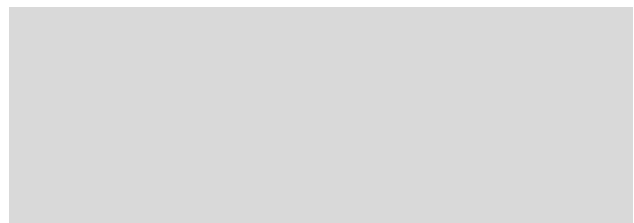


# Biased-Based Policing/Racial Profiling Annual Report 2020

Administrative Services Division





**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 2020 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 Lynnwood Police Department 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.



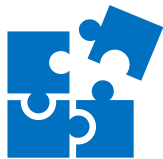
### TRAINING

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 the Chief of Police 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

**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.

The Office of Professional Standards is tasked with handling Administrative Investigations for the Police Department. These include complaints from the community as well as internal disciplinary matters. The Chief of Police reviews the completed investigation and makes the final determination, or finding, regarding the allegation. Officers found to be outside of policy are held accountable through the appropriate disciplinary procedures.

There are two key policies relevant to racial bias that will be examined in this report: our *conduct* policy and our *discrimination* policy.



According to Lynnwood Police Department 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 2020, there was one (1) complaint that included allegations of failure to provide such information by members of this department:

- 1) Officers responded to a call of a *medical distress in progress* and started to force entry to the wrong residence to render medical aid (it was later determined the mistake was due to a dispatch error; the medical incident was occurring elsewhere). The occupant asked for the name and badge number of an officer on scene who did not comply with policy 340.3.2(r).

An Office of Professional Standards investigation was completed and submitted to the Chief of Police who issued a finding that sustained the allegation against the officer.



According to Lynnwood Police Department 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 2020, there were four (4) complaints regarding allegations of discrimination based on race and one (1) complaint regarding an allegation of discrimination based on medical condition.

- 1) Officers arrested a subject on probable cause. Although the subject was intoxicated and passively resistant, force was not used. A third-party complaint was later received claiming the arrested subject was *racially profiled* and *excessive force* was used by the arresting officers.

The subsequent investigation revealed the complainant admitted she had no firsthand knowledge of the incident and she subsequently withdrew her complaint. Further, the arrested party told investigators no racial bias or excessive force was used and that he had no relationship with the complainant and did not know why she was motivated to make the allegations.

A finding was issued that the officers acted within policy.

- 2) Officers responded to what was described as a domestic violence situation in a hotel parking lot between the complainant and a woman where the complainant reportedly pushed the woman. Upon arrival, officers interviewed the complainant, a black male, and asked him about the domestic violence situation. Through further investigation, the officers determined that no domestic violence situation existed and that the complainant had been involved in a disturbance during which his vehicle tires were slashed by another group of males. The complainant believed officers inappropriately focused on him during their initial investigation because of his race.

The arrested party later withdrew his allegations of *racial bias* and for *failure to act*. An administrative sergeant followed up on the original claim of vandalism by the complainant and arranged for civil restitution between the complainant and a person associated with the suspects.

A finding was issued that the officers acted within policy.

- 3) The Office of Professional Standards received a complaint from the mother of a juvenile female who had been arrested on probable cause for theft and was placed in handcuffs in the back of a patrol vehicle while the officer made arrangements to release the juvenile to a responsible adult. The allegation from the mother was the officer's actions were racially motivated.

Although the mother ultimately withdrew the complaint, the Chief of Police found the officer acted within policy.



- 4) The Office of Professional Standards received a complaint that an officer failed to provide medical care. The complainant also alleged the officer falsely reported the complainant had refused medical aid at the scene.

