, they will generally classify it as "inactivated." SPD can re-open an inactivated case at a later date if additional evidence is discovered.

Filing Decisions. After SPD refers a case to a prosecutor, the prosecutor makes a "filing decision," i.e., whether or not to file the case and pursue prosecution. The King County Prosecutor has written filing guidelines to guide their filing decisions. They prosecute primarily felony cases. If the King County Prosecutor decides the evidence for a case does not meet the filing guidelines for a felony, he or she "declines" the case, i.e., refuses to file it. The King County Prosecutor may send the case back to SPD suggesting that it be referred to the City Attorney for possible prosecution as a misdemeanor in Seattle Municipal Court, though he or she does not always send a written explanation or suggestion with a decline. Table 6 below shows case outcomes associated with the police incident reports we reviewed from 2006 and 2007.

2006 Police Patrol Officer Report Outcomes. Of the 27 patrol officer reports for 2006, suspects were arrested in only 3 cases. Two of these three cases were referred to the King County Prosecutor, who filed charges on 1 case (found guilty), and declined to file on 1 case. 2 cases were referred to the City's Law Department for filing in Municipal Court. However, no cases appear in the Municipal Court online records, indicating that the City Attorney declined to file them.

2007 Police Patrol Officer Report Outcomes. For the 52 police incident reports from 2007, one or more suspects were arrested in 24 cases. SPD referred 19 of the 24 cases to the King County Prosecutor. The prosecutor filed charges in 13 of these cases and declined 6. (3 of these declined cases were then re-referred to the City's Law Department, and 2 of the 3 were filed in Municipal Court). Of the 13 where charges were filed in Superior Court, 9 were found (or plead) guilty, 1 case was dismissed, 1 defendant was found incompetent, and 2 cases were still pending at the time of this writing. Seven cases were referred to the City Attorney. Charges were filed in Municipal Court for 4 cases (suggesting the Law Department declined to file 3). Of the 4 cases filed, 2 resulted in a finding of guilty, and 2 cases were still pending at the time of writing this report.

Table 6. Case Outcomes of Cases Referred to Court, 2006 and 2007

Action	2006	2007
SPD Action		
Incident Reports	27	52
Suspect Arrested	3	24
Referred to King County Prosecutor	2	18
Referred to Municipal Court	2 ¹⁰	10
King County Prosecutor Actions in Superior Court		
Declines by King County Prosecutor	1	6
Charges Filed in King County Superior Court	1	12
Found Guilty in King County Superior Court	1	8
Pending		2
Dismissed		1
Found Incompetent		1
Seattle City Attorney Actions		
Declines by City Attorney (Presumed)	2	4
Charges Filed in Municipal Court	0	6
Guilty		1
Pending		3

Source: Office of City Auditor analysis of SPD patrol officer reports, online information from Seattle Municipal Court, and information from the Office of the King County Prosecutor

For the two years of data we reviewed, 9 (of 79) cases were referred to the City Attorney for prosecution, 4 (44%) were filed, and 5 (56%) were not. We asked the City Attorney to discuss his filing guidelines and decline decisions with us. The City Attorney, Thomas Carr, wrote the following in response to our request:

Every case filed by our office is a matter of public record in the Seattle Municipal Court. If we decline to file a case, we do not maintain any record. I do not believe that we have anything that we can do to assist with your audit. We do not have the staff to provide assistance with the auditor's work in this matter.

Victims we interviewed expressed satisfaction with the process of enforcement and prosecution. We interviewed victims in four of the cases that were prosecuted by the King County Prosecutors Office. These victims indicated that they were generally very satisfied with their treatment by the police officers who responded to the scene, the detectives who investigated their case, and the prosecutors. All the victims felt the criminal justice system (911 call-takers, responding patrol officers, detectives, prosecutor and court system) generally worked well for them, even though a jury found the defendant not guilty in one case. However, the victim in one case complained that the 911 call-taker was rude and unhelpful. We reviewed a recording of this 911 call and did not judge the 911 call taker to be rude or unhelpful. However, we noted that the

¹⁰ One of the cases declined by the King County Prosecutor was re-referred to the City's Law Department for possible prosecution in Municipal Court. This case is double counted in this table.

connection to the caller's cell phone was a poor one, and the static on the line made it difficult to understand what the caller was saying. Unlike wired phones that automatically provide addresses to operators, cell phones do not provide operators with the location and operators must request location details. On several occasions, the 911 call-taker requested that the caller repeat himself and provide detailed location information. This may have been stressful for the caller under the circumstances.

VII. INTERNAL CONTROLS REVIEW

Our evaluation of the City's practices against standards revealed several deficiencies. We evaluated practices for three areas: 1) good organizational management, 2) bias crime enforcement, and 3) bias prevention. This evaluation is displayed in tables 7 and 8 below.

Table 7 applies the standards in four areas of good organizational management established by COSO:

- the control environment (tone at the top, top level management directives);
- information and communication;
- control activities such as procedures, training and supervision; and
- monitoring of ongoing activities.

Table 8, which follows table 7 below, applies 25 criteria developed by the California Association of Human Rights Organizations (CAHRO), a non-profit organization funded by the James Irvine Foundation and other donations. Its mission is to promote full acceptance of all persons by conducting activities designed to protect basic human and civil rights, and by creating a climate of respect and inclusion through networks of collaboration that reduce community tension and build intergroup relationship. The 25 standards are particularly oriented to preventing or responding to anti-Arab and anti-Muslim acts, but have application to all areas of bias crime enforcement and prevention.

