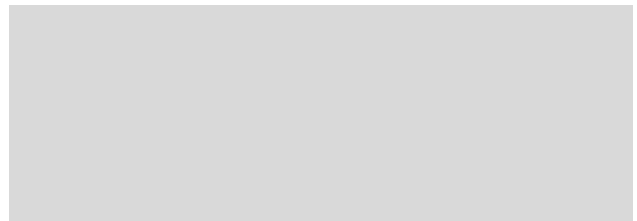




Biased-Based Policing/Racial Profiling Annual Report 2021

February 2022
Commander Sean Doty





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

Racial- 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 law¹.

This report serves as our 2021 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.

A full census of the United States is performed every 10 years per Public Law 94-171. Data from the 2020 Census will be used for this report.

¹ 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

Our 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 2021, there were no complaints that included allegations of failure to provide such information by members of this department.



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 2021, there was one complaint of discrimination based on race.

In January of 2021, an online complaint form was received by a 3rd party complainant. The complainant indicated she believed her adult son was pulled over in Lynnwood due to racial discrimination. Despite repeated attempts to connect with the 3rd party's son to obtain details of the allegation, voice mail and email messages were never returned. Dispatch records were also checked and were unable to substantiate a traffic stop was ever conducted at the time and location where the 3rd party complainant said this incident occurred.

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 2021, we brokered the following training related to racial profiling, racial equity and bias training.

| Course Name | Number of Staff | Total Hours |
|--|-----------------|-------------|
| Implicit Bias for Good People – Patrol Tactics | 53 | 79.5 |
| CIT ² Autism | 72 | 144 |
| Communicating w/Persons w/Disabilities | 20 | 20 |
| 2021 Roll Call Training – ADA Compliance | 69 | 69 |
| Legally Justified; But Was It Avoidable | 1 | 26 |

- Previous department-wide training was conducted on our Racial or Bias-Based Profiling policy in 2020, 2019, and in 2017.
- 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.
- Department personnel 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.

² CIT stands for Crisis Intervention Team. The Washington State Criminal Justice Training Commission provides training for criminal justice personnel responding to people in a mental health crisis. The CIT training is designed to provide tools and resources to criminal justice personnel to respond more effectively to individuals in a behavioral health crisis. Officer and first responder safety is a priority. This training provides tools to increase safety for both criminal justice personnel and those in crisis.

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).

The Lynnwood Police Department utilizes both an internal records management system called *New World*, as well as the State's *Sector* system, to generate data on 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.

This section will first look at the general demographic breakdowns of both the City of Lynnwood and Snohomish County using data from the 2020 Census. Using this demographic data as a backdrop, an examination of issued infractions and citations can be made to highlight potential racial or biased-based profiling.

Residency is not a captured data point by the system we use to collect citation data (i.e, Sector). Additionally, 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. Of the different types of citations issued, the majority are traffic infractions.

