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To: Kathleen M. O'Toole, Chief Seattle Police Department
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Subject: Review of City Auditor's Report, *Review of Hate Crime Prevention, Response and Reporting in Seattle: Phase I*

**Reactions to City Auditor's Report on the Handling of
Hate Crimes in Seattle**

At the request of the Seattle Police Department (SPD), we have reviewed the City Auditor's report, *Review of Hate Crime Prevention, Response and Reporting in Seattle: Phase I*, and SPD's response to the report. We concur with the City Auditor's conclusion that SPD's efforts represent best practices regarding their response to hate crime incidents and future changes may help to solidify SPD role as a national model for addressing and responding to hate crimes.

Current Best Practices by Seattle Police Department (SPD)

As indicated in the report, SPD has adopted a number of best practices with regards to hate crime prevention, response, and reporting. For example, the "Safe Place" program, which was adopted in 2015, to encourage reporting of hate crimes by members of the LGBTQ community is a national best practice. Research indicates that waiting for members of a targeted community to come forward and ask for police assistance is a failed strategy although it is still the primary approach by most law enforcement agencies. The "Safe Place" program recognizes the need to establish trusting relationships as a first step to encourage hate crime victims to come forward to report acts of violence perpetrated against them. The size and scope of the Safe Place program is one of the best examples of this kind of outreach in the nation.

Second, the implementation of Demographic Advisory Councils within SPD is another best practice that we support for developing trust with members of communities who might be targeted by hate crime offenders. Demographic Advisory Councils exist in numerous major cities (e.g. Washington, D.C.) but few have as many types of council as SPD. As noted in the Auditors Report, these councils include members representing African, Filipino, Korean, Latino, LGBTQ, Muslim, Native American, and Southeast Asian communities.

Additionally, SPD has made numerous efforts towards improving both the data collection and reporting of bias crime incidents. For example, the Bias Crime Dashboard, a user-friendly public tool, presents updated hate crime information and offers community members a way to track bias motivated incidents, a practice which few agencies across the country engage in. Also, the inclusion of hate crime data in "SEASTAT" data-driven policing meetings is another best practice. Based on our research experience, we have found no other agency that regularly includes hate crime data in their regular crime analysis meetings. This also offers SPD leaders the opportunity to present a training tool to their command staff by exposing officers to hate crime information even if it does not occur in their precinct. While a number of agencies include such information in the aftermath of a major hate crime incident, it is exceedingly rare to regularly report hate crimes as part of the ongoing crime analysis meetings in an agency.

The "How to Report a Hate Crime Instruction Sheet," which has been translated into 18 languages, is also encouraged and supported as a best practice. Given the growing number of non-English speaking communities, police agencies have realized that outreach to non-English speakers is quite helpful in increasing awareness of national and state laws regarding the reporting of hate crimes. In addition to the adoption of this instruction sheet, we believe that this approach can be improved further by involving members of non-English speaking groups to participate in the translation since they can incorporate some of the cultural context as well. A recent development that has been successful is having representative of law enforcement appear on cable television shows geared toward particular non-English speaking audiences.

Finally, the data collection and reporting of bias incidents, in addition to bias crimes is a rarity in law enforcement agencies despite being highlighted as a best practice nationally. Many agencies do not investigate bias incidents since they do not rise to the level of a crime. This is shortsighted since these can act as leading indicators of future problems in a neighborhood, school, or workplace. SPD not only collects this information, but includes them in their analysis and monthly meetings. Moreover, Washington State has adopted a malicious harassment statute that defines an aditional

set of bias motivated crimes to be investigated by SPD. In most jurisdictions, these low-level criminal incidents are never investigated and the State of Washington is to be commended for their thoughtful and inclusive approach to defining bias crime. By setting a policy with an inclusive definition of bias crimes, which includes non-criminal incidents and malicious harassment, it can contribute to an increase in the number of bias crimes being reported. Nevertheless, we believe that this practice should be encouraged although many police agencies will not adopt this practice for fear of being labeled as a hot spot for bias crime.

Reactions to the Recommendations in City Auditor's Report

As the City Auditor's report indicates, a rise in the number of reported hate crimes can be a positive sign since it can reflect increased reporting of hate crimes that have previously been unreported in the past as a result of victims' perceptions that they will not be taken seriously and not treated with respect by the police. In the Departments response to the City Auditors report they note that the community approval rate for the SPD has increased since 2013, this kind of improvement in the community's view of its police department is often followed by an increase in reporting of all crimes including hate crimes. In general, it is important to consider various factors that might influence changes in the patterns and trends of hate crime reporting.