We also reviewed SPD's documentation of its compliance with standards for good policing practices established by CALEA. Seattle is accredited by CALEA as meeting its standards. We identified several areas for improvement based on our review of SPD practices based on COSO and California Human Rights Association standards.

Summary internal controls evaluation of Seattle's approach to bias crime enforcement and bias prevention

Areas where the City's response to bias crimes appears to be functioning well. As shown in the rows marked "green" in table 7, the City has implemented some effective measures to address bias issues and crimes. These include:

- 1) The SPD policies and procedures, with minor exceptions, appear to be comprehensive and detailed, assigning a high priority to bias crimes enforcement;
- 2) SPD's Bias Crimes Coordinator position increases the likelihood of specific attention and follow-up to bias crimes and incidents reported to police;
- 3) Seattle is accredited by CALEA, and therefore has documented that it meets rigorous policing standards;
- 4) Monitoring and supervision systems for the department's personnel generally meet criteria we identified, including recording and monitoring of 911 calls and many patrol officer responses to calls for service, systems for taking and investigating malicious harassment complaints and providing some reporting on them, and annual performance reviews.
- 5) Seattle provides victim advocates that assist victims of bias crimes and other crimes to understand the process they will face in seeing a case through investigation and prosecution.
- 6) The Mayor has created a Race and Social Justice Initiative, requiring a plan and commitment by every department to end institutionalized racism in City government and to create a community that is enriched by its diverse cultures, with full participation by all its residents;
- 7) The laws of the State of Washington and the City of Seattle criminalizing malicious harassment are among the most comprehensive in the nation.

Areas where the City could improve its approach to bias crime enforcement and prevention. We also identified areas for improvement in the way the City approaches bias crimes enforcement and prevention. We did not identify any serious concerns. The areas of moderate concern were discussed in more detail earlier in this report, with our recommendations for each area. These are indicated in yellow (moderate concern) in tables 7 and 8 below.

Table 7. Bias Crime Internal Controls

Control	Score	Comment
Control Environment		
Leadership and Oversight: Mayor, Council, Police Chief, Management Structure, Office of Professional Accountability demonstrate the importance of bias crime enforcement and prevention and provide oversight.	Green	SPD policies and procedures addresses bias crimes as high priority. SPD Command Staff are assigned to Demographic Advisory Committees (DAC). Civilian oversight system is in place.
	Yellow	Message of “no tolerance” is weakened by lack of central coordination and lack of reporting of bias crime statistics.
Information & Communication:		
911 call responses are rapid and efficient.	Green	Policies and procedures are in place. Excellent monitoring via recording of interactions and supervisory response to complaints.
SPD’s new system (SPIDER) should operate smoothly for ease of flagging bias crimes and support for case management.	Green	The new SPD electronic case information system should improve bias crime statistics. SPD should increase training and monitor the SPIDER system to ensure more complete data gathering.
Quickly distribute General Offense Reports indicating a bias element for follow-up investigation by detectives and recording in the Bias Crimes Database.	Yellow	Data Center Staff have devised work-arounds to ensure immediate distribution of cases while handling added workload created by the shift to the SPIDER system and NIBRS reporting.
The City encourages victims of bias crimes to report to police, educates the community to reduce bias incidents and crimes, and conveys a “no tolerance” stance towards bias incidents and crimes.	Yellow	The City’s efforts are not well coordinated. Establish a central authority in the City to actively engage and coordinate the City’s outreach and education regarding bias crimes, using the resources of SPD, Seattle’s Human Rights, Women’s, and Sexual Minorities Commissions, the Race and Social Justice Teams, the SPD Demographic Advisory Committees, the Immigrant and Refugee Advisory Committee, and the Seattle Office for Civil Rights.
Control Activities		
Procedures	Green	Procedures are detailed, though the Bias Crimes procedures need updating and other minor modifications.
Training is sufficient to maintain officer awareness of proper procedures related to bias crimes.	Yellow	Officers are trained primarily at the Academy as they enter the force. Recently a bias crimes training video was provided for all SPD employees. Conduct regular refresher training and training at promotion.
Laws	Green	State and City Laws are comprehensive.
Supervision	Green	Monitoring of performance, annual performance reviews, and complaint system meet established criteria.
Monitoring		
The City gathers and publishes bias crime and incident statistics to assist in prevention and response efforts. Information is provided to SPD, oversight groups and citizens and the general public.	yellow	Seattle meets FBI reporting standards. Additional reports to the vulnerable/targeted communities of bias crimes and incidents and the general public would support reduction/prevention of bias crimes by highlighting troubled areas needing focused response.

Source: Office of City Auditor analysis of SPD performance against criteria established by COSO, the FBI, CALEA, and Washington State

Table 8 below evaluates Seattle against 25 criteria established by the California Association of Human Relations Organizations. A positive highlight of our evaluation of Seattle based on these criteria is SPD's creation and support of ten Demographic Advisory Committees for communities often targeted for bias crimes. These regular, often monthly, meetings with community representatives are a resource that could be used by the City for more than SPD issues. Currently, this effort is supported by SPD employees who are paid for a limited number of hours each month to attend Demographic Advisory Group meetings. Some SPD employees choose to provide additional, unpaid hours to this effort. SPD should assess whether additional paid hours for this purpose would be a good investment for this important community-building effort.

Recommendation 16. Provide full support of the Demographic Advisory Committees by providing sufficient funding to pay for City staff time spent attending and supporting these meetings.