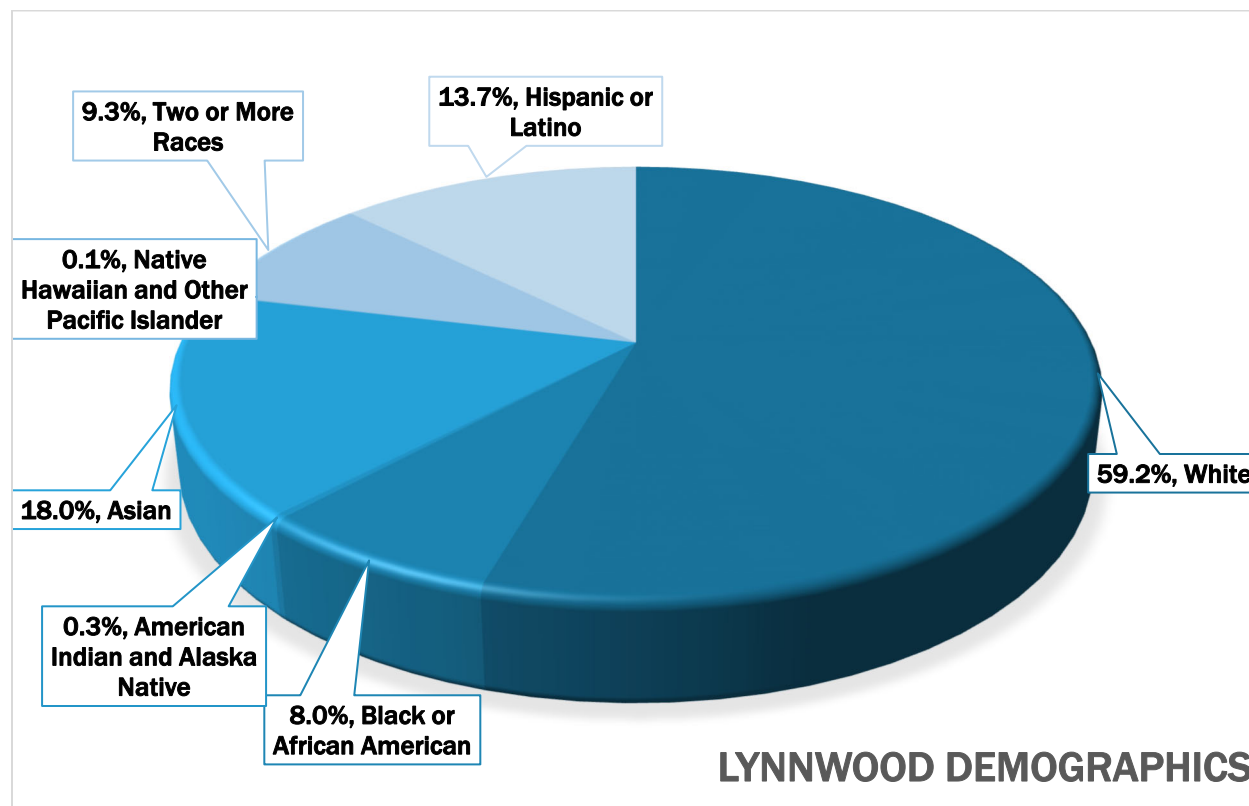
LYNNWOOD RACE DEMOGRAPHICS

A general breakdown of Lynnwood's demographics using 2020 Census data is as follows:

Lynnwood Population – **38,568³**

| | |
|---|---------------------------|
| Race and Hispanic Origin | Lynnwood city, Washington |
| Population Estimates, July 1 2021, (V2021) | NA |
| PEOPLE | |
| Race and Hispanic Origin | |
| White alone, percent | 59.2% |
| Black or African American alone, percent (a) | 8.0% |
| American Indian and Alaska Native alone, percent (a) | 0.3% |
| Asian alone, percent (a) | 18.0% |
| Native Hawaiian and Other Pacific Islander alone, percent (a) | 0.1% |
| Two or More Races, percent | 9.3% |
| Hispanic or Latino, percent (b) | 13.7% |
| White alone, not Hispanic or Latino, percent | 53.1% |

