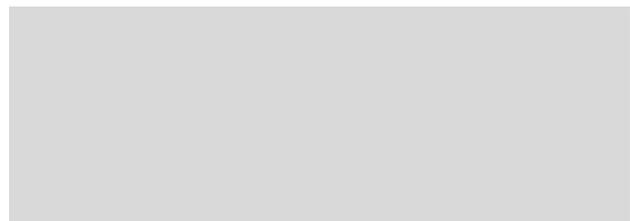
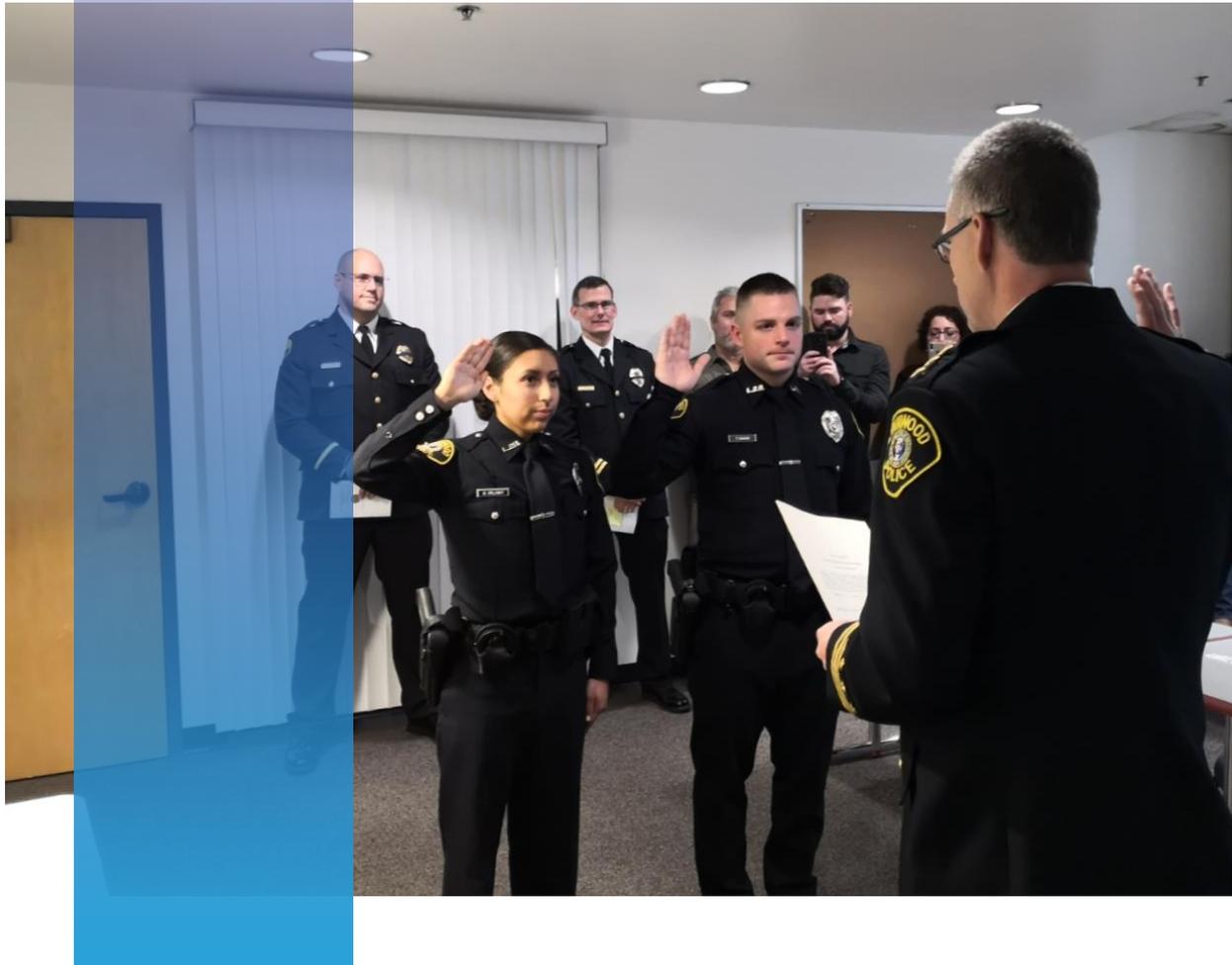


# Biased-Based Policing/Racial Profiling Annual Report 2019

Administrative Services Division  
July 2020





**The Mission of the Lynnwood Police Department is to provide proactive, competent, and effective public safety services to all persons, with the highest regard for human dignity through efficient and professional law enforcement and crime prevention practices.**

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## INTRODUCTION

**R**acial- or Bias-Based profiling is defined as an inappropriate reliance on factors such as race, ethnicity, national origin, religion, gender, sexual orientation, economic status, age cultural group, disability, or affiliation with any other similar identifiable group as a factor in deciding whether to take law enforcement action or to provide service.

The Lynnwood Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is our policy to provide law enforcement services and to enforce the law equally, fairly and without discrimination toward any individual or group.

As detailed in department policy, race, ethnicity or nationality, religion, gender, sexual orientation, economic status, age, cultural group, disability, or affiliation with any other similar identifiable group shall not be used as the basis for providing differing levels of law enforcement service or the enforcement of the law<sup>1</sup>.

This report serves as our 2019 examination of available data related to traffic stops, including demographic data, existing procedures, practices and training, as well as complaints, to measure and assess our commitment to providing police services free of biased- or racial-based profiling.