CAHRO standards promote proactive training about the different cultures that exist in our community. They suggest using the resources provided by the U.S. Department of Justice's Community Relations Service. We were not able to determine whether Seattle actively uses the resources of the Department of Justice's Community Relations Service. However, we did find that three members of the command staff recently attended a "Tools for Tolerance" training that is partially funded by a grant from the Department of Justice. One of these SPD command staff members stated that she will be working with her colleagues to make this training available to more SPD personnel. This is a step in the right direction. We also found that the SPD Victim Advocates actively seek training and information about working with different cultures so that they can provide their services with sensitivity to cultural norms such as appropriate eye contact, and whether personal touch such as shaking hands is considered acceptable. SPD patrol officers, such as Community Police Team officers, who work with community members would benefit from this kind of training. This would be particularly helpful when officers shift to detective duties (where they are conducting follow-up investigations with community members), and upon promotion to supervisory ranks.

Recommendation 17. Provide more training and/or informational materials to SPD personnel about cultural norms in the various communities that exist within Seattle. This is especially important when officers become detectives or get promoted to supervisory positions.

Finally, the CAHRO standards suggest that police work within schools where bias incidents have occurred. We interviewed one officer who works within schools, but who does not explicitly deal with anti-bias education or enforcement. SPD has a Demographic Advisory Committee for youth; and several officers conduct special outreach to at-risk youth. Intervening to combat bias among youth is an important part of establishing the tone of no tolerance for bias in the city. We have marked this yellow in table 8 to indicate Seattle could do more to support these efforts.

Table 8. Best Practices Matrix from the California Association of Human Relations Organizations

Description of Best Practice	Does Seattle do it?
Police-Community Relations	
Identify potential for victimization by bias crimes and incidents of vulnerable groups in your city. Determine the most likely sites or locations for incidents. Do an assessment of community tension levels. Consult with the U.S. Department of Justice Community Relations Service (CRS) to establish a Distant Early Warning Signs (DEWS) process.	Seattle has 10 Demographic Advisory Groups that provide a direct communication link between vulnerable groups and SPD Command Staff. SPD should familiarize itself with and use the resources of the U.S. Department of Justice Community Relations Service (CRS).
Call and meet with community leaders to discuss tensions, problems, issues.	Ten Demographic Advisory Groups are attended by a Command Staff liaison, one or more officer liaisons, and support staff.
Establish a community task force. Reach out to the community in a proactive manner. Enlist leadership from the widest cross-section of communities.	Ten Demographic Advisory Groups are attended by a Command Staff liaison, one or more officer liaisons, and support staff. Community Police Teams also work proactively to develop relationships with their communities.
Institute initiatives and partnerships with community-based organizations (rallies, forums, dialogues, etc.) CRS can provide specific guidance on how to conduct a community dialogue.	Seattle has instituted initiatives and partnerships, and supports efforts initiated by others such as King County Prosecutor. For example, East Precinct personnel are cooperating with members of the LGBTQ community and the City's Office of Civil Rights on developing a website for reporting bias incidents and crimes.
Establish direct lines of communications with community leaders (these are people whom other people listen to in the communities) and in cases where a community response is likely (a shooting incident, a high profile crime, etc). Convene a meeting with these leaders for clarification discussions. Tell them what the community needs to know about the department's activities in order to mitigate fears and rumors in the community.	Ten Demographic Advisory Groups are attended by a Command Staff liaison, one or more officer liaisons, and support staff. Community Police Teams also work proactively to develop relationships with their communities.
Expand/establish relationships with the local media to facilitate positive community news and information, safety messages.	Unknown
Review/revise/expand the department's recruiting efforts among ethnic and racial minorities.	The diversity of the Seattle Police Department reflects the community at large. SPD aggressively recruits officers to improve the diversity of the officer ranks.
Consider calling the Community Relations Service of the United States Department of Justice your on-call resource in addressing racial and ethnic tensions. (See www.usdoj.gov/crs or call Tim Johnson at 202-305-2935).	Some SPD Command staff have recently attended the Tools for Tolerance training at the Los Angeles Museum of Tolerance, and plans to provide in-house training for SPD officers. The Department of Justice has recognized this training with a grant to fund attendance by police personnel from around the country.
Visit schools where harassment or incidents might occur -- show a police presence and have officers talk with students about keeping the peace.	At least one officer is a liaison with the schools, though bias crime doesn't seem to be a particular focus of the officer's efforts. There is a youth-oriented Demographic Advisory Committee.

Description of Best Practice	Does Seattle do it?
<p>Establish school-based task forces on diversity. The CRS offers a training program (Student Problem Identification and Resolution) on how law enforcement agencies can lead in this effort. Consider specific projects (dialogues, forums rallies, unity celebrations, etc.) which give people constructive ways to express feelings. CRS can provide specific guidance on how to mediate community dialogues.</p>	<p>Schools in Seattle are operated independently of the City. SPD assigns officers to work with the schools and with youth.</p>
Policies and Procedures	
<p>Review departmental policies and protocols on responding to hate crimes and hate incidents. If the department does not have such policies invite a diverse group of officers and area leaders to help construct one. If the department has such policies, publicize them.</p>	<p>See SPD Policies and Procedures - the procedures could be refined, but are generally thorough.</p>
<p>Review/revise plans and protocols for responding to major demonstrations and special events. CRS has information on handling major demonstrations and events.</p>	<p>Seattle received recommendations on revising its protocols following Mardi Gras 2001 and WTO 2000 incidents. See http://www.seattle.gov/police/publications/Mardi_Gras/AAR.PDF, Lessons Learned, pages 22 and following. and WTO after action report at http://www.seattle.gov/police/publications/WTO/WTO_AAR.PDF.</p> <p>The auditor has not determined whether protocols were actually revised in response to these recommendations.</p>
Resource Deployment and Tone at the Top	
<p>Increase patrol activities in areas where harassment or hate incidents might occur.</p>	<p>SPD increases patrol activities when judged necessary.</p>
<p>Provide a police presence in targeted communities. Consider increases in walking a patrols and other community - oriented policing practices.</p>	<p>SPD provides police presence with Community Police Teams on Capital Hill.</p>
<p>Have a plan for use of interpreters by the department. ATT has a service if there are no local resources.</p>	<p>Seattle uses multiple resources for this purpose.</p>
<p>Establish or expand a Bias Incident Unit or Response Team.</p>	<p>SPD has a Bias Crimes Coordinator.</p>
<p>Speak out against hate crimes. Hold press conferences emphasizing the department's position on hate crime and hate incident activity.</p>	<p>SPD response appears to be good, based on news reports of high profile incidents.</p>
<p>Establish opportunities for training and learning for your staff about targeted groups. Use 'ethnic experts' to help the department.</p>	<p>Victim Advocates perform this function. Officer and detective training could be improved. For example, there have been recent press accounts reporting accusations of undue surveillance of gay bars on Seattle's Capital Hill. The Tools for Tolerance training might be a step in the right direction.</p>