Source: census.gov/quickfacts/lynnwoodcitywashington

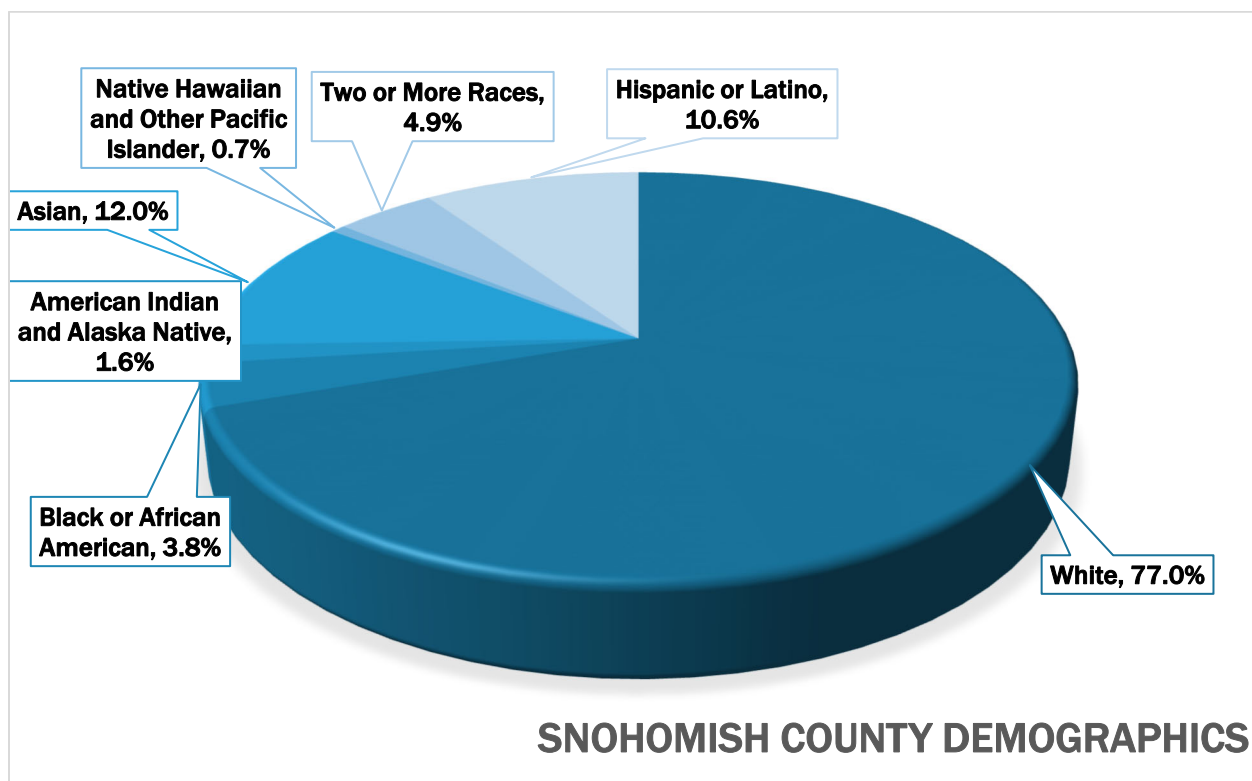


³ Source: census.gov/quickfacts/lynnwoodcitywashington

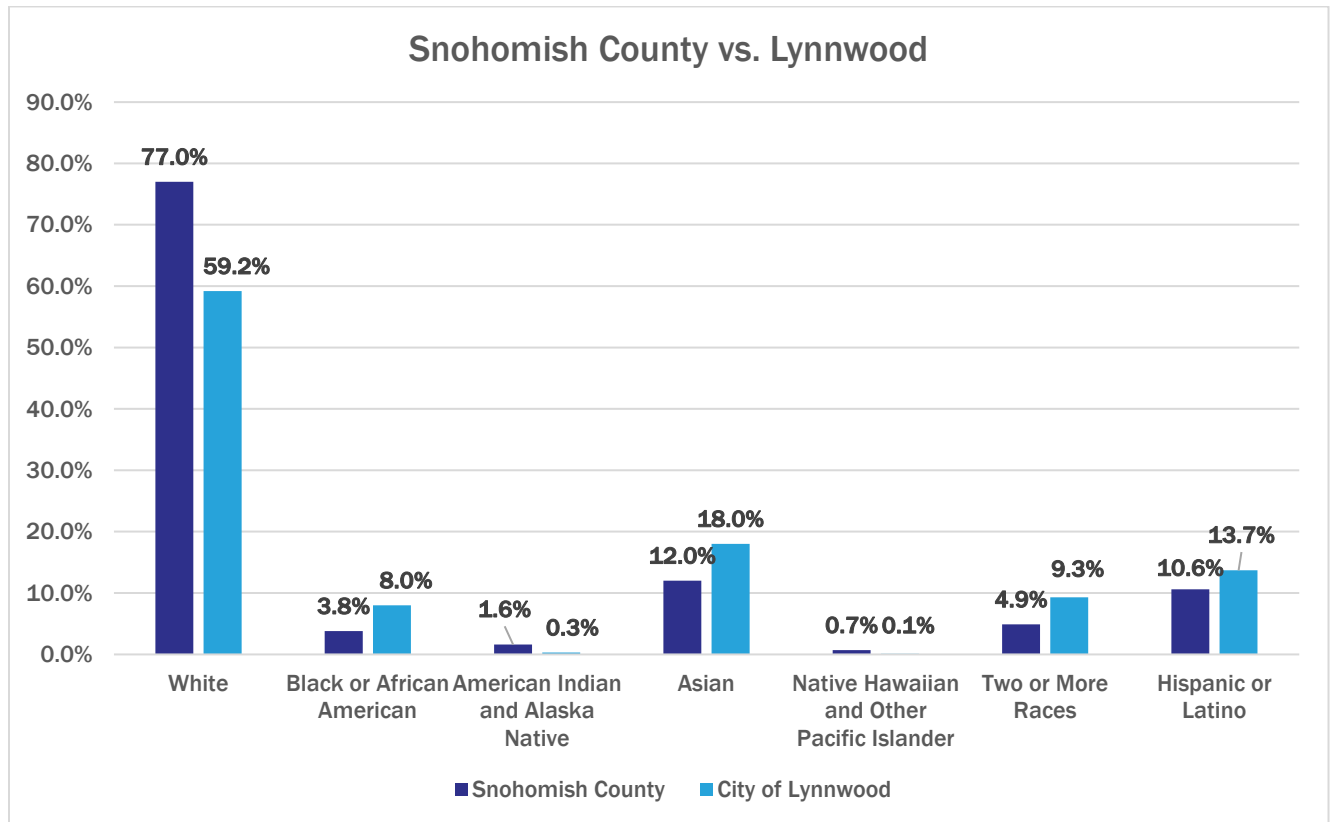
SNOHOMISH COUNTY RACE DEMOGRAPHICS

| Race and Hispanic Origin | |
|---|-------|
| White alone, percent | 77.0% |
| Black or African American alone, percent (a) | 3.8% |
| American Indian and Alaska Native alone, percent (a) | 1.6% |
| Asian alone, percent (a) | 12.0% |
| Native Hawaiian and Other Pacific Islander alone, percent (a) | 0.7% |
| Two or More Races, percent | 4.9% |
| Hispanic or Latino, percent (b) | 10.6% |
| White alone, not Hispanic or Latino, percent | 68.1% |

Source: <https://www.census.gov/quickfacts/fact/table/snohomishcountywashington>



SNOHOMISH COUNTY COMPARED TO LYNNWOOD



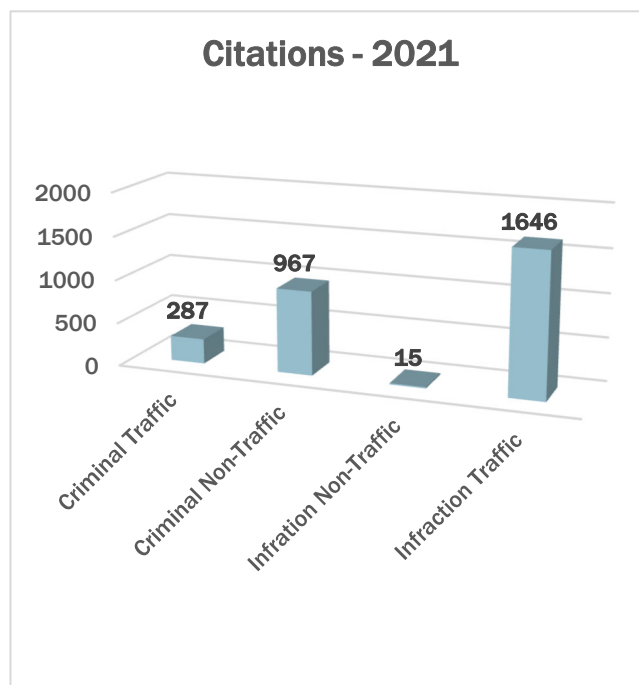
CITATIONS ISSUED THROUGH SECTOR

In the year 2021, a total of **2,915** citations were issued. These citations can be broken down into four (4) types: Criminal Traffic, Criminal Non-Traffic, Infraction Non-Traffic, and Infraction Traffic.

Type & Number of Citations Issued

| | |
|------------------------|--------------|
| Criminal Traffic | 287 |
| Criminal Non-Traffic | 967 |
| Infraction Non-Traffic | 15 |
| Infraction Traffic | 1,646 |
| TOTAL | 2,915 |

- 56.4% of the citations are traffic infractions
- 33.2% of the citations are criminal non-traffic
- 9.8% of the citations are criminal traffic
- 0.5% are non-traffic infractions



Examples of *Criminal Traffic* citations include Reckless Driving, Driving Under the Influence and Negligent Driving 1st Degree.

Examples of *Criminal Non-Traffic* citations include Theft 3rd Degree, Criminal Trespassing, and Assault 4th Degree.

Examples of *Infraction Non-Traffic* citations include parking, pedestrian, and equipment violations.

Examples of *Infraction Traffic* citations include Speeding, Failure to Stop at a Stop Sign, and Following Too Closely.