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<sup>1</sup> See Appendix D for Policy 402 – Racial or Bias-Based Profiling

This report is divided into four main sections:



### COMPLAINTS

The Lynnwood Police Department has a citizen complaint process designed to address potential instances of racial profiling. The process is accessible to the community while allowing for complaints to be filed electronically or in-person, and through multiple different languages and formats. Officers found to be engaged in racial profiling are held accountable through the appropriate disciplinary procedures. Relevant complaint data will be highlighted.



### TRAINING

Each member of the department is required to complete refresher training every five years, or sooner if deemed necessary, in order to keep current with changing community trends. An assessment of our training commitment will be highlighted.



### TRAFFIC STOP DATA

A review of available data related to traffic stops, including demographic data, will be analyzed for any patterns or other possible indicators of racial- or bias-based profiling.



### APPENDIXES

Relevant policies and RCWs will be provided in this section. Additional supporting documentation includes Resolution 2017-03, co-signed by Mayor Nicola Smith, the Lynnwood City Council, and Chief of Police Tom Davis reaffirming the City of Lynnwood's commitment to being a safe, welcoming, and equitable community for all.

## OUR VISION

**O**ur Vision is to be recognized by our community as a major factor in determining and ensuring the quality of life in Lynnwood. We desire to be viewed as a leader in the law enforcement community; an organization that is committed to innovation and positive change in our endeavor to continually improve the quality of our service.

## OUR VALUES

The graphic features a central white box with the text "ALL ARE WELCOME" in large, bold, white letters. Below this text is the Lynnwood logo, which consists of a stylized 'L' made of three squares, followed by the word "LYNNWOOD" in a sans-serif font. To the right of the Lynnwood logo is a circular logo for "Diversity, Equity & Inclusion" featuring a tree with colorful leaves. The background of the graphic is a colorful, abstract geometric pattern. The text "ALL ARE WELCOME" is surrounded by translations in various languages: Chinese (歡迎所有人), Vietnamese (chào đón tất cả mọi người), Korean (누구나 환영합니다), Hindi (Tussi sare swagata karade ho), Spanish (Todos Son Bienvenidos), Arabic (الكل مرحبوا بكم), Punjabi (Aap Sabhne swagat Hai), and Hmong (Tout le monde est bienvenu).

**Professionalism**

- **Committed to professional development while providing ethical, proficient, and respectful service.**

**Vigilance**

- **Keeping the community safe through proactive and tenacious pursuit of violators of the law.**

**Community**

- **Cultivating positive interactions by fostering trust; and partnering with community members to create a high quality of life.**

## Complaints

The Lynnwood Police Department has a citizen complaint process designed to address potential instances of racial profiling. The process is accessible to the community while allowing for complaints to be filed electronically or in-person, and through multiple different languages and formats. Officers found to be engaged in racial profiling are held accountable through the appropriate disciplinary procedures.

*According to policy §340.3.2(r) – Conduct; officers shall provide their names and badge numbers (if applicable) to any community member who seeks such information.*



In 2019, there were no complaints that included allegations of failure to provide such information upon request by members of this department.

*According to policy 340.3.3(a) – Discrimination; officers shall not “a) Discriminate against any person because of age, race, color, creed, religion, sex, sexual orientation, national origin, ancestry, lifestyle, physical or mental disability or medical condition.”*



In 2019, there was one complaint regarding a minority or racial-based incident. The incident involved an allegation that an officer made a racial slur to a suspect while the officer was conducting a criminal investigation. An inquiry was conducted, including an interview with the complainant, and it was subsequently determined the officer did not use a racial slur toward the complainant as originally alleged.

## Training

According to policy §402.7 (Training), each member of the department is required to complete refresher training every five years, or sooner if deemed necessary, in order to keep current with changing community trends (RCW 43.101.410(c)).

To ensure compliance, department-wide training was conducted on our Racial or Bias-Based Profiling policy in 2017 and in 2019.

Department personnel have also participated in Leadership Snohomish County as recently as 2018, as well as the 2019 Step Up conference.

Department personnel also participated in the Government Alliance on Race and Equity in 2019.

In late 2019, several department members attended a city-wide workshop called “Leading with a Racial Equity Lens for Structural Transformation” as part of our commitment to being a Safe and Welcoming city.