Description of Best Practice	Does Seattle do it?
Training	
Establish opportunities for training and learning for your staff about targeted groups. Use 'ethnic experts' to help the department.	Victim Advocates perform this function. Officer and detective training could be improved. For example, there have been recent press accounts reporting accusations of undue surveillance of gay bars on Seattle's Capital Hill. The Tools for Tolerance training might be a step in the right direction.
Prepare the department personnel for tough questions. Anticipate these questions and prepare constructive responses.	Unknown
Establish 'visor cards' for patrol staff on the basic facts of Islam and Sikhism.	Victim Advocates have relevant information which could be included in the little Resource Book.
Do roll call training - short (5 to 10 minutes) presentations of key information useful to patrol officers. Utilize 'ethnic experts' from the community to help conduct this training.	SPD could offer training to officers more frequently; provide additional training to detectives, and to all personnel upon promotion.
Use 'Ethnic Experts' Speakers Bureaus (people with special knowledge of a particular community) to help your employees understand cross cultural issues.	SPD could offer training to officers more frequently; provide additional training to detectives, and to all personnel upon promotion.
Hold periodic debriefings with command staff on race and ethnic community tensions.	SPD assigns a command staff person to be liaison to each of the ten Demographic Advisory Groups. This is a direct link from these communities to SPD Command.
Conduct "audits" of the department's racial tensions and assess how they might affect policing practices.	SPD's Human Resources section monitors incidents between employees and responds with mediation, training or discipline. Office of Professional Accountability monitors the very few complaints of bias-related police misconduct and has a system for responding as needed.
Review cultural awareness principles and methods – U.S. Department of Justice Community Relations Service has a one page information sheet on the Principles and Methods of Cultural Awareness.	Victim Advocates have materials on cultural awareness. Officer and detective training could be improved. Command staff have recently attended Tools for Tolerance training, (which has grant support from the Department of Justice, Community Relations Service), and is planning to make this training available to other SPD personnel.

Source: Office of City Auditor analysis of SPD performance against standards established by the California Association of Human Rights Organizations (CAHRO)

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APPENDIX I. Review of SPD 2006 and 2007 Incident Reports

We conducted a review of SPD incident report data for 2006 and 2007 similar to that reported in the Molsberry report for 2000 through 2005. The following summarizes the SPD data for this two-year period, and compares it to the findings for the previous six years.

Bias Crimes by Type and Neighborhood

Unlike the Molsberry report who found hate crimes occurring in every Seattle neighborhood, we found two Seattle neighborhoods had no reports in the database for 2006 and 2007, Northgate/Haller Lake and Magnolia/Interbay. Table 9 below shows the distribution of bias-related incidents by neighborhood and by targeted group or category.¹¹

Table 9. Bias-Related Police Reports by Targeted Group by Neighborhood 2006 and 2007

Neighborhood	Race or national origin	Sexual Orientation	Religion	Transgender	Other	Total
Downtown/Belltown/Pioneer Square/South Lake Union	10	7	1	2	1	21
First Hill/Capitol Hill/Eastlake	7	9			1	17
Ballard/Crown Hill	3		3			6
International District/Central District	2	2		1		5
Georgetown/Rainier Valley/Columbia City/Rainier Beach	1		2		1	4
University District/Ravenna	4					4
Northgate/Haller Lake and Magnolia						0
All other neighborhoods (3 or fewer incidents in 2006 and 2007)	14	5	2	0	1	22
Total	41	23	8	3	4	79
Percent of Total	52%	29%	10%	4%	5%	100%

Source: Office of City Auditor analysis of SPD patrol officer report data sorted by census tract and grouped according to neighborhoods defined in the report *Bias Crimes and Incidents in Seattle 2000 to 2005* by Ken Molsberry

¹¹ While we also reviewed 15 cases routed to the Bias Crimes Coordinator in the first quarter of 2008, we did not include these in our analysis because we were near completion of our work and were unable to complete analysis of the data.

Race, national origin and sexual orientation accounted for the vast majority (85%) of incidents, with race or national origin¹² accounting for more than half (53%). This continues the pattern noted with the 2006 Molsberry report. In the two-year period, 2006 and 2007, all the incidents that were categorized as bias against religion consisted of swastika graffiti.