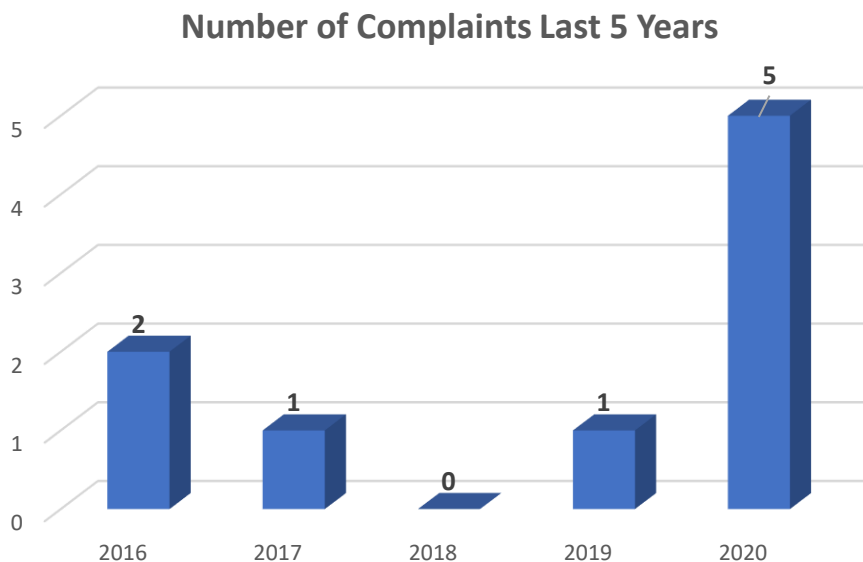
The subsequent investigation revealed the officer did render aid to the complainant initially believing they had overdosed on a narcotic. It was then determined the complainant was highly intoxicated.

The complainant’s refusal for further treatment was corroborated by on scene fire department personnel and a subsequent finding was issued that exonerated the officer.

- 5) Officers responded to a report of a residential burglary in progress. The first officer arriving on scene placed the calling party into hand restraints until verification was made she was in fact the calling party. As the calling party pointed out, the suspect description she provided included details that the suspect was a white female. The calling party was an African American female. An Office of Professional Standards investigation revealed the officer did not follow appropriate policy for restraining detainees, documenting his actions, and for using poor tactics.

The Chief of Police sustained all three policy violations and later met with the complainant and her mother to discuss this incident and his findings.

For comparative purposes, the following chart illustrates the number of complaints that fall into our conduct and discrimination categories for the last five years.



## 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)).

In 2020, we brokered the following training specifically related to racial profiling, racial equity and bias training.

Course Name	Number of Staff	Total Hours
Racial and Biased Based Profiling Policy 402 Review	101	50.5
Advancing Racial Equity: The Role of Government	3	9
Anti-Bias Training for Law Enforcement (Local GovU)	2	2
Foundations of Implicit Bias (WCIA Webinar)	1	7
Rayshard Brooks – Lessons Learned (Jail)	4	4
Religious Accommodations (Jail)	5	2.5

Department personnel, in conjunction with other city staff, participated in multiple trainings for the Government Alliance on Race and Equity (GARE) throughout 2019. GARE is a national organization that works with government entities to help advance racial equity and enact policy changes that will help to eliminate racial inequalities at the local government level. This work towards racial equity has continued moving forward with the City of Lynnwood’s formation of Team R.E.A.L (Racial Equity Advancing Lynnwood). Police Department staff continued to participate in Team R.E.A.L.’s important work in 2020, including having our department’s management team attend training related to racial equity.

In furtherance of understanding bias, we scheduled implicit bias training with Dr. Bryant Marks for the final quarter of 2020. Due to restrictions related to COVID, we cancelled this training and are now pursuing it for 2021 or early 2022.