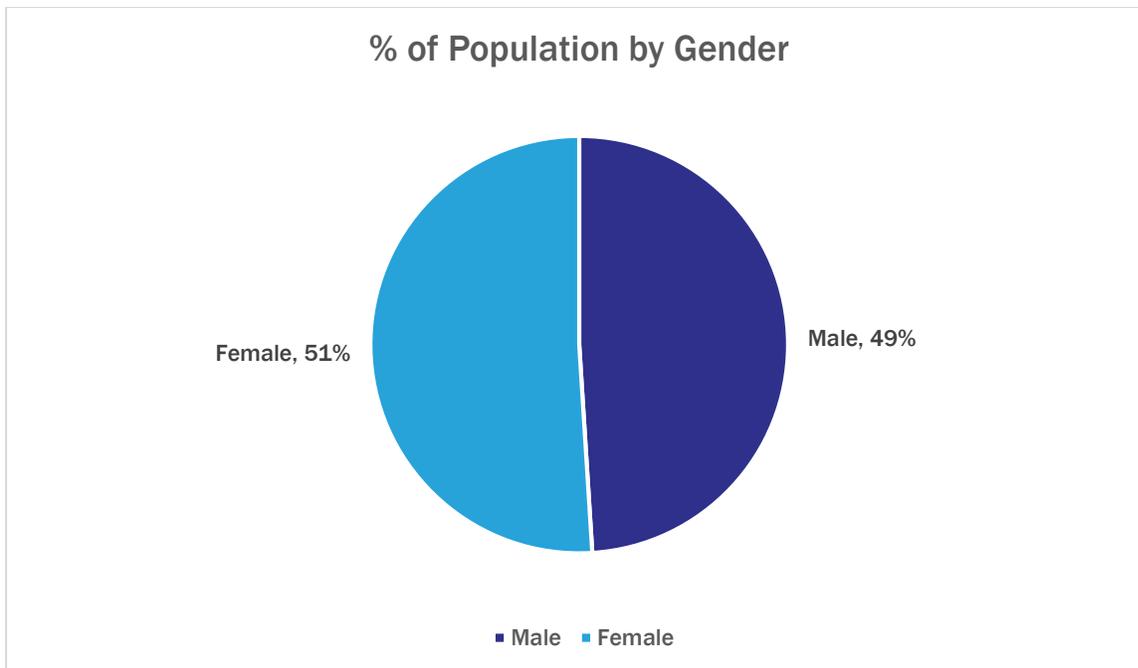
## Traffic Stop Data

Policy §402.6 (State Reporting) requires the Deputy Chief of the Bureau of Field Operations to review available data related to traffic stops, including demographic data, existing procedures, practices and training, as well as complaints. The data is to be analyzed for any patterns or other possible indicators of racial- or bias-based profiling. This analysis is to be forwarded to the Chief of Police for review and included in the annual report for the Washington Association of Sheriffs and Police Chiefs (WASPC).

A full census of the United States is performed every 10 years per Public Law 94-171. The 2020 Census is in progress and 2020 data is not available at the time of this report. The last census of the City of Lynnwood was performed in 2010 by the U.S. Census Bureau.

A general breakdown of Lynnwood’s demographics in 2019 was as follows:

Lynnwood Population – **39,141** (July 1, 2019 estimate<sup>2</sup>).

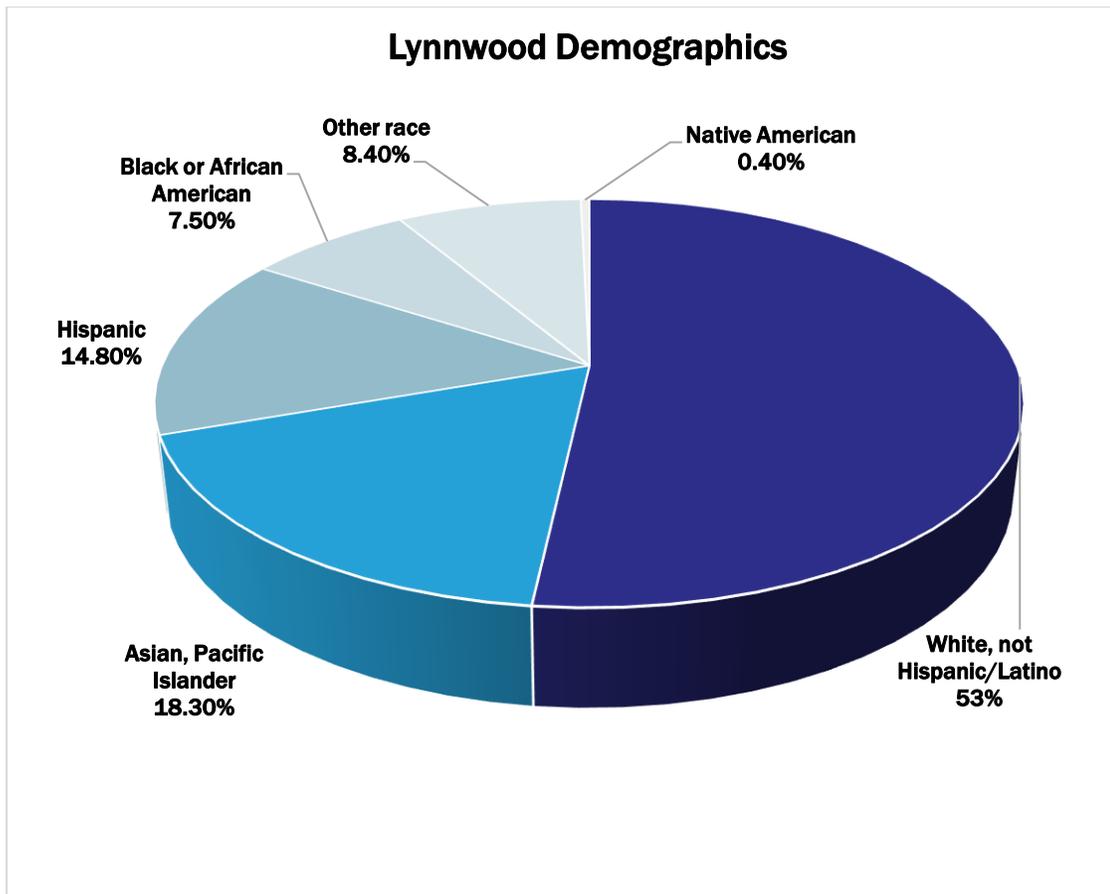


<sup>2</sup> Source: [census.gov/quickfacts/lynnwoodcitywashington](https://census.gov/quickfacts/lynnwoodcitywashington)

Demographic Data<sup>3</sup>:

Race and Hispanic Origin		Lynnwood city, Washington
Population estimates, July 1, 2019, (V2019)		39,141
<b>PEOPLE</b>		
<b>Race and Hispanic Origin</b>		
White alone, percent		59.9%
Black or African American alone, percent (a)		7.5%
American Indian and Alaska Native alone, percent (a)		0.4%
Asian alone, percent (a)		17.7%
Native Hawaiian and Other Pacific Islander alone, percent (a)		0.6%
Two or More Races, percent		8.4%
Hispanic or Latino, percent (b)		14.8%
White alone, not Hispanic or Latino, percent		53.0%

Source: census.gov/quickfacts/lynnwoodcitywashington



<sup>3</sup> Source: census.gov/quickfacts/lynnwoodcitywashington

The Lynnwood Police Department utilizes the *New World* records management system, as well as the State’s *Sector* system for traffic citations and accidents. Both of these systems capture demographic data, which can be analyzed to examine if racial or biased-based profiling is occurring.