The number of incidents in the Bias Crimes database for 2006 and 2007 is down considerably compared to the previous six-year period. By neighborhood, only the Downtown/Belltown/Pioneer Square/South Lake Union “neighborhood”¹³ saw a slight increase in average annual number of cases. Table 10 below compares the data we reviewed against the findings from the Molsberry Report

Table 10. Neighborhood Comparison of Bias-Related Police Reports for the 6 years 2000 to 2005 to Most Recent 2 years (2006 and 2007)

Neighborhood	2000 and 2005		2006* and 2007		Difference Between 2 Year Vs. 6-Year Annual Average
	Molsberry Report	Molsberry Average per year	All Flagged Bias Cases	2006*-2007 average per year	
First Hill/ Capitol Hill/Eastlake	76	12.7	17	10.5	(2.2)
Downtown/Belltown/Pioneer Square/South Lake Union	48	8.0	21	8.5	0.5
International District/Central District	38	6.3	5	3	(3.3)
U District/Ravenna	34	5.7	4	2.5	(3.2)
Georgetown/Rainier Valley/Columbia City/Rainier Beach	16	2.7	4	2	(0.7)
Ballard/Crown Hill	15	2.5	6	2	(0.5)
All other neighborhoods (3 or fewer incidents in 2006-2007)	176	29	22	11	(18.0)
Total	403	67.2	79	39.5	(27.7)

Source: Office of City Auditor analysis of SPD patrol officer reports and information from the report *Bias Crimes and Incidents in Seattle 2000 to 2005* by Ken Molsberry

*Note to Table 10: The 2006 data is missing 4 ½ months of information, and therefore undercounts 2006 bias crimes and incidents by an indeterminate amount. Please see pages 6-7 for additional explanation.

¹² We combined race and national origin, because in many cases it is difficult to distinguish which category is correct. For example, are East Africans targeted because they are black or from Africa? Or are Arabs, Muslims or Sikhs targeted because of perceived Muslim religion or national origin or race/skin color?

¹³ To keep the comparison consistent between our work and that of the Molsberry report, we have grouped incident reports into the same neighborhood groupings Molsberry used. These are somewhat arbitrary groupings, and don't follow boundaries used in most City of Seattle reports on neighborhoods.

Summary of Bias-Related Police Reports for 2006 and 2007

The detailed breakout shown in tables 11 and 13 below is for cases where there was some identifying information for a suspect, and for which we reviewed detective’s investigative files for 20 cases.

Bias category of 2006 and 2007 police incident reports

Source for tables 11 – 14 is Office of City Auditor analysis of SPD patrol officer reports

Anti-	#	2 nd Category
Race - Black	12	
Sexual Orientation	10	
Race - White	3	
Race - Asian	4	
National Origin - Arab	2	1
Transgender	2	
Ethnicity - Hispanic	1	
Don’t Know	1	
Total	35	

Anti-	#	2 nd category
Race - Black	14	4
Sexual Orientation	13	1
Religion - Jewish	6	1
Race - Asian	3	1
Race - White	3	
Transgender	1	
Religion - Christian	1	
Don’t Know	3	
Total	44	

The most frequent motivation identified for bias crimes are race and sexual orientation, with the racial category of Black far outnumbering attacks against people of other races. The most common crimes are assault, malicious harassment and property damage.

Crime category of 2006 and 2007 police incident reports

Crime Category	#
Malicious Harassment	13
Assault	10
Threat	9
Disturbance/Fight	1
Theft Of Services	1
No Crime	1
Total	35

Crime Category	#
Property damage/graffiti	21
Assault (unknown assailant)	16
Malicious Harassment (no suspect)	5
No Crime	2
Total	44

Tables 12 and 14 on the right are the breakdowns for cases with little or no information available in the police incident report that would identify a suspect. The column for Second Category in tables 11 and 12 indicates attacks targeted at multiple bias categories (e.g. Arab and Muslim, Jewish and sexual orientation, Black and homeless).

The most common crime categories are shown in tables 13 and 14. For cases that included some information identifying a suspect in the police incident report (Table 13) the most common crimes were malicious harassment, assault, and threat.¹⁴ Table 14 shows the crime category for the cases where there was little or no information to identify a suspect. Here the largest category is property damage (usually graffiti) followed by assault and malicious harassment with unknown assailants. The two classified as “no crime” were incidents where hateful words were used but no criminal threat.

¹⁴ There is overlap in these categories because the definition of malicious harassment in Washington State law includes both assault and threat, but with the specific motive of choosing the victim because of their actual or perceived membership in one of the protected categories. Police officers responding to these calls may have categorized similar crimes with different labels.

Appendix II: 2006 Hate Crimes and Incidents by Jurisdictions (Table 15)

Jurisdiction	Population	2006 Hate/Bias	
		Crimes	Incidents*
Seattle	583,772	11*	
Austin, TX	409,813	13	
Boston, MA	562,393	143	
Cleveland, OH	452,759	15	
Denver, CO	568,465	11	
Tacoma, WA	199,264	8	
Chicago, IL	2,857,796	33	19
Dearborn, MI	93,856	30	
Los Angeles County, CA	9,948,081	46	133
New York, NY	8,165,001	274	
Phoenix, AZ	1,517,443	60	
Long Beach, CA	478,283	25	Not available
Oakland, CA	398,834	2	
Portland, OR	542,174	40	
Sacramento, CA	460,552	37	Tracked from 1/08
San Diego, CA	1,266,847	55	
San Francisco, CA	746,085	94	13
San Jose, CA	920,548	29	
Philadelphia, PA	1,464,576	34	
Spokane, WA	200,200	14	

* This number does not match the 27 reports identified in the 2006 Seattle Bias Crimes Database because the Bias Crimes Database contains incidents that SPD does not report to the Department of Justice (DOJ). In addition, for bias crimes SPD reported to DOJ, DOJ determines final offense status, and SPD is not always notified of changes.