## Traffic Stop Data

**P**olicy §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).

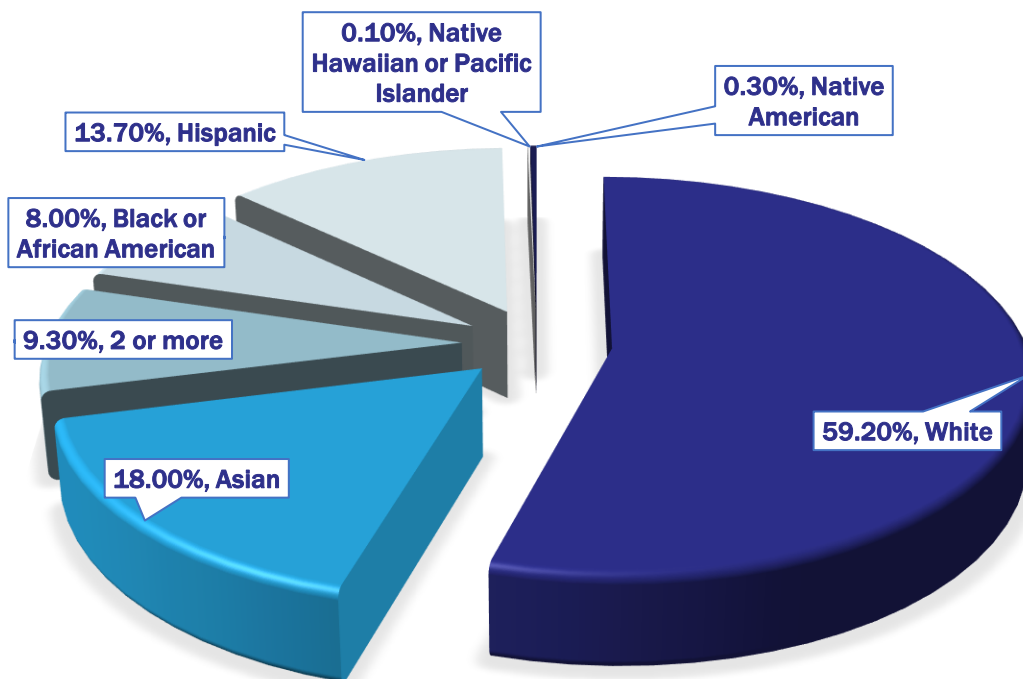
A full census of the United States is performed every 10 years per Public Law 94-171. Unfortunately, the 2020 Census is still in progress at the time this report was published. Consequently, 2020 Census data is not available. However, estimates as recent as July 1, 2019, are provided by the Census Bureau and will be used for this report.

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

Lynnwood Population – **39,141**<sup>2</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](https://census.gov/quickfacts/lynnwoodcitywashington)



## LYNNWOOD DEMOGRAPHICS

<sup>2</sup> Source: [census.gov/quickfacts/lynnwoodcitywashington](https://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 systems capture demographic data, which can be analyzed to examine if racial or biased-based profiling is occurring, however *New World* does not definitively track or classify Hispanic ethnicity while *Sector* does, making *Sector* the preferred measurement system for this metric. *Sector* also more accurately captures discretionary actions of the officers whereas *New World* tracks calls for service, which are largely incidents officers are dispatched to and where statute often limits an officer’s ability to use discretion.

CITATIONS ISSUED THROUGH SECTOR

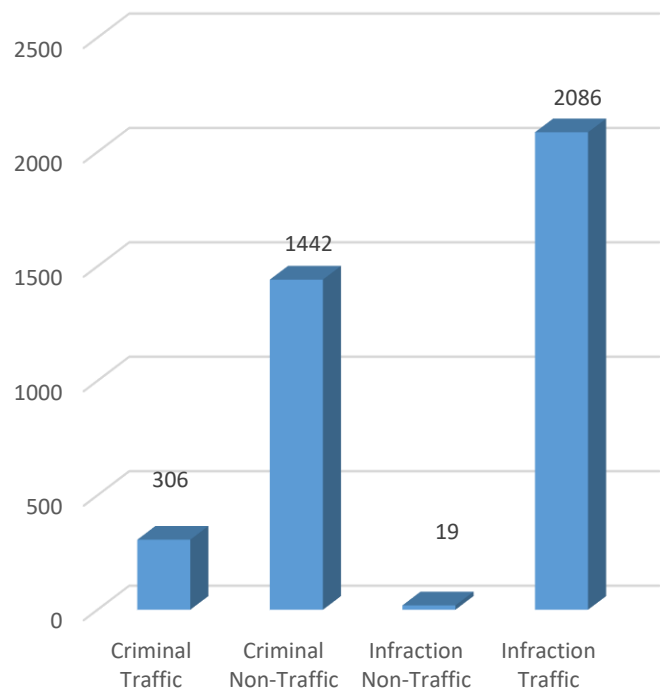
In the year 2020, a total of **3,854** citations were issued. These citations can be broken down into four (4) types:

***Type & Number of Citations Issued***

Criminal Traffic	306
Criminal Non-Traffic	1442
Infraction Non-Traffic	19
Infraction Traffic	2086
<b>TOTAL</b>	<b>3,854</b>

- **54.1%** of the citations are traffic infractions
- **37.4%** of the citations are criminal non-traffic
- **7.9%** of the citations are criminal traffic
- **Less than .5%** are non-traffic infractions

Citations - 2020

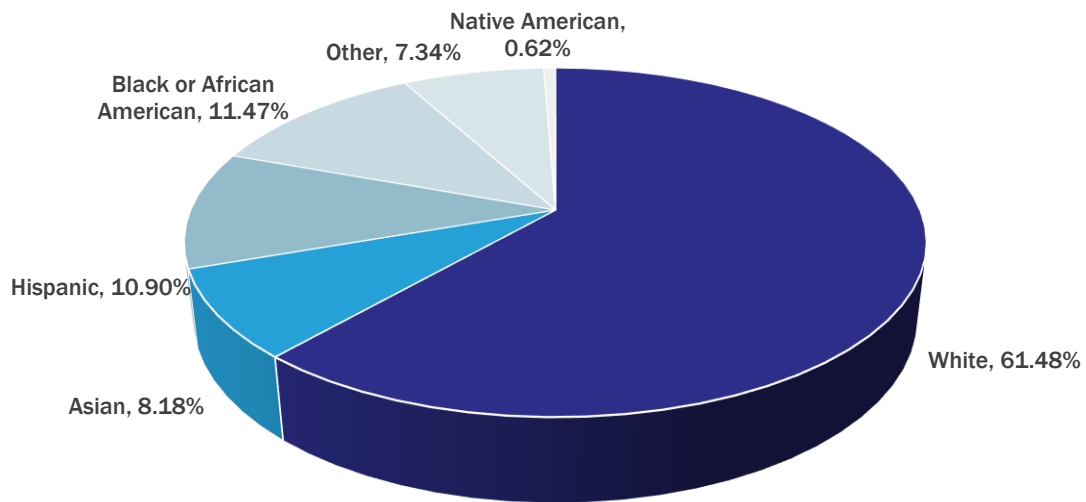


TOTAL CITATIONS (CRIMINAL AND INFRACTIONS) ISSUED BY RACE

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

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

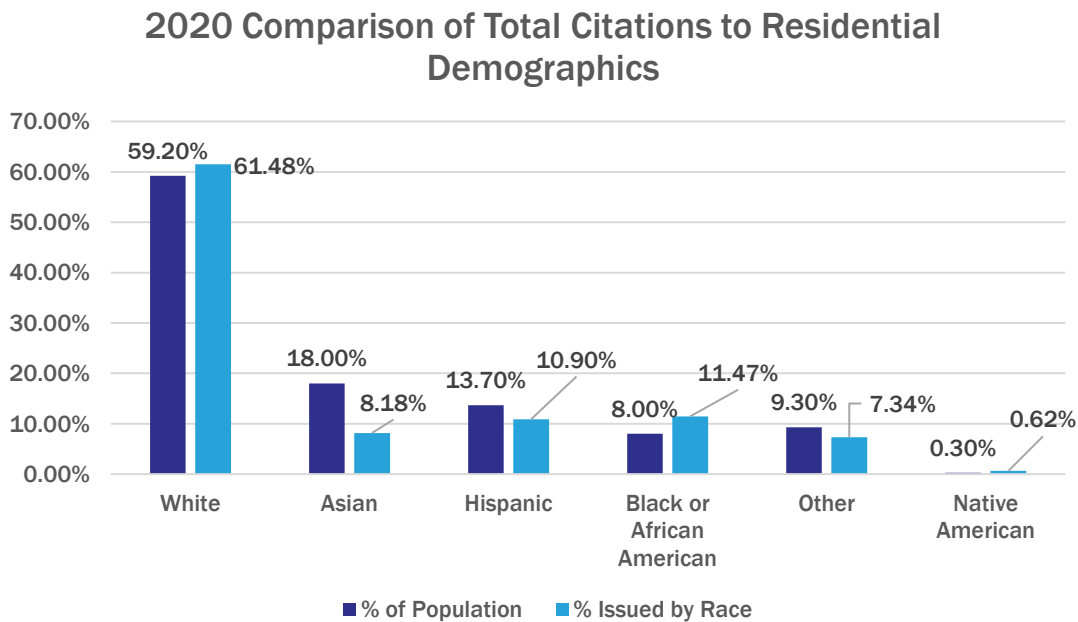
**Percentage of Citations by Race**



In 2020, a total of 3,854 infractions/citations were issued.