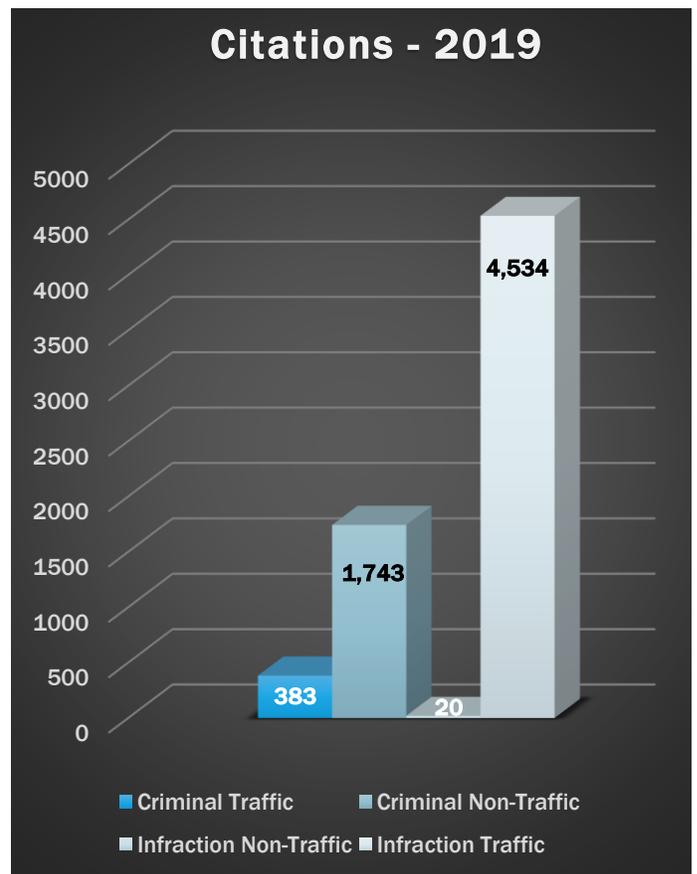
CITATIONS ISSUED THROUGH SECTOR

In the year 2019, a total of 6,680 citations were issued. These citations can be broken down into four (4) types:

*Type & Number of Citations Issued*

Criminal Traffic	383
Criminal Non-Traffic	1743
Infraction Non-Traffic	20
Infraction Traffic	4534
<b>TOTAL</b>	<b>6680</b>

- 68% of the citations are traffic infractions
- 26% of the citations are criminal non-traffic
- 6% of the citations are criminal traffic
- Less than .5% are non-traffic infractions

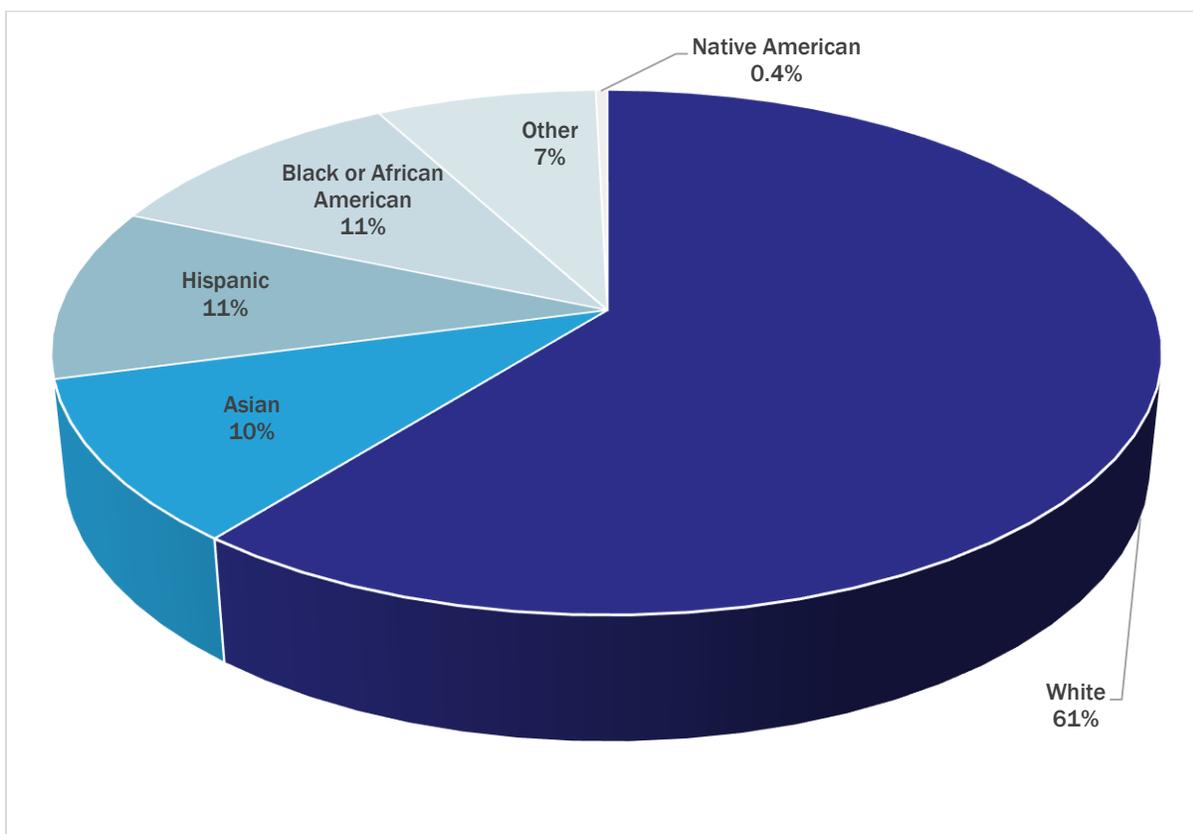


TOTAL CITATIONS (CRIMINAL AND INFRACTIONS) ISSUED BY RACE

SECTOR divides race into the following six (6) categories:

- Asian or Pacific Islander
- Black
- Hispanic
- American Indian
- Other/Unknown
- White

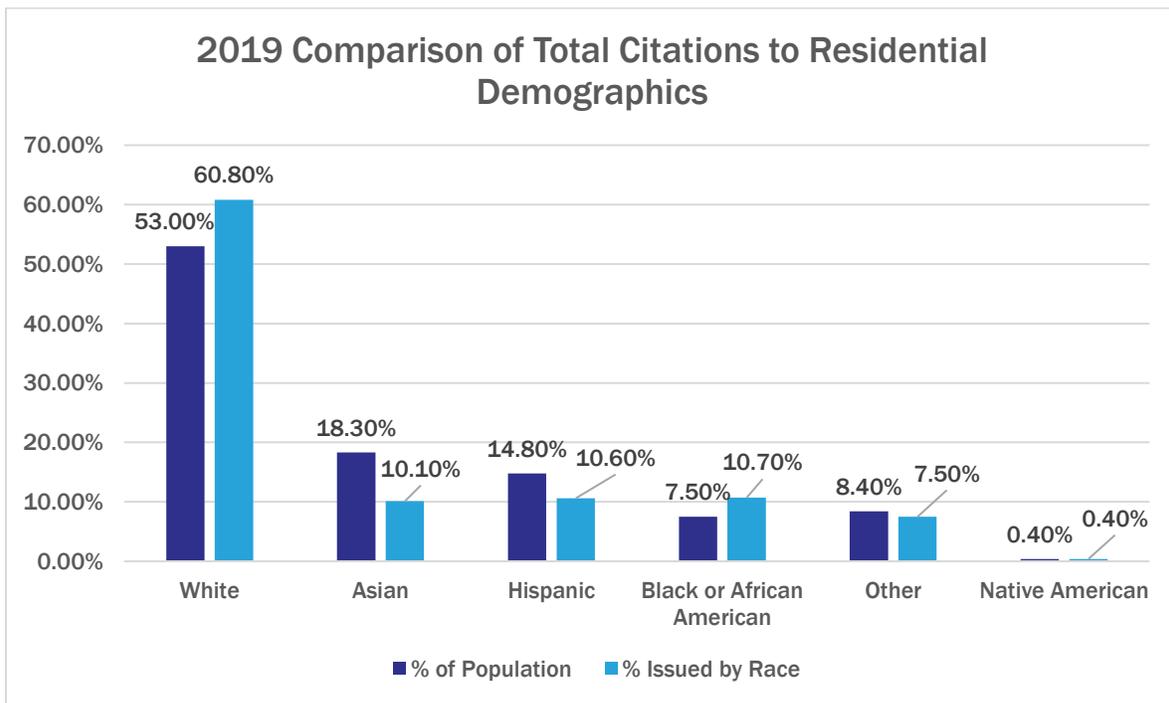
Percentage of Citations by Race



In 2019, a total of 6,680 infractions/citations were issued.

The following chart shows the percentage of total citations issued by Lynnwood police officers to the major racial segments (light blue bar) compared to the residential population percentage (dark blue bar) of the same racial segment.

For example, the percentage of white individuals who reside in Lynnwood is 53%; this same racial segment received 60.80% of the total number of citations. It should be noted that this is a general extrapolation, which includes both issued infractions and criminal citations.