Following our previous research, hate crimes often rise in a community following a specific national, state, or local incident (e.g. September 11, 2001) or when hate crime offenders feel that the police will not enforce hate crimes laws and thus they will not be arrested or prosecuted for the crime. Although neither of these scenarios appear to be the case in the period under consideration in Seattle, it is important to continue examining the impact of any future activity and/or event that may influence hate crime reporting.

Based on our own analysis of hate crime data, hate crime data collection efforts require continued examination given a number of factors that can lead to faulty classification and reporting. For example, the selection of *Unknown* in the SPD data collection system has resulted in a number of cases with no bias indicators being considered as potential hate crimes. This practice which was ended in July of 2017, could have include cases that might have been bias motivated. The review by the Bias Crime Coordinator seemed to indicate that there was no widespread undercounting of bias crime incidents.

 One interesting practice in Seattle is the inclusion of hate motivated graffiti as a hate crime if it is reported by a community member via the 911 system can assist SPD in serving as an early warning system for neighborhoods where bias sentiments may be

increasing. This promising practice by SPD may prompt further outreach to local groups to develop and collaborate on anti-hate programming. Such efforts to publicly report hate motivated graffiti should also be vetted by local community groups in Seattle. While this is important information for law enforcement officers and policymakers, it can also have negative implications for neighborhoods where graffiti is located and reported.

Finally, we agree with the recommendation of increased training and coordination across different agencies and organizations with regards to hate crime data collection, reporting, and prevention efforts. Since hate crimes are rare events, it is important to find ways to offer regular training through current practices and tools such as information being provided at SEASTAT meetings and the application of the hate crime dash board tool. The adoption of multi-jurisdictional task forces as suggested by the City Auditor's report are generally a good idea. However, these task forces must acknowledge the jurisdictional differences in responsibilities of each organization. The allegations of discrimination in employment, for example, that would be dealt with by the SOCR might never come to SPD for investigation.

Finally, the report's recommendation on increased coordination across different agencies and organizations regarding the discriminatory treatment of targeted groups is also important. Although the collection of data from the hate crime hotline is encouraged, prior lessons from similar hotlines across the U.S. are not promising. These use of hotlines tend to rise when they are initially deployed but dramatically decrease over time. Their application can be improved by regular publicity involving the hotline number and a detailed protocol of information to be collected from each caller. The national human trafficking hotline is a useful example. Coordination could also be improved if additional agencies were included such as the Seattle public schools, and any street outreach organization that exists in the community.

Recommendations to Seattle Police Department (SPD)

Based on evidence-based practices found across the country, we would also recommend the following that fall in line with earlier activities and recommendations to continue improving the collection, reporting, prevention of hate crime incidents in Seattle:

- *Multiple bias motivations*. Providing officers with the option to include multiple bias motivation would be an improvement to the current approach and may create another national best practice. The department might want to have officers indicate the primary bias motivation with the option of including other bias motivations.

- *Training*. We would be happy to work with the Hate Crime Coordinator and other staff to develop a hate crime training program that could be low cost and ongoing. The venue might include roll call training and the use of brief case reviews. The video training being proposed by SPD should serve as a useful refresher for officers and should stress the need to refer any ambiguous cases to the bias crime coordinator.

- *Future Data Analysis*. Further analysis as described in the City Auditor's report would be helpful in order to provide an accurate interpretation of the data to avoid any over-reporting or underreporting of hate crimes. In the past, we have examined national, state, and local-level data to determine whether hate crime incidents are associated with local-level conditions including demographic, economic, social, and political factors. We could assist with providing a better understanding on these local-level patterns and trends across communities and over time to provide a better understanding on the reporting and aid future efforts to prevent hate crimes. Additionally, we suggest tracking other crimes that occur both spatially and temporally proximate to hate crime incidents. Because hate crime offenders do not engage in hate motivated violence exclusively, it might be helpful to expand the analysis to other criminal incidents that are linked in time or by neighborhood or by other MO factors.

- *Local Community Meetings.* The recommendation to engage in target hardening activities at locations that have experienced a hate crime is innovative. The idea of increasing cameras around a mosque or temple following an increase in graffiti in a neighborhood, for example, might increase the probability of arrest if a hate crime were to occur. I think SPD could serve as the convener of meetings with civic and philanthropy organization that could fund such target hardening activities.

- *Review of Hate Crime Data Reports*. One additional and cost-effective strategy for review the backlog of cases with "unknown" bias categorization would be to run a computer search on the narrative field of the incident report. If you were to search on key word such as "hate," "bias," 'prejudice," or slurs targeting one group of another you might find additional cases worth investigating from the list of 17,000. This approach has been used by some agencies and has been effective.