Incidents (excludes hate crimes): An action by any person directed toward the person or property of another (including insults, jeers, signs, literature or any other such expression) when the action in and of itself does not constitute a criminal or quasi-criminal act; but where the primary motive/intent of the action is an expression of animosity, contempt or bias based upon another's race, gender, color, creed, religion, ancestry, sexual orientation, physical or mental disability, or national origin (As defined in Chicago 2006 Hate Crime Report).

Source: Table 13, FBI 2006 Hate Crime Statistics

Bias Crime Statistics 1992 – 2005 for Major U.S. Cities														
	2005	2004	2003	2002	2001	2000	1999	1998	1997	1996	1995	1994	1993	1992
New York, NY	DNR	97	291	291	321	400	373	475	512	535	416	506	583	583
Los Angeles, CA	219	244	276	354	559	555	541	404	403	481	437	DNR	DNR	DNR
Chicago, IL	38	54	58	52	103	87	78	80	126	82	146	216	217	202
Houston, TX	24	14	29	66	56	21	36	39	30	34	39	52	25	23
Philadelphia, PA	37	20	40	44	47	53	70	77	92	97	145	120	202	DNR
Phoenix, AZ	DNR	100	100	106	154	147	139	170	217	135	125	134	125	115
San Antonio, TX	19	24	14	19	28	13	2	5	4	0	5	4	0	0
San Diego, CA	41	50	84	85	154	139	141	106	84	98	119	DNR	DNR	DNR
Dallas, TX	45	48	41	47	29	26	13	19	40	70	40	41	59	86
San Jose, CA	22	15	31	49	62	38	45	43	21	21	21	27	25	DNR
Detroit, MI	49	DNR	DNR	3	1	3	0	DNR	DNR	5	9	14	2	DNR
Indianapolis, IN	6	DNR	DNR	13	DNR	7	DNR	0	DNR	DNR	DNR	DNR	DNR	DNR
Jacksonville, FL	5	3	5	9	13	10	9	7	0	19	1	2	7	1
San Francisco, CA	104	138	117	180	164	141	184	218	256	260	280	270	289	63
Columbus, OH	50	123	48	71	77	69	72	DNR	89	57	112	159	142	DNR
Austin, TX	20	5	7	15	25	26	18	28	43	43	38	23	28	41
Memphis, TN	6	1	8	19	47	16	DNR							
Baltimore, MD	6	15	14	13	3	7	11	33	127	58	4	28	39	62
Fort Worth, TX	6	11	7	13	26	21	19	15	29	40	36	35	60	50
Charlotte, NC	3	8	11	13	16	9	0	0	0	DNR	DNR	DNR	DNR	DNR
El Paso, TX	8	8	10	11	7	9	10	13	12	7	3	18	17	20
Milwaukee, WI	11	2	2	DNR	3	1	1	DNR	3	3	5	3	2	16
Seattle, WA	18	25	25	18	27	21	31	28	36	27	40	43	125	106
Portland OR	72	79	95	10	104	32	57	23	67	81	90	101	140	227
Sacramento	50	32	41	24	31	52	42	37	25	44	36	DNR	DNR	DNR
Long Beach	27	25	30	41	30	22	39	39	44	20	22	DNR	DNR	DNR
Boston, MA	143	101	114	133	212	177	152	195	155	199	164	DNR	230	228
Denver, CO	12	7	6	3	16	7	19	6	4	8	19	21	45	43

DNR = Did not report

Source: Compiled by the Anti-Defamation League's Washington Office from information collected by the FBI. See <http://www.civilrights.org/assets/pdfs/HCSA-Big-50-City-Report-Table-2005.pdf>

APPENDIX III: Jurisdictional Summary (Table 16)

	Seattle	Chicago	Los Angeles County	Long Beach	New York	Portland	Sacramento	San Diego	San Francisco	San Jose
How you learn about Hate Crimes:										
Police Reports	X	X	X	X	X	X	X	X	X	X
Other City Entity (non-emergency number, on-line system, prosecutor)				X	X		X	X		
Community (hotline, on-line reporting)		X		X	X	X			X	
Tracking of:										
Crimes	X	X	X	X	X	X	X	X	X	X
Incidents		X	X	X(HDO)		X	X (started 1/08)		X	X
Regular Periodic Reporting to (not on request):										
Federal Government	X	X	X	X	X	X	X	X	X	X
Community Groups (Commissions, Non-profits)		X	X	X	X	X		X	X	
Internal Reports (within Dept. or City/Co.)		X		X	X	X		X	X	
Outreach Primarily Conducted by:										
Police Department	X	X			X	X	X	X	X	X
Civilian Staff				X						
Commission/Community		X	X			X	X	X	X	X
Training in Bias Crimes:										
Police Academy	X	X	X	X	X	X	X	X	X	X
Refresher Courses		X	X	X	X	X	X	X		X
At promotion or with detective turnover			X		X					

Notes: HDO=Long Beach's civilian Human Dignity Officer

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APPENDIX IV. Bias Crime Laws and Penalties Vary Among Jurisdictions

According to the Anti-Defamation League (ADL) website¹⁵, 45 states have hate/bias crimes statutory provisions.¹⁶ State bias crime laws define bias crimes and address penalties for bias crimes in one of two ways: 1) defining specific bias-motivated acts as distinct crimes with a specified penalty, **or** 2) providing for enhancement (increase) of standard penalties for crimes such as assault if bias is found to be a motive in the crime (called penalty-enhancement). The laws in the State of Washington define specific bias-motivated acts as distinct crimes.¹⁷ Wisconsin's law, in contrast, provides for penalty enhancement.