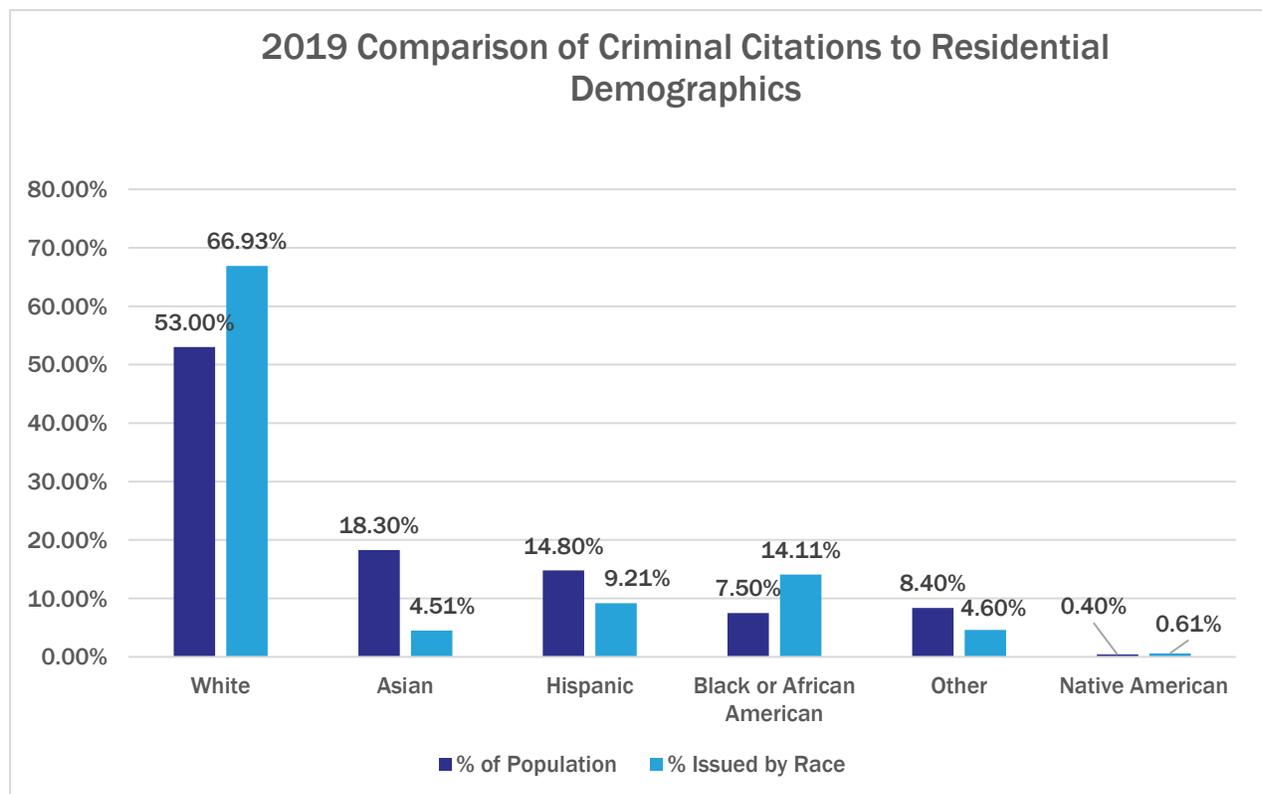


The next two charts will separate criminal citations from infractions.

CRIMINAL CITATIONS BY RACE

In 2019, a total of 2,126 criminal citations were issued.

Citations by Race (Count)	
Asian or Pacific Islander	96
Black	300
Hispanic	196
American Indian	13
Unknown	98
White	1,423
<b>TOTAL:</b>	<b>2,126</b>

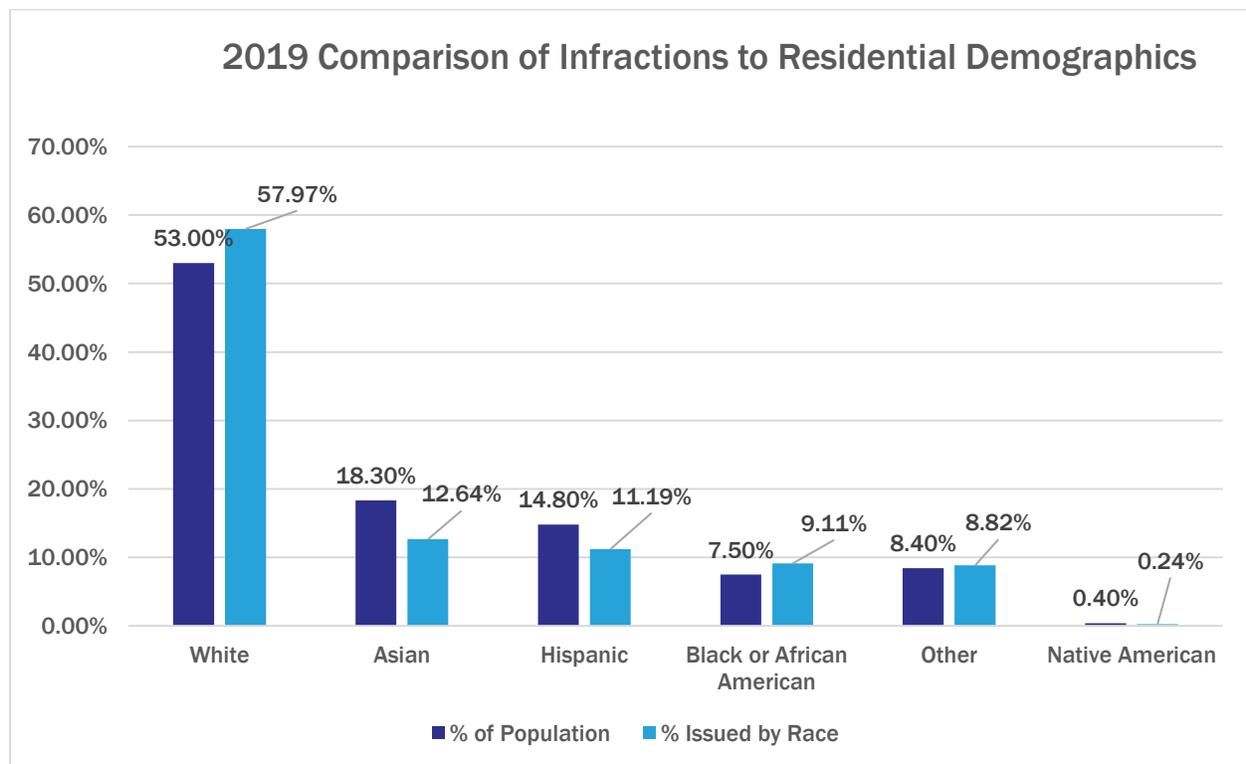


The issuance of criminal citations oftentimes lacks discretionary opportunities since the officer was dispatched to the encounter as opposed to an infraction, which entails a great more discretion by the officer and is typically the result of self-generated activity.

INFRACTIONS BY RACE

In 2019, a total of 4,554 infractions were issued.

Infractions by Race (Count)	
<b>Asian or Pacific Islander</b>	<b>576</b>
<b>Black</b>	415
<b>Hispanic</b>	510
<b>American Indian</b>	11
<b>Unknown</b>	402
<b>White</b>	2,640
<b>TOTAL:</b>	<b>4,554</b>



Although the racial categories used in 2018 varied slightly, the above distribution of percentages were generally similar to those in the previous year (see Appendix D for the 2018 chart).