The following chart shows the percentage of total citations issued by Lynnwood police officers to the Sector 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 59.20%; this same racial segment received 61.48% of the total number of citations. It should be noted that this is a general extrapolation, which includes both issued infractions and criminal citations.



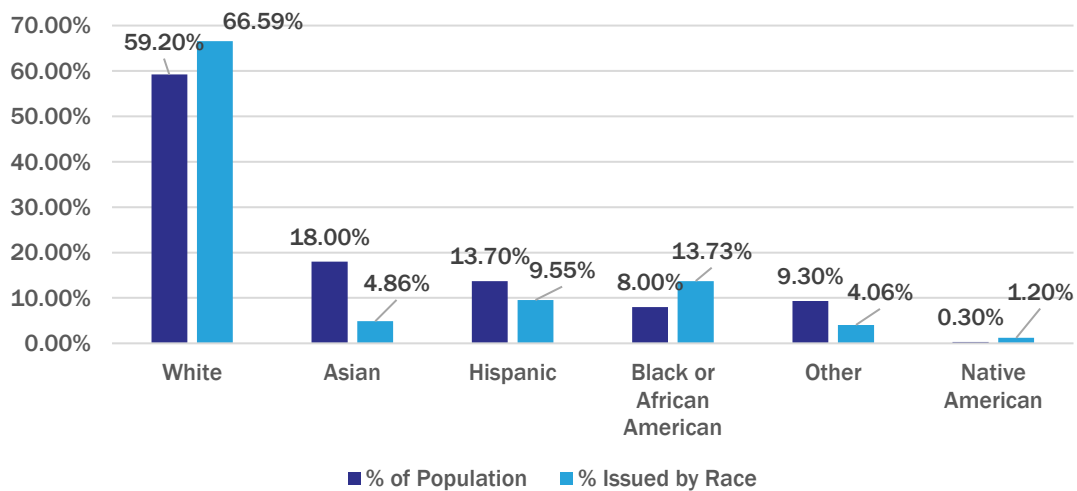
The next two charts will separate criminal citations from infractions.

CRIMINAL CITATIONS BY RACE

In 2020, a total of 1,748 criminal citations were issued.

<b>Criminal Citations by Race (Count)</b>	
<b>Asian or Pacific Islander</b>	85
<b>Black</b>	240
<b>Hispanic</b>	167
<b>American Indian</b>	21
<b>Unknown</b>	71
<b>White</b>	1,164
<b>TOTAL:</b>	<b>1,748</b>

**2020 Comparison of Criminal Citations to Residential Demographics**



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.