TOTAL CITATIONS ISSUED (Both Criminal and Infractions)

SECTOR provides the following six (6) demographic categories for examining citation data:

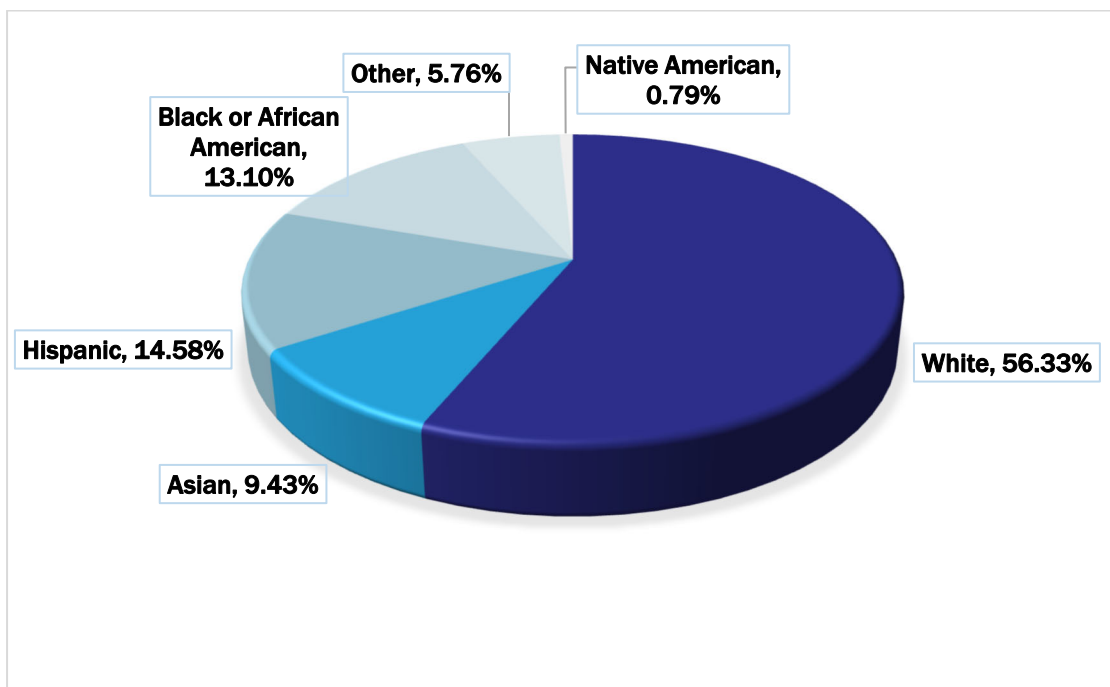
Asian or Pacific Islander
Black
Hispanic

American Indian
Other/Unknown
White

The chart and graph below show the total amount of citations issued as a percentage of these six categories:

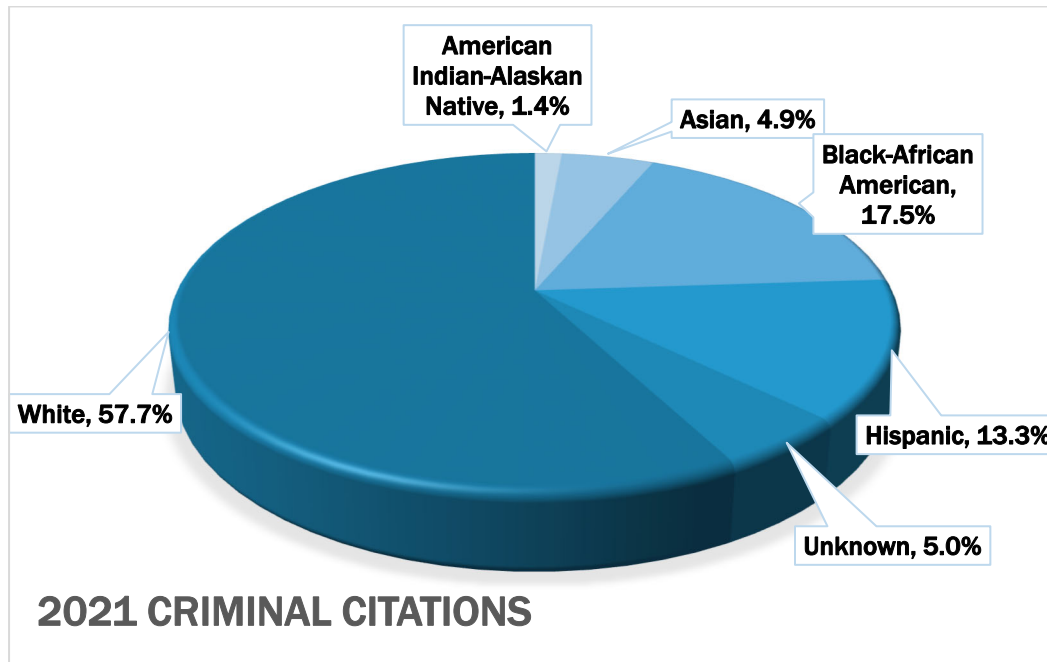
| Demographic Category | All Citations | |
|--------------------------------|---------------|------------|
| | # Issued | Percentage |
| American Indian-Alaskan Native | 23 | 0.8% |
| Asian | 275 | 9.4% |
| Black-African American | 382 | 13.1% |
| Hispanic | 425 | 14.6% |
| Unknown | 168 | 5.8% |
| White | 1642 | 56.3% |
| Total | 2915 | |