## SUMMARY

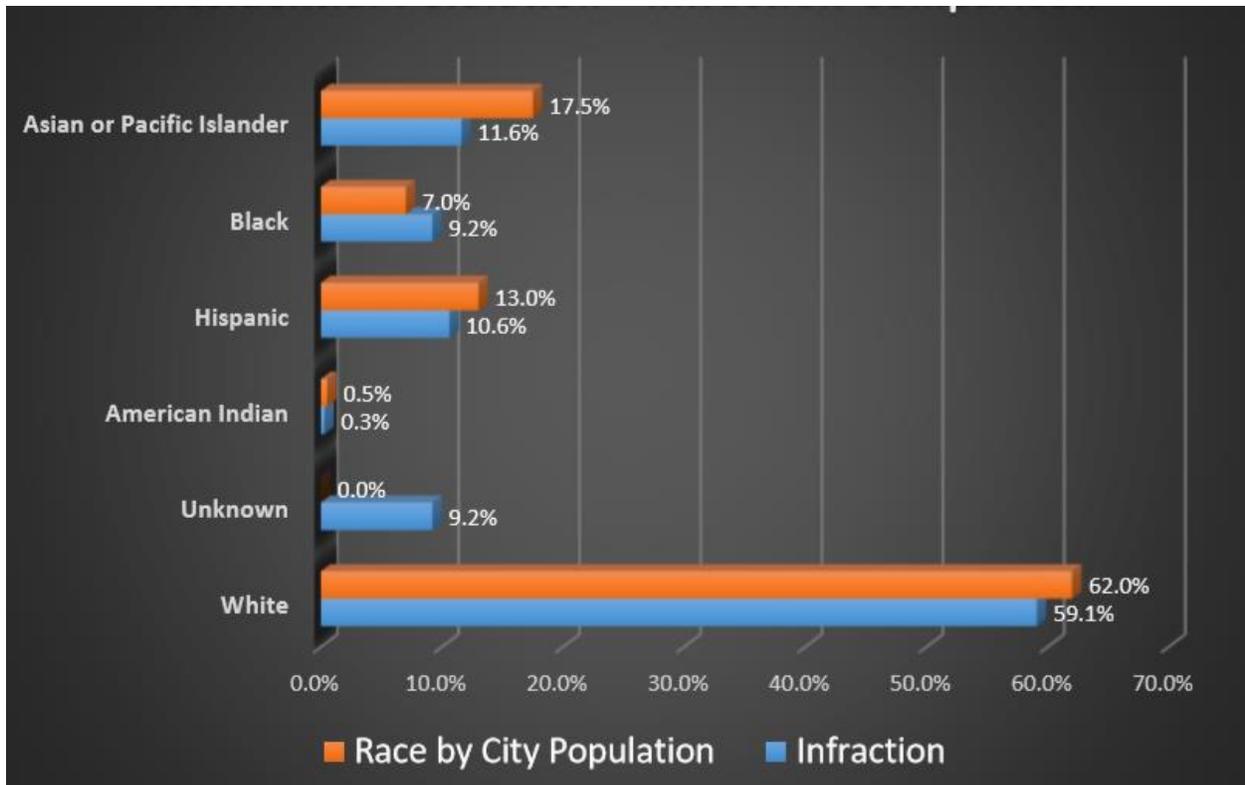
It is important to highlight residential demographic data does not necessarily reflect the demographic population that officers encounter on a day-to-day basis. Lynnwood is a major retail, shopping, commercial, and transit hub within Snohomish County. Within the city, there is a confluence of major roadways, most notably Interstate 5, Interstate 405, State Route 99, State Route 524, and State Route 525.

These roadways carry a large population base that resides outside of the city limits yet passes through the city daily. Also, the majority of the population within the city during the police department's most active hours consists of non-residents. Thus, a comparative analysis of officer contacts with our residential demographic population has many analytical challenges.

The Lynnwood Police Department has an established policy for Racial or Bias-Based Profiling and ensures training on this policy takes place at least every five years. Additionally, complaints are analyzed for indications of racial bias. Through a review of existing procedures and practices, as well as an analysis of discretionary enforcement activities, most notably the issuance of infractions as identified by RCW 43.101.410, the Lynnwood Police Department is committed to monitoring for indications of a system or practice of racial profiling.

## APPENDIX A

### 2018 Comparison of Traffic Infractions to Residential Demographics



## APPENDIX B

### Safe, Welcoming & Equitable Resolution

In 2017, Mayor Nicola Smith, the Lynnwood City Council, and Chief of Police Tom Davis co-signed Resolution 2017-03 reaffirming the City of Lynnwood's commitment to be a safe, welcoming, and equitable community for all. That resolution says the following:

- Lynnwood is a City with great diversity that includes racial, ethnic, socioeconomic status, age, sexual orientation, gender identification, country of origin, veteran status, differently-abled, as well as a diversity of thought, religion, workforce and marketplace.
- In Lynnwood, all members of our community that choose to live here peacefully, have the right to be treated fairly and to live their lives with dignity, free from discrimination or targeting based on their race, religion, country of origin, or any other identity.
- The best way to engage underserved and underrepresented communities with local government is through creating trusting relationships built upon mutual respect and understanding.
- The City of Lynnwood understands that a healthy city is one in which all members of the community have an equity-based opportunity to access city services, participate in the public process, and feel safe and welcome in their community.
- The City of Lynnwood is committed to being pro-equity in city practices and governance through our actions, processes and decisions.
- In the City of Lynnwood elected officials have a duty to serve all members of our community and protect their basic human rights, ensure their safety, and social well-being.
- We strongly condemn acts of hate, violence, intimidation, harassment or any other acts that are based on age, race, ethnicity, national origin, immigration status, gender identity, ability, faith, housing status, sexual orientation, economic status or other social status.