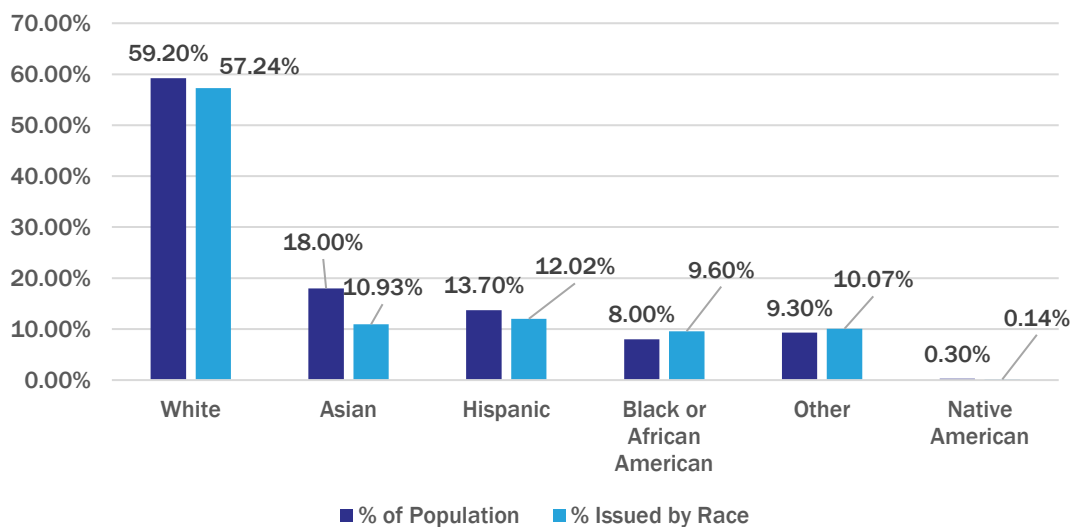


INFRACTIONS BY RACE

In 2020, a total of 2,105 infractions were issued.

Infractions by Race (Count)	
Asian or Pacific Islander	230
Black	202
Hispanic	253
American Indian	3
Unknown	212
White	1,205
<b>TOTAL:</b>	<b>2,105</b>

2020 Comparison of Infractions to Residential Demographics



The above distribution of percentages were generally similar to those in the previous year (see Appendix A for the 2019 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.

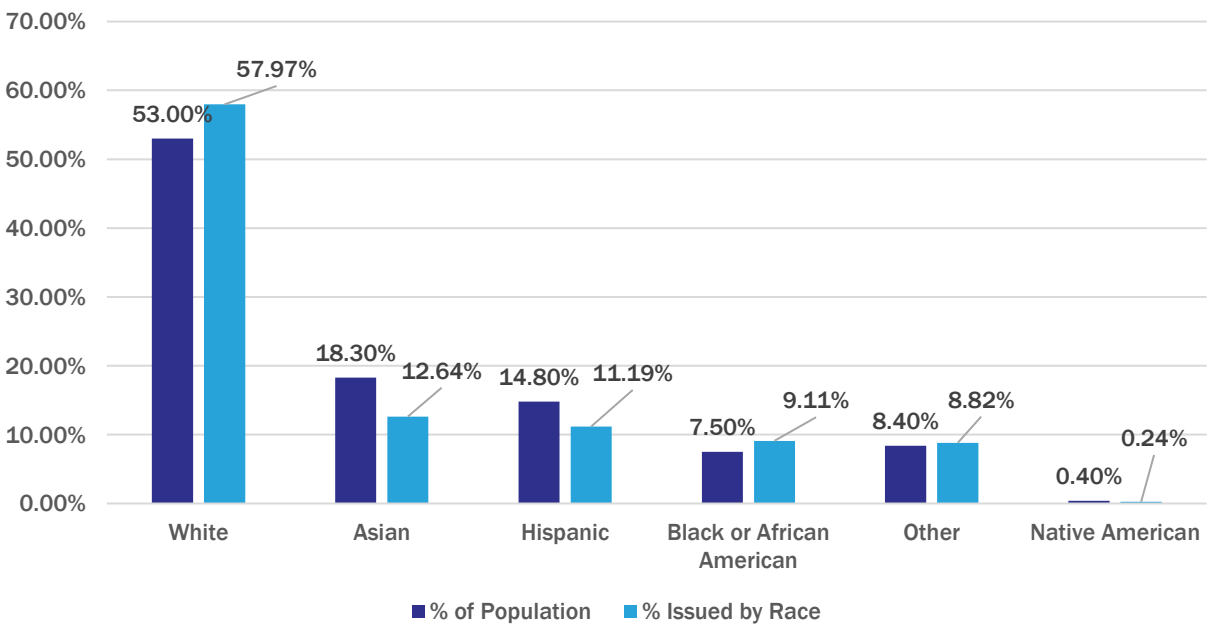
These roadways carry a large population base that resides outside of the city limits yet passes through the city daily. As such, the population within the city during the police department's most active hours very likely consists of non-residents. Thus, a comparative analysis of officer contacts with 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

### 2019 Comparison of Traffic Infractions to Residential Demographics

2019 Comparison of 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 bias based 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)).