We found very little literature about the pros and cons of an enhancement law versus a distinct law for hate/bias crimes. However, the Anti-Defamation League prefers for states' hate crime law to be based on the "penalty-enhancement" concept. According to ADL, 43 states and the District of Columbia have enacted laws similar to, or based on the ADL model, which is a penalty-enhancement law. In June 1993, the United States Supreme Court unanimously upheld the constitutionality of Wisconsin's penalty-enhancement hate crimes statute, which was based on the ADL model. We reviewed state laws from the jurisdictions we contacted and found that of the nine different state laws covering the jurisdictions, six had enhancement-penalty laws and two (Oregon and Washington) had distinct laws. The Illinois law does both by having a distinct law called a hate crime and also providing for additional penalties.

According to the U.S. Department of Justice's, "A Policymaker's Guide to Hate Crimes", multiple laws addressing similar conditions (such as Washington's hate crime law that addresses assault, homicide, and the hate crime), may create the opportunity to "stack" charges and improve, from the victim's viewpoint, the likelihood of a satisfactory conclusion to the case.

Another cause for concern in prosecuting bias crime stems from case law about the structure of Washington's law. The following is taken from the King County Prosecutor's Filing Standards. The section addressing Malicious Harassment filings, subsection (f), discusses the "Anti-Merger Provision" as follows:

Other crimes committed during the commission of the crime of malicious harassment may be prosecuted and punished separately. RCW 9A.36.080(5)

However, see *State v. Lynch*, 93 Wisconsin. App.716 (1999). Division I held that when malicious harassment is charged under the physical injury prong, assault in the fourth degree conviction for the same conduct violated the double jeopardy clause, the anti-merger statute notwithstanding. The court, however, distinguishes felony assaults containing other elements. See *State V Robertson*. 88 Wisconsin. App. 836 (1997) (Assault 2^o).

¹⁵ http://www.adl.org/learn/hate_crimes_laws/map_frameset.html

¹⁶ The ADL website shows four states where "hate crimes" cover only institutional vandalism: Arizona, Georgia, Indiana, and South Carolina. Wyoming has no hate crime laws.

¹⁷ Bias crimes or hate crimes are called "malicious harassment" in Washington State law.

Note: you still can charge both malicious harassment and assault 4^o but treat the assault 4^o the same as a “lesser included” when instructing jury.

Police officers in both Seattle and Portland, Oregon (Oregon also has a distinct law instead of a penalty enhancement law), stated that the current law is confusing, and may lead to inconsistent sentencing and be more difficult to prosecute. In one case from several years ago, mentioned by SPD officials as an example, the prosecutor filed solely as malicious harassment under the malicious harassment law because the underlying offense was a minor assault. The jury agreed there was substantial evidence that the defendant had committed an assault, but that was not the charge they were asked to decide. The jury found the defendant not guilty of malicious harassment. With an enhancement penalty law, the prosecutor could have charged based on the assault and may have won a conviction on the assault basis, even though he still may have lost on the enhancement penalty for malicious harassment. Because the prosecutor in the cited example failed to prove that the defendant’s motive was malicious harassment, the defendant was not convicted of any crime.

However, King County Deputy Prosecuting Attorney Mike Hogan argues strongly against changing Washington’s law on this basis:

I do not think that the enhancement scheme of malicious harassment statutes used in other states offers any advantages over ours (Washington’s). I like a substantive crime rather than an enhancement, it is less confusing to a jury, and also has symbolic value as its own crime. ... Our statute has an anti-merger clause, which means it does enhance other crimes charged in most circumstances, and double jeopardy is not a problem in most cases. We have a constitutional analysis which we often use when defendants are convicted of multiple crimes to ensure they are not doubly punished for the same crimes.

Mr. Hogan stated that he always charges both malicious harassment and the underlying crime, so that if a jury doesn’t accept the proof of a bias motive, it can still find the defendant guilty of the underlying crime (e.g., assault or threat).

Bias crime laws and prosecution in Washington State and Seattle

The laws of Washington State and Seattle use the term “malicious harassment” for bias/hate crimes. Table 17 below shows the categories or characteristics covered in these laws as well as categories either explicitly protected by federal law, or for which reporting is required from states to the federal government. For instance, sexual orientation is not a category protected under federal law, but reporting by states is required on bias crimes targeting a person because of the person’s real or perceived sexual orientation.

In Seattle’s Law, the List of Hate/Bias Crime Motivation Categories is among the Most Comprehensive. Of the cities we contacted, Seattle has one of the most comprehensive lists of motivation categories into which a bias crime can be classified. In addition to including the categories of all the other cities except Portland, it was the only city that included parental status and homelessness. Portland also had an extensive list that included most of Seattle’s categories or slight variations thereof, plus membership or activity in or on behalf of a labor organization or against a labor organization,

economic or social status, and citizenship. Table 17 summarizes the categories included in the laws of Washington State and the City of Seattle compared to categories reported to the federal government.

Table 17. Categories or Characteristics Protected by Laws at Various Levels

	Seattle	Washington	Federal Reporting Required
Race,	*	X	X
Color	*	X	X
Religion	*	X	X
National Origin,	*	X	X
Sexual Orientation,	*	X	
Ancestry	*	X	
Gender Identity,	X		**
Gender	*	X	X
Marital Status	X		
Political Affiliation Or Beliefs,/Ideology	X		
Physical, Sensory Or Mental Handicap	*	X	X
Age	X		
Parental Status	X		
Homelessness	X		

*Seattle’s laws do not duplicate categories noted in Washington State Law; they cover additional categories.

**The Federal Hate Crimes Statistics Act requires reporting on only four categories: race, religion, sexual orientation and disability. However, there are no federal laws prohibiting discrimination based on sexual orientation.