The City of Lynnwood commits to:

1. The City Council, Mayor, and Police Chief are committed to making Lynnwood a safe, welcoming, and equitable community for everyone that lives, works, plays, does business, goes to school in, or visits our city.

2. The City Council, Mayor, and Police Chief are committed to standing together with the people of Lynnwood in opposing hate, violence, and acts of intolerance committed against our community members.
3. The City Council, Mayor, and Police Chief are committed to continuing our pro-equity work, reaching out and connecting with our community members to ensure that our programs are accessible and open to all individuals.

## APPENDIX C

### RCW 43.101.410

According to Washington State Law (RCW 43.101.410), local law enforcement agencies shall:

- (1) Local law enforcement agencies shall comply with the recommendations of the Washington association of sheriffs and police chiefs regarding racial profiling, as set forth under (a) through (f) of this subsection. Local law enforcement agencies shall:
  - (a) Adopt a written policy designed to condemn and prevent racial profiling;
  - (b) Review and audit their existing procedures, practices, and training to ensure that they do not enable or foster the practice of racial profiling;
  - (c) Continue training to address the issues related to racial profiling. Officers should be trained in how to better interact with persons they stop so that legitimate police actions are not misperceived as racial profiling;
  - (d) Ensure that they have in place a citizen complaint review process that can adequately address instances of racial profiling. The process must be accessible to citizens and must be fair. Officers found to be engaged in racial profiling must be held accountable through the appropriate disciplinary procedures within each department;
  - (e) Work with the minority groups in their community to appropriately address the issue of racial profiling; and
  - (f) Within fiscal constraints, collect demographic data on traffic stops and analyze that data to ensure that racial profiling is not occurring.
- (2) The Washington Association of Sheriffs and Police Chiefs (WASPC) shall coordinate with the criminal justice training commission to ensure that issues related to racial profiling are addressed in basic law enforcement training and offered in regional training for in-service law enforcement officers at all levels.
- (3) Local law enforcement agencies shall report all information required under this section to the Washington association of sheriffs and police chiefs.

## APPENDIX D

### Racial or Bias-Based Profiling Policy

#### 402.1 PURPOSE AND SCOPE

This policy provides guidance to department members and establishes appropriate controls to ensure that employees of the Lynnwood Police Department do not engage in racial- or bias-based profiling or violate any related laws while serving the community.

##### 402.1.1 DEFINITION Definitions related to this policy include:

Racial- or bias-based profiling - An inappropriate reliance on factors such as race, ethnicity, national origin, religion, sex, sexual orientation, economic status, age, cultural group, disability or affiliation with any other similar identifiable group as a factor in deciding whether to take law enforcement action or to provide service.

#### 402.2 POLICY

The Lynnwood Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly and without discrimination toward any individual or group.

Race, ethnicity or nationality, religion, sex, sexual orientation, economic status, age, cultural group, disability or affiliation with any other similar identifiable group shall not be used as the basis for providing differing levels of law enforcement service or the enforcement of the law.

402.3 RACIAL- OR BIAS-BASED PROFILING PROHIBITED Racial- or bias-based profiling is strictly prohibited. However, nothing in this policy is intended to prohibit an officer from considering factors such as race or ethnicity in combination with other legitimate factors to establish reasonable suspicion or probable cause (e.g., suspect description is limited to a specific race or group).

402.3.1 OTHER PROFILING PROHIBITED The Lynnwood Police Department also condemns the illegal use of an individual or group's attire, appearance or mode of transportation, including the fact that an individual rides a motorcycle or wears motorcycle-related paraphernalia, as a factor in deciding to stop and question, take enforcement action, arrest or search a person or vehicle with or without a legal basis under the United States Constitution or Washington State Constitution (RCW 43.101.410).

402.4 MEMBER RESPONSIBILITY Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any known instances of racial- or bias-based profiling to a supervisor.

402.4.1 REASON FOR DETENTION Officers detaining a person shall be prepared to articulate sufficient reasonable suspicion to justify the detention, independent of the individual's membership in a protected class. To the extent that written documentation would otherwise be completed (e.g., arrest report, Field Interview card), the involved officer should include those facts giving rise to the officer's reasonable suspicion or probable cause for the detention, as applicable. Nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

402.5 SUPERVISOR RESPONSIBILITY Supervisors shall monitor those individuals under their command for any behavior that may conflict with the purpose of this policy and shall handle any alleged or observed violation of this policy in accordance with the Personnel Complaints Policy

- a) Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner.
- b) In instances where a supervisor receives a specific complaint or has reason to review an incident where the contact between an officer and a citizen was recorded, supervisors should review the recording for any behavior exhibited by an officer that violates this policy. 1. Recordings that capture a potential instance of racial- or bias-based profiling should be appropriately retained for administrative investigation purposes.
- c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.
- d) Supervisors should ensure that no retaliatory action is taken against any member of this department who discloses information concerning racial- or bias-based profiling.

#### 402.6 STATE REPORTING

Subject to any fiscal constraints, the Field Operations Bureau Chief should review available data related to traffic stops, including demographic data, existing procedures, practices and training, as well as complaints. The data should be analyzed for any patterns or other possible indicators of racial- or biasbased profiling and included in an annual report for the Washington Association of Sheriffs and Police Chiefs (RCW 43.101.410(3)).

402.7 TRAINING Each member of this department will be required to complete refresher training every five years, or sooner if deemed necessary, in order to keep current with changing community trends (RCW 43.101.410(c)).