Percentage of Citations by Race



CRIMINAL CITATIONS

The following chart shows just **criminal** citations, both traffic and non-traffic.

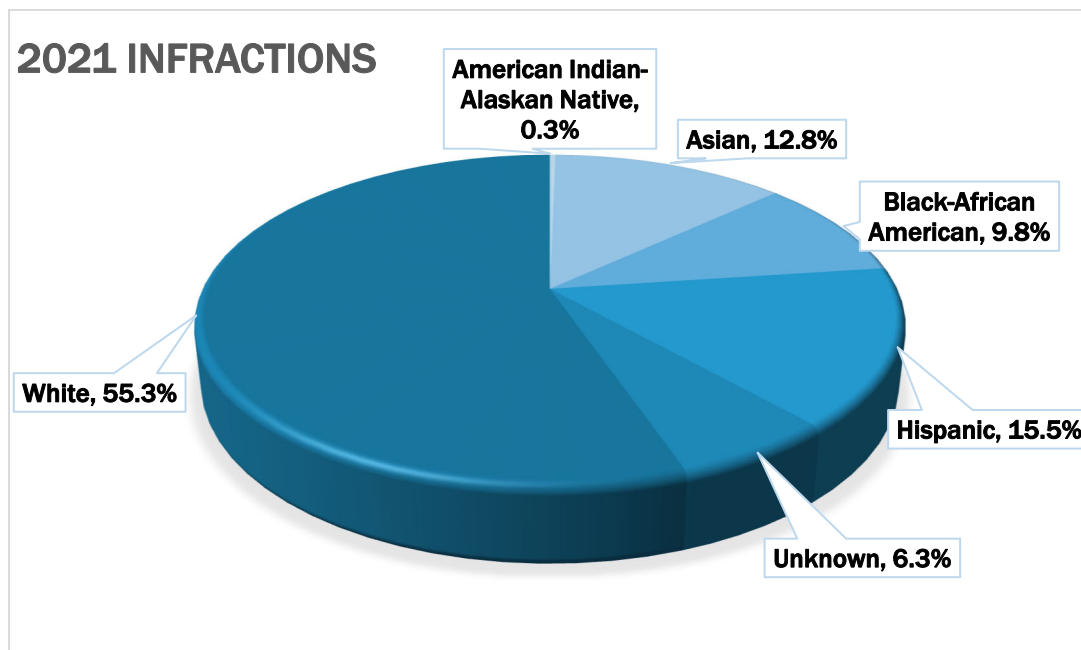


The issuance of criminal citations oftentimes lacks discretionary opportunities since the officer was dispatched to the encounter.