Source: Malicious Harassment Laws of the City of Seattle and the State of Washington, and the Hate Crime Statistics Act (United States Code 28 section 534)

Washington State Law (RCW 9A.36.080) provides that a person is guilty of malicious harassment (another term for a bias crime) if the person threatens someone or causes physical injury, property damage or property destruction because of the victim’s race, color, religion, ancestry, national origin, gender, sexual orientation, or mental, physical or sensory handicap. The law further states that burning a cross on a victim’s property or defacing a victim’s property with a swastika are presumed to be threats unless evidence shows otherwise.

When are mere words a crime? For a threat to reach the level of a crime, the RCW states that the victim must feel placed “in reasonable fear of harm to person or property.” The code indicates:

Words alone do not constitute malicious harassment unless the context or circumstances surrounding the words indicate the words are a threat. Threatening words do not constitute

malicious harassment if it is apparent to the victim that the person does not have the ability to carry out the threat. [RCW 9A.36.080(1)(c)].

Felony Malicious Harassment. Washington State's law identifies malicious harassment as a Class C felony, for which the penalty is imprisonment for a maximum of five years and/or a fine of up to \$10,000. Such crimes committed in Seattle are generally referred to the King County Prosecutor for prosecution as a felony when there is sufficient evidence to make a case that the act meets the State law's definition.

Seattle Law: Misdemeanor Malicious Harassment. Seattle's Municipal Code has a law complementary to the State law, covering protected classes of persons not covered by the State law including real or perceived gender identity, marital status, political ideology, age, parental status, or homelessness. However, violations of Seattle's Municipal Code are classified as misdemeanors or gross misdemeanors with a maximum penalty of \$5,000 and/or a prison term not to exceed one year. When bias crimes committed in the City do not rise to the felony level described in State law, or when the victim is chosen because they are (or are perceived to be) in a category only covered under Seattle's law, then the City Attorney decides whether or not to prosecute the case.

Is it Malicious Harassment or another Crime? As we have already noted, malicious harassment at the felony level described in State law is a Class C felony. The actions that constitute malicious harassment, when committed without the element of bias or prejudice – physical injury, property damage, and threats – are separately identified in State law as crimes. For example, under RCW 9A.46.020 the crime of harassment is described much the same as malicious harassment, but without the bias element, and classified as a gross misdemeanor. In aggravated circumstances, such as violation of a no-contact order, harassment can rise to the level of a Class C felony. Another example is assault, which has four levels or degrees described in the law. First and second degree assault are classified as Class A felonies, with penalties up to twenty years imprisonment and fines up to \$50,000. Third and fourth degree assault are classified as Class C felonies, with the lesser penalties noted above. These other crimes are identified based solely on behavior; whereas proving malicious harassment requires the extra step of proving the perpetrator's motivation for the behavior; that is, the perpetrator must choose their victim because of race, national origin, sexual orientation, religion, etc.



City of Seattle

Gregory J. Nickels, Mayor

Seattle Police Department

R. Gil Kerlikowske, Chief of Police

July 25, 2008

Mary Denzel
Assistant City Auditor
City of Seattle Office of City Auditor
P.O. Box 94729
Seattle, WA 98124-4729

Dear Ms. Denzel,

Thank you for the opportunity to discuss the Bias Crime Enforcement Audit. I know both Captain Dave Emerick and I appreciate the thoroughness of your efforts. As is apparent from your inquiries, the Seattle Police Department is committed to providing the best possible response to Bias Crimes.

I trust our discussion provided further clarification that will assist you in preparing the final report. We look forward to exploring the report's recommendations and taking advantage of any opportunities to enhance our policies and procedures.

Sincerely,

Assistant Chief Jim Pryor
Criminal Investigation Bureau

JP:arh

cc: Captain Dave Emerick – Violent Crimes Section



Seattle Police Department, 610 Fifth Avenue, PO Box 34986, Seattle, WA 98124-4986

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City of Seattle

Gregory J. Nickels, Mayor

Seattle Office for Civil Rights

Julie Nelson, Director

Date: July 22, 2008

To: Mary Denzel, Assistant City Auditor
Office of the City Auditor

From: Julie Nelson, Director
Seattle Office for Civil Rights

Subject: Bias and Hate Crime and Incident Audit

Thank you for the opportunity to review and comment upon the draft Bias and Hate Crime and Incident Audit. As you point out in the report, bias and hate crimes are not only a problem for the individuals targeted, but are larger concerns for the protected class and our city overall. SOCR and the commissions (Commission for Sexual Minorities, Human Rights Commission and Women's Commission) support aggressive strategies for keeping Seattle safe for all our communities. Your report provides a unique opportunity to further strengthen the City's strategies for achieving equal rights and social justice for all of Seattle.

SOCR and the commissions are in support of the recommendations you have put forth. In particular, assigning a City coordinator would help to ensure a strong and strategic response to hate crimes and incidents across all City departments, including not only criminal justice, but community building and educational outreach efforts as well.

In addition, tracking of and reporting on both hate incidents and hate crimes would be valuable. Web-site reporting for hate incidents, such as through a Gay City website, would be useful. Given the wide-range of communities who are targets of hate crimes, a website housed by the City, with links from multiple community based organizations, including LGBTQ, ethnic and religious communities, would be a holistic approach to tracking and reporting of hate incidents.

Finally, you recommend expanding the roles of SOCR and the Commissions to include hate crime and hate incident outreach, education and prevention. This recommendation is quite consistent with our mission, and we welcome opportunities to expand efforts in this regard.

Please feel free to call me at 233-7822 if you have any questions.