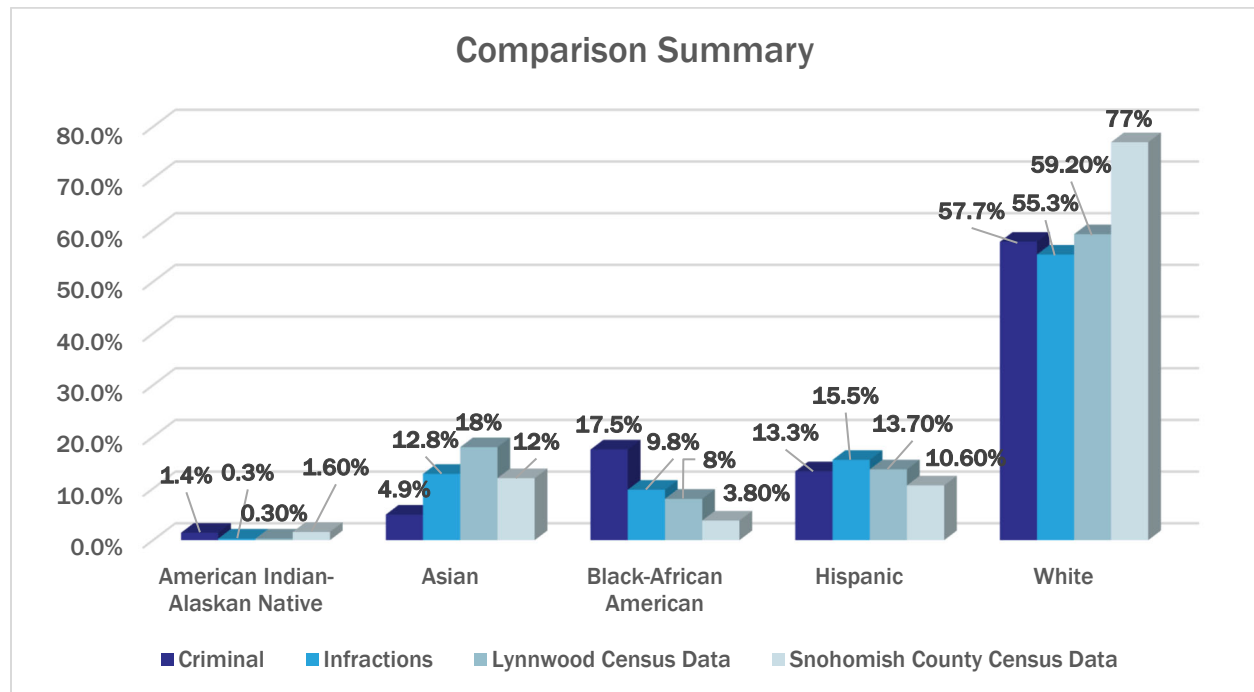
Non-criminal citations will be examined next.

INFRACTIONS

The following chart shows just infractions, both traffic and non-traffic. Unlike criminal citations, infractions entail more discretion by the officer and is typically the result of self-generated activity.



This final chart visually compares all issued criminal citations (traffic and non-traffic) and infractions (traffic and non-traffic) against Lynnwood and Snohomish County census data for the categories of American Indian-Alaska Native, Asian, Black-African American, Hispanic, and White⁴.



When looking at infraction percentages compared to Lynnwood census data percentages, the largest differences appear in the Asian and White categories when compared to the other racial categories. In both these categories, there is a slightly lower percentage of infractions issued compared to the reported populations. Both the Hispanic and Black-African American categories illustrate a nominal increase of infractions issued over the reported populations. There is no difference in the American Indian-Alaskan Native category.

It is important to highlight residential demographic data does not necessarily reflect the actual 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 motorists from around the region. Thus, a comparative analysis of officer contacts with our residential demographic population has many analytical challenges.

⁴ Data set included in Appendix A

SUMMARY

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. Training on this policy last occurred in 2020. An additional 319 hours of training relating to racial equity and bias was conducted in 2021.

Complaints are also analyzed for indications of racial bias. In 2021, only a single complaint was received that alleged an incident of discrimination. The complaint was received from a 3rd party and was not able to be substantiated.

Additionally, an analysis of discretionary enforcement activities, most notably the issuance of infractions as identified by RCW 43.101.410, was conducted.

The Lynnwood Police Department is committed to monitoring for indications of a system or practice of racial profiling. We are 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. 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.

APPENDIX A

Data Set for All Citations

| Demographic Category | Criminal | | Infraction | |
|--------------------------------|-------------|------------|-------------|------------|
| | # Issued | Percentage | # Issued | Percentage |
| American Indian-Alaskan Native | 18 | 1.4% | 5 | 0.3% |
| Asian | 62 | 4.9% | 213 | 12.8% |
| Black-African American | 220 | 17.5% | 162 | 9.8% |
| Hispanic | 167 | 13.3% | 258 | 15.5% |
| Unknown | 63 | 5.0% | 105 | 6.3% |
| White | 724 | 57.7% | 918 | 55.3% |
| Grand Total | 1254 | | 1661 | |

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)